

LEGISLATIVE ASSEMBLY OF MANITOBA
Monday, 21 April, 1980

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

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

INTRODUCTION OF BILLS

HON. GERALD W. J. MERCIER (Osborne) introduced Bill No. 13, An Act to amend The Defamation Act.

HON. HARRY J. ENNS (Lakeside) introduced Bill No. 47, An Act to amend The Land Acquisition Act.

MR. ALBERT DRIEDGER (Emerson) on behalf of Mr. Domino introduced Bill No. 29, An Act to amend an Act respecting Victoria General Hospital.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed with Oral Questions I should like to draw the honourable members' attention to the Speaker's Gallery where we have a very distinguished visitor in the person of the Speaker of the Alberta Legislature, The Honourable Gerald Amerongen. We also have Mr. Bob Rae, Member of Parliament for Broadview-Greenwood in Toronto, and his wife Arlene. We have 25 students of Grades 7 to 9 Standing from the General Wolfe School under the direction of Mr. Mathers. This school is in the constituency of the Honourable Member for Wellington. And we have 22 students of Grades IV and V Standing from the Gladstone School under the direction of Miss Penner. This school is in the constituency of the Honourable Member for Fort Rouge. On behalf of all the honourable members we welcome you here this afternoon.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, my question is to the Minister of Health and relates to the reports pertaining to the hospital bed situation, one that has been described by Dr. Gerry Bristow as a horror show at best. Can the Minister confirm that at the Health Sciences Centre there are but 18 beds available for neurosurgery and only 4 neurosurgeons that are available to provide medical services pertaining to same?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. R. (Bud) SHERMAN (Fort Garry): No, Mr. Speaker, I can't confirm that and I wish to advise the Honourable Leader of the Opposition that with respect to the remarks of Dr. Bristow that were quoted in one of the Winnipeg newspapers on Saturday, the remarks were foreshortened and to a great degree out of con-

text with the general situation. I am assured by the Health Sciences Centre this morning that they do not accurately reflect the situation there.

MR. PAWLEY: Mr. Speaker, further to the Minister of Health and Social Development: If the remarks do not describe the situation would the Minister be prepared to indicate by what manner the present situation at the Health Sciences Centre and elsewhere, by way of bed shortages, is contributing towards critical situations pertaining to patient lives within the province?

MR. SHERMAN: Mr. Speaker, I am assured that the situation does not impact in that manner, that is the suggestion that there is an impact on patient lives. There is no question that the bed supply in Winnipeg, which I might say equals or exceeds the accepted national average and exceeds the level to which many jurisdictions are aiming, the bed supply in Winnipeg at the present time has a full and heavy demand on it. The occupancy rate is very high. However, Sir, the emergency cases and critical cases and necessary surgical cases are being taken care of and I can only reiterate that my investigations would indicate that it's an exaggeration in the minimum to suggest that there is an impact on patient lives.

MR. PAWLEY: Mr. Speaker, first I would appreciate the Minister confirming that he will return to me with information pertaining to the number of neurosurgeons and beds that are available at the Health Sciences Centre, but secondly to inquire from the Minister whether or not, exaggerated or not, the reports in Saturday's paper, the present situation has been contributed to on the basis of the closure of 79 beds two weeks ago at the Health Sciences Centre due to a shortage of nurses.

MR. SHERMAN: Sir, that's a difficult question to answer precisely. I'll certainly attempt to provide a complete answer for the Honourable Leader of the Opposition. The fact of the matter is that that all hospitals in Winnipeg normally close a number of beds during the summer. We expect some summer bed closures. There are always some, because patient volume is down. The situation this year appears to have developed in what is a normal summer fashion, perhaps a little earlier than usual, and there is a high occupancy rate at the present time.

Normally at this time of year the occupancy rate declines with the onset of milder, better weather, and there isn't the occupancy rate that we're experiencing at the moment. Whether or not the closure of those 79 beds at the Health Sciences Centre has impacted directly on the current situation, I can only investigate for the Honourable Leader. I can't give him a firm answer on that at this point. But I can assure him that we are in touch with the hospitals daily as to their situations, and we're assured that, with the exception of the Health Sciences Centre, there are no unusual closures anticipated, although there will be regular summer bed closures.

MR. PAWLEY: Mr. Speaker, a further supplementary to the Minister. If indeed the vacancies are earlier than

usual, and usually the situation takes place later into summer, can the Minister advise, in view of the fact there is an earlier, critical situation developing, what that situation will be like during the normal period of vacancy and occupancy relief, as he made reference to in early summer, such as June?

MR. SHERMAN: Our reading of the situation at the moment, based on reports from the hospitals concerned, Mr. Speaker, is that other than the situation at the Health Sciences Centre, it will not be an unusual situation, that is a situation different from any other summer, although there may be a few additional closures at Misericordia. They normally close from 30 to 35 beds during the summer and that figure is not firm or fixed yet. —(Interjection)— Well, the Honourable Leader of the Opposition says, this is spring, that's true, and as I said to him, this normally starts to take place in about the month of May. It appears that we have a situation that has developed a little earlier than usual this year, but normally the Misericordia, for example, would close 30 to 35 beds early in the summer and they would not re-open them until the fall. They will be doing that again this year. They might be closing a half dozen additional to that, but I can't give him those firm figures yet.

At the moment it appears the basic problem has been at the Health Sciences Centre where the resignations of some 60, 65 nurses produced the bed closures that he is familiar with.

MR. SPEAKER: The Honourable Member for Transcona.

MR. WILSON PARASIUK: Thank you, Mr. Speaker, I have a question to the Minister of Health. In view of the fact that he is changing his explanations as to the number of beds that will be available for acute care in hospitals in Manitoba, and he's changed his explanations over the last three weeks, is he in a position now to tell us the extent of the bed closures that will occur over the course of the next two months, to ensure us that people who are in need of emergency surgery, or acute elective surgery, can in fact, have that surgery performed?

MR. SHERMAN: Yes, Mr. Speaker, I can give him that assurance. That's what I was alluding to when I said in my first answer that the situation portrayed carried on Saturday is not accurate, does not accurately reflect the situation. With respect to the reference to changes, I reject that, Mr. Speaker. There have been no changes whatsoever. We have attempted to monitor the hospitals conditions, we found the Health Sciences Centre, having taken action in response to a situation there which is action that we would have welcomed the opportunity to participate in at a point in time when it might have been possible to minimize the action taken, other than that, we have not been confronted with any surprises.

MR. PARASIUK: A supplementary to the Minister. I would like to point out to him that we were told there would be no bed shortages, then we were told that bed shortages would be isolated to the Health Sciences Centre. Now I'd like to ask him if the situation is not acute at Concordia Hospital, where last week a patient was sent home with a brain tumor and told to take an

ambulance to try and get into the Health Sciences Centre, so that he may have a brain tumor operation. He has since been informed that he is eleventh on the waiting list. Could the Minister explain whether in fact that is considered to be an acute and dire situation with respect to bed shortages in hospitals in Winnipeg?

MR. SHERMAN: Mr. Speaker, I can assure the Honourable Member for Transcona that when beds are occupied to the occupancy level that exists at the present time, which is high, and I think higher than usual for this time of year, particularly for this kind of weather, when beds are occupied to this occupancy level, it is not unusual for hospitals to transfer patients from one hospital to another. It is not unusual, and in fact I've been in discussion with the hospitals on that subject in the past 48 hours and I'm assured that it's done frequently, and it's been done in years past, and it's been done in the years during which my honourable friends were in government in this province.

There are most hospital beds in this city in a state of occupancy at the present time. That does not indicate a bed shortage in terms in which my honourable friend is presenting it. What it indicates is a high occupancy rate.

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

MR. PARASIUK: Yes, I'd like to ask the Minister if he considers it acceptable for hospitals to tell patients to go home and call an ambulance and have that ambulance take him to another hospital so that these patients may in fact get access to emergency surgery. Is that acceptable for the government?

MR. SHERMAN: Mr. Speaker, if that were the norm in the health care system, I would have to say that that would not be acceptable, but it is not the norm, nor is it totally or entirely unusual in cases of high bed occupancy. I remind my honourable friend of the 1974 period, when 100 beds were closed in the Health Sciences Centre, and at that point in time, there was some considerable difficulty in finding admissions in other hospitals for patients that normally would have gone to the Health Sciences Centre. Regrettably, we're dealing with a science and a field that is not precise, it is not accurate at all times and it cannot always be anticipated down to the last bed and the last patient what the demands in February, March, April or May may be. The beds seem to be occupied to a higher degree at the present time than would normally be the case at this time of the year.

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

MR. DESJARDINS: Mr. Speaker, to the same Minister. The Minister made a statement that the number of acute beds are comparable to other jurisdictions and are what we feel they should be. Is the Minister talking about acute beds now presently being occupied by people that need this acute care, or is the Minister taking into consideration the number of beds that are allowed, including those that are closed and those that are occupied by people that have been panelled to go in personal care homes but cannot go because there's a shortage of personal care beds?

MR. SHERMAN: Mr. Speaker, I'm talking about both. There are 5,700 active treatment beds in Manitoba, which works out, obviously, to a ratio of 5.7 per thousand. My honourable friends knows full well that the accepted yardstick for good quality care and good quality ratio in North America, is at best 4.5 per thousand and in many jurisdictions they talk in terms of 4 per thousand, and I might say that the province of Alberta and the province of Ontario have stated publicly that they're intending to get down to 3.5 per thousand. We have 5.7 per thousand, so we are not short of hospital beds. We do have a number of beds occupied by long-stay patients and at the Health Sciences Centre the number who are there and who have been panelled for personal care totals approximately 70, Mr. Speaker.

MR. DESJARDINS: Mr. Speaker, repeatedly, you have suggested that we read Beauchesne; I try to restrict my question to a question of clarification of the statement of the Minister and all I receive is a speech. I want to compare apples and apples and oranges and oranges. It is a different thing, Mr. Speaker, if the Minister says that we're looking at both. And is the Minister . . . my question is —(Interjection)— when you become the speaker I will listen to you, in the meantime, keep quiet.

Mr. Speaker, I would like the Minister also to answer. Does he feel that he has the credibility that we will believe that he is concerned about these beds that are closed when all this policy of cost first and need second and the budget that he's allowing the hospital to work with, makes it physically impossible to keep on giving the services and keeping all the facilities open with an 8 percent increase?

MR. SPEAKER: Order please. Order, please. May I suggest that we are getting into a debate rather than a period when we are trying to seek information. I would suggest to the honourable member that perhaps his remarks should be kept until we get into Estimates. Order please. Order, please. I suggest that perhaps honourable members should keep their remarks . . .

MR. SHERMAN: Mr. Speaker, briefly, I can respond to that question. I am assured by the hospitals in question that the present condition has nothing to do, and I have that in writing, nothing to do with their budgets. It has to do with resignations of some nurses.

MR. DESJARDINS: I can also reply . . . question, and ask the Minister to comment on the budget in the previous years which forced the nurses to leave and change the system and now they . . .

MR. SPEAKER: Order, order, order please. Order, please. Order, please. We are now getting closer to debate. The Honourable Member for Rossmere.

MR. VIC SCHROEDER: Thank you, Mr. Speaker. I have a question for the Minister of Health. He indicated that in Winnipeg we had more beds for acute care than in other areas, so I would like to ask him whether he could advise us as to the number of beds available in Winnipeg for neurosurgery, and I would ask him to confirm that there has been a recent reduction in the number of beds available for neurosurgery at the Health Science Centre.

MR. SPEAKER: Order please. May I suggest a question asking for that specific detailed information would probably be better served by an Order for Return. Would the honourable member care to rephrase his question?

MR. SCHROEDER: Yes, Mr. Speaker, I would ask for the approximate number of beds in view of the fact that the Minister was quoting averages with respect to the rest of Canada, and also, I would like to have him confirm that in fact there was a reduction in the number of beds available for neurosurgery at the Health Sciences Centre recently.

MR. SHERMAN: Mr. Speaker, I can't confirm that. That was, to my recollection, basically the same question that was asked me by the Honourable Leader of the Opposition, which I took as notice. But I just want to make it clear, for the record, that I said there were 5,700 active treatment beds in Manitoba, which works out to 5.7 per thousand. I didn't say in Winnipeg.

MR. SCHROEDER: Thank you, Mr. Speaker. Further to the Minister of Health, would he confirm that within the high occupancy rates he talks about, there are occupancy rates of more than 100 percent in some hospitals in view of the fact that they have waiting lists for some surgery, which certainly couldn't be considered elective, such as surgery for brain tumors?

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, further to the line of questions to the Minister of Health and Social Development, he indicates that there presently is no bed shortage in relationship to that which exists by way of beds in other provinces. He has also indicated that he is confronted with a plague of long-stay patients. Can the Minister advise this Chamber as to the number of present patients in the hospitals in the province of Manitoba that are awaiting placement in personal care institutions?

MR. SHERMAN: Yes, Mr. Speaker, I can give the Honourable Leader of the Opposition an approximate figure. I believe it is 800, approximately 400 in urban Winnipeg and approximately 400 in the remainder of the province.

MR. PAWLEY: Mr. Speaker, my question then, further to the Minister of Health and Social Development, can he confirm, indeed, that the present situation involving some 800 resident patients in hospitals in this province not placed in personal care homes, is a direct result of the near freeze upon construction of personal care homes in the province of Manitoba over the past three years, and that is the reason that we are faced with a bed shortage at the present time in the province of Manitoba?

MR. SHERMAN: No, Mr. Speaker. Not only can I not confirm it, but I dispute it most strenuously. The waiting list the panelled list, for personal care in Manitoba is lower today than it was when my honourable friends were in government.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. JUNE WESTBURY: Mr. Speaker, my question is for the Honourable Minister of Tourism. Would the Minister comment on the fact that a Manitoban phoning to the Tourist and Convention Association asking about fishing lodges in Manitoba, receives brochures from Thunderbird Lodge, Manitoba, Canada's most fly-in fishing lodge, and Elk Island Lodge at God's Lake, all quoting all figures in U.S. funds, and does the Minister think that this is appropriate for Manitoba tourists to be receiving such brochures quoted to U.S. funds?

MR. SPEAKER: The Honourable Minister of Tourism.

HON. J. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, if I'm not mistaken, the brochure the honourable member has is one supplied to us by the lodge owner, they supply the brochures to our tourism department. When we get phone calls asking about different lodges, we try to ask what area they want to go to, try to pin it down as much as possible, what facilities they want, etc., and on that basis, we send out the brochures which are supplied to us by the lodge owners. Unless she wants us to do the conversion and then send it out, I don't think I can force lodge owners to print their brochures any other way than the way they want to do it.

MRS. WESTBURY: Mr. Speaker, is the Minister seriously suggesting that it's not part of his responsibility to encourage the lodge owners to prepare brochures which are attractive to Canadians as well as to people from other places?

MR. JOHNSTON: It's a simple equation in business, Mr. Speaker, that when you're printing brochures and you don't have the money to print many different types or ones with a lot of different figures, one for this group, one for that group, they take the attitude that because their largest market is in United States as far as the lodgers are concerned in Manitoba, they supply their brochure with American funding, and it usually is just a little pamphlet inside, because their rates probably change every year. I personally was in Minneapolis where there were something like 15 lodgers, at their own expense, Mr. Speaker, at the Sportsmen's Show, working very hard to bring tourists to Manitoba.

MR. SPEAKER: The Honourable Member for Fort Rouge with a final supplementary.

MRS. WESTBURY: Mr. Speaker, would the Minister accept the suggestion that funds could be shown in U.S. and Canadian figures?

MR. JOHNSTON: Mr. Speaker, I can accept the suggestion. I cannot force the lodge owner to print his rates in English, Chinese, Russian, or whatever he chooses.

MR. SPEAKER: The Honourable Member for River Heights.

MR. GARY FILMON: Mr. Speaker, my question is to the Attorney-General, the Honourable Government House Leader. I wonder if he has, as yet, received an application from the Honourable Member for Inkster and his supporters in the House for status as an official party in this House?

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I believe The Legislative Assembly Act requires four members to be involved in a party before it receives official recognition. I understand the size is growing, but I have not yet received an application.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I would like to direct a question to the Minister of Tourism concerning the horse racing industry in Manitoba. Mr. Speaker, if I could have the . . .

MR. SPEAKER: Order please. The Honourable Member for Elmwood has a very valid point. I would hope that members would take their turn and allow the member to ask his question relatively undisturbed. The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I would like to ask the Minister of Tourism if he can report on whether or not there will be a horse racing season in Manitoba opening on May 2nd, in view of the conflict between himself and the industry in what is a major tourist attraction, which apparently involves some 900 Manitoba jobs.

MR. JOHNSTON: Mr. Speaker, I would hope that racing starts on May 2nd, and the second part of his question, where he says, conflict between myself and the racing association, Mr. Speaker, the government of Manitoba never has negotiated the purses between the track and the horse owners. The purses are negotiated between the men who own the horses and the man who owns the business. The province has never negotiated them.

MR. DOERN: Mr. Speaker, did the Minister have a meeting this morning with representatives of the industry, and does he have more meetings scheduled this week?

MR. JOHNSTON: There was never a meeting scheduled for this morning, regardless of what the papers may have been quoted as saying - and I'm sure they did it on the basis of what they were told. I had a phone call from the President of the Horsemen's Benevolent Association and I informed him that the Manitoba Racing Commission was the body that he should be speaking to. Apparently the owner of the track, who received nine percent of the handle of 47 million splits it 50-50 with the horse owners. The province of Manitoba receives 7.5, at one time it was 10, we dropped it to 7, and we went to 7.5. We return 1.75 of our amount of the handle to the purses.

It would seem rather strange, Mr. Speaker, that many people are being critical of the government at the present time, when we have made a guarantee that they will receive more than last year, although there are less racing days, and yet, Mr. Speaker, there is no criticism of the man who owns the track, who won't budge at all.

MR. DOERN: Mr. Speaker, does the Minister feel that purses and percentages have been in line, or kept up to inflation?

MR. JOHNSTON: Mr. Speaker, on that basis, I announced in my press release on Friday, which the

horsemen had before their meeting, or it was communicated to them, that during this week there will be proposals requested from consultants to take a thorough look at the racing industry in the province of Manitoba. We hope to have that appointment made within the next three weeks, and Mr. Speaker, we hope to have their report by the end of August, and at that time the government is willing to take a closer look at it. Certainly, we wouldn't be asking for a commission or proposal or a study if we wouldn't look at it. Mr. Speaker, I repeat again, the province guarantee exactly the same amount of money as we received last year . . .

MR. SPEAKER: Order please. We all know that we dislike repetition of questions. It's also equally important that we don't have repetition of answers. The Honourable Member for Brandon East.

MR. EVANS: I would like to ask the Minister whether his department is keeping a running assessment of the trends in consumer demand in the province of Manitoba?

MR. SPEAKER: The Honourable Minister of Economic Development.

MR. JOHNSTON: Yes, Mr. Speaker, I have been keeping a very close look, through the Manitoba Bureau of Statistics, Consumer Price Index, March 1980, the one I have.

MR. EVANS: By consumer demand, I was referring, Mr. Speaker, to retail trade, the demand by consumers for goods and services from various retail stores in Manitoba. Can the Honourable Minister confirm, since he has a number of statistics, can he confirm that the rate of consumer spending increase in 1979 was only 7.6 percent, the second lowest in Canada after Prince Edward Island, and lower than the increase experienced in the province of Manitoba, either in the year 1977 or 1978, and further that Winnipeg's rate of increase was the lowest rate of increase of any major city in Canada?

MR. SPEAKER: Order please. May I suggest to the honourable member that his question is out of order. Asking for confirmation of facts that he gives, does not seek information, and I would have to rule his question out of order.

MR. EVANS: Mr. Speaker, then I would like to ask this question of the Honourable Minister: When does he expect consumer spending in Manitoba to accelerate to the point where it exceeds the rate of inflation, since last year's rate of 7.6 percent means that fewer goods and services were purchased in 1979 in Manitoba than in the year 1978?

MR. JOHNSTON: Soon, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. HARVEY BOSTROM: Thank you, Mr. Speaker. My question is to the Minister of Resources. In view of the increasing danger for forest fires in Manitoba, I wonder if the Minister can indicate what special pro-

visions he is directing his department to take to insure the adequate protection of our forests.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. BRIAN RANSOM (Souris-Killarney): Mr. Speaker, the unseasonably warm weather that we are experiencing now is indeed going to create some problems that would not normally be anticipated at this time of the year. We have stepped up our surveillance program, undertaken surveillance ahead of the time that normally would have been the case. To date we have not had any serious difficulties reported but it would be my intention to discuss with my staff the possibilities of undertaking any special measures that might be required to prevent the setting of fires.

MR. BOSTROM: Mr. Speaker, that is one of the concerns I wanted to address, given that a number of people are continuing to set grass fires which are obviously burning all over Manitoba. I wonder if the Minister is taking any measures or intends to take any measures immediately to control that situation?

MR. RANSOM: Such action is under consideration, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Rossmere.

MR. SCHROEDER: Thank you, Mr. Speaker. I have a question for the Minister of Health. In view of the fact that the Minister has stated that the current waiting list for neurosurgery has no impact on patient lives and in fact is considered normal, can he now provide us with his new definition of elective surgery?

MR. SPEAKER: The Honourable Minister of Health.

MR. SHERMAN: No, Mr. Speaker, but while I'm on my feet I'd like to reply to a question from the Honourable Member for Rossmere. It was asked of me last week relative to a brain tumor patient who reportedly had been refused admission to the Health Sciences Centre and sent home, and I think I was asked again about that earlier this afternoon by the Honourable Member for Transcona. I had asked for an investigation of that situation. I have report on it, Mr. Speaker. The patient has had two previous admissions to the Health Sciences Centre for brain surgery and the pressure has been on his surgeon to decide whether or not to operate a third time. The newspaper article suggested that Concordia refused to admit him after being rushed to the hospital by ambulance. In fact, Sir, the patient had a seizure at home more than six weeks ago whereupon he was taken to Concordia by ambulance, admitted and stabilized and is now being prepared for discharge. After the short period of acute care, Concordia has been providing little more than custodial care. The admission date was March 5th. The patient has not yet been discharged. The question at this time is whether or not his surgeon is going to do a third operation. If so it will have to be done at the Health Sciences Centre, and it will be done at the Health Sciences Centre, but that is a question being discussed between the family and the surgeon, Mr. Speaker.

MR. SCHROEDER: Thank you, Mr. Speaker. Can the Minister confirm that that individual has been on a waiting list for neurosurgery at the Health Sciences Centre for the past six weeks?

MR. SHERMAN: Most emphatically not, in the sense that the honourable member means it, Mr. Speaker. His surgeon has not even agreed that a third operation is either necessary or desirable or viable. Now if you want to call that being on a waiting list in the vocabulary of my honourable friend, that's one thing, but that is not being on a waiting list for assigned surgery that doesn't take place. The doctor has not decided to operate.

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

MR. D. JAMES WALDING: Mr. Speaker, the Minister of Education took as notice a question from me about four weeks ago having to do with the sale of school properties. I wonder if he now has the answer to the question?

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): Mr. Speaker, I don't have that information with me. I'll have it here tomorrow for the honourable member.

MR. WALDING: The Minister also took as notice a question from me about two weeks ago having to do with the condition of school busses in Winnipeg. Does he now have an answer to that question?

MR. COSENS: Mr. Speaker, I believe I responded to that particular question a few days ago. I'm not sure whether the honourable member was present at the time or not.

MR. WALDING: For clarification, Mr. Speaker, the question had to do with when the Minister's department became aware that certain school busses had not met their regular inspection. If that was the answer that the Minister has given, I'll look it up in Hansard.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, my question is to the Attorney-General. Can the Attorney-General advise whether or not he would be prepared to use his good offices with the Manitoba Law Society in order to ensure that in cases where there has been established damages as a result of proven negligence on a part of a member of the Law Society, that that innocent third party, the client of a member of the Law Society will receive compensation?

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I believe this question relates to a discussion that took place with respect to a bill to amend the Law Society Act to deal with professional competence in another private members' bill that was before this Legislature two years ago. I will be prepared to deal with the subject matter of both those matters in Private Members' Hour when this bill comes up, Mr. Speaker.

MR. PAWLEY: Mr. Speaker, I again would ask the Attorney-General whether he would use his good offices, he may of misunderstood my question, with the Law Society pertaining to protection of innocent parties, the victims of negligence of a member of the Law Society.

MR. MERCIER: Mr. Speaker, I believe the question relates to the terms of the insurance that the Law Society has in effect for lawyers and again relates back to a specific incident in which notice apparently was not provided by the lawyer in question to the insurer. If the Leader of the Opposition has specific concerns with respect to the terms of the insurance policy that protects the public in these matters, I am certainly prepared to review that with the Law Society.

MR. PAWLEY: Mr. Speaker, we're still finding some difficulty in communicating. I wish to deal with the general subject matter, not with the particular case before us, though we'll deal with that at another time. Dealing with the general principle, not the particular case, is the Attorney-General prepared to use his good offices to ensure that such situations are not occurring on a substantial basis in the province of Manitoba?

MR. MERCIER: Well, Mr. Speaker, I'm not aware that such instances are occurring on any widespread basis, or are occurring, in fact, in any greater number than the specific incident that was discussed during Private Members Hour the other evening. If the Leader of the Opposition has other information, I'd be pleased to review that with the Law Society.

MR. PAWLEY: Mr. Speaker, will the Attorney-General, this is my final question, talk to the Law Society to ascertain whether or not there is a similar problem occurring elsewhere in Manitoba, similar to the situation which was outlined this past week?

MR. MERCIER: Mr. Speaker, now that the Leader of the Opposition has asked a specific question that I can give an answer to, my answer is yes, I will.

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

MR. BILLIE URUSKI: Thank you, Mr. Speaker. I'd like to direct this question to the Minister of Government Services, and I ask the Minister whether he has had an opportunity to review his comments that he made in committee last year about the announcement of allowing flood damage claims, in terms of dike protection and the raising and moving of buildings to areas over and beyond the Red River Valley, as he announced last week in this House.

MR. SPEAKER: The Honourable Minister of Government Services.

MR. ENNS: Mr. Speaker, I have not had the opportunity of reviewing my comments of a year ago, but I believe I remember them.

MR. URUSKI: Mr. Speaker, can the Minister then confirm that he made statements to committee and to myself when I questioned him last year, that in fact, compensation and assistance to the program of the maximum of 75 percent to a maximum of 10,000 was

to be made available to residents on many watersheds and he quoted from an Order-in-Council, which he said was to be made available to members and was not, but he quoted from it, he said, Yes, those areas would receive that assistance and last week in this House, he got up and said, No, the government did not, in fact, have a policy to assist these areas.

MR. ENNS: Mr. Speaker, I may be stretching the rules of this House. The assistance program that the honourable member refers to is in existence, was applicable to persons living in numerous areas in the province that were subject to flooding, that is, assistance of upwards to 75 percent of the maximum of 10,000 for the restoration of damaged homes or farm buildings, etc., that program has been applied to a whole number of areas that were listed in an Order-in-Council, compensation for which has been paid for during the past year. What is not available to the areas outside of that Red River region is the specific Flood Reduction Program that provides a similar amount of money, a similar 10,000 for the raising, the moving, or the building of ring dikes as a flood preventative program and measure; that assistance as yet is not available to residents other than the Red River Valley.

MR. SPEAKER: Order, please. The hour for question period having expired . . . The Honourable Member for St. George. A matter of privilege?

MR. URUSKI: Mr. Speaker, I rise on a matter of privilege of this House. The Minister of Public Works again indicated to this House that there was no program available with respect to compensation and assistance to residents outside the Red River Valley for the raising of buildings or moving of such, or providing of ring dikes around their properties.

Mr. Speaker, I raise this matter of privilege because I went back and I checked Hansard of May 29, 1979, wherein I questioned the Minister specifically, and at that time, Mr. Speaker, and I'd like to quote from Hansard, page 4811, of May 29th, where I ask the Minister, Mr. Chairman, I'd like to ask the Minister, in his announcement with respect to compensation for flood damage, to describe how the proposal for assistance on diking around farmsteads is going to be viewed and handled. I believe the announcement was 75 percent to a maximum of 10,000 in terms of diking assistance, and I wanted to know whether it will apply to areas where flooding has occurred on, for example, the Fisher River or its tributaries and/or whether that will . . . And there was . . . Mr. Chairman: Order, please. Could we have one speaker at a time? I continued, whether it will apply to areas as I indicated, on the Fisher River, or other watersheds that happen to flood, and whether it would entail expenditures or assistance where farmers had previously constructed dikes at their own expense and now would require some, either further work on them, and/or the building of new dikes. I have several constituents who previously were flooded, did do some constructing of dikes at their own expense, now require some further work on them, whether they would fall into this type of application — would fall into the category of the Flood Assistance Program that he has announced, in terms of dikes?

Mr. Speaker, his reply, I'd like to quote from Hansard, Mr. Chairman: The Order-in-Council that was passed — and if the members haven't got copies of that, you

know, it's available to them and I will see to it that they have these copies — indicates that, in anticipation of a further special project, and in fact, those were the words used by the federal authorities when they were conferring with provincial authorities about attempting to address themselves to not simply repairing the current damage, but to in fact make moneys available to prevent future damage, whether it's by outright moving of buildings, or raising of buildings, or of ring diking, or providing paths for individual farmsteads. We have every reason to believe, and I say this in an unpartisan way, that the last federal government gave us the indication that that kind of program would receive high priority and we have every reason to believe that that priority will not have lessened any since the election of a new federal government. But the answer is, to the Honourable Member of St. George, is that these kind of programs would apply to all of the flood-prone areas that have been designated in the Order-in-Council, which goes considerably beyond, of course, the Red River Valley; it names specifically the river basins, the Icelandic River, the Ochre River, the Fisher River; these river basins are all named in the Order of Council and I will make it a personal point of making sure that the Member for St. George has that list. And that list in itself is not necessarily complete. Indeed, if there are further ones that should be added to it, they could well be added to it in supplementary amendments to the Order-in-Council.

Mr. Speaker, I could go on; there are further indications that the Minister has spoken in two other questions, specifically giving the undertaking that that program was available to the entire province or the watersheds designated in that Order-in-Council. We now have the government welching, and in effect, the Minister rising in the Chamber and indicating that now there is no program, when in fact, he led me to believe that that assistance was to be available to all the areas designated in that Order-in-Council.

Mr. Speaker, the Order-in-Council, and he read from it, Mr. Speaker, if it was complete, then the government and the Minister should now get up and say that he made a mistake the other day and that program is available to the rest of the province and not give an indication a year ago that it was available and now say, sorry folks, we haven't got the assistance to you because you didn't live in the Red River Valley.

My matter of privilege, Mr. Speaker, is this Minister now has completely revolved, made a ring-around-arosey statement and backtracked from the original government proposal, Mr. Speaker and I ask that he review his statements and make the announcement that he made last spring and provide the assistance that is desired and necessary in other areas of this province.

MR. SPEAKER: The Honourable Minister of Government Services.

MR. ENNS: Mr. Speaker, just briefly on the same point of privilege. The Honourable Member for St. George refuses to read the Order-in-Council that it refers to. The Order-in-Council refers specifically to a compensation program which was available to all those areas mentioned. I've indicated to him on that occasion and I indicate to him today that I'm still hopeful for having that program expanded. The additional program, that the authorities in Ottawa still have not

agreed to, that that additional program of flood reduction will be extended to all portions of the province. But let not the Honourable Member for St. George suggest that I have in any way deliberately mislead him or other members of this House. I ask him to read the Order-in-Council that it refers to. It refers to the specific flood damage compensation program not the flood reduction program that he then links up with in his actual statement.

There are two specific programs. One program fixes up homes and farm properties after a flood, and that program has been available not just to Red River Valley residents but to the other areas that have been subject to flooding from time to time. The program that he and I both want to see shared in other parts of the province is the flood reduction program that was entered into, for the first time, I might say, Mr. Speaker, even though there had been serious floods in 1976, in 1974, but for the first time, this government, under this administration is attempting to find a long-term solution to the problem. We have applied it, with agreement, to the Red River Valley and we are making applications, and have spoken to federal authorities to have that application broadened to include all parts of Manitoba.

MR. SPEAKER: Order please, order please. I have listened to the argument put forward by the Honourable Member for St. George. I have listened to the argument put forward by the Honourable Minister of Government Services. I would like to refer the honourable members to Page 59 of our Rules, Orders, and Forms of Proceedings, and I will refer you to the bottom portion of the second paragraph where it says, but a dispute arising between two members as to allegation of facts does not fulfil the conditions of parliamentary privilege. Therefore, I have to rule the member's point of privilege out of order.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader. The Honourable Member for Logan.

COMMITTEE CHANGES

MR. WILLIAMS JENKINS: Yes, Mr. Speaker, I'd like to make some changes on the Committee on Economic Development. I would like to substitute the Honourable Member for Flin Flon for the Honourable Member for Transcona, and also the Honourable Member for St. George for the Honourable Member for Rossmere.

MR. SPEAKER: Are these changes acceptable? (Agreed) The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, I would like to indicate a change in committee meetings. The Ministers involved advise me the Committee on Economic Development will not be able to meet tomorrow. So there will be no committee meeting tomorrow and in fact next week, rather than the Committee on Economic Development meet, Public Utilities will meet and deal with the Manitoba Public Insurance Corporation and Manitoba Telephone System in that order.

MR. SPEAKER: Order please. For clarification does that mean next Tuesday Public Utilities . . . ?

MR. MERCIER: Next Tuesday and Thursday. No meeting tomorrow.

MR. SPEAKER: And how about Thursday of this . . . ?

MR. MERCIER: And no meeting this Thursday.

MR. SPEAKER: There is no meeting this Thursday either?
The Honourable Member for Logan.

MR. JENKINS: Then, Mr. Speaker, may I have the permission of the House to withdraw the request because since there is no meetings this week there will be no problem.

MR. SPEAKER: Is that agreeable? (Agreed)
The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, I move, seconded by the Minister of Health that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee of Supply with the Honourable Member for Radisson in the Chair for the Department of Health and the Honourable Member for Virden in the Chair for the Department of Consumer and Corporate Affairs and Environment.

CONCURRENT COMMITTEES OF SUPPLY SUPPLY — CONSUMER AND CORPORATE AFFAIRS AND ENVIRONMENT

MR. CHAIRMAN, Morris McGregor (Virden): I call the committee to order. We're on Consumer and Corporate Affairs, Page 24, Resolution 34, the Honourable Minister.

HON. WARNER H. JORGENSON (Morris): Mr. Chairman, I might say at the outset that I will be distributing copies of the expenditure and staff man years summaries to make it more convenient for the honourable members to follow the changes that have taken place. If those can be distributed now, then my honourable friends will have the copies of them in their possession. Mr. Chairman, a major change in the department estimates from the previous year is the addition of Environmental Management to the Consumer and Corporate Affairs Department. This change has doubled the size of the department in regard to staff and budget. This made it necessary to make other administrative changes such as the reorganization of the appropriation structure into the new structure before you in these estimates; this new structure group, consumers, related, appropriations and consumer affairs, the regulation of business under corporate affairs and those appropriations concerned with the environment under environmental management. The overall department increase in estimated expenditure is 5.6 percent over 1979-80. Most of the department staff complement has remained relatively stable with only minor increases where required due to work load. There is an overall reduction in staff complement of 10.37 staff man years due to changes in the Rent Review Program.

There was an increase in appropriation 1. in General Administration of 36,900 or 10.3 percent. This included 29,400 for salary adjustments such as general salary increase and reclassifications. 7,500 was added due to increased costs, chiefly 6,000 for the voucher accounting system required due to the addition of the Environmental Management. There was a net decrease of 16.37 staff man years and 251,400 or 17.8 percent in the estimates of Consumer Affairs appropriation 2., due to the phasing out of Rent Controls. In the Consumer Services sub-appropriation, workload was up 24 percent in the Consumer's Bureau and up 12 percent in the rentalsmen over last year. An additional officer has been provided for each of these programs and an additional 1/2 staff man year clerical support for the rentalsman. Another analyst position has been added to the Program Support Branch which provides on a request basis analysis of price increases, reviews of legislative initiatives in other jurisdictions and input on proposals to change legislation or policy in the department. The departmental reference service was expanded somewhat to provide additional service to the Environmental Management Library which is now a part of this department. In rent stabilization the funds provided reflect the government's intent to change the rent stabilization program. Corporate Affairs has continued to experience moderate increases in workload, principally in the Corporations and Business Name Registration Branch and in the Public Utilities Board. Appropriation 4., Communications, has increased expenditures by 42,000, due principally to annual increments, salary adjustments and general cost increases. The Environmental Management Division, Appropriation 5., includes the Clean Environment Commission, Environmental Control, Research and Development, Program Development and Review, and the Environmental Assessment and Review Agency and the Manitoba Environmental Council. Responsibility for the environment was transferred to this ministry in November of 1979. Environmental Management Division has increased its staff complement by four staff man years and its total budget by 404,900.00. The bulk of this increase, 380,300 and all four additional staff are in the Environmental Control Branch. Two of the four staff are for the environmental laboratory for pesticide analysis and mercury testing. The other two additional positions are for water supply testing and for stack sampling for air pollution control. More information on these increases can be provided when this appropriation is discussed later, in more detail. I think these estimates of Consumer and Corporate Affairs and Environment represent a realistic attempt to ensure a continuation of the high level of service that had been provided in the past, and I recommend them to the members for their consideration.

MR. CHAIRMAN: The Member for Logan.

MR. JENKINS: Thank you, Mr. Chairman. Just a few remarks to thank the Minister for making available the staff man years in the new extension of his department. We'll need a little bit of time to digest them, but basically what I want to say to the Minister is that I'll be dealing with Consumer Affairs and Corporate Affairs, Communications and other members, and in the main the critic role in the opposition for the environment will be taken up by the Member for Churchill, because I

don't pretend to be an expert in this field and I don't even pretend to be an expert in . . .

MR. CHAIRMAN: I wonder if I could attract the attention of the member; it's not coming through very clear. If you could just be a little closer to the mike. Thank you.

MR. JENKINS: I'm Sorry, Mr. Chairman. As I said, I don't even pretend to be an expert in Consumer Affairs, but that's the job that I've been given and I'll try to do it to the best of my ability. I have no further comments at this time, but I'm prepared to deal with the estimates; there maybe other members of my colleagues here that may want to make a few remarks at this time.

MR. CHAIRMAN: Committee, I think we'll go on to 2.(a)(1) and we do return to 1.(a)(b)(1), (b)(2) later, so 2.(a)(1)—pass — the Member for Churchill.

MR. JAY COWAN: Just on a point of clarification, Mr. Chairperson, we do return to actually, 1.(b) at the end of the estimates?

MR. CHAIRMAN: Yes. Right, in 1.(b)(1) and 1.(b)(2).

MR. COWAN: I would have a question to you then, through you to the Minister, Mr. Chairperson, if I could. There's some detailed information that we on this side would appreciate having and I realize that it may take a fair amount of time for the Minister to compile it and put it together, but we would like to have it for the discussion on the particular items, and I would then ask if it would be appropriate before continuing on if we can give the Minister a short list of that and allow him to work towards that, or his staff to work towards that, as we pursue other parts?

MR. JORGENSEN: Surely, that's quite satisfactory to me. If the honourable members want to ask questions that we can refer to later on when we get to that particular appropriation, I'm quite happy to have you do that now, if you wish.

MR. COWAN: Then I would ask from the Minister, if I could, if he could supply the committee with documentation as to all the testing for vinyl chloride levels that was done in air and in soil and in snow and water, if that is the case, since the derailment on March 10th at MacGregor? I realize that's fairly detailed information and would appreciate if we could have it by the time we get to the appropriate area within the Estimates to discuss it.

I'd also ask the Minister if he could provide us with a detailed list of environmental accidents for the past year? There is a report that comes out, a general summary, but that is not the detailed list, so I would ask the Minister if he could do - I believe it's a month-by-month list, or at least in the past it has been presented to us as a month-by-month list, and I would appreciate having that to discuss during the appropriate section within the estimates also.

I'd also ask the Minister if he can provide us with appropriate documentation, and I'll leave it up to the Minister, because we don't know exactly what documentation transpired between the CNR, Dow Chemical and his department and other experts in the fields in regards to their search for information and advice in

the derailment outside of MacGregor. And having said that, I think those are the main items that we would at this point like to see and like to be able to go over before we discuss them, although, as the Minister is aware, as those discussions transpire we may come across other items which we feel are necessary. But I would like to give the Minister as much notice as possible in regard specifically to these items, because I realize that it will take some time to . . .

MR. JORGENSEN: I wonder if the honourable member could give us a clarification on that third item, with respect to the documentation between CNR and Dow Chemical and my department; just what did he have in mind?

MR. COWAN: Basically, I would assume that there were memos, there was perhaps correspondence that went back and forth, or reports that went back and forth at the request of the department or at the request of Emergency Measures Organization or even CNR or Dow; there were a number of activities that were on-going at the same time and they did need some co-ordination. I would imagine that some of that co-ordination made its way into writing and that's the type of documentation that I would ask the Minister to provide us with - that which he believes he can provide us with without betraying any confidences. And I just have to, Mr. Chairperson, correct what may have been an implication from the Member for Logan when he said that I would be taking over the section of the estimates dealing with the environment, because the Member for Logan did not consider himself to be an expert in the area, did not pretend to be an expert in the area, and thereby inferring that perhaps I was. I just want to set the record straight before I get in very deep, that I don't consider myself to be an expert in the area either, just a very interested and concerned individual who likes to learn.

MR. CHAIRMAN: Resolution No. 35, 2. (1)(a)—pass — the Member for Burrows.

MR. BEN HANUSCHAK: 2. (a)(1).

MR. CHAIRMAN: Did I say 2. (1) (a)? 2. (a) (1), I'm sorry.

MR. HANUSCHAK: Could the Minister explain 110,000, 112,000 increase in salaries which appears to be quite substantial, amounting to something in the order of about 16 percent?

MR. CHAIRMAN: The Honourable Minister.

MR. JORGENSEN: The increase is due to an additional four-and-a-half staff man years, 72,200 required for increased workload and transfer of our environmental management to the department, and 39,400 due to general salary increase and salary adjustments.

MR. HANUSCHAK: The additional staff in the Consumer Affairs Branch — what would be their function? What would they be doing?

MR. JORGENSEN: I would presume that would be an increased workload. One additional analyst in Program Support, one additional officer in the Consumers' Bureau, one additional officer and one-half clerical staff

man year in the Rentalsman Offices. These staff were required due to a 14 percent increase in the workload over last year and indications are that this trend will continue into 1980-81, . . . four one staff man weeks in communications. This now provides a full time librarian required due to the transfer of the Environmental Library to this department.

MR. CHAIRMAN: The Member for Logan.

MR. JENKINS: Thank you, Mr. Chairman. Now we're dealing with the Department of Consumer Affairs. The question I have to the Minister is during the Throne Speech there was some indication that the government was going to be introducing some changes to The Consumer's Act and I would like to ask the Minister at this time, in view of the situation that has developed here in Manitoba and I guess across the country with federal legislation dealing with the content of meat in hamburgers, where we are getting a mixture of pork and beef and the federal legislation seems to be — has been set aside in some court cases, is there any consideration on the Minister and his staff, have they been looking into this and perhaps anticipating to bring in legislation during this current session that will rectify this matter, since we find that there is a violation of what the federal code calls for, and my understanding is we have no provincial legislation at this time, and I would like to know whether the Minister and his department have taken heed of this.

MR. JORGENSEN: Yes, Mr. Chairman. The difficulty in that particular situation is that the federal Justice Department is still examining the decision of the courts to determine to what extent they do apply on the provincial level, and to what extent it may be necessary to bring about changes in legislation to bring the matter under provincial jurisdiction. At this point they are not even certain that is the case.

The situation is still being handled, inspections are continuing, and if there is felt a need for any action to be taken, it can be referred to the Department of Health under their Inspection Branch. So we still have that opportunity of applying at least the spirit of the legislation until this matter has been clarified by the Justice Department in Ottawa.

MR. JENKINS: I thank the Minister for that information. Would the Department of Health, like the Minister has stated that under the present federal legislation which we're dealing with, if it was felt that prior to any legislation being introduced provincially, would the Department of Health then be able to lay charges if someone was violating what was — because one of the things that I think has been brought to the fore is, with the mixed content of beef and pork, and I guess we all realize that pork has to be cooked much longer and much more thoroughly because of parasitic contents that may be within pork, and would this be the section under which the Department of Health would come into the picture?

MR. JORGENSEN: That's the particular section which is in question. The degree to which the Department of Health could function would depend on the nature of the violation. If it's a violation that clearly comes under a health regulation, then they would be able to take action. If it was a violation that would more properly

come under The Food and Drug Act of the federal department, then there might be some difficulty in prosecutions, but the inspections will continue nonetheless.

MR. JENKINS: Thank you, Mr. Chairman. Then I take it from what the Minister has answered that really, if charges were to be laid by the Department of Health, it would have to be on a charge of a high bacteria count or something of that nature, not on the meat or not on the meat content, but it would have to be a high bacterial count, uncleanly, insanitary conditions. So we're not getting to the nub of the question which is really, I guess when it all boils down, it should be in Consumer Affairs because hamburger is being sold under a misnomer; because hamburger is supposed to be ground beef.

We're getting products on the market now that are a mixture of pork and beef and as long as there was no high bacterial count, then I don't see how the Department of Health could really be laying any charges because of insanitary conditions, as long as there was not a high bacterial count. But if the cleanliness of the establishment in the - I don't know just exactly what the bacteria count that is allowable under The Public Health Act, and I realize that this is a ticklish problem because evidently the federal legislation has been set aside in two or three cases where prosecutions have been attempted. As the Minister says, it's something that will have to be dealt with sooner or later. I hoped that the Minister could be a little bit more reassuring to the members of the committee, that somewhere hopefully in this session that we will see some legislation coming in, because I think it's been pointed out by consumer associations that they're putting quite a bit of pressure on to get this thing cleaned up one way or the other. If the federal legislation is not suitable, then perhaps it will have to be provincial. I think that the Minister and his department should be seriously looking at that situation because it is, in some respects, false advertising, that someone is selling hamburger that is supposedly supposed to be a beef content and then we wind up finding it to be a mixture of pork and beef.

MR. JORGENSEN: My honourable friend has put his finger right on a piece of legislation that can deal with the particular question that he has in mind; that's The Combines Investigation Act and misleading advertising. If a product is being advertised as being hamburger and it contains other products as well, then prosecutions can take place under that piece of legislation. But to answer my honourable friend's specific question, we certainly are concerned about this particular situation and our staff are preparing what could be amendments, depending on the outcome of the judicial review in Ottawa. And until we have some clear idea of just precisely where we stand, it's very difficult to frame legislation that will meet that particular situation, but we are concerned about it. As I say, amendments to The Consumer Protection Act are being drafted for this session and it could well be that if the decision is made by the law officers in Ottawa, in time we can include them in the present set of amendments if they become necessary.

MR. JENKINS: Just a question to the Minister. How soon does he feel that he will be introducing this legislation into the House?

MR. JORGENSEN: Well, with respect to the . . .

MR. JENKINS: No, I mean the ones that were mentioned in the Throne Speech and did not . . .

MR. JORGENSEN: Yes. Well, those amendments are in the final stages of preparation.

MR. JENKINS: Well, I thank the Minister for that information. We'll look forward to that bit of legislation when it appears in the House. The Minister has I am sure, as I have had, many many requests from the Consumers Bureau, from senior citizens dealing with unit price codes. The Minister last year was of an opinion that legislation of this nature was not required because the thing seemed to be working out. But I can assure the Minister that I'm still getting just as many enquiries. I introduced a Private Members' Bill last year that unfortunately died on the Order Paper and I wonder if the Minister has had a change of heart since last year, whether he is thinking of introducing legislation this year — and perhaps I'm going to have to wait until he tables it in the House to make sure — but there are a considerable amount of people who feel that when they go into a place of business, a grocery store or whatnot, that prices should be available. The argument is not against the unit pricing code as used by people but many of our senior citizens have difficulty with prices and they forget what prices are. I'm sure the Minister has had the same letters and the same presentations that have been made to me and I feel that these people have a very valid point. Legislation has been brought in in the province of Quebec, and I think about four or five of the American states, dealing with this problem. No one is saying that these people can't use their system but I think that when I go into a place of business to buy an object, I don't want to be faced with a bunch of stripes or somebody's computer knowledge that I have no knowledge of when I go to the place of business. I might say that this sort of a system was used by railways in North America for car identification. It lasted for about four or five years. But because of damage to the computer identification, it now has been withdrawn. It didn't turn out to be the boon that they thought it would be.

The same thing happened with packaging. It's all very nice and tidy if you've got nice little square packages that don't get bashed around. But a lot of our products that we buy in supermarkets — and in the main that's where the changes of the unit pricing code are coming about — are not nice, neat little packages. We all know what happens to computers when something goes a little bit wrong. They can spew out some very funny answers. I think it is incumbent upon the government to recognize that many of our senior citizens — and they have been the most concerned — those are the people who are in the worst position because their eyesight is failing in many cases, they can't see the print, and I know these places say they put nice print out and whatnot.

I've seen some of the checkout tabs from the stores that have a unit pricing code in and it looks very nice but there are many objects on there that just are not as nice and neat as what they will tell you it works to; because some of them are just listed as groceries — and you get that on practically the ordinary type of checkout pricing that doesn't include the code system. So I would hope that the Minister would have recon-

sidered the position that he and his government took last year and save me the bother of having to introduce, again this year another Private Member's Bill dealing with this topic. I'll just stop now and if the Minister is prepared to answer, I wait with anticipation.

MR. JORGENSON: If my honourable friend wants me to give him a short answer right now, he partially answered his own question when he said he may have to wait until legislation is introduced.

Let me just say to my honourable friend that I have been reviewing this particular amendment, the one that he proposed during the course of the last session. I have a great deal of sympathy for it.

MR. CHAIRMAN: The Member for Rock Lake.

MR. HENRY J. EINARSON: Well, Mr. Chairman, I probably should have risen on a point of order for the Member for Logan because I was wanting to just make a few comments on the same subject matter that he dealt with before he got going on this other, and that is the meat situation where he was concerned about the consumers.

In regard to a mixture of beef and pork, as I'm given to understand, is the problem that has been created in the courts and so on. And through you, Mr. Chairman, as I understand, the Minister may be contemplating some legislation. But I should like to make sure that when we're dealing with a subject matter it's important to know, and I would like to just convey a little bit of information to those who consume both beef and pork — and I'm not sure whether the legislation would just deal with hamburger, because you can buy sausage that has a small amount of beef in it that enhances the quality of the sausage, if it's a pork sausage with a little bit of beef in it. There are a lot of people that like that. So I would hope that would be taken into account, Mr. Chairman, when the Minister is contemplating legislation on a broad scale of the mixture of beef and pork, as it's sold over the counter. Because I think, Mr. Chairman, this is a very important bit of information to know. I know people, they specially request the butcher to put a certain amount of beef in pork when they're buying pork sausages. I hope that we won't see legislation that's going to bar that, so I'm just making that comment. If the Minister wants to reply that's quite in order. But I just wanted to make that comment.

MR. JORGENSON: A short answer, Mr. Chairman, would simply be that it is not a new area that we'd be embarking on if amendments were introduced. It would be simply to fill the void that was left by the vacating of that particular field by the federal authorities as a result of the decision of the Supreme Court.

Now if the judicial review indicates that — and there is some doubt as to whether or not what has been recorded in the papers is actually what the Supreme Court intended. When that review is completed then we'll have a better idea of precisely the meaning of the decision.

MR. CHAIRMAN: The Member for Burrows.

MR. HANUSCHAK: Yes, Mr. Chairman. I have a few questions I want to ask, and suggestions to make to the Minister. The first that comes to mind, this being

the springtime of the year, of course we see one of the more popular pastimes for young children — flying kites. And in urban areas, it's not at all uncommon to see a kite being entwined in overhead hydro lines. I know in my own neighbourhood, just looking out my kitchen window, there are a couple dangling down from hydro lines. So my question is, is the Minister satisfied that the cords or the lines of the kites which are being sold are non-conductors of electricity, either in dry form or wet? The kite string may fall in a puddle of water and the child continues flying it. So that's my question to the Minister, as to the safety of the toy, to assure the public that they are non-conductors of electricity. And secondly, I would urge the Minister — and perhaps it's a bit late in the season now, maybe the announcement should have been made a bit earlier — I would urge the Minister to issue a word of warning to parents and children about the dangers of flying kites in rural areas. Accidents happen; in fact, there was one in my riding a few years ago. It was the flying of a kite that eventually led to a fatality. The kite got caught in hydro wires over top a building, over top a school, and the child climbed up on the rooftop of the school to retrieve the kite and in the process of doing so fell, and fell on hydro wires beneath and was electrocuted.

The other suggestion that I would wish to make to the Minister, although I realize that the matter of weights and measures, is one of federal responsibility but I would urge him to take it under advisement. Well, more than just take it under advisement, but to urge the federal authorities to bring about the appropriate change, and that deals with foodstuffs which are sold by the unit as opposed to by weight or volume. There are many that are sold in that fashion; some fruits are still sold by the unit instead of by weight. Apples generally are sold by the pound or, I suppose, oranges on the other hand by the dozen, grapefruit by the dozen and so forth. If the Minister wishes, you can go into any supermarket and pick up a dozen oranges from the same batch and weigh them and find that there might be five or six ounces difference in weight per dozen — which at today's prices is quite a significant difference. So what happens, I suppose, someone along the line gets more value for his money or her money if they happen to pick up larger oranges or grapefruit, but on the other hand someone else is being shortchanged. There are even meats that are sold by the unit; Schneiders put out salami which they sell by the piece. On one occasion I was in a supermarket and I did take two pieces of salami, put them on the scale and there was about a four or five ounce difference in weight. Well, here again, when you're paying 2.50 or 3 for that stick of salami and that four ounce difference — the lighter one weighed something like 15 ounces and the heavier one was about 19 — so that, too, is quite a significant difference. And if a consumer shopping basket includes a number of items sold in that fashion, it can amount to a difference of several dollars.

The third point that I would like to raise with the Minister relates to processed foods and showing the actual content within that can or within that container. For example, I know that with reference to tinned fruits, I think that the sugar content is shown on the label, 25 percent sugar, 20, whatever it may be. Well, that's fine to show the sugar content, but there's nothing on the label to show the water content of the tin. You may buy two tins of pears and one may have three or four halves of pears and the other five, and the balance of the volume

and weight made up by water. Perhaps, some more precise and meaningful labelling could be devised to indicate to the consumer whether the 50 tin of pears is, in fact, a better buy than the 55 one, or whatever the difference may be between two or more brands. Now, this is just one example and today, particularly with the increased use of various chemical food preservatives, colouring agents and what have you, some of which may be somewhat hazardous to our health, or perhaps if not hazardous to health in general, it may be hazardous to some. Hence, I would think that the consumer ought to be aware of the exact type of preservative that was added to the processed meat or the tinned vegetable or fruit or whatever it would be, or what chemical was added to give it more attractive colour or whatever other chemicals may have added for whatever purpose the manufacturer may have had in mind. Now some of this type of information is stated on some products but I would suggest to you, Mr. Chairman, that not on all.

With reference to two other points, is the Minister enquiring into the suggestion that was made by people who do some research in the field of the hazards and the dangers of exposing milk to fluorescent light for long periods of time. Most showcases are lit with fluorescent lights and apparently the type of package that is being used, namely the plastic package, offers no protection to the rays of fluorescent light and, in fact, offers some undesirable results.

The last point that comes to mind deals with the computerized pricing that we find on the increase in supermarkets, and I know that the supermarkets are very quick to point out to the consumer that if you examine the showcase carefully you will find the unit price shown there. Well, I would suggest to the Minister to go to the dairy section of any supermarket and you would have one hell of a time finding the price of a particular pound of cheese that you might be interested in buying. Because here the stuff is all laid out in the cooler and there's one little half-inch strip of names of commodities and the prices in small print and the cheese that you're interested in buying is over at that end of the cooler and the price of that particular cheese is over at this end. And you've got to read through the whole lot to find the price of a particular commodity that you're buying. I don't think that our retailers of foodstuffs are unreasonable people; I would suggest that perhaps the Minister use his good office in approaching the food retailers, at least the major food retailers, suggesting to them that in showing the unit prices of the foodstuffs that they sell, that the unit price be as close as possible to the actual food that the price is meant to be the price of and not, you know, five, six, ten feet away. Those are some of the questions and comments that I have that I wish to make to the Minister at this time, Mr. Chairman.

MR. JORGENSEN: With respect to the last item, I think I've already dealt with that with respect to item pricing under the intervals of proper code. I might say that I have approached the supermarkets and spoken to them about this particular matter. Whether or not my appeals to them will bear any fruit I have not yet been able to determine. However, I have indicated that I am sympathetic to the needs, particularly as the Member for Logan was saying, of elderly citizens who have some difficulty making out prices on these particular commodities. If my honourable friend can . . .

MR. HANUSCHAK: I fall in the same category.

MR. JORGENSEN: Well, I get there myself. If my honourable friend will be patient till the legislation amendments to the Consumer Protection Guide comes out, he may then have the answer to his particular question. With respect to the labelling problems that my honourable friend has mentioned, I'm sure that he realizes that would pretty much fall under federal jurisdiction and it's an interesting topic, and one that perhaps is worthy of some discussion at the federal level. I will most certainly take advantage of his suggestion to look at this question with respect to kites to find out if we can determine whether or not they are shockproof, whether or not the dangers that he portrays or fears are inherent in the present manufacturing of kites. We'll certainly have a look at that one.

MR. CHAIRMAN: The Member for Fort Rouge.

MRS. JUNE WESTBURY: Thank you, Mr. Chairman. Quite often when I speak, people in replying refer to the fact that I am new to this House and I assure you that I'm painfully aware of the fact that I'm new to the House and have trouble finding my way, especially around the estimates at times. Is it appropriate for me to talk about the Milk Control Board under this? Could the Minister tell me why?

MR. JORGENSEN: No, the Milk Control Board is . . .

MRS. WESTBURY: From the point of view of the consumer's side.

MR. JORGENSEN: The Milk Control Board comes under the Department of Agriculture.

MRS. WESTBURY: I'm concerned, Mr. Chairman, through you to the Minister. I'm aware of the fact that it is under the control of the Minister. The Minister has made public statements to the effect that he is considering alternatives to the pricing powers of the Milk Control Board. Consumers are concerned. Is it not appropriate that this matter should be discussed under the estimates of the Minister of Consumer Affairs? I don't understand that. Will you explain to me why these powers overlap a little here?

MR. JORGENSEN: Mr. Chairman, my honourable friend has mentioned that she's new to the House. I'm sure she's not so new that she can't devise enough ingenuity to raise the particular point that she wanted to raise, but I caution her that it comes under the responsibility of the Department of Agriculture and the Minister of Agriculture. But speaking from a consumer's point of view, I would certainly have no objection if she wanted to raise that particular matter, as long as it stays within the bounds of the Consumers Branch and does not deal with the Milk Control Board itself, because that I cannot answer for.

MRS. WESTBURY: Thank you, Mr. Chairman. I was hoping that the Minister would be able to tell us that he will be intervening to make sure that something is done — if the Milk Control Board, for instance, is disbanded or if its powers are taken away from it — that the consumer protection provisions of the present legislation can be maintained in some form or another. I

am not wanting to talk about the profits to the producer or anything like that because I certainly have no desire to eliminate the profits of the producers; but I am very concerned about whether that could be replaced with a fluid milk subsidy program or something to alleviate the problems of those people who — particularly the infants and nursing mothers, the pregnant women and the elderly, both men and women — who obviously need quite a bit of milk and they need the whole milk. At the present time they are having trouble with it as consumers and I'm wondering what the Minister is prepared to do to help, either through a subsidy program or through some sort of pricing board or whatever, to alleviate the problems of these people.

MR. JORGENSEN: Mr. Chairman, as I have indicated I don't want to get into the area of the Milk Control Board. That will be discussed later when the estimates of the Department of Agriculture are before this committee. All I can say is that I take the position that if the people that she speaks of who require help, and there are those if it is deemed necessary to provide some assistance for them in the purchases of milk, then that should be in my view the responsibility of the public at large rather than a single group of producers. I find it offensive from a sense of justice to think that a group of people, and there are relatively few of them, should be called upon to subsidize a million people in their milk purchases. If there is to be a program to alleviate those in need, then it must be developed as a separate program designed to assist those in need, and I can go no further than that other than, as a matter of principle, that would be the position that I would want to take.

MRS. WESTBURY: Thank you, Mr. Chairman. So that is purely from the consumer's point of view that you are speaking and your answer satisfies me somewhat, but would hope that you realize that the current Canadian Food Guide recommends between 16 and 24 ounces of milk or milk products for children under 11, and 24 to 32 ounces a day for adolescents and pregnant and nursing women. This really is a major item. The price of milk now, I think, is 55 — isn't that awful, I don't even know. I drink skim; I guess I don't fall into any of those categories. At 55 cents a quart or something, then it really becomes a major item in the budgets of housewives who are raising children, and I would ask the Minister if he would take this back to his department and perhaps come out, make some statement. It sounded to me as though the Minister was talking about a milk subsidy program which certainly would be acceptable to the consumers. As I said I'm not interested in interfering with the profits of the producers and that can be left to others.

If I can refer to a couple of other items, I also was going to bring up the matter of unit pricing which is a matter of great concern to people, especially people living in senior citizens' homes and so on. People in my constituency have been having meetings about it and they are vehemently opposed to the unit pricing system. I'm sure the Minister has heard from them, and I am hoping that we will soon have some sort of an announcement. I had a little difficulty in hearing the Minister; I hope he was saying that some time, quite soon, legislation is going to come forward in connection with unit pricing. Is that what you said, Sir?

MR. JORGENSEN: Mr. Chairman, what I did say is that we are proposing amendments to The Consumer Protection Act and if such an amendment was going to be proposed, that's where it would be included.

MRS. WESTBURY: Oh, lot's of ifs and buts, okay; too many ifs and buts in there, Mr. Chairman. I'm afraid I'm a little disappointed in that response and so I guess we're all just going to have to keep on about that for a little longer.

MR. JORGENSEN: I hope my honourable friend will recognize that it is not customary to reveal the contents of legislation before it is introduced in the House. I am going as far as I possibly can to accommodate my honourable friend.

MRS. WESTBURY: Thank you. In response to questions that I asked the Minister around the 31st of March, between the 31st of March and the 3rd of April, the Minister made a statement to the effect that — and this is in connection with rent increases — that his department has been monitoring rent increases inside and outside of the city, those that have been released from controls, which have been free from controls since October, 1978.

MR. CHAIRMAN: I just wonder if I could point out to the member, rent stabilization does come under (b) of this same item.

MRS. WESTBURY: Thank you; I'll wait for that then.

MR. CHAIRMAN: 2.(a)(1) — the Member for St. Vital.

MR. D. JAMES WALDING: Mr. Chairman, I missed the Minister's introductory comments. I'm not sure whether he dealt with the reconciliation statement and I notice that there is some 4.5 million transferred from Natural Resources. I wonder if the Minister could explain what that consists of.

MR. CHAIRMAN: The Honourable Minister. I think while we're waiting, if we'd all be more conscious of getting the mike a little closer to us because it's just like the complaint of the Member for Fort Rouge, including the Minister; often we're talking away from the mike and it may get recorded but the rest of the committee doesn't always hear that question or answer clearly, so if we'd be a little more conscious of it, it would be better for all.

MR. JORGENSEN: My honourable friend is probably aware that the Environmental Branch of the Department of Natural Resources was transferred to the Department of Consumer and Corporate Affairs, and that reconciliation that he mentions consists of that transfer.

MR. WALDING: I see. Mr. Chairman, I know it's not very long since the end of the year but I'd like to ask the Minister whether he expects to have spent the 8.5 million that was approved in the estimates last year for the department.

MR. JORGENSEN: I am advised that the final figures will not be available for a couple of weeks yet but we are expecting that will be fairly close to that figure.

MR. WALDING: I would further like to ask the Minister whether there were any special warrants written for this department last year, and if so, how many and for how much.

MR. JORGENSEN: I couldn't provide that information right now. I'll take that question as notice and see if I can provide it a little later.

MR. WALDING: Can the Minister confirm to the committee that there were in fact one or more special warrants during the year.

MR. JORGENSEN: I can only go by memory and it just seems to me that there was one at least, perhaps two, but we'll have that information for my honourable friend tonight.

MR. WALDING: Thank you.

MR. CHAIRMAN: The Member for Logan.

MR. JENKINS: Mr. Chairman, I'll take your advice and get as close as I can to this mike. The Member for Burrows raised an interesting topic and I don't know if I just heard the Minister right or not, and I think that was doing with the testing of products that are on the market. And if I understood correctly, the Minister and his department do not do any testing of products that are sold on the market. And especially I am thinking of toys that are sold on the market; that was a federal responsibility or just who carries out the testing of toys to make sure that they are safe for the consuming public?

MR. JORGENSEN: That is a federal responsibility, Mr. Chairman.

MR. JENKINS: Yes, I can understand that being that way. But supposing a product was made and produced in Manitoba and not for sale anywhere else; there could be a local toy that was made and sold just in the area of Manitoba, not outside the province in any way shape or form. Where would the testing then be done? Would it be done then still by the federal government, or would it . . . ?

MR. JORGENSEN: Yes, it still could be identified under The Hazardous Products Act and tested under that Act.

MR. JENKINS: And if such a product came on the market, would the Minister's department notify Ottawa that such and such a product was on the market here in Manitoba and not being sold elsewhere and ask for the testing to be done? What would be the procedure in a case such as that?

MR. JORGENSEN: Mr. Chairman, if we learned of it first and felt there was a need to have it tested, then yes, we would notify the federal authorities.

MR. CHAIRMAN: 2.(a)(1) — the Member for St. Vital.

MR. WALDING: Mr. Chairman, I notice that Consumer Affairs covers such legislation as The Consumer Protection Act, Landlord and Tenant Act, and The Personal Investigations Act, and perhaps others. I am aware that The Personal Investigations Act is the act that governs

extenders of credit the right to check into personal credit ratings, etc. The question I had to the Minister was, on those forms that where a consumer would apply for such credit or would authorize such checks to take place, has the Minister reviewed such forms or the department to see whether people's social insurance numbers are being requested for identification in such cases?

MR. JORGENSEN: We haven't conducted such a survey with respect to this particular piece of legislation. The federal government is conducting a survey to determine just in what areas that social insurance numbers are being used. Now, with respect to The Personal Investigations Act, as my honourable friend is probably aware, there was a new act that had been drafted and submitted to the House a couple of years ago, was resubmitted again last year, and will be, hopefully, resubmitted again this year, containing a number of what I consider to be some desirable amendments in order to remove some of the anomalies that currently exist in the present act. That bill will be brought forward shortly.

MR. WALDING: Mr. Chairman, the Minister correctly points out that the social insurance system and the numbering that goes with it is a federal matter and I understand when it was brought in it was intended to be used only for income tax and I think perhaps pensions was the other use of it. But because it's a system of identification, it's becoming used by a number of private agencies as a matter of identification and it's something that's crept in that certainly wasn't intended originally. And it's felt by many people to be an abuse at the original system. I would like to ask the Minister whether he would agree that it is an abuse of a system that was set up to deal with only very specific areas in the beginning and what his policy is, or the policy of the government, in the use of social insurance numbers by private institutions, lending agencies, and credit granting agencies, and that sort of thing.

MR. JORGENSEN: As my honourable friend perhaps is aware, there are certain occasions where the government itself, both provincial and federal, require the use of social insurance numbers, and I think that what is necessary is a total evaluation of the whole question of the use of social insurance numbers, both on the part of the provincial governments as well as the federal governments, before an examination of the use by private industry takes place. Once we have clarified our positions then it's much easier to keep a handle on the use of those insurance numbers, although I might add that when they were first introduced in the House of Commons, one parliamentarian predicted what would happen and what he did predict has happened.

MR. WALDING: Mr. Chairman, I'm not sure quite what the reference is that the Minister is making comments on and I don't recall when the matter was before parliament. I guess it was several years ago and maybe the Minister was a little closer involved with it at that time. Is the Minister telling me that provincial governments, and in particular this provincial government, does ask for social insurance numbers in certain cases. If so, what are they for and does he not feel that this is contrary to the original legislation, or at least the intent of the original legislation?

MR. JORGENSEN: We use it in one instance — the personal property security registration.

MR. WALDING: Is that the only instance that it's required, not for example for applications for employment or under any other circumstances?

MR. JORGENSEN: As far as we know, it's the only instance. We would like to have a further look to see how far it has expanded. I'm advised, but it must be a fairly obvious departure from that, payrolls in the provincial government require the social insurance number in order to process it.

MR. WALDING: Let me repeat the second part of the question, Mr. Chairman, and that's whether the Minister believes that this is an abuse of the original legislation or an abuse of the intent of the original legislation.

MR. JORGENSEN: I prefer not to comment on that because I believe that when the matter was first introduced I had some comments to make on it at that time, and there is a wide difference between what one person may consider to be an appropriate use and what another one may not. I would like to see a total and complete examination of the whole question of the use of social insurance numbers to determine to what extent it has spread, to determine if there are areas in which they are necessary, and if there are areas in which the practice can be stopped. Before that overall analysis is done, I would rather not state a position on it.

MR. WALDING: Mr. Chairman, I sense the Minister shares my concern with the whole matter and that is that from a bureaucratic point of view it's very useful and very convenient and administratively neat to have a number against every individual in the state so that there can be no mistaken identity and everyone can be accounted for and counted and put into the appropriate slots. But the danger is that there are a great number of, particularly government departments and institutions, that have all sorts of lists of people on their computers listed for various reasons and that it's possible to cross-reference these data banks by means of social insurance numbers, so that the ultimate in the system is to merely feed in one particular social insurance number into a computer that will access a number of other computers and give a complete background on any individual from all sorts of areas, from a health point of view, law and order, and immigration, court records, a whole range of things. This I see is an abuse that's been slowly creeping in. I have been told by people who are familiar with computers and what they can do that this insidious movement has been going on and is far more advanced than a lot of people are inclined to believe. It comes down to access to various data banks that are held, particularly by the federal government in Ottawa, that there are certain people or certain institutions, certain departments — I'm thinking possibly of RCMP or income tax whose own computer would have access to various other data banks held by the federal government to give them this sort of background. Perhaps what is even more frightening is that there are private corporations which themselves have immense data banks on individuals. I am told that there are certain credit checking corporations in the States whose data banks include millions and

millions and millions of people, reaching right up into Canada. It is possible for someone down there with access to one of their particular data banks to get immense information about Canadians in another country. I don't know whether the Minister is in a position to comment on this or to verify it at all, but it's something that certainly needs looking into and some action taken to prevent 1984 from being upon us even before 1984.

MR. JORGENSEN: Mr. Chairman, I don't know what comment I can make to the observation of my honourable friend, other than to say that we know that what he has just said about personal investigation being available. Many parts of the country are - it's true, we are only keenly aware of that.

MR. CHAIRMAN: The Member for Churchill.

MR. COWAN: Thank you, Mr. Chairperson. I wanted the Minister if he could provide the committee with a list of the number of inspections that were done by his department in the past year, and under what general areas. I'm not talking about a specific date in a specific location, but if he could provide a general classification of inspections that . . .

MR. JORGENSEN: I wonder if my honourable friend could tell me just what kind of inspections that he has in mind.

MR. COWAN: Would I be correct in assuming — perhaps I should begin that way, Mr. Chairperson — that this department does make reports as to inspections?

MR. JORGENSEN: We respond to complaints in several ways. In many cases, the complaints simply are calls seeking information as to how to best deal with a particular situation. In other cases, they seek advice as to how to best correct a situation. In many cases, the callers themselves prefer to deal with their own problem, are just simply looking for the kind of protection that they have in the way of legislation and the people that they can go to if they want further help. When it reaches the stage where an individual phones a department asking him to intervene and asking them to act on their behalf in a particular situation, yes, then we certainly do that, and there is a fairly complete record of that kind of activity that I can provide for my honourable friend.

MR. COWAN: That is indeed what I would appreciate, just some overview of the activities of the department and the areas in which the department has been most active. So anticipating that in the near future, I'd move on to another subject which has been discussed in some detail. I'd like to ask the Minister a couple of questions further to his previous comments, and that is in regard to computer pricing, unit pricing codes, a phenomena that is becoming increasingly popular in other jurisdictions, and I understand which is being tried on an experimental basis in Manitoba itself. So I would ask the Minister if he has knowledge of where computer pricing is now in effect, in which stores in the province of Manitoba, and what efforts his department is taking in regard to monitoring the implementation of computer pricing, unit pricing codes in other stores throughout the province. In other words, can he give

us a general overview of where the status of that particular style of merchandising and retailing is at in Manitoba presently.

MR. JORGENSEN: To the best of my knowledge there are about three stores that are using the universal product code at the present time. One, in the west end, a Loblaw's store out near the Perimeter on Grant; one, on Pembina Highway, a smaller store, and I believe the other one was out in the Kildonan area. —(Interjection)— No, not Henderson Highway, out in one of the bigger shopping centres out . . . no, off McPhillips or some place — Garden City. I believe it's Garden City Shopping Centre. I could be wrong on that last one, I am not sure, but I know there's three in the province.

MR. COWAN: Mr. Chairperson, perhaps the Minister could, over the break or within the next day or so, just check back. We have the name of one retail outlet, that's Loblaw's. We would also like the name of the one on Pembina Highway and the one in Garden City if possible. I would ask the Minister what efforts his department is taking in regards to monitoring the use in these particular stores and also the introduction of this system into other retail outlets.

MR. JORGENSEN: With respect to monitoring, I'm not too sure that our department is doing any particular monitoring. I do know that the Consumers Association have done a considerable amount of work in this field and they bring the results of their testing and their analysis and their observations to us. So through the Consumers Association we have had a fairly up-to-date account of what is transpiring across the country and they have, in my view, been doing a fairly commendable job of keeping in touch with that particular situation.

MR. COWAN: Mr. Chairperson, do those reports from the Association come to the Minister by way of written report, that perhaps he could share with the committee?

MR. JORGENSEN: They were brought to me as part of a delegation. I'll have to look over and check with them. I can think of no good reason that I can't make them available. They're certainly not secret in any way, because they are in the hands of the Consumers Association and I presume they are using them.

MR. COWAN: Mr. Chairperson, I understand that the Minister of course would have to check with the Association first, although I would not anticipate any objection on their part to the widest possible distribution of such reports and would hope that we could have them before us. Because this is a subject of growing concern among, not only the senior citizens, and they have some very specific reasons for being concerned about this particular system of pricing, but also among the general population, as well as the unions, who represent workers in the retailing industry who are of the opinion that this may have an extremely detrimental and tremendous impact, negative impact upon their employment opportunities for their membership. And of course they have that vested interest which we all clearly recognize as a vested interest that I think we must aware of and we must apply ourselves to dealing with their concerns also.

I would ask the Minister in his recollection, has the Consumers Association come forward endorsing the

system, or have they come forward with a limited endorsement, or have they come forward with negative feelings towards this particular system?

MR. JORGENSEN: The Consumers Association certainly do not object to the use of the universal product code. Their only recommendation is that item pricing continue. That's the only recommendation they have made to me. I might add I have been advised that there is a study such as the one outlined by my honourable friend with respect to the use of the universal product code being undertaken in the province of Ontario and in the province of Quebec, and they have agreed to make their findings available to us, so when those studies are completed we should have them in our hands.

MR. COWAN: Mr. Chairperson, further to that, I would ask the Minister if there is any tentative date that has been announced or reported as to when we can expect those studies.

MR. JORGENSEN: I am advised that late 1980 would be about the expectant date.

MR. COWAN: Mr. Chairperson, by item pricing, which the Minister mentioned previously, I would assume that he means that the Consumers Association is not opposed to the concept of feeding information into a computer via the markings that we all are starting to see as standardized on the different items, but that they do wish to see a unit price remain on each item on the shelves so that a person who is doing shopping will know that a particular price for that item is such and that they can therefore budget a little bit better as they pass through the stores. And we all know that in these times of increasing food costs and increasing inflation, that becomes more and more necessary, that people do understand fully how much their items are going to come to, because it is now possible to come in with a limited amount of money and not be able to purchase all which one would anticipate purchasing.

We do look forward to seeing what manifestations the Minister's sympathy takes place in regard to this particular area. It is one of some concern, as I mentioned previous. The Minister indicated earlier that the reports in the media in regard to the hamburger content and the pork content of materials being sold as pure hamburger, were not, or may not — I don't want to put words in the Minister's mouth — may not have been exactly what the court had intended, and I would ask the Minister if he could clarify that a bit more, if he could supply us with the interpretation that the court laid upon this case as presented to him so that we in our own minds can have a clearer knowledge of exactly where this case sits at this time.

MR. JORGENSEN: The member asked for the very point that the Department of Justice in Ottawa are attempting to clarify. They are not certain just precisely what is the correct interpretation of their decision and how far it would affect consumer legislation, how far it would affect the provinces, and there is an effort to try and arrive at that particular conclusion that the judicial committee are conducting this study at the present time. I think my honourable friend is aware of the origin of the original case that went before the courts. It was a very very narrow one as to whether or not a private company was able to use a particular design-

nation of a product. From that court case, has flown all sorts of ramifications that I don't think were intended in the first place, so I'm going to have to wait until that decision is made, until the judicial people in Ottawa have decided just to what extent the decision affects various departments and particularly provincial governments.

MR. COWAN: Mr. Chairperson, the Minister indicates that it was a case of narrow parameters that was brought before the Supreme Court, and it seems to have been used as a springboard for widening the entire controversy in the media. I would ask the Minister then, as those media reports have made it to Manitoba, where we are left as a province in regard to what happens now. In other words, a consumer has a complaint or the department is informed of a complaint regarding pork content in hamburger, the department makes its investigation, I would assume. I would ask where we go from there at the present time. The Minister indicated earlier that the Department of Health perhaps could become involved. I would ask in what way the Department of Health would be called in with regard to dealing with this problem of pork content in what is classified to be hamburger.

MR. JORGENSEN: As my honourable friend is no doubt aware, there are areas in which there is overlapping jurisdiction and in those areas where the provincial Health Department covers essentially the same kind of an area, then as a result of the inspections, which incidentally are continuing by the federal people, and as a result of an investigation that reveals that there are irregularities, the matter can be turned over to the Department of Health and dealt with under their regulations, which are quite broad. In other areas, if the health regulations can't cover them, then The Combines Investigation Act can cover other areas, so there are ways of filling in the gaps until such time as we get that clarification. There isn't a complete void at the present time.

MR. COWAN: Mr. Chairperson, I would ask the Minister how widespread this problem is in Manitoba. In other words, the media reports that we have got usually centre around other jurisdictions and not Manitoba. I remember last summer, I believe it was last summer that the Minister and I exchanged a flurry of correspondence in regard to testing as a result of a query that was put to me by a constituent in Gillam and we went over this item and that's where we discussed the overlapping jurisdiction problem that is experienced from time to time, but in this particular instance looks like it might be a salvation rather than a problem because of the Supreme Court ruling, and we'll have to wait to see if that is the case or not. But the fact is, we don't really know the specifics of how widespread this problem is in our own province. Has the Minister any knowledge of this sort of problem being present now in shops, in retail stores, in Manitoba?

MR. JORGENSEN: I am advised that there are only two instances that we know of that charges were laid and they have been stayed as a result of the Supreme Court decision. But I might also say that from time to time during the course of the routine inspections, these matters are brought to the attention of the people who deal in these products, and whether my honourable

friend wanted to accept this or not, a good many of them are more fearful of public exposure on misdemeanours than they are of being brought before the courts. It's not difficult to draw to their attention and have them accept the recommendations as to how to improve their method of handling products, and very frequently that does take place.

MR. CHAIRMAN: Inasmuch as it's about a half-a-minute before the hour of 4:30, I am leaving the Chair for Private Members' Hour and will return at 8:00 p.m. Committee rise.

SUPPLY — HEALTH

MR. CHAIRMAN, Abe Kovnats (Radisson): This committee will come to order. I would direct the honourable members' attention to page 59 of the Main Estimates, Department of Health. Resolution No. 76, Clause 2, Item (c) Institutional Mental Health Services, Item (1) Salaries—pass.
The Honourable Member for Transcona.

MR. PARASIUK: Mr. Chairperson, before we broke up on Friday I believe the Minister was going to in fact explain more fully the reason for the cutbacks, the de facto cutbacks in spending for Institutional Mental Health Services and explain more fully why these cutbacks are taking place at a time when the in-patient population of these institutions is increasing. Could the Minister give us an explanation there? He indicated that I think the actual figures for inpatients was 391 inpatients, say, for Selkirk, even though the annual report of the department indicated that the number of inpatients was something in the order of 354. That would mean then that increase is something in the order of 12 percent in terms of population of patients, but the increase in funding is 1.3 percent, or if you take into account inflation it's a decrease in funding of about 8 1/2 or 9 percent. So, could the Minister explain that contradiction in funding, given the fact that the population of these institutions for mental health services is increasing?

MR. CHAIRMAN: The Honourable Minister.

MR. SHERMAN: I refer again to the remarks that I made on Friday in respect to this particular item and the questions raised by the Honourable Member for Transcona. If he looks at Institutional Mental Health Services as a pace, as a category, he will note, and I recognize, Sir, that we're on 76 (c)(1) and we haven't come to (2), (3) and (4) yet, but they are all part of 76 (c), and if he looks at (2), (3) and (4), Other Expenditures, Professional Training and External Agencies, and particularly at External Agencies, he will detect a significant increase in spending under the appropriation for Institutional Mental Health Services. The one area, as we discussed on Friday, where the print in front of us reflects a status quo, in fact, in day even a slight reduction from 17.976 million last year to 17.882 million being requested this year is in salaries and that is because of an overprovision in the salary budget last year. The decrease that shows in our appropriation this year is due to a reduced amount requested for shift premiums offset by annual increments and its overtime considerations and other factors of that kind that have affected that salary provision that was made in 1979-

80 which was high in terms of just straight moneys designated as salary. So that adjustment has been made and it allows for the slightly reduced appropriation under the salary designation this year, but it does not reflect any kind of a reduction in terms of the operations of our institutional mental health services, and there has been no cutback of any kind. In fact, the staff has been increased in the Institutional Mental Health Services field by three SMYs from 1,089 to 1,092. There was a co-ordinator of volunteers added at Brandon; an independent group living worker added at Brandon and an independent group living worker added at Selkirk, so that the total complement of SMYs is up, as I say, by three. The vacancy rate is very low; in fact, if you compare the situation to what it was in the two mental health centres when we came into office in October 1977, the vacancy rate at the moment is almost non-existent in those two institutions and at that point in time it was fairly substantial. In 1977-78, at year-end, there were 38 vacancies in Brandon; at the present time there are nine. In 1977-78, at year-end, there were 37 vacancies at Selkirk; at the present time there are eight. So that we're looking at a combination of 17 vacancies now compared to 75 vacancies when we assumed office. In fact, Sir, the staffing complement has been maintained at what my officials, advisors and the administrators at the two institutions tell me is an adequate level, a satisfactory level, and was as I say increased by three for this year.

Now, I'm not suggesting that there aren't going to be situations, times, periods when additional staff is necessary, and we have a standing provision in executive council that exists between my office through my Assistant Deputy Minister, Dr. Roy Tavener, and the chief executive officers of the two mental hospitals combined, that if there is pressure and urgency need for additional staffing in those institutions that those considerations and neweds are to be made known to the Assistant Deputy Minister, be made known to me and that every effort will be made to act upon them. I'm sure I would have the support of my colleagues because it's been discussed at executive council level. At the present time though, Sir, there is anything but a cutback; the overall appropriation is up; the salaries provision last year was too high, it was unnecessary because of other considerations in the area of wages, such as shift premiums and increments, and the total SMY complement is up by three for the two institutions. I can't emphasize too strongly that I want to reassure my honourable friend that institutional mental health services are continuing to receive intensive attention from me and from my department. There is a population increase, and I referred to that on Friday, an inpatient population increase, in both Brandon and Selkirk. It's not very significant in Brandon, but it's fairly significant in Selkirk but as I pointed out that is due to an increase in the number of forensic cases. There is also a substantial increase in the outpatient load at Brandon; Selkirk outpatient population has risen substantially compared to 1976 and 1977, but it's down from 1978. Brandon has been increasing in the last several years in terms of outpatients and has increased again this past year. The outpatient total for Brandon in December of 1978 was 1,443 by comparison for December, 1979, it's 1,488.

There is continuing pressure placed on our staffs at those two insitutions and on the community health workers who work from those institutions to meet that

increasing outpopulation need and that outpopulation function, and we are by no means minimizing our attention outpatient services as against inpatient. We are continuing to try to keep people out of the institutions and to meet their needs in the community and maintain them in the community.

I noted on Friday, as a result of a question raised by the Honourable Member for Transcona, there was subsequently some media reporting that focused on the complaints, criticism, raised by a university professor last Friday relative to the two mental hospitals and his charge that they were becoming dumping grounds for the elderly. I think I dealt with that criticism, that charge, on Friday. My officials tell me that is absolutely not true; they are not dumping grounds for the elderly, that the geriatric caseload, patient-load, has not increased. The reasons for the inpatient increase have been, as I said, because of an increase in forensic cases, but there is no evidence that geriatric cases are being off-loaded into or dumped into the mental hospitals. I reject the criticisms made by that particular spokesman, who, I believe, was a professor of psychiatry or psychology at the University of Manitoba. His charges are wild in the extreme.

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. BRIAN CORRIN: Mr. Chairman, through you to the Minister, I want to talk on this item about something which I raised with the Honourable Attorney-General last week. Mr. Chairman, it was during the Question Period and it was as a result of a letter which appeared under the signature of the Public Trustee of this province and it was with respect to an article that had been written by one, Dr. Gifford Jones, syndicated medical columnist, I believe, in one of the newspapers. The good doctor had, in the course of his dissertation, indicated that he personally supported sterilization operative procedures being performed upon mentally incompetent or retarded individuals who were within their reproductive years. In the course of his article he encouraged physicians and guardians, most notably parents of such individuals, to have recourse to those sorts of operative procedures in order to deal with the problems that burgeoning or emergent sexuality presented in this regard.

Now, the Public Trustee of the province indicated that he personally took strong exception to this practice. He indicated in his letter and in a subsequent telephone conversation with myself that he personally would not authorize such an operation in cases falling within his jurisdiction, that is to say, Mr. Chairman, cases where the Public Trustee of the province has assumed responsibility as committee for the estate of the mental incompetent.

But, Mr. Chairman, in the course of our telephone conversation and in reading the Public Trustee's letter to the editor in response to Dr. Gifford Jones, it occurred to me and it is the case that there is grave reason to have concern for the rights of certain retarded persons who apparently legally fall within the . . . These are persons who have never been brought before the courts and whose guardianship has never been legally vested either in the Public Trustee or any other individual.

Mr. Chairman, this is an important problem because I am advised and I took pains to make a few telephone

conversations, I am advised by physicians practicing in the city, that such operations, sterilization operations, do indeed take place from time to time within the hospitals of our province. And I am further advised, Mr. Chairman, that such operations apparently take place without judicial sanction. These are cases where parents often on the advice of their physician, have a retarded child panelled for sterilization procedures and do not choose to apply to the courts in order to obtain judicial sanction for such an operative procedure. Now this is a rather technical area and it's a rather hazy area, Mr. Chairman. I have done some research — the Public Trustee was kind enough to provide me with some case law from other jurisdictions — and it appears that in Manitoba we are operating within a jurisdictional vacuum in this sort of area. The operative sections of The Mental Health Act of this province are relatively unexplicit with respect to this matter. It is very clear that a physician who wishes to perform such an operation on a ward of the Public Trustee must gain the Public Trustee's authorization for such an operation. But, Mr. Chairman, it is totally unclear that this need be the case when a non-ward is involved.

Now, Mr. Chairman, the Public Trustee indicated to me, and one of the physicians I spoke to indicated to me that there was good reason to be concerned about some of the processes that physicians were taking. I was advised that under the guise he thought of therapeutic sterilization, that is, sterilization that is for the well-being or welfare of the retarded patient, many non-therapeutic types of operative procedures were taken. I was advised that it was thought, for instance, that hysterectomies were performed for the sole purpose of sterilizing a patient and performed not only because of the very efficient result that can be obtained through such an operation but also in order to cover the tracks so that there can be no question as to whether the operation was for therapeutic or other purposes.

Mr. Chairman, just to show that there is good cause for the concern that I am raising and that it's not exaggerated, in talking with the Public Trustee last week, he advised me that he had received a phone call from a Winnipeg physician some 24 hours before that physician was scheduled to remove — and it was a dental surgeon — before the dentist or physician was scheduled to remove all the front teeth of a patient at the mental health centre at Selkirk. The Public Trustee indicated to me that upon enquiring as to the purpose of such an operation he was advised that it was being done on a therapeutic basis in order to deter the patient from using his teeth to rip up his own flesh. The dentist indicated that the custodial staff at Selkirk had brought the patient in asking that he perform this operative procedure in order to stop the patient from ripping at his own flesh, most notably his arms, with his teeth, when he went into states of fit.

Mr. Chairman, the Public Trustee advised me that he refused the permission. He indicated to me that he disallowed this operative procedure from taking place because he felt that it was not in the best interest of the ward or the patient, and personally queried whether or not this sort of so-called therapeutic operative procedure was in the best interests of anybody. In discussing that matter he noted to me that in other provinces it had come to light, and he was able to quote from a recent case in Prince Edward Island where a physician had attempted to take similar action with respect to a retarded woman by way of hysterectomy.

So the question, Mr. Speaker, I suppose, in a nutshell is that of balancing patients rights; the rights of people who do not have confidence to make decisions on their own against the wishes of those in positions of power within society and within the institutions often where they live, whether that be the family or a hospital milieu. Mr. Chairman, there has been some question raised in the media of late as to the adequacy of safeguards protecting the rights of individuals in custodial care and I would say, Mr. Chairman, that there is not only reason for us to have concern about their rights but also about the rights of people who are not in official or formal care situations.

Mr. Chairman, it concerns me very much that there is no law in this province that safeguards the right of the mentally retarded to procreate. I'm not suggesting, Mr. Chairman, that anybody in this Chamber is in a position to make such a determination as to where and when such individuals should be allowed to procreate; I'm not suggesting that there should be such absolute freedom that all such individuals should be given such allowance. In that regard, Mr. Chairman, I would note that with respect to hereditary types of retardation, obviously there has to be some control because we would not want those types of disabilities to be passed on to issue of persons afflicted with that particular handicap.

But, Mr. Chairman, with respect to all those other persons who are not afflicted with the hereditary variety of retardation, it would seem to me that it's sensible that we have in place a protective law; we put into place a law that would have some sort of panelling or judicial review of all such persons whose parents or guardians wish to have them sterilized.

Unfortunately, Mr. Chairman, in the course of my discussions, the people I talked to kept saying, well, not for the record but on the basis of strict confidence I can tell you that two years ago in Selkirk we found out that a physician did this sort of operation, it was all hearsay and no physician I spoke to would — and I am willing to admit this — was able to categorically state that such and such a colleague had actually performed such an operation but everybody said that this sort of thing did indeed go on; that I was not on the wrong track and nor was the public trustee's concern misplaced. All the physicians were able to say that this went on, that they knew of obstetricians and gynecologists who were approached on this matter from time to time by parents; they knew that some physicians, like Dr. Gifford Jones had a very affirmative activist position on this subject; they felt that it was a matter for the parents to decide; it was not a matter for state intervention. Most of the people I spoke to were alarmed about it, they indicated that it was a dangerous sort of situation. You could, for instance, by simply shopping around, finding a Gifford Jones — I'm told that he doesn't practice too many hundred miles from the city — have the operation performed.

It's not unlike the old business about abortions, Mr. Chairman, before we in this country decided to provide legislation that was suitable to allow people to approach panels that were empowered to make determination of who should get an abortion, we had many sorts of illegal operations in this respect, we all know about it; it is part of the unfortunate history of this country. Mr. Chairman, I would likewise submit that undoubtedly it is part of our unfortunate contemporary

history that many people who are afflicted with mental retardation are the subject of these sorts of operations. Recently in Prince Edward Island where there is a very similar legislative vacuum, the legislation is very very amorphous and ill-defined, a parent of an eighteen year old mentally retarded girl was convinced to approach the court and ask for a judicial determination of this particular subject and upon doing so I note that the judge in a very lengthy judicial statement, ultimately decided that all such cases should properly come before the courts. He did that, Mr. Chairman, on very very tentative and very very fluid common law precedent. The rationale presented for the decision was not what one would call a good foundation for a judicial decision but, Mr. Chairman, it was one of those situations where the judge had only two routes open, that was either to protect the rights of the child — eighteen year old, I guess not being a child, an adult, but a young woman — or to avoid the issue all together. The judge erred on the side of protection but indicated that he was not very happy about the state of the law.

Likewise in Manitoba, Mr. Chairman, I would submit that the law is simply inadequate, requires redress, I know that I have asked the Attorney-General to look into the question of these sorts of sterilization operations but I am wondering whether the Minister responsible for the care, control and welfare of people in this sort of situation would be willing to give me some sort of commitment to the effect that he will review the law and hopefully provide legislative reforms that will provide the relief that is necessary in this particular area. And that, Mr. Chairman, I suppose is the reason I rise today to speak before the committee. I would like to know whether the Minister shares my concern and moreover if he does whether he would speak with the Public Trustee, with physicians who have perceived this problem, and I can give him, off the record, the name of at least one prominent Winnipeg physician who feels this matter should be dealt with, a person who's in a position of some importance in the health care system. I would ask him whether or not he's willing to take this matter up as notice and whether he's willing to address himself to it as a matter of some priority.

MR. CHAIRMAN: The Honourable Minister.

MR. SHERMAN: Mr. Chairman, I assure the Honourable Member for Wellington that I am, and I will, and I would appreciate his information and his suggestions if he will make that information known to me. I want to assure him that amendments to the Mental Health Act are coming. We made the determination last year that reform of the Mental Health Act was long overdue. I might say that various groups are quoted in the media in the past two or three days as saying they've been pressing for that since 1964, that makes two governments culpable prior to this one; a Conservative government and an NDP government; neither of whom did anything about it and we are now doing something about it. We will be bringing in amendments to the Mental Health Act but I would be pleased to consult with the Honourable Member for Wellington in the process of finalizing those.

I want to assure my honourable friend that sterilizations are not performed in our mental hospitals and the subject that he refers to in the main is one of mental retardation which does not come under this department and I would concede that the division of the department

has probably created some confusion in that respect; mental retardation comes under Community Services and Corrections, so I won't deal with that subject here. As far as our institutional mental health services are concerned and our mental health institutions there are no sterilizations performed, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: Just to make my point explicit and abundantly clear, Mr. Chairman, the reason I brought it to this Minister's attention and not to Community Services was because it is thought that the inadequacies and deficiencies in the Mental Health Act are inducing physicians, which are I believe within the general jurisdiction of this Ministry, to take certain liberties with respect to requests on the part of parents and guardians for this sort of operative procedures within our hospitals, which I believe, Mr. Chairman, respectfully, are also within the ambit of jurisdiction of this particular Minister.

One of the physicians I spoke to, who is in charge of a department of obstetrics, gynecology and reproduction, indicated — this is at the Health Sciences Centre, Mr. Chairman, one of the, I suppose it is the largest facility of that sort in the province — indicated to me that there is no regulation at that particular institution dealing with this particular problem; that it's a very difficult and thorny sort of area because the Mental Health Act doesn't seem to say anything. It's questionable whether or not the administration of the hospital wishes to get into the area of legislating morality. I think it is the same sort of situation, Mr. Chairman, that used to prevail in the days before therapeutic abortion law; physicians and hospital boards didn't want to take it unto themselves to establish community standards. You know, it goes almost without saying, Mr. Chairman, that if legislators have avoided the problem, it hardly behooves the non-elected representative on the hospital board to tackle such a thorny issue as abortion or sterilization. Surely they've never been given that sort of mandate, Mr. Chairman, and obviously whether we like it or not it falls back into our bailiwick. It took years for our federal counterparts to see the way clear to deal effectively with — if one could say they dealt with it effectively — with the question of abortion. Nobody seems to have been willing in the provincial jurisdiction to take up the cause of the retarded mentally incompetent and sterilization. The only thing we can say for sure, Mr. Chairman, that if there is an issue pro and con on abortion, and if that issue is the right to life, then surely there must be an issue with respect to the right of a retarded person to procreate, remembering, Mr. Chairman, that some people are only nominally retarded. In other words, they are employable; they are borderline defective but they can go to jobs, and many of them do work. They are capable of being legally married; one of the cases I spoke of with the Public Trustee was that involving a legally married person, she had obtained consent and become married to a slightly mentally defective male. Mr. Chairman, it's questionable if we can sanction holy matrimony, whether the state can within its regulatory capacity and jurisdiction sanction marriage, that we on the other hand can be unprotective of the rights of married people to bear progeny.

It's not an easy question, Mr. Chairman, I am not suggesting that it is black and white. Clearly in the case of hereditary disability, therapeutic sterilization may well present the only real safeguard but with respect to all the other cases, Mr. Chairman, it's my submission that we need some sort of review in paneling process. I'm not sure that physicians are the answer; we did that with abortions, Mr. Chairman, we threw the whole darn thing into the physicians court. I, for one, I'm willing to suggest that physicians are not perhaps the best people suited to make those determinations. I am inclined to say that, Mr. Chairman, because I am not sure what standard . . . and of course they would argue there is no standard because the law is so damnably vague. But I am not sure what the standard we've imposed is, so I am not sure we should ask them to exercise judicious discretion. But, Mr. Chairman, I can say that we should establish guidelines and standards legislatively. Having done that, we should also provide the necessary legislative safeguards to assure society that all persons who fall within that category will be dealt with according to all the fundamental principles of justice.

Having said that, Mr. Chairman, I hope I've elucidated the reason for bringing the concern before this particular ministry, and I suppose it's incumbent upon me, Mr. Chairman, to ask the Minister whether he can advise us whether or not The Mental Health Act, which is now under review and is going to be shortly tabled before this particular body, will contain reforms that will effectuate the safeguards that I've brought to the Minister's attention. That is my concern, Mr. Chairman, and that is my question and the purpose of my presentation this afternoon.

MR. CHAIRMAN: The Honourable Minister.

MR. SHERMAN: I can't give the honourable member that assurance, Mr. Chairman. Essentially, the reform of The Mental Health Act will have to do with the rights of persons who are confined in mental institutions, which is what we're dealing with here, and we're not dealing with persons who are retarded. As to the broader question that the honourable member raises, I repeat that I am prepared to discuss it with him. I can't confirm that the amendments will contain the particular considerations that he has suggested. The proposed amendment should be on my desk within the next week.

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: There is, Mr. Chairman, one other avenue which the Minister could follow if he wishes to address himself to this particular problem. Mr. Chairman, if The Mental Health Act were amended in such a way as to make mandatory the obtaining by all guardians, regardless of whether they are natural parents or not, of committeehip or trusteeship through the judicial avenue. In other words, to make it very simple because I am rather caught up in my own rhetoric, Mr. Chairman, if all parents had to approach the courts in order to have their guardianship formally sanctioned, then I believe, as The Mental Health Act is presently constituted, it would be legally impossible for such a parent to give authority to a physician to do this sort of operative procedure without judicial sanction. Be-

cause I think, under the terms of reference of the court orders that are granted under The Mental Health Act, that any person, any guardian desiring to make such a decision to take such a procedure would have to come back for approval to the court. The problem is that they are falling into the cracks because parents don't have to go to the courts. You can keep a 20-year-old retarded individual at home without — really, almost with no one being aware of it, certainly without judicial scrutiny or sanction. So the problem is, Mr. Chairman, that there has to be some mechanism that at least, at the very least, requires the guardian — notwithstanding that that person may be well intentioned as a parent — to come back to the court for judicial approval.

I personally don't think that the court should be making those decisions. I'm not sure that lawyers who become judges are best suited to make those sorts of decisions. Not that it's worth a great deal, Mr. Chairman, but I've always been opposed in principle to judges passing sentence on accused people who are convicted of crimes. I've always felt that judges are not the best people to do that because they are not trained in the rehabilitative arts and sciences. We make very poor representatives, we make very poor arbiters, of what constitutes fair and effective rehabilitation because of the inadequacies of our training. I personally have always been favourably inclined to some sort of therapeutic panel approach to this whole question.

Likewise, Mr. Chairman, I would much prefer to see this particular decision made by people who know, whether it be psychologists or psychiatrists or social workers, but people who do indeed have a background, and if necessary in order to make sure that the law is served, have people serving who have legal backgrounds so that somebody is there to give guidance with respect to the law as well, but not as sole determinants of what is right and what is fair.

So, Mr. Chairman, I would ask the Minister whether he would consider taking up that short form revision in reform in order to at least give some minimal protection to the rights of the retarded in this respect.

MR. CHAIRMAN: (d)(1)—pass — the Honourable Member for St. Boniface.

MR. DESJARDINS: Mr. Chairman, if we're going to discuss any changes in The Mental Health Act, I think, at the risk of complicating things or maybe disagreeing up to a certain point with my colleague, or the possibility of disagreeing, I think that we have to look at the other side also. There is no doubt that we don't want people in institutions caught prisoners in there because of lack of protection when they shouldn't be there. There is no doubt at all. But there is also the possibility, the concern that I have, that people who are sick are not . . . the present situation, it is very very hard unless they are willing, unless they sign themselves in, to try to cure and bring in cures or treatment to these people, and that is difficult.

You have a situation now, it's not all one-sided, you have a situation now and I've seen it very very closely, that you've had people, let's say, a young, middle-aged person living with their parents who terrorized the parents because there are some problems, they can't do anything about it until it might be too late, until somebody has been injured. And you call the police and they say, well, unless we catch them, anybody, it might be

the neighbour or something, unless these people are apprehended after they have committed something, where you have like you would for anybody, if there are injuries, if somebody is hurt, then you can take him in and then they will have a psychiatric examination. But if that is not the case, until you know, anybody could tell you that something will happen, and you receive sympathy from the police but they say there's nothing we can do, unless they come in and sign themselves voluntarily. Or you might call a psychiatrist and that cannot be done unless they sign themselves or until sometimes it's too late, that they've done something to injure themselves — and I'm thinking of themselves also — or injure somebody else. So if we're going to make any changes, it's not going to be easy, it can't be just something to try to think of the freedom. We talk a lot about freedom these days; freedom of the individual, make sure that he is not in an institution where he shouldn't be there, and in that end that we legislate and everything to make it very difficult to try to get people in the institution or give them the treatment, can backfire also. I'm not saying there is an easy solution but if my colleague is going to bring one side of it, I want to bring the other side, because I might, as I say, disagree or have concern with, if we try to liberalize things too much, if we try to say in the name of freedom, and let people that could injure themselves and if they were rational, would say yes, why didn't you take care, why didn't you do something to help me, and also to the rest of society, what they can do for the rest of society. So that freedom is the same thing. When you're talking about freedom, your freedom of not being injured also, it's the way it is, a very difficult thing. I don't say this in a spirit of criticism, but I say that the Minister, if he is going to listen to my colleague, well, listen to my pleas also and my concern, and it might complicate things but I think both sides have to be studied, have to be looked at.

MR. CHAIRMAN: (c)(1)—pass — the Honourable Member for Lac du Bonnet.

MR. SAMUEL USKIW: Mr. Chairman, I gather we're still on Mental Institutions; (c)(1). What resolution, Mr. Chairman, if you may?

MR. CHAIRMAN: Clause 2. Operation and Support Services, Institutional Mental Health Services.

MR. USKIW: Oh yes, that's right. Mr. Chairman, I would like to ask the Minister just what the — perhaps he has covered the ground and perhaps it may be repetitious, but if he has, he can so indicate, and I will try to look it up in Hansard. But perhaps he might even be in a position to give me a brief answer if he has already covered this area.

The question of the department's policy with respect to inmates at the various mental institutions throughout the province and the outpatient program and how the two relate, if they do, and in particular, Mr. Chairman, I sense that there is some movement within the department or at least a policy — and perhaps the Minister would indicate more fully or correct me if I'm wrong — to integrate people that are mentally ill, that are in institutions not directly under the control of the province with people that have no mental illness, and this could be custodial homes or whatever the case may be, Mr. Chairman.

My concern is that it seems to me at least, as a layperson, that kind of integration may not be the most desirable thing if it is occurring, and that there should be some means to keep those two groups, if you like to call them groups, in separate institutions. If a person has been almost rehabilitated, what is the program that the department offers to make sure that they keep that individual on the rehabilitative track. In other words, is he taken out of the sort of worse dimensions of ill health, in terms of mental health, Mr. Chairman, and placed in some other environment in order to assist that person to finally leave that kind of institutional care.

I know this takes place in other institutions which I'm not sure if we're dealing with, I gather we're not, and that is the nursing homes, Mr. Chairman. We're not dealing with that but I think it does connect because my impression is that there are people that are referred to nursing homes and who are integrated with other people in those nursing homes who have no mental incapacity whatsoever. And I know when visiting a number of them, Mr. Chairman, I find it very difficult to accept that people of sound mind have to live in that kind of environment where they are subjected to all of the things that occur in an institution that is really meant for the mentally disabled or the mentally ill. So perhaps the Minister might give some points of clarification on just where government policy is and where it's going, Mr. Chairman, in those areas.

MR. CHAIRMAN: The Honourable Minister.

MR. SHERMAN: Mr. Chairman, dealing with those last three points and the point left with me by the Honourable Member for Wellington, I have, in speaking privately to him, assured him that we will certainly have a look at the concerns that he has raised. On the point raised by the Honourable Member for St. Boniface, I want to thank him for that perspective and assure him that I agree with him and my department officials agree with him, and we are in fact taking that into consideration in the development of the amendments to the legislation. What the Honourable Member for St. Boniface is talking about is emergency admissions, at least in the main he's talking about emergency admissions, for the protection of the individual himself or herself and those with whom that person comes in contact, and he's quite right when he says that reform of The Mental Health Act cannot be loaded on one side of the scale only. I want to assure him that there is an amendment coming to the Act, dealing with the very question that he raises.

On the third point, raised by the Honourable Member for Lac du Bonnet. That is a little more difficult to answer in specific terms, except that I can assure him that in terms of treatment and therapy there is no policy or program of integration of the mentally ill with the physically ill. Those who are mentally ill, if they require it, are treated at our mental hospitals. If they can be treated outside the mental hospitals or released from the mental hospitals they are treated on an out-patient basis with scheduled medication and their care is followed up by either community mental health workers attached to our department or mental health workers, who follow up on their cases from the particular hospitals or institutions in which they were patients.

There certainly are residences around this province where there are post-mentally ill Manitobans living with

persons who are not ill, either physically or mentally, living with perfectly fully healthy fellow citizens, but I doubt very much that the Honourable Member for Lac du Bonnet is suggesting that is a practice that should be terminated, because one of the basic ingredients in therapeutic approach to mental illness and the quest for restoration of mental health is, of course, normalization and integration in the community, re-entry into the community. If our post-mentally ill are just going to isolated in a category or a vacuum or an airlock that is one step removed from the institution but still artificial and isolated in terms of society and the community generally, well then I think the restoration of their return to health would be greatly impeded and greatly slowed. I am sure he isn't suggesting that integration of the post-mentally ill, who are still perhaps on medication, still perhaps on follow-through supervision from either hospital staff or community mental health workers, integration of those persons with healthy Manitobans should be changed or terminated in any way. I am sure he would agree that is a desirable practice that should be continued.

In terms of the institutions themselves, as I have said, there is not an integration. The mentally ill have their own hospitals and even in general hospitals there are of course psychiatric wards and psychiatric beds, but they are self-contained units within those hospitals which does not produce integration of the psychiatric cases with the general medical and surgical cases.

Nursing homes create another kind of a problem. Again we are into one of those grey areas. Certainly there are some persons who could be described as psycho-geriatrics or near psycho-geriatrics in some nursing homes and personal care homes, but that's largely because the process of aging all too often carries with it the process of degeneration of mental faculties. Where that creates problems, personal care home and nursing home administrations attempt to deal with it on a case-by-case basis. I am sure in some instances it does create problems unless you are going to restrict the freedom of the patient who is deteriorating mentally and restrict it to a degree that confines him or her unfairly to his or her own room. The attempt is made to deal with those cases in such a way as not to confine their freedom too much, while still protecting the rights of other residents. I think that it is one of those grey areas that calls for compassion, individual judgement and consideration and I don't think we can lay down any hard and fast rules about it, Mr. Chairman.

MR. USKIW: Mr. Chairman, I think that it's fair to say that it's always difficult to come up with the real and proper solution because there are so many degrees of the problem. I know what the Minister is saying when he refers to grey areas.

Mr. Chairman, upon visiting a number of the institutions, it doesn't take very long to become quite depressed in viewing what is taking place in some of those institutions and recognizing that there are people who are of sound mind and perhaps feeble physically, who are sort of forced into that environment, not because of their own choosing but because of some administrative decision that has placed them in that particular setting. I suppose it is always a problem of space and how to allocate space, we're so desperately short of nursing home facilities as an example, but, Mr. Chairman, I have spent a good number of hours, on a number of occasions, in some of these institutions and I have

come to the conclusion after having taken two or three hours in one place, that is hardly the place to put someone of sane mind. The degrees of senility and so on come into play here, where you have two or three people who are fairly capable and have all of their faculties, mixed in with people who are almost completely on the other side. It makes it a very tough environment for those few that are still able to do certain things for themselves and are not to that stage where they have to depend totally on the public system to feed them or walk them or whatever.

I hate to use illustrations, Mr. Chairman, but I am sure the Minister would agree with me that if he had to spend a few hours in a room where there was a lot of moaning, crying and beating of tables, that he would find that a very awkward environment to be in.

MR. SHERMAN: They do it here every day.

MR. USKIW: Mr. Chairman, in a different vein, of course, I agree with him. It is depressing to a person who just needs a certain amount of care and is not at the stage where they are no longer in a position to know what is happening about them. In my opinion, they should not be subjected to that kind of environment because I think rather than helping those that are at that stage, we are really forcing the ones that are not into that stage prematurely. I am referring to the elderly people that are integrated in this way in a number of our institutions. I think it is a real disaster, Mr. Chairman, for those people that are brought in, off the street if you like, entered into one of these institutions and then to find themselves in this kind of absolute impossible environment and it's not their fault. I don't know if it is anyone's fault, perhaps the fault is in the lack of facilities to enable the right kind of divisions within an institution.

I cannot accept personally the idea that a person like that, who is able to function most of the time on his own or her own, should be in that kind of environment, Mr. Chairman. I think it is a disaster to them mentally, I think it eventually affects them physically and we make their conditions progressively worse as a result. I don't think we are helping them, Mr. Chairman.

MR. CHAIRMAN: (c)(1)—pass — the Honourable Member for The Pas.

MR. McBRYDE: Mr. Chairperson, a couple of questions for the Minister. One question arises out of the comments of my colleague for Lac du Bonnet and that is: I wonder if the Minister could summarize the admission requirements, that is if a person wants to obtain voluntary admission or a person's family wants them admitted, which I assume would be a more complicated process, would the Minister summarize that for us?

The other question to the Minister, Mr. Chairperson, is: If a person feels that they are in requirement of psychiatric treatment, there is a number of places that they can get that treatment. I wonder if the Minister has some figures in terms of those requiring or thought to need residential treatment, to be held in a facility where they receive psychiatric treatment, whether the Minister has some figures in terms of how many of those would be dealt with in a regular hospital setting and how many would be dealt with at the mental health centres that we are dealing with under this item.

MR. SHERMAN: On the question of admissions, Mr. Chairman, it is certainly possible for an individual, the Honourable Member for The Pas, or me, or any individual if we feel sick and we feel we need treatment to go to a psychiatric department at a general hospital or go to a mental hospital and ask to be admitted. It is also possible for one's family to take that course of action, but an individual can do that, ask for treatment and in fact ask for admission.

On the other question, I think it relates particularly to the comparisons between in-patients and out-patients at our mental hospitals and I can give the honourable member the current population figures, in-patient and out-patient at the two mental health centres, Brandon and Selkirk. For comparisons sake I can give you the two preceeding years. For example, the in-patient population at Brandon at the end of 1977 it was 571; at the end of 1978 it was 561 and at the end of 1979 it was 574. By comparison, the out-patient population for Brandon for those three years, in the same order, 1977, 1978 and 1979, was 1,241, 1,443 and 1,488. In Selkirk the in-patient population in December 1977 was 326, December 1978 it was 354 and December 1979 it was 391, that was the increase that I referred to earlier in discussion with the Honourable Member for Transcona that is due to a substantially increased volume in forensic cases. The out-patient population for Selkirk for those comparative dates; 1977, 1978 and 1979 was respectively 955, 1,763 and 1,549. I don't know whether that answers the honourable members's question, but those are the statistical comparisons.

MR. McBRYDE: Mr. Chairperson, these are interesting statistics but I was specifically asking the Minister for a comparison between the people treated at the Brandon Mental Health Centre and the Selkirk Mental Health Centre, and the in-patient treatment at the hospitals, Winnipeg General, whatever hospital has psychiatric facilities. I wonder if the Minister has that particular type of figure available.

Arising out of the statistics that the Minister has given, Mr. Chairperson, I don't know if the Minister has explained it here before in last year's estimates or not, and if he did he can just refer me back to them, but the tremendous jump in out-patient treatment at Selkirk from 1977 to 1978, I assume that there's some reason for that in terms of them establishing some type of program that brought in more people for the out-patient type of treatment at Selkirk in 1978; so if the Minister could explain those two points, Mr. Chairperson.

MR. CHAIRMAN: The Honourable Minister.

MR. SHERMAN: I'll have to ask the honourable member to repeat his last question, Mr. Chairman, but the question prior to that, which was the question asked earlier: There are about 200 psychiatric beds in general hospitals in Winnipeg at the moment — that will increase — but at the moment it's about 200 psychiatric beds and the patient-volume of cases handled in a given year is approximately 5,000.

The number of psychiatric beds is in the process of being increased through the McEwen residence at St. Boniface and through the Seven Oaks Hospital and possibly through some reconfiguration at the Health Sciences Centre. There's also an acute emergency psychiatric unit of 20 to 24 beds that will open at the Health

Sciences Centre this Wednesday. It's a project that the honourable member knows, I am sure, we've been working on for some time. It was arranged as a result of a very close co-operation with the Alcoholism Foundation, and that unit will open this Wednesday. I'll have to ask him to repeat his other question, Mr. Chairman.

MR. McBRYDE: Mr. Chairperson, the other question was in relation to the figures that he gave, and perhaps he's answered this question before, but the figures as I wrote them down show a large increase in the out-patients treated at Selkirk from 1977 to 1978, and I wonder if he could give an explanation for that increase, whether they had a special program available that encouraged people to go there for out-patient treatment. If he's explained that before he could just refer me to the place where he's explained it.

MR. SHERMAN: I believe, Mr. Chairman, that it's related simply to an increased volume of service, both sought and delivered, through the out-patient services of the Selkirk Mental Health Centre and community health workers attached to the Selkirk Mental Health Centre, but I will have to take the question as notice and seek further detail.

MR. McBRYDE: Mr. Chairperson, I wonder if the Minister could give me some indication in terms of whether there is a difference in the type of treatments given at the general hospitals and at the mental health centres that we're talking about in these estimates; whether a certain type of patients are more likely to go to one and less likely to go to the other; and once there, what are the similarities and differences in treatment they might receive?

MR. SHERMAN: Essentially, Mr. Chairman, the difference between the mental health centres and the psychiatric wards of general hospitals lie in the different degree of illness of the patient. Essentially the mental health centres are long-term treatment centres, although we certainly, with medication and other forms of therapy, attempt to get the patients of those mental health centres out and back into the community as quickly as possible, as did the previous administration. For that reason the overall populations, in general terms of the two mental health centres, are substantially lower than they were 10 years ago and they're still holding at that relatively low level.

In the case of more intense illness, a deeper psychosis and difficulty, long-stay treatment is of course necessary and the mental health centres lend themselves to that, whereas the general hospital form of treatment is of a much more short-term nature geared to emergency needs; geared to treatment within a six-month period or less; and not to the kind of therapy that's required over a long long term.

MR. CHAIRMAN: (c)(1)—pass — the Honourable Member for Seven Oaks.

MR. SAUL MILLER: Thank you, Mr. Chairman. The Minister mentioned earlier that the amount shown under Salaries (c)(1), that the decrease, or the fact that there was no increase, was due to an overestimate in the preceding year. As I look at it, looking at last year's estimates, an amount was shown of 17.3 million for

Salaries; this year in the left hand column for the year ending March 31, 1980 there's a figure of 17.9 million, which is an increase of about 600,000 to 650,000.00. The difference between the two figures, the print figures last year and the print figures this year on March 31, 1980, is that due to the general salary increase which is then transferred over?

Then going back to last year, I notice that the 17.3 million represented a 4-1/2 percent increase over the previous year, which is a very nominal increase, a very small increase, and did not include, of course, the general salary increase which would come about later, this 650,000 that the Minister says was then included. So if the increase last year was only 4-1/2 percent, I am wondering really how the Minister can now say, or how it can happen — let's put it that way — that in fact that was an overestimate, because 4-1/2 percent, forgetting the general salary increase, surely the increments alone would be more than 4-1/2 percent on the total salary scale. So I'm just wondering how it comes about that an increase of 4-1/2 percent is considered to have been an overestimate if the staff complement is the same; that it's equally as large; if it's equally as diversified as with the professional people and housekeeping staff and so on, that 4-1/2 percent increase was considered to be an overestimate and in fact was not spent. I wonder if the Minister could answer that.

MR. SHERMAN: Mr. Chairman, the only explanation is the one that I thought I'd given earlier, that the difference essentially is a result of the amount of money that is assigned for or designated for, for shift premiums and for specific differentials of that kind. The Honourable Member for Seven Oaks is correct when he says that the 17.3 million that he's looking at did not include the general salary increase; just as the 17.8 that he's looking at for this year does not include the general salary increase. There was about 600,000 provided and specified for shift premiums. —(Interjection)— Not for general salary increase. That was a larger amount than was needed. That amount was reduced and as a consequence, what we're looking at in terms of the 1980-1981 budgetary designation for Salaries with the general salary increase still to come, does provide for the full SMY complement, which is three SMYs larger than last year, as I've pointed out, and does provide for normal increments. I don't know that I can explain it any more fully than that. There was an over-provision on the amount of money designated for shift premiums.

MR. MILLER: Mr. Chairman, with regard to the general salary increase, I agree, and the Minister agrees with me, that we shouldn't take it into account; that it inflates last year's figure, or it should have inflated by the amount shown here. He says there was a saving — because that's what it amounts to — a saving of 600,000 which was designated — no, 650,000 was the general salary increase, by coincidence an almost equal amount of 600,000 was overestimated for shift premium. I gather that's what the Minister is saying. Is this a departure from previous years? Was the shift premium so much greater last year, or anticipated to be that much greater last year than the previous years? What would account for that kind of discrepancy because it's a very large discrepancy?

MR. SHERMAN: There's an under-expenditure for 1979-1980, the year that ended on March 31, 1980,

Mr. Chairman. The figure that the honourable member is looking at, which included the general salary increase, 17.976 millions, will not be spent; that there is an under-expenditure because of the reduced amount requested for shift premiums. That's the only explanation that I have. I can look for more technical information than that. But that apparently, my officials advise me, happened the previous year, 1978-1979, and that the amount that was in front of the committee, the printed amount that showed for the previous year as being the salary amount, was actually more than was necessary or than was expended. There was an under-expenditure there and therefore the 17.882 million designated for this year, with the GSI to come on top of that, assures that every position for 1980-1981 is fully provided for at the existing pay scale and that annual increments are accounted for.

MR. MILLER: Mr. Chairman, is the Minister saying that this under-expenditure that is going to take place this year, was not unique to this year, that in fact it happened the year before? Looking at the year before, the note I have and it was based on the year-end, March 31, 1979, of 16.5 million, and my note here indicated that the Minister reported that that was all spent because it was in the second item, Other Expenditures, where there was an under-expenditure and less was spent. For the Salaries, that in the year ending March 31, 1979, in fact it was all spent, at least according to the figures on the note that I wrote to myself, based on the estimates review last year.

So I find it strange that a 600,000 over-estimate somehow occurred in these estimates on this particular line, and if the Minister says that isn't unique to this year, it's happened in the past, then I really don't understand why it should happen two years in a row, unless it was an untoward saving because of some shift premium which I don't fully comprehend. I really don't understand what is meant by shift premium. I still find it strange that if an error occurred one year it would be continued the next year. In fact, if there was a correction to be made it should have happened last year, the year end of March 31, 1980.

So I want to be sure, Mr. Chairman, that in fact what's happening is that staff is replaced as vacancies occur, that if people phone in sick and they're not able to come to work that other staff is phoned in — substitute staff is phoned in — and that savings aren't occurring because of this sort of practice which has occurred in some hospitals where if somebody is on a leave of absence for a couple of days due to illness, the tendency is, don't call in a replacement because that costs money. Although the staff man year complement may be the same, the number of people actually on duty at any one time might fluctuate in the winter, particularly during the flu season, but that there's no attempt — as a matter of fact there is an attempt to avoid bringing in extra staff to cover for those people who are away — and whether the savings that we see here are in fact savings of salaries which come about because of the desire of the institutions to keep their wage payouts low, but in so doing are ending up, sometimes on certain days or weekends, with somewhat less staff than they should have or that the institute calls for.

MR. SHERMAN: Mr. Chairman, my officials advise me that this is purely a budgetary matter, purely a budgetary consideration and not an operational one at all,

that every staff position is provided for; every one of those 1,092 SMYs, which represents an increase of three over last year. Now the honourable member says that he has a note beside this item for 1978-79 saying that it was all spent.

All I can say to that is that in general terms it was all spent. There might have been a discrepancy of some 200,000 in there, my officials advise me, but there certainly was an under-expenditure last year, as there is again this year. But it may well have been a relatively — I use the term relatively carefully — a relatively minor under-expenditure of something in the neighbourhood of 200,000, so that at the time that we were looking at our estimates last year I assume that I gave the impression that the sum so designated was all spent. When the reconciliation and adjustment was made later in the year, it proved to be somewhat underspent but not by a great amount.

The honourable member raises his concern about whether or not this puts the mental hospitals in a position where, in order to stay inside their budgets, they have to concern themselves with vacancies and filling vacancies, and I want to assure him that they, more so than any other institutions in the province, are free of that limitation. They have a standing carte blanche approval from government to fill up to 100 percent of their staff complement whenever they have vacancies and they don't have to get ministerial approval to fill.

They have a very low vacancy rate at the present time. They did have a fairly substantial vacancy rate in '77-'78. I'm not going to repeat myself; I gave those figures earlier this afternoon and they're on the record. But the vacancy rate at year-end 1979 in Brandon was only 18; as a matter of fact, at the moment it's only nine. The vacancy rate in Selkirk at year-end in 1979 was only four; at the moment it's eight. But in December of '79 it was only four; whereas in '77-'78 we were looking at vacancy rates of 37 at Selkirk and 38 at Brandon. They have that carte blanche right to fill to 100 percent, whenever they have a vacancy, without going through the Minister.

So I can only reassure my honourable friend that this appropriation, a year from now, may appear to have been somewhat high. I'm not predicting that it will, but depending on what arrangements are made with shift differentials, etc., it's conceivable that it could turn out to have been somewhat high. But at the moment, based on the SMY complement that we have and the rates of pay and the increments that we have to pay and the vacancies that one always anticipates that this year will be very low in comparison to previous years, judging by the track record of the past 12 months, there is provision there for every SMY to be paid at existing pay scale and to accommodate whatever increments the individuals are entitled to.

MR. MILLER: Mr. Chairman, I'm not questioning the SMYs. I realize what the Minister has said and the fact that the institutions have the authority to replace retiring staff, or staff that quits, or what have you; I can appreciate that.

I'm talking about the fact that in every institution such as at Brandon or Selkirk with very large staffs, in fact we're looking at what, 1,090 or something like that, at these institutions, so they are large staffs, there's bound to be, during the course of a year, people who are absent for many reasons; holiday, the obvious one; illness, obvious; maternity leave, those things occur;

and my concern is, what is the practice, what is the policy? Are they in fact calling in substitute staff for the two or three days or the week or the 10 days or what have you? Are they calling people in or are they simply saying, well, the person's away, we'll have to cover off, so there's three people on duty, we'll look after the caseload instead of having four people on duty, or five? So that's really what I'm trying to get at, is there a policy . . . It's not a matter of filling SMYs, but is there a policy? Because the institution is trying to reflect the concerns of government with regard to being within budget and expenditures, generally. The word is out on restraint, that in fact the institution is saying, well, we just won't call people in when some of our staff are not available, we'll cover off. Are they operating on a global budget basis or are they operating on a line-by-line basis? That's another factor.

MR. SHERMAN: The policy is, Mr. Chairman, that if the institution is down in any position, on any day, call in. There is a list each institution has of available employees, available workers who are called in on a term basis the moment that a vacancy appears in a position, due to any reason, whether it's illness, maternity or whatever. That's the policy that is pursued.

MR. CHAIRMAN: (c)(1)—pass - the Honourable Member for St. Boniface.

MR. DESJARDINS: Mr. Chairman, to the Minister, I didn't hear his answer to the question, was this a global budget or is it a line-by-line budget for the institution.

MR. CHAIRMAN: The Honourable Minister.

MR. SHERMAN: These institutions don't operate on the same basis as the general hospitals under the Health Services Commission Insured Program, Mr. Chairman. These institutions are provided the money by government that they need to pay those salaries. Whatever it takes to meet those 1,092 SMYs is provided for by the provincial budget. So it's not global. It's money that's specifically assigned to that specific need.

MR. DESJARDINS: In other words, it's line-by-line. This is not something that would induce them to save some more so that they could spend it somewhere else. The Minister has stated, quite rightly so, that in '77-'78 that there were quite a few vacant positions and we realize that. This was a special year and it was meant to be that because, believe it or not, there was a partial freeze at that time. There was some restraint going on in the department and, especially as we got closer to the election, it was felt that we would not accept any the last few months and there was a backlog. I recognize that and that's a fact. But the concern that I have is, I know that the Minister has talked about carte blanche but that's only last year or so, that after repeat questioning that we felt — and there being some criticism in these hospitals that they didn't have the staff. And then the Minister, after much discussion and so on, issued that statement and it's a welcome statement. But if we're going to compare, I want to compare apples and apples and oranges with oranges and I think that the important thing is, look at the complete workload; that is, the inmates, the population of these two insti-

tutions over the years and also extra work that would have to be taken care of by the staff . . .

MR. CHAIRMAN: Order please. The hour is 4:30. I'm interrupting the proceedings for Private Members' Hour and I will return to the Chair of Committee at 8:00 o'clock this evening.

PRIVATE MEMBERS' HOUR

MR. SPEAKER: Order please. We're under Private Members' Hour. The first item of business on Mondays in Private Members' Hour is Resolutions. The first Resolution on the Order Paper is Resolution No. 22.

RESOLUTION NO. 22 - CROWS NEST PASS RATES

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. A.R. (Pete) ADAM: Mr. Speaker, thank you. I would move, seconded by the Member for Flin Flon, that:

WHEREAS the Statutory Crows Nest Pass rates for transportation of grain is a historic commitment made to the people of western Canada, by the federal government and,

WHEREAS the Crow Rate has been a major factor in western economic development, and

WHEREAS a number of Royal Commissions most notably, the Turgeon Commission in 1951, the MacPherson Commission in 1961 and most recently, the Hall Commission in 1977 have concluded that it was essential for both prairie agriculture and the business community and,

WHEREAS the Crow rate has come under attack from a number of vested interest sources and the loss of this historic right would have a devastating effect on the economy of western Canada,

THEREFORE BE IT RESOLVED that this Assembly strongly support the statutory Crow rate as it now exists in the Statutes of Canada, and

BE IT FURTHER RESOLVED that the provincial government request that the federal government retain the Crow rate in its present form.

MOTION presented.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. ADAM: Well, Mr. Speaker, the reason that I have introduced this Resolution at this time is that there has been of recent times a concerted effort, a well organized and very devious effort, to undermine the Crow and abolish the Crow rate.

As the Resolution suggests, it is an historic right that was granted to the western Canadian farmers. It was introduced back in 1897, I believe, and there has been some changes over the years with this particular rate but the intent was to bring in people into western Canada and a special rate was given to transport people who were going to populate the western provinces.

The deal was a two-way deal whereby grain was transported from western Canada to the eastern ports and to eastern Canada, at a special rate as well. Along with these rates, Mr. Speaker, special privileges were granted

to the CPR, which was the only railway at the time that was in operation; special privileges given to the CPR such as tax-free right-of-way into perpetuity, that they would not have to pay any property taxes on their lands going through municipalities. There was also a number of other subsidies paid to the CPR, such as land grants along the right-of-way and also I know that the CPR did receive a certain amount of land in every township. As well, they also received subsidies in cash to extend the rail from Lethbridge to the Coutenay Landing. It also enabled the CPR to extend the rail into mineral resource areas into British Columbia which the CPR was able to have access to with their rail. The result of this is that the CPR has become one of the richest and the most financially strong companies in Canada. The triple rating of the CPR indicates that they are on very solid ground. They claim that the people, who I believe are nothing but a pack of hyenas and jackals, are now in pursuit of the Crow rate and determined to destroy it. Mr. Speaker, these people, I believe, have not studied this problem very carefully, they have not gone into the United States to see what is happening there and to make an in-depth study to see what's happened there. Because the situation that we are now proposing to go into in Canada, they have already gone through that problem and they are now trying to move back to railways. They have gone through the movement of grain from railways to trucking and now they want to try and get back to the railways, Mr. Speaker. The arguments they raise, Mr. Speaker, is that somehow if you abolish the Crow rate — and I suggest if they do that, they will be creating much larger problems than the problems that are now faced with the grain not moving, and somehow they believe that by increasing the rates to the railways that somehow automatically the grain is going to move. I suggest to you, Mr. Speaker, that this is not the case. It will not happen here. It has not happened in the United States and where they do not have to face a subsidized rate. We have no proof, Mr. Speaker, that the rate that they now receive is below the cost; we only surmise that. We recently find that the railways, when they present their claims, their claims are never verified. Just recently there was an article here in the Tribune which indicates that never are these claims verified. The railways just come in here and say this is what you owe us, this is how much we lost.

Mr. Speaker, we find out that none of these claims have ever been verified, so there has never been any proof that the railways are losing money because of hauling grain at the Crow rate. In fact, we look at the statistics of the profits that the companies are making, the CPR and the CNR, and it's just astronomical. Last year, I believe it was, the CNR had a profit, a net income of 208,200,000 in 1979. I am sure that the CPR, when the railbeds were deteriorating, their branch lines, and they were not rehabilitating them, and they were not preparing their box cars, Mr. Speaker, I am sure that they were paying a dividend. The CPR has a very good record of paying dividends. They have paid 1.80 dividend for years and years and years, and I am sure that while they were paying out these profits to the shareholders, they were not maintaining their rolling stock, they were not maintaining their roadbeds, and in fact they have been sharply criticized in a recent case in Alberta where they again came with cap in hand asking from some more subsidies from the people of Canada.

The Transport Commission made a scathing attack, very critical, highly critical of the CPR and how they service the people of Canada, and I would like to put in the record exactly what happened at this hearing, Mr. Speaker. The Western Division of the Canadian Transport Commission has sharply criticized the Canadian Pacific Limited for its poor record of performance on the Gem spur of its Rosemary subdivision in the province of Alberta. The Commission representative, J.M. McDonough, who I believe is in the city today at another hearing, and Mr. B.R. Wolfe, met in Bassano, Alberta, on January 16, 1980, to consider CP's application for authority to abandon 11.8 miles of line located between Rosemary and Gem. They claim that they were having substantial losses, Mr. Speaker, and in view of the fact that the Manitoba Pool on that particular spur line decided they would not maintain its facility, they did, I believe, receive approval to remove the line, to abandon it. However, the Commission, in delivering its verbal decision from the bench, then commented on CPR's past performance in the operation spur as follows: There is another point however that we feel we must now consider and this point dealing with the past operations and services. We have already referred to the obligation imposed upon railway companies by section 262 of The Railway Act. Companies must provide proper accommodation for all traffic offered for carriage in the case under examination. This obligation was reinforced by the Railway Transport Committee in its decision of October 6, 1975. The evidence shows that the railway did not perform the service for which they were supposed to under The Railway Act, section 262, which has been there for years and years and years and a series, a succession of weak-kneed governments have allowed the railway companies to abandon or to contravene The Railway Act. They are obligated under law to transport grain at the present time and they've always been. You know, I am sure that if any of us were to decide that we didn't like the law of paying income taxes and that we would like to not pay our income taxes this year, I assure you, Sir, it wouldn't take long that we'd be on the carpet. And here we have been allowing the railways to contravene the statutes of Canada for years and years and years and now we have a pack of jackals . . . You know, you can count them on your hand and I could name them. Some sit in this Chamber, Mr. Speaker. The Minister of Agriculture is one and I am sure his Executive Assistant or his . . . And I am sure that the Member for Pembina, the Minister for Highways is another, and I am sure there are others too.

MR. DEPUTY SPEAKER: Order please, order please. The Honourable Minister of Highways on a point of order.

HON. DON ORCHARD (Pembina): On a point of privilege, Mr. Speaker. I believe the Member for Ste. Rose has referred to my colleague, the Minister of Agriculture, and myself as part of a pack of jackals. I believe that's unparliamentary terminology and not allowed in this Chamber and I would ask you to ask the Member for Ste. Rose to withdraw that unparliamentary comment.

MR. DEPUTY SPEAKER: The Honourable Member for Ste. Rose on the same point of privilege.

MR. ADAM: I was trying to be polite, that's why I just rephrased it.

MR. DEPUTY SPEAKER: To the honourable members, I must apologize; I didn't hear the actual remarks. If the actual remarks were accusing the members of being jackals, if that is the correct, I would ask the honourable member to choose his words a little bit closer and more wisely.

The Honourable Member for Ste. Rose.

MR. ADAM: Mr. Speaker, you know, there is another word that goes with jack, that could be applied maybe as well, but if you can find that word unparliamentary, jackals, in Beauschêne, I will withdraw it, Mr. Speaker. You can take in under advisement and I will withdraw it tomorrow or at another time if it's unparliamentary.

MR. CHAIRMAN: To the honourable members, I will take it under advisement.

The Honourable Member for Ste. Rose.

MR. ADAM: Mr. Speaker, the railways are now . . . It has been proposed that we give them a compensatory rate. A compensatory rate means the cost, not a profit, but the cost of transporting grain. I'm suggesting to you that if that comes about, you will have increased abandonment of railways. You are going to have to move more to trucking under that system because it will bring about variable rates, Mr. Speaker. You will have different rates on different lines within a point 25 miles apart. The railways have not received this change, this compensatory rate, but they have already forgotten about that now, they are already talking about a commercial rate which is a different thing than a compensatory rate. A commercial rate is a rate plus profit plus all your overhead and profit and dividends for the shareholders. A compensatory rate, my understanding is that it's just to cover the cost of transportation, and nobody has ever proven to us, the railways have never proven to us, what is the cost of transportation. The fact is that they are showing increased profits over the years and have paid a steady dividend, not the CNR I don't suppose but the CPR which is privately owned, and they have paid consistent dividends over the years and have allowed their railways to go down the drain. They have not replaced the rolling stock.

Now the Member for Swan River stated his position at a meeting at Swan River and I have the reports here that his views are not much different than that of the NFU, which is the National Farmers Union, Mr. Speaker. He has stated that his position was similar to that of the National Farmers Union who are practically the only farm group now who are speaking in support of the Crow rate. However, when the Member for Swan River gets to Winnipeg, he talks with a different sounding voice. Now he joins the pack, Mr. Speaker, he joins the pack yelping at the poor bird, the poor crow bird, Mr. Speaker, so I'm saying to you that there is going to be much more difficulty because the United States have gone through this way and in Swan River, they estimate that the cost there, the commercial rate will be 2 a bushel or more to transport grain from Swan River to Vancouver, for a cost of approximately 6,700 per farmer. What the people have done there is they have taken the total amounts of grain that is shipped out and they have figured out what it costs them to transport grain now to Vancouver and what it would cost

them under the commercial rate, and it would mean a loss of well over 8 million to the Swan River economy alone.

Now if you multiply that throughout Manitoba and western Canada, Mr. Speaker, I am saying that you're looking at a major disaster, not only for the farmers but for the business community as well. You are going to have thousands of farmers . . . I know that probably the Highways Minister is going to respond as soon as I sit down, Mr. Speaker, but I want to say to you that a few years ago they brought in the TED report that said that Manitoba should have approximately 20,000 farmers. At the present time we have about 29,000. Well I am sure that if they change the Crow rate they will have their wish. There will only be 20,000 and probably less in Manitoba. That is what is going to happen, Mr. Speaker, and along with those farmers that are going to go out of business, there will be a lot of businessmen following them, Mr. Speaker, and I suggest to these people here that they don't know what they're doing. I suggest to them that they should go down to the States and see what's happening there, where the railways are receiving 2 a bushel to transport grain, not 1,200 miles; they transport grain, say, from Montana to Portland, and it costs 2 a bushel, Mr. Speaker, but the railways can't haul grain. They're not doing it in the States and the trucks are moving the grain on this 800-mile distance from Montana — I can go into the town if you wish and tell which towns I am referring to — but nevertheless they move this grain to Portland and there was one elevator that was so congested with grain that he hired 17 big semis to go down to haul this grain to the port. And you know these trucks are dead-heading back, empty Mr. Speaker, they are loaded one way. Is anybody going to sit in this House or stand in this House and say that is more efficient than hauling grain by rail? I suggest, Mr. Speaker, that these fellows better do their homework because they don't know what they're doing. Mr. Speaker, as soon as the railway company noticed all these trucks going up they said; well just hang on, hold fire for a few days, we'll get you some boxcars. Mr. Speaker, they can haul grain and I can tell you, just put me in Ottawa for two weeks and I'll show you how to make them haul grain. I would call Mr. Sinclair in, the President of CPR and I'd say that if you don't haul grain within the next month you're going to be integrated with the CNR. And I would call in the President and all the top men, Mr. Bandeen, who is not talking about a compensatory rate anymore, he wants a commercial rate, I would call him in and I would say that if you don't move the grain in three weeks you're going to look for another job; go find yourself a job somewhere else. I would say you have been breaking the law for the last 100 years and we're not going to allow you to break the law anymore, you're going to haul and live up to your obligations the same as everybody else in Canada.

MR. DEPUTY SPEAKER: Order please, order please. I have checked through Hansard with the assistance of the Clerk and we have not been able to find where 'jackal' is unparliamentarian but I would advise the members to choose their words a little bit more carefully when making remarks back and forward and if you're going to use any words — maybe 'rat-infested nests' — so that I could probably make a quicker response.

The Honourable Minister of Highways.

MR. ORCHARD: Mr. Speaker, thank you and it is with a great deal of trepidation that I rise to speak on this resolution having been called a 'jackal' and finding that after listening to the Member for Ste. Rose and the obvious support that he has for his resolution over there, particularly from the Leader and other members in his caucus — (Interjection) — Which Leader? The duly elected Leader, the Member for Selkirk.

Mr. Speaker, I want to point out at the outset that the Member for Ste. Rose did not in any way, shape or form address the issue of the resolution, No. 1. He didn't deal with it. What we saw demonstrated here, Mr. Speaker, and it's down in Hansard now, is the typical socialist dogma that the National Farmer's Union and the NDP party, in partnership, have been putting out for the last 15 years, Mr. Speaker. We didn't hear one positive suggestion as to how we are going to deal with the very serious transportation problem in our grain industry, all we heard was socialist dogma against the profits of CPR and how those profits were the most horrid thing that has ever happened to this country of ours. Well, Mr. Speaker, if profits are such a horrible addition to this country of ours then I would suggest to members opposite they had better not drive home in their cars which are built by industries that make a profit and go to their houses which are built of lumber made by people, they are enjoying every amenity of the capitalistic system, Mr. Speaker, which is based on the profit motive, and their complaining about it. Far sooner would they rather live in Russia where there is no profit system and they wouldn't have a home to live in, they'd have an apartment rented from the government. But, Mr. Speaker, that would fit in very well with the rhetoric we've heard, soundly applauded by the Leader of Opposition, of nationalizing the CPR and making it one railroad. That is what they would like, one railway, one farm, one oil company, that is the name of the socialist platform in this country, Mr. Speaker.

Now, Mr. Speaker, it is this antagonistic attitude towards success which is so hard to take on this side of the House; they abhor success, because CPR is a railroad, and incidentally the CNR is a very successful railroad as well, they make profits, they're government-owned, they should be happy about that, but I don't think they are because they are making a profit and nobody in this country, Mr. Speaker, is to make a profit. Now the member for Ste. Rose is mentioning how the railroads have not invested any money into rolling stocks, into rehabilitation of branch lines, into the transportation of grain; and the member for wherever is saying, yes, fine they haven't. Well, Mr. Speaker, they should analyse why this doesn't happen. Let's forget about this political rhetoric they want to get on and this NDP/NFU connection on the Crow rate that they want to bring forth all the time and let's talk about realism in the world today. In 1980, let's talk about realism. Let's analyse what is happening in the grain system in Canada and let us try to figure out what the problems are.

Now members Opposite are berating the railroads for not having invested in grain movement and on the other hand they are berating, particularly CPR because they have invested profits and made investments in mining; made investments in hotels and they even made investments in steamships which are now profitable. Mr. Speaker, if the grain handling business had a semblance of profitability of the railroads I suspect that the

investment that the members Opposite berate the railroads for not making would have occurred had it been even towards a semblance of profit to move grain in this country. That is the problem today — and the Member for Ste. Rose has the audacity to stand up in this House and tell us that the railroads have never had their costs accounted, we don't know whether they can haul grain at the Crow rate or whether they need more money. Snively addressed that and Snively came up with a formula that said the railroads were probably being underpaid by three times the cost of moving grain — cost, not the profit, not the commercial rate as the Member for Ste. Rose so greatly fears — but the cost of moving grain was three times the Crow rate.

Now, Mr. Speaker, we still have a free country and we will have a free country for a good number of years. We cannot force anybody, despite the fact the Parliament says they must haul the grain. We can't force the railroads to haul grain when they are losing money. I think the railroads have done a good job in view of the cost restrictions they have. They have an obligation to haul the grain and you know what is happening, Mr. Speaker? Because of that obligation which has no compensation attached to it, we have our grain bins full on the Prairies. Right now, today, Mr. Speaker, we are faced in the farming community with a ten bushel to the acre quota in wheat. Now 10 bushels to a quota acre translates into approximately 35 per acre gross income to our farming community. Our socialist friends think that is great, that's how they farm, that's all they can grow probably but, Mr. Speaker, there are many many people out there who cannot survive on 35 per acre gross return from sales made by the Canadian Wheat Board through the rail delivery system. And that is the problem. It's not a lack of markets, Mr. Speaker, the Canadian Wheat Board has consistently told us they can sell every bushel we produce but we're not — 10 bushel to the acre is all we are selling. Why? Because our delivery system is not functioning properly. Why isn't the delivery system functioning properly, Mr. Speaker? Because there is no incentive to perform. I want to give the Member for Ste. Rose a few figures when he is berating — I don't want the press to get left with that abhorrent misrepresentation of the truth that he put out about the Swan River example of freight rates guesstimated at 2 a bushel. There is corn leaving South Central Manitoba for a destination in the interior of B.C., it is moving not at 2 a bushel, Mr. Speaker, on that profit-oriented railroad of CPR but rather it is moving last winter at 1.60 per hundredweight which translates into something in the neighbourhood of 1.05 a bushel. Where he gets his 2 from is a complete misrepresentation of the truth as he has a habit of doing, Mr. Speaker.

The second thing that I want to point out to the members opposite is, last fall from my constituency, on the haul of one commodity, namely, sunflowers from points of Elm Creek and Glenboro last fall. That profit-oriented railroad once again was shovelling unit trains of cars into those two points to deliver sunflowers to Thunder Bay and, Mr. Speaker, the normal turnaround on a boxcar in this country is now down I believe to 19 days. In other words it leaves Elm Creek, it goes to terminal destination and returns in 19 days. Do you know what they were accomplishing last fall on sunflowers, that profit-motivated railroad, on sunflowers a commodity for which they were being paid approximately three times the Crow rate? They were achieving

a turnaround of less than three days, Mr. Speaker. You translate that into the system, Mr. Speaker, and the farmers in this country will never have to purchase another railcar till the year 2000.

But they fail to come to grips with the problems the railroads have, the railroads have fixed costs to meet and I'm not defending the railroads but I'm trying to present a realistic and rational argument to our honourable socialist friends opposite who refuse to deal with reality in the grain handling system. The railroads are faced with a number of costs; they have highly unionized labour forces which they have to pay; there are restrictions and constrictions on their labour force which they must adhere to and it's a major cost of operation. They will not, and I am positive of this, put a railroad through onto a branch line paying the high wages denoting the locomotive power unless there is a return, they do it on a minimal basis. Should there be a profitable return or a reasonable recovery of cost which is what the compensatory rate is all about, Mr. Speaker. Should the railroads receive a compensatory rate I suggest they will use those branch lines. Contrary to what the Member for Ste. Rose says that they will abandon them wholesale, as soon as we get the compensatory rate, I suggest the biggest reason we have rail-line abandonment is because those lines lose money. If you pay more for the shipment of those lines, Mr. Speaker, those lines will stay, they will be upgraded, they will be returned to service for our rural communities. When the Member for Ste. Rose talks about weak-kneed governments failing to come to grips with the railroads he should know because he was a member of the weakest-kneed government in dealing with the railroads in this province in the eight years they were in power. During that time, Mr. Speaker, we lost untold miles of rail line while that weak-kneed government refused to deal with the issue of rail-line abandonment in this province; they hid in their socialist dogma and they refused to deal with rail-line abandonment. Mr. Speaker, in the short two years that we have been in power we have saved the Morris to Harkney line, we have saved the Rossburn line and we have saved the CP line in the Minister of Agriculture's constituency, those lines that were recommended for abandonment. Our efforts kept them in service. Your efforts would have lost them as you lost many other rail lines in this province because you wouldn't deal with the realities of the problems and you wouldn't offer any solutions except your time-worn socialist dogma on profits, berating the railroads because their profitable. Good God if they were profitable we would be moving grain, Mr. Speaker, and that's the cold hard facts of it.

Now, Mr. Speaker, the Member for Ste. Rose makes reference to the American situation and he refers to the movement of grain by truck and he says we are making the mistake here now because we are moving grain by truck in Manitoba. Yes, Mr. Speaker, we are and a lot of that grain that's moving by truck is coming from Manitoba because Manitoba enjoys the favourable position of being somewhere around the 500-mile mark on average from Thunder Bay. But, Mr. Speaker, let's deal with reality here, let's not say that it's wrong to be happening, that the Americans have done it, they've moved grain by truck and it's wrong, let's analyse why grain is being moved by truck out of South Central Manitoba and out of Manitoba in general? It's being moved by truck, Mr. Speaker, because we have farmers faced with a 10 bushels to the acre quota on

wheat which grosses at 35 per acre, their costs of production are in the neighbourhood of 75 per acre. They have the grain in the bin and they have to pay their bills. So they are willing, Mr. Speaker, to pay truck freight rates in excess of 1 per bushel to get their commodities to a market and to get the cash out of them. Why is that happening if the railroads are doing their job? Well it's obvious the railroads are not doing their job; but let's deal with realism as to why they are not doing their job. What is the incentive for the railroad to move grain from Miami, Manitoba or from Dauphin? What's the incentive? The incentive is to lose money. And, Mr. Speaker, that's not much of an incentive for the railroads to move a commodity that is absolutely essential to our farmers and to the province of Manitoba. So getting back to realism, Mr. Speaker, which members opposite like to avoid as much as they can — they spent eight years avoiding realism — Mr. Speaker, the realism in the freight rates in the Crow's Nest Rate Pass is that the railroads are going to have to be compensated for their costs of moving the commodity of grain. That's realism. I don't care what the NFU is feeding the Member for Ste. Rose and the Member for Lac du Bonnet. Anybody that says the railroads should move grain at one-third of their costs is hiding their head in the sand. Snavelly identified that as being the cost of moving grain, three times the Crow rate on average. Now, Mr. Speaker, why do we want to solve this problem and how do we go about it? Well, obviously why, we want to move the grain that we produce in this country. —(Interjection)— Well, the Americans increased their grain movement by what was it? Two times in the last 10 years. Didn't they double their export movement of grain in the last 10 years? We have the inviable record, Mr. Speaker, of increasing our export by 8 percent. Now isn't that wonderful. Our export market has declined on the world market because of an inability to get the grain to the market and when some of our producers, Mr. Speaker, use the truck as the method of getting that grain to where it can be sold to the waiting world, these people over here say, no, it shouldn't be done, it costs too much, cut them down, shut them off. Mr. Speaker, they want every farmer in this province to go broke; that's what they want because they want to deprive them of the alternate delivery opportunities.

Their farming policy and Crow rate and everything else is let the farmers go broke; when they go broke we'll make it one great farm and we'll collectivise the whole system and make it better. That's the objective. They don't want a profitable farming scene in this province. We on this side, disagree with that, Mr. Speaker. We want a profitable farming industry. Part of the equation of a profitable farming industry, Mr. Speaker, is movement of grain and we have to market our grain to the world who wants it. And to get it there we, Mr. Speaker, in cold hard reality are going to have to compensate the railroads. It is inevitable; it is coming; it is going to have to be done.

Now, let's address how, because the Member for Ste. Rose in introducing this Resolution failed to come to grips with it or offer any concrete proposals. I'll throw a proposal out to the Member for Ste. Rose and maybe he might, at some point in time, consider it. The next time he brings a Resolution in here he might debate it instead of the socialist dogma that we've heard here in the last 20 minutes from him.

Let's consider a proposal where the railroads are underpaid by a full one-third to move our grain. And let's say that the railroads have a statutory obligation to move the grain and the federal government imposed that statutory obligation on the railroads. Then, Mr. Speaker, the proposal I make for the consideration of members opposite is let us have the federal government pick up the difference between the Crow rate, which the farmer is paying today, and the compensatory rate. And let's have them fix it in on that, so that the railroads get a compensatory rate, and let them recover their costs of operation, and let us get the grain movement; that's a proposal I'll put out. And I'll go one step further, Mr. Speaker, I'll go one step further with the members opposite because we want to have a real good discussion on this; we want to have good open debate.

This is a personal opinion and I'm speaking in a personal position as a farmer in this province — not as a legislator; not as a Minister of the government. I'm speaking from a personal standpoint. If the federal government would agree to pick up the difference between the Crow rate and the compensatory rate, I would be willing to pick up a portion of any costs at the year 2000 that were in addition to that. I, as a farmer, would be willing to pick that up, if it meant, Mr. Speaker, that my grain moved by rail at a fraction of the fuel consumption that trucks take, just to get my grain to market, Mr. Speaker, I'm long-headed enough as a farmer to know that if trucks are burning it up at a faster rate than locomotive engines are burning it up getting my grain to market, then eventually somewhere down the line the diesel fuel I need in my tractor is not going to be available. So, Mr. Speaker, I'd rather pay an amount today to make sure that I can continue to farm efficiently in the future.

Now I realize that putting that kind of a proposal before the members in the N.D. Party, is above and beyond their comprehensive abilities. They don't understand long-range planning; they don't understand cost benefits; they don't understand cost of production; they don't understand that you have to have a positive return before you can undertake an enterprise. And above all, Mr. Speaker, they hate profits and I want to be a farmer who is profitable in this province. I want to make a profit in my farming operation. If enabling me to make a profit in that gives the railroads a recovery of their costs of operation then so be it, because, Mr. Speaker, I don't believe that anybody who is living in a realm of realism today, especially legislators living in a realm of realism today, can possibly say to any factor of the economy that you must perform at one-third of recovery of your costs. That is unrealistic, Mr. Speaker. We cannot expect the railroads to do that, Mr. Speaker, nor could we expect the unions working in the railroads to do that.

I would like the members opposite who are seemingly under the control of the union movement, if we listen to the Member for Inkster, I would like them to put the proposal to the crews, the unionized crews, that are working on those trains hauling grain, to work for one-third their wages as the railroad is doing. Put that proposition to the rank and file in the unions operating the railroads and, Mr. Speaker, you will find that those men will not work for one-third of their wages regardless of the costs; but yet they expect the railroads to do that. That is an unrealistic position. I hope the Member for Ste. Rose has an opportunity to present, at some point

in time in this debate, some positive answers to the dilemma that our farming population finds themselves, in the inability to move their grain because the railroads are not performing to optimum because they have revenue problems in the movement of grain. When the members opposite, Mr. Speaker, address themselves to that kind of a proposal and offer solutions we, on this side, will be more than willing to listen, to critique, and to respond to that. Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: The honourable member's time is up. Are you ready for the question? The Honourable Member for Gladstone. The Honourable Member for Lac du Bonnet.

MR. USKIW: Well, Mr. Speaker, the Member for Gladstone is not going to proceed. But in any event I'm prepared to carry on the debate for the balance of this afternoon.

Mr. Speaker, this is not a new issue. It's been debated in this House, I'm sure, 100 times over the years. I don't even want to remember how far back it is that it was first debated, probably too far back for some of us. But in any event, I believe the reason that the Member for Ste. Rose is pursuing it at this point is that we probably are coming close to making a decision on this issue; that is, Canada is going to be making a decision on this issue fairly soon and there's no doubt in my mind that people in western Canada are wanting to have the federal government come up with a policy and a decision that is not going to detract from the benefits that they have received over the many decades under the statutory rates, for the transportation of grain in Canada.

Mr. Speaker, I think what has to be remembered is that we're not talking about just the question of whether the railways are hauling grain for below compensatory levels. That is not the question alone, Mr. Speaker, because if you listen to the Minister for Transportation in Manitoba you would assume that that would be the case; but that isn't the issue. The issue is that there are huge sums of public money spent on subsidies to the railways. Those subsidies, Mr. Speaker, are not necessarily used by the railways to provide transportation services to the grain industry.

Those subsidies may, in fact, be used for the purchase of assets outside of the country; they may be used for the purchase of the building of hotels and a whole host of other things that the railway systems are involved in, Mr. Speaker. I recall Justice Hall, when he studied this whole question, stated that if a private individual did with their subsidies what the railways are doing, that they probably would end up in jail, Mr. Speaker. That it's really a fraudulent act that is being perpetrated on the Canadian people and that the statutes are completely bypassed and ignored by the railway companies. But, Mr. Speaker, if you listen to members opposite you would think that New Democrats have been running this country from the federal parliament because they, Mr. Speaker, try to suggest that we had some control on the railways over a period of time of our history, Mr. Speaker. Well, unfortunately for this argument, we were never in that position or we wouldn't be having this debate. And, Mr. Speaker, I will illustrate to you why. You know, we have two railway companies in Canada — the CNR which is owned by the people of Canada and the CPR which is a private company and which is subsidized by the people of Canada.

Now, Mr. Speaker, it would seem to me that if you had a government of Canada, at any time in our history, that was desirous of all of the people of the country paying some attention and respect in statute law, that we would not have this problem of reducing rolling stock for grain transportation in Canada; that the administrators in Ottawa would point out to the railways that they have a statutory obligation and that they must provide the rolling stock so that, in fact, the sales commitments that have been made are going to be delivered to the ports on time; so that the transportation of grain is not looked upon as a secondary element of priority, as far as the railways are concerned, but that they have an obligation to meet the transportation demands as they are demanded, Mr. Speaker.

Now, it seems to me the federal government had a beautiful vehicle through which to make this happen, Mr. Speaker, but neither the Liberal Party nor the Conservative Party would do it. It doesn't matter which one of those parties were governing this country, Mr. Speaker, they would not deal with this question in the way that it can be best dealt with. And that is, the Minister of Transport, Mr. Speaker, could have easily at any time, summoned the President of the CNR into his office and simply instructed the President of the CNR that next year you must have sufficient rolling stock on the CNR lines to meet your statutory obligations.

Now why wouldn't we ask our own railway to comply with Canadian law, Mr. Speaker? Why wouldn't we, the people of Canada who own a railroad, not tell the President of that railroad that they must not violate the laws of this country? Why would we not do that, Mr. Speaker? I am puzzled. I don't know why we haven't done that. I'm only assuming, Mr. Speaker, that there is a reason and that the reason is that the CNR cannot do that because if it did so it would put the CPR on the spot and of course you have a lobby to contend with. The CPR lobby wants to make more money, Mr. Speaker. So we witness the spectacle, Mr. Speaker, of the CNR demanding compensatory rates; arguing the arguments of the CPR; asking the Canadian public to lift the statutory provisions so that they can charge more for the transportation of grain and so we have the CNR doing this. Well, Mr. Speaker, it's quite obvious that the scenario is, that we will simply force the situation to the point where the prairie community, in particular, will demand a solution at any cost. That's the game that's being played, Mr. Speaker, that if we just stall long enough there will be a willingness on the part of the farm community of the prairies to pay more money for those services.

Now, Mr. Speaker, why don't they say that we should pay more money then? Why don't they abolish the Crow rate and say, yes, it's going to cost you 1.10 a bushel to haul wheat from Regina to Thunder Bay, or whatever that price is going to be, Mr. Speaker. It'll be in that ball park, I am sure, if you go into compensatory rates. We're looking at 12 cents a bushel as being the average cost today.

Mr. Speaker, the Minister of Highways argues that he likes profit and that the trouble with the NDP is that they don't want the CPR to make any money. Mr. Speaker, I don't believe anyone on this side has argued that the CPR should not make any money. All we have argued is that we have a law in this country that says that they must move grain and that they have not lived up to that requirement, and that they have ignored that

requirement, and so has the CNR. That is the only argument that is being made and we either must change the law or we must enforce it, Mr. Speaker. But for a decade and a half, we have the railways on strike, Mr. Speaker, they have not been legislated back to work, as you know. The law is there, it says you must move the grain at these rates, but they have refused to do so, and the government has allowed them to refuse to do so year after year after year, Mr. Speaker. —(Interjection)— Yes, the PC government, the Liberal government, yes, they have allowed them to ignore those statutory provisions. Heavens, Mr. Speaker, we've witnessed many times when the trade unions were on strike either with respect to the railways or with respect to the ports or with respect to the elevators, that we have government move in and legislate either an arbitration settlement or a back-to-work Act, one or the other. That has happened. —(Interjection)— Yes, even before they were on strike, Mr. Speaker.

Mr. Speaker, there has not been one instance where the railways have been told, not that they will be legislated to do it, because the legislation is already there and has been there, Mr. Speaker, but they have not been performing, so the government says, well, we don't have enough rolling stock, we're going to buy 2,000 or 3,000 hopper cars. We don't know who is going to pay for it but we're going to put them on the rails because we are concerned about the movement of grain in Canada. Then all of a sudden we find that the provinces are being asked to buy hopper cars. Then we are told that the farmers should buy them because it's their grain that is being moved, Mr. Speaker.

Mr. Speaker, we have all sorts of anomalies that have crept into the system because the railways have refused to perform pursuant to their statutory obligations. That's the only reason this has all occurred.

Then we have the Minister of Highways in this province introducing his estimates and he happens to even include it in the Throne Speech, Mr. Speaker, that Manitoba has decided that it has to replace rolling stock on rail with some facility for trucks. That's really what the message was, Mr. Speaker, that we are now accepting the fact that we cannot argue the question of the railways any more, we must gear up to build the highways to take over the transportation of grain in Manitoba; that's what this Minister is saying. Who's burden is that, Mr. Speaker? I ask you who's burden is that? Why should the taxpayers of Manitoba be saddled with those extra costs because nobody wants to challenge the CPR or the CNR. And why challenge the CNR? We own it. We just have to tell the president that he should perform in accordance with statute. Yes, that is the answer.

Mr. Speaker, we start with that premise that they must perform according to statute and the CPR, instead of the government pleading with the CPR, they should say to the CPR, as their first bargaining position, that we're really not convinced we need two railways. That would be my first bargaining position with the CPR, that I was not completely convinced that we need two railways in Canada, that there might be some efficiencies brought about by integrating the two. That's how I would start to bargain, Mr. Speaker. Before I would talk about Royal Commissions, before I would employ services from Emmett Hall and the like to decide what we're going to do about the railways who are on strike, I would first have a meeting with the railways and say, we are now going to review whether Canada needs two

railroads. And then I would bargain with the railways after that, but after I've left them with the message that one of the alternatives in Canada is to have one railway. Yes, that is the way to bargain with the CPR. Anything less than that is a surrender, Mr. Speaker. They are bigger than we are if you let them be.

Mr. Speaker, the Minister of Highways alluded to the fact that we now have only a 10-bushel quota, a gross income of 35 an acre and everyone knows that is today, in these days, a very small gross return, Mr. Speaker, given the cost of production, the cost of living, and so on. —(Interjection)— Mr. Speaker, let's examine the nonsense coming from over there. You know, I don't disagree with him that he's right on those figures and that they are inadequate, but you know, the President of the United States has to win an election this year and so he's got such huge economic problems at home, like 20 percent interest rates, 18 percent inflation, and he needs an issue to detract the people of the United States from his domestic situation, so he is now going to stop sales of grain to Russia. What does Canada do? We, too; we're not going to sell any grain to Russia, are we? I ask this Minister, Mr. Speaker, yes, I ask this Minister, whether he supports the concept that because of some little situation somewhere else in the world that —(Interjection)— Mr. Speaker, I want to ask this Minister . . .

MR. DEPUTY SPEAKER: Order please, order please, order please. I would hope that the honourable members would give the courtesy to the member who is standing and debating.

The Honourable Member for Lac du Bonnet.

MR. USKIW: I want to ask this Minister, Mr. Speaker, whether he is prepared to say no, we will not deliver to one of our best customers, Mr. Speaker, which is the Soviet Union, the other one being China, Mr. Speaker. Without those two countries, the Prairies are bankrupt, Mr. Speaker. Without the sales of grain to those two countries we have nothing to sell. —(Interjection)—

MR. DEPUTY SPEAKER: Order please, order please. The Honourable Minister of Highways on a point of order.

MR. ORCHARD: No, Mr. Speaker, I'll answer that question.

MR. CHAIRMAN: The Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Speaker —(Interjection)— You've had your say. The fact of the matter is, Mr. Speaker, that the Clark government decided, when they were in office fortunately for just a few months, not too long ago, fortunately for just a few months, that they would join any boycott of grain sales to the Soviet Union. Mr. Speaker, the sole motivation of that is a presidential election in the United States; that's all it is. When the election is over the United States will sell grain to Russia and when the election is over they will even go to the Olympics, Mr. Speaker, but until that election is held those two issues are a problem. —(Interjection)— That's right, that's the problem. I appreciate the point that the Member for Lakeside makes but that is the logistics of our international scene at the moment, Mr.

Speaker, and Canada should not be drawn into that kind of nonsense.

MR. DEPUTY SPEAKER: Order please. The Hour is 5:30. When debate next resumes on Resolution No. 22, the honourable member will have three minutes.
The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, I move, seconded by the Minister of Government Services that the House do now adjourn and resume in Committee of Supply at 8:00 o'clock.

MOTION presented and carried, and the House adjourned and stands adjourned until 2:00 p.m. tomorrow. Committee of Supply will meet tonight at 8:00 o'clock.