

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 24 June, 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

MR. SPEAKER: The Honourable Member for Radisson.

MR. ABE KOVNATS: Mr. Speaker, the Committee of Supply has adopted a certain resolution, directs me to report same and asks leave to sit again.

I move, seconded by the Honourable Member for Virden, that report of Committee be received.

MOTION presented and carried.

MR. SPEAKER: Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills.

INTRODUCTION OF GUESTS

MR. SPEAKER: At this time I should like to take this opportunity to welcome the High Commissioner of New Zealand, Mr. Edward Gale Latter and his wife. Mr. Latter was a Member of Parliament for Marlborough from 1975 to 1978 and is now serving his country here in Canada. On behalf of all the honourable members, we welcome you here this afternoon.

We also have 18 students of Grade 6 standing from Riverview School under the direction of Mr. Roch. This school is in the constituency of the Honourable Attorney-General.

We have 65 students of Grade 9 standing from Yellow Quill Junior High under the direction of Miss Sushelnitski. This school is in the constituency of the Honourable Member for Portage la Prairie.

And we have 20 students of Grade 9 standing from Ramah Hebrew School under the direction of Miss Linda Walsh. This school is in the constituency of the Honourable First Minister.

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

NON-POLITICAL STATEMENT

MR. SPEAKER: The Honourable Member for Portage.

MR. LLOYD G. HYDE: Mr. Speaker, I ask leave of this House to make a non-political statement regarding the 100th Anniversary of the City of Portage la Prairie.

MR. SPEAKER: Has the honourable member leave? (Agreed) The Honourable Member for Portage.

MR. HYDE: Mr. Speaker, I do have copies of the Proclamation and I would wish that they would be handed out, with your permission. The Proclamation reads:

WHEREAS: Various citizens of Portage la Prairie in this One Hundredth Anniversary of the foundation of the City did make application to the Government of Manitoba to be excused payment of the five per centum tax on sales and services.

AND WHEREAS: The said Government of Manitoba did refuse out of hand such minor request.

AND WHEREAS: The said various citizens have been incensed by the imposition of such a tax.

AND WHEREAS: The Shades of the past do give support to these worthy citizens and have encouraged peaceful rebellion, these worthies have, in Council, declared that, following the precedent already set (1876 A.D.), Portage la Prairie shall, for the period 13th July to 20th July in the year One Thousand Nine Hundred and Eighty, be recognized as the Capital City of the Republic of Manitoba.

The said Republic of Manitoba shall be governed by the President, his spectral Excellency Thomas Spence, and the Governing Council comprised of Citizens.

Ray Hooper — Vice-President.

Sid Walmsley — Secretary of State.

Effie Strelic — Chancellor of the Treasury.

Lillian Maxwell — Minister of Commerce.

James Beacham — Minister of Defense.

Joseph Miller — Minister Emeritus.

Citizens of the Republic of Manitoba shall own and carry a Passport issued by the President and Council which passport may be obtained at the Customs and Immigration Posts and possession of which shall exonerate them from payment of the iniquitous sales tax imposed by the foreign Government of Manitoba when they deal at stores or businesses owned or managed by supporting citizens of the Republic.

Be it recognized that this is the First Proclamation of The Republic of Manitoba.

Long Live The Republic (from 13 July, 1980 to 20 July, 1980 at least)."

This is signed by Thomas Spence.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: By leave, I wonder if I might reply to this statement.

MR. SPEAKER: By leave, the Honourable Member for Brandon East.

MR. EVANS: Very briefly. While I'm out of separatist, or believe in separatism, I do find the Proclamation of the Honourable Member for Portage la Prairie to be very intriguing and very interesting. On behalf of those of us on this side of the House do wish the new Republic all the best and do hope that you have many immigrants from the province of Manitoba flood into your good city from outside, but if you are a new republic for this period of time

certainly I would trust that it will be easy to obtain the passports. We trust that we do not have to go through too much red tape to obtain same but, nevertheless, all the best in your celebration.

MR. HYDE: Thank you.

ORAL QUESTIONS

MR. SPEAKER: The Acting Leader of the Opposition.

MR. SAUL CHERNIACK (St. Johns): Thank you, Mr. Speaker. Just pause for a moment to slough off the seditious treasonous inciting to riot proclamation we've already heard, I would like to as a preamble to my questions of the Minister responsible for EMO, to recognize and honour all those people who have given and are giving of their time and effort to search for this boy that was lost in the St. Vital area and ask the Honourable Minister whether EMO is involved in the search effort.

MR. SPEAKER: The Honourable Minister of Government Services.

HON. HARRY J. ENNS (Lakeside): Mr. Speaker, I am pleased to have the opportunity to indicate the support of the various functions and departments of government, notably the Minister of Labour and the Minister of Corrections, who have taken specific steps in the search for this child. Directly the Department of Emergency Measures Organization has assisted at the city's request, bringing to the search the involvement of the military forces available to us under these circumstances. My understanding is, Sir, that some 200 military personnel are assisting the city in the search for this child.

MR. CHERNIACK: I wonder, Mr. Speaker, if the Minister can confirm that civil servants have been released to aid in this search.

MR. SPEAKER: The Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson): Mr. Speaker, my departmental people, upon my request this morning, contacted all departments of government and asked them if they would be willing to spare their help, the very good help that we have from our university students in the STEP government program on a voluntary basis, and I understand 200 to 300 students chosen to volunteer to assist in this particular search, in which I think we all share a great deal of concern.

MR. CHERNIACK: Well, Mr. Speaker, I would just comment that we all hope that the efforts being expended will result in a speedy recovery of the boy.

I would like to address a question to the Honourable the First Minister, mainly in the absence of the Minister for Natural Resources, relating to the proposal reportedly made by Jack Murta that there be a provincial/federal government committee go to Washington to continue the lobby against the appropriation for the Garrison Diversion and the reported statement by the Minister for Natural

Resources that he was unaware of the suggestion to send the delegation and that he would be meeting with and it says, with his staff tomorrow. I wonder if the Honourable the First Minister would clarify and update us on the investigation now being made by the Minister of Natural Resources and whether or not there is a continuing expectation of the possibility that a joint delegation, which I believe was proposed by my leader last week, would have some expectation of audience in Washington.

MR. SPEAKER: The Honourable First Minister.

HON. STERLING R. LYON, Premier (Charleswood): Mr. Speaker, all I can say to the honourable member in response to the question is that the advice that we have received to date would not indicate the desirability of a joint federal/provincial delegation at this time. Even as we sit here, I'm advised that one of the amendments to the sub-appropriation committee's bill is being considered in the Senate Chamber and we are, of course, as has been the case over the last several days, having the situation monitored on a very regular basis each day. The advice that we have had thus far is that the desirability or the need for a federal-provincial delegation is not apparent. When there are any further developments in this regard, Mr. Speaker, I'll be happy to report them to the House.

MR. CHERNIACK: Mr. Speaker, just to add to that question and the response, the expectation then would be that if there is a desirability for a joint delegation, that it can be organized in sufficient time to manage it and might I then say to the Minister, offer to him the suggestion, that he should consider the advisability of a non-partisan joint delegation going to show the full support of the Legislature as expressed last week.

MR. LYON: Mr. Speaker, we would be prepared to give full consideration to any such suggestion or any other suggestions in the event that the advice we receive is that such a delegation would be helpful in the circumstance.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. PETER FOX: Mr. Speaker, as an urban member, I have some concerns in respect to the drought which touch on the cattle industry. I'd like to ask of the Ministry — I don't know which Minister will answer. In respect to the occurrence of depletion because of the drought, is there any special effort being made that dairy herds not be depleted during this particular time?

MR. LYON: Mr. Speaker, in the absence of the Minister of Agriculture, who is engaged in other duties and responsibilities today in connection with the drought situation, I can report to the honourable member that the large feed program that has been under way now for some several weeks is aimed primarily at dairy and at beef herds and the maintenance of those herds in Manitoba. And while there are particular feed requirements with respect

to dairy herds, we do have advice, at this stage, that sufficient feed has been identified and is in the course of transportation to Manitoba to sustain, so far as we can see at the present time, to sustain those herds in Manitoba. Indeed, if the honourable member will refer to the statement that I made in Brandon yesterday, which was tabled concurrently in the House, he will see that is reinforced in that statement.

MR. FOX: I am informed that the Honourable Minister said beef and dairy and not preferably dairy, which was my main concern. The other question in respect to this area, Mr. Speaker, is whether there is going to be any effort made to regulate prices, because in view of the fact of the drought there will be extra costs to dairy people; and what is the government going to do to regulate prices so they do not skyrocket at the same time?

MR. LYON: Mr. Speaker, again, if the honourable member would refer to the material that was tabled yesterday, he will see that at the present time, if my memory serves me correctly, the price for which we are obtaining hay in Ontario is about 60 to 70 a ton, which is high, but having regard to the shortage of feed in the whole of the Great Central Plains of North America, it is not regarded by those who are more knowledgeable than I as being unreasonable in those circumstances, but certainly this is something that is being monitored and at the present time we have not seen the need for any kind of price fixing or anything of that sort, if indeed that lay within the power of the province in the first instance.

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

MR. D. JAMES WALDING: Mr. Speaker, my question is to the Honourable Minister of Finance. It arises from the latest in a series of advertisements that the government has put in the newspapers, inviting people to write in for a free brochure on the White Paper proposals. I would like to ask the Minister whether the brochure is now ready for distribution.

MR. SPEAKER: The Honourable Minister of Finance.

HON. DONALD W. CRAIK (Riel): Mr. Speaker, my understanding is that the brochure is at the printing stage now.

MR. WALDING: I wonder if the Minister would care to elaborate on the last statement as to when it went to the printers and who is doing the printing and when does the Minister expect to have them ready for distribution.

MR. CRAIK: No, I don't believe so, Mr. Speaker.

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

MR. WALDING: It is probably a repeat Mr. Speaker. I recognize that the Minister does not have to answer the question and if he feels arrogant enough to refuse to do so, then, Mr. Speaker, the

House and the people of Manitoba will know that the Minister has declined to answer our questions.

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

MR. A. R. (Pete) ADAM: Thank you, Mr. Speaker. My question would be addressed to the First Minister due to the fact that the Minister of Agriculture is away at the present time. I'm wondering if the First Minister could advise why the producers are having difficulty in purchasing grain that is now in Manitoba, in fact, on hand with elevator companies and that they are being turned down the opportunity to buy this feed. I would ask the Minister why he would not approach the Wheat Board and suggest that some of these stocks remain in Manitoba, rather than being shipped out and having to import grain from the United States to replace this grain that is moving out.

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, without admitting the validity of the premise upon which my honourable friend frames his question, I could take his question as notice and indicate to him merely that questions of that nature were asked of the Minister of Agriculture yesterday and I think he will be in a better position tomorrow, in the light of some of the discussions he has had and will be having in the course of further negotiations, to respond to my honourable friend's point.

MR. ADAM: On another subject relating to the drought, we are receiving letters from people who are leasing Crown lands and being that the crop is almost nil this year, we're wondering if the First Minister would take, on behalf of the Minister of Agriculture, a question as to whether or not he'd consider waiving the leasing fees for this year, in view of the fact that the crop is just about nil on the Crown lands, or at least partial waiving of these lease fees because of the fact that many of these producers may have to purchase additional feeds from Ontario, or wherever it's obtainable.

MR. LYON: Mr. Speaker, we'd be happy to give consideration to that, as well as to a number of other suggestions that are, may I say, helpful suggestions that are coming forward at this time from, not only members of the Chamber but members of livestock and farm organizations, members of the Union of Manitoba Municipalities. I can indicate to my honourable friend, as he may be aware, Mr. Speaker, that the government has already waived the dugout filling fee and matters of that sort will be handled in the ordinary course, to try to bring to bear upon the situation the full resources of the province, as I know he would want us to do, and all Manitobans would want us to do in this period of natural distress that we're going through.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. JUNE WESTBURY: Thank you, Mr. Speaker. On three previous occasions I have asked a question

of the Honourable Minister of Consumer Affairs. On the first two occasions he said he couldn't understand me; on the third occasion, in his absence the question was taken as notice by the Honourable Minister of Cultural Affairs. I wonder if the Minister is now prepared to answer the simple question, did he tell the Housing and Urban Development Association of Manitoba that certain changes in terminology in The Landlord and Tenants Act — I provided the Minister with a copy of their report — to the effect that certain changes could not be made because of the government's commitment to translate all new Acts into French as well as English? Did he make this statement to the Housing and Urban Development Association?

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs.

HON. WARNER H. JORGENSEN (Morris): The answer to the question is no, Mr. Speaker.

MRS. WESTBURY: Thank you. I have a question then for the Honourable Minister of Finance on another matter. This is a question that the Minister of Finance took as notice on the 9th of June, Mr. Speaker, and I wonder if he is prepared yet to answer the question which is, when can the House expect to receive some of the promised reports on the chemical spraying of Winnipeg which took place in 1953?

MR. JORGENSEN: Mr. Speaker, I believe that question was answered several times in this Chamber on previous occasions.

MRS. WESTBURY: The question was, when can we expect to receive the reports, Mr. Speaker, and if it's been answered the reports are not yet available and I would appreciate knowing when we can expect to receive them?

MR. JORGENSEN: Mr. Speaker, the reports that are available will be federal reports and my honourable friend has just as good an opportunity to get those reports as anybody on this side of the House.

MR. SPEAKER: The Honourable Member for Churchill.

MR. JAY COWAN: Mr. Speaker, my question is to the Minister of Environment. As it has been reported that substantial levels of vinyl chloride contamination have been found in soil and ground water sites at the MacGregor derailment site, and as these samples have been found to be present long after the derailment had occurred, is the Minister now prepared to table all test results, in this regard, that have been compiled by his department since the derailment, so that the members of this House can have an opportunity to peruse them as we have requested this act from the Minister on several occasions in the past?

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs.

MR. JORGENSEN: Mr. Speaker, the testing that took place at the McGregor derailment site took place in conjunction with the CNR and one of the conditions of our participation in those testings was that the reports would be released at the same time. Since the investigations into the derailment are now resumed by the Transport Commission, I expect that report will be revealed at the hearings and at the same time I will be prepared to table them here in the House.

MR. COWAN: As it appears that report has already been reviewed, I would hope that the tabling would take place fairly shortly. Can the Minister indicate, following upon that question, if there are any other reports such as meteorological reports, as to wind direction and as to wind velocity and the travelling of the possibly contamination on the night of the derailment, that the Minister is holding back until they are tabled before the committee?

MR. JORGENSEN: Mr. Speaker, the only testing that I know of that has taken place was at the derailment site and my honourable friend may get a surprise when he sees a copy of those reports.

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

MR. COWAN: Mr. Speaker, as it has been the government that has been surprised each and every occasion, I feel that a surprise on this side might not be an unbalanced situation from time to time. I would ask the Minister if he, or any others within his government, have been contacted by farmers in the area who have lost the use of their land due to testing that is ongoing in regard to compensation for the loss-use of that land and if the Minister can indicate if any such arrangements have been contemplated or if any such arrangements have, in fact, been made.

MR. JORGENSEN: If there indeed was any loss of the use of land in that area, it certainly wasn't as a result of the vinyl chloride spill, and if there was, then any compensation would be the responsibility of the CNR.

MR. SPEAKER: The Honourable Member for Transcona.

MR. WILSON PARASIUK: Mr. Speaker, my question is directed to the Minister of Consumer Affairs responsible for The Rent Stabilization Act. Can we expect to receive before June 30th, a printed copy of the supposed revisions to The Rent Stabilization Act so that people will be in a position, landlords and tenants, will be in a position to know what the government has in mind for Manitoba landlords and tenants after October 1st, especially since landlords are required to give three months notice of any changes in rents and The Rent Stabilization Act expires October 1st?

MR. JORGENSEN: Mr. Speaker, I regret the delay in the distribution of that particular bill. There have been some difficulties in expediting these particular

matters and I hope that within a very short time that bill will be introduced.

MR. PARASIUK: Mr. Speaker, all members of the Legislature would like to co-operate on this matter. Could the Minister indicate why there have been difficulties with respect to revisions of a bill that was passed last year where everyone knew that it would expire October 1st? We've been asking questions over three months on this issue. Could the Minister indicate what has held up the printing of that bill, either the Queen's Printer or the excuse, that he now retracts, with respect to having to translate bills into French with respect to other legislation? Can the Minister explain what has held up that critically important bill?

MR. JORGENSON: Mr. Speaker, my honourable friend has been around this place long enough to know that you don't always get bills as quickly through the drafting process and the printing process as you would like to be able to.

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

MR. PARASIUK: Mr. Speaker, I would like to ask the Minister what does he propose that tenants, who have received rent increases of over 25 percent, are supposed to do in the interim waiting for this incompetent government to clean up its act sufficiently so that they can bring in the legislation on time to protect consumers?

MR. SPEAKER: The Honourable Member for Rossmere.

MR. VIC SCHROEDER: Thank you, Mr. Speaker, a question to the Minister of Education, further to my questions of yesterday with respect to the Landmark school situation. Could he advise as to why it was that he, on the recommendation of the Public Schools Finance Board, turned down the request originally made by the school board down there, for a separate K - 6 new school for Landmark?

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): Mr. Speaker, the Public School Finance Board considers all building proposals very carefully, looks at student enrolment projections, existing school buildings, and on the basis of those factors and others, they come to a final recommendation that is placed before me. On the examination of that recommendation, I found that I had no problem concurring. I understand that the school board in question also agreed to the particular rationale that caused a change in the original proposal. As a result, Mr. Speaker, the final recommendation, rather than for a K - 6 school, resulted in an addition to the existing Secondary School.

MR. SCHROEDER: Can the Minister confirm that the school board made that change as a result of the Minister's and the Public Schools Finance Board statements to the board that there would be no school whatsoever unless these changes were made

and that, in fact, the parents down there at Landmark, when they met several months ago, voted against having any school whatsoever as opposed to having this addition to the existing high school; that is, what they wanted was a separate K - 6 as opposed to an addition to the existing high school; and if they weren't going to get the separate new K - 6 they didn't want anything at all?

MR. COSENS: Mr. Speaker, that's absolutely incorrect. I made no such statement and I would be very surprised if the Public Schools Finance Board made such a statement.

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

MR. SCHROEDER: First of all to the Minister. Can he advise as to whether if there had been no change in the application by the school board, the original application for a separate K - 6 school would have been approved then?

MR. COSENS: Mr. Speaker, I think the honourable member is referring to something that's rather hypothetical. In fact, the Public Schools Finance Board looked at all the particular factors that they review in the case of any school building proposal; they then had a meeting with the school board that originally requested a K - 6 school, and on the basis of that meeting, a recommendation was forwarded to me, that rather than building a separate K - 6 structure, that it would be more advantageous educationally to build an addition to the existing Grade 6 to 12 school that is presently in Landmark.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. EVANS: Thank you, Mr. Speaker. I'd like to address a question to the Minister of Economic Development and ask the Honourable Minister whether his department has any information now on the degree to which farm implement dealers and other businesses which service the farm industry in Manitoba, which service agriculture in Manitoba, are being commercially hurt by the existing drought situation in the province.

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. J. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, the Research Department is working with the Agriculture Department and Finance Department and I believe all three departments are putting information together to assess the impact of the drought on small business in the rural part of Manitoba. I don't believe that assessment has been completed as yet. I believe the Economic Development Department, as far as the statistics are concerned, have turned over the information that they've been requested.

MR. EVANS: Mr. Speaker, I thank the Minister for that information. I wonder if he could clarify his statement inasmuch as it's not clear to me from his answer whether the department, in co-operation with the other departments of Agriculture and so on, are

merely tabulating existing data that they have from regular department sources or is his department, in co-operation with other departments and perhaps the Manitoba Bureau of Statistics, going to undertake a special separate survey of the situation because to my knowledge there is no ongoing survey material that's available. So, is the government Minister telling us, Mr. Speaker, that the department is prepared, in co-operation with the other departments, to undertake a special survey of this particular unfortunate situation?

MR. SPEAKER: The Honourable Minister of Economic Development.

MR. JOHNSTON: Well, if I didn't mention it, it is a survey that is being done and we're trying to tabulate as much information as possible on the conditions of sales, etc., in the rural areas and, naturally, the impact of farm produce sales not taking place, etc. It's not a short process to be able to put that all together, Mr. Speaker.

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

MR. EVANS: Thank you, Mr. Speaker. I don't know whether I should address this one also to the Minister of Economic Development or perhaps to the Minister of Finance because it involves expenditure of money and whether the Minister of Finance can answer this or the Minister of Economic Development. Perhaps the government's side can make a decision and that is, does the government plan because it's obviously concerned about the situation and is examining the situation, is the government planning or at least considered to offer some form of financial assistance to the small business establishments in Manitoba, and particularly rural Manitoba, that do indeed service the farm sector which is now being very badly hurt by the drought situation?

MR. JOHNSTON: We are aware of the problems that may exist with the small businessmen in rural Manitoba, Mr. Speaker, and we have had discussions on it. But at this point there is no program of that particular type of assistance. Any programs that have been worked on to date — and I'm not part of the Drought Committee — have been programs to alleviate the situation as far as the farm community is concerned.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I'd like to direct a question to the Minister of Education and ask him whether he can confirm that the University of Winnipeg suffered a 240,000 debt in the last fiscal year.

MR. SPEAKER: The Honourable Minister of Education.

MR. COSENS: Mr. Speaker, I'd be glad to check their particular financial report and get back to the member.

MR. DOERN: Mr. Speaker, in regard to a reported 240,000 deficit, would the Minister concede that this is a result of inadequate provincial funding for the universities of Manitoba?

MR. COSENS: Not necessarily, Mr. Speaker.

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

MR. DOERN: Is the Minister suggesting that the University of Winnipeg's administration is not doing a good job?

MR. COSENS: No, I'm not making that suggestion, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Thank you, Mr. Speaker. My question is directed to the Minister of Health. In view of the fact that the government has approved 444 private profit-making nursing home beds, can the Minister explain why non-profit homes seeking approval to provide nursing home beds in the Maples and in Selkirk had their approvals rejected or previous approvals rescinded in order for this government to favour private profit-making nursing homes over non-profit community and religious groups who want to provide that service to Manitobans?

MR. SPEAKER: The Honourable Minister of Health.

HON. L.R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, I'm not sure that any non-proprietary groups such as those mentioned by the Honourable Member for Transcona had their applications either rescinded or rejected in the areas mentioned. I can certainly check on that but the decision with respect to the proprietary operators who are being licensed to build and who are now building related to those proprietary operators who had been in service until the winter of 1977-78. They represent a particular category of private operators whom we felt had demonstrated a good record in the field and who had co-operated with the government and in the public interest in the winter of 1977-78 in closing down or phasing down a number of old facilities. So the decision with respect to the new approvals was based primarily on the consideration given those particular operators. Where they chose to locate or to acquire their property was really incidental to the basic decision.

MR. PARASIUK: Mr. Speaker, I'd ask the Minister to investigate why the Selkirk Hospital, which wanted to build a nursing home adjacent to it and had received approval from the previous government to proceed with the nursing home, their proposal was rejected by this government. Secondly, why Fred Douglas Personal Care Home which wanted to expand its operations in the north end, a non-profit nursing home, why its proposal was rejected by this government in favour of those particular private profit-making nursing homes which will provide less care for more money?

MR. SHERMAN: Mr. Speaker, with respect to Fred Douglas Lodge, it may well be approved in the future. Applications to build homes, whether coming from non-proprietary or proprietary operators, are processed on the basis of need, priority and availability within the total package that can be accommodated through the Health Services Commission budget year by year, as the honourable member knows. The Fred Douglas Lodge does not represent the only applicant to build a personal care home that has not yet received approval.

With respect to the Selkirk Hospital, that was a different category entirely and I thought the member's original question had to do with the operators in Winnipeg and Portage la Prairie who had been in that group that had phased down their operations in 1977-78. Selkirk was entirely different. I've stated in this House many times that we felt the operators of the Selkirk Nursing Home had demonstrated a capacity to continue in the field. It was not necessary to build a personal care home juxtaposed to the new Selkirk Hospital and a new personal care home on the Selkirk Nursing Home site. We opted more than a year ago for the Selkirk Nursing Home site and the proprietary operation. So that's not news to the honourable member.

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

MR. PARASIUKE: Thank you, Mr. Speaker. I'd like to ask the Minister if the government has calculated how much extra the Manitoba taxpayers will have to pay because the Conservative government has announced a special subsidy for these private profit-making nursing home operators which they will not pay to non-profit community and religious groups that want to provide nursing home service to people because of their love of humanity, not because of the love of a dollar. Has the Minister calculated how much extra it's going to cost us?

MR. SHERMAN: Yes, Mr. Speaker, roughly, I can give the honourable member that calculation but I want to correct a couple of errors and distortions in his question first. First of all, there will be further non-proprietary applications approved in the future as there have been in the past. Secondly, it is not a special subsidy that is being paid to the operators. The non-proprietary operators up to this point in time have been the ones receiving the special subsidy of the Canadian taxpayers through the Central Mortgage and Housing Corporation, and we have no objection to that, that's fine. We took advantage of that to the full extent of the quota provided for us under that agreement, as the previous government did.

At the present time, Mr. Speaker, the sheltered component category for Manitoba in the personal care field under CMHC low-interest mortgages is fully used up and fully used up into the future on the basis of approvals given to non-proprietary homes and whoever goes into the field at this point and into the foreseeable future, proprietary or non-proprietary, will have to seek his or her money in the commercial market. The difference on the 444 beds that have been announced today, Mr. Speaker, will amount on an annualized basis to approximately 1.3 million

which will impact on the MHC budget starting in 1982.

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

MR. DESJARDINS: Mr. Speaker, I would like to ask a question of the same Minister. Is the Minister, in effect, saying that the per diem rate granted to the proprietary nursing home will not cover the capital interest of the borrowing of money, plus allow for the profit that this group will make?

MR. SPEAKER: The Honourable Minister of Health.

MR. SHERMAN: That's the intention of the formula, Mr. Speaker. The per diem that will be paid to proprietary or non-proprietary operators, beginning on projects now, with the category of low interest money that I referred to earlier used up, will accommodate the obligations of capital debt repayment on a 35-year mortgage at a 90 percent mortgage rate on a mortgage amounting to something in the neighbourhood of approximately 33,000 and it will not cover their entire debt repayment costs. The operators are expected to put up some of that capital themselves.

MR. DESJARDINS: Mr. Speaker, now that the Minister has made that clear, can he now answer the question asked of him by the Member for Transcona, that is how much more will it cost the taxpayer to keep the proprietary nursing home, while you consider the profit that has to be made by people that are in this to make a dollar?

MR. SHERMAN: I answered that question, Mr. Speaker, two questions ago.

MR. DESJARDINS: Mr. Speaker, two questions ago, the Minister talked about the formula to borrow for the construction. I am now talking about — (Interjection)— If the Attorney-General will keep quiet, I'll ask my question. — (Interjection)— I've got lots of time. You're the one bringing all these bills, so just keep quiet. — (Interjections)—

MR. SPEAKER: Order please. The Honourable Member for St. Boniface with a final supplementary.

MR. DESJARDINS: Thank you, Mr. Speaker. Mr. Speaker, I am suggesting now that the question has not been answered, the question of the Member for Transcona. The question was how much more will it cost the taxpayers of this province, now that the choice has been made that the proprietary nursing home will be the style here in this province?

MR. SHERMAN: I answered that question, Mr. Speaker, two questions ago but because I appreciate the fact that the Honourable Member for St. Boniface sincerely missed it, I'll repeat it. The difference in the annualized cost in the MHSC budget impacting in 1982 and in future years on 444 beds built under this formula as against 444 beds built under the low interest CMHC formula is approximately 1.3 million.

MR. SPEAKER: The Honourable Member for Rossmere.

MR. DESJARDINS: Mr. Speaker, I have a question on the same subject.

MR. SPEAKER: The honourable member has had two supplementary questions.
The Honourable Member for Rossmere.

MR. SCHROEDER: Thank you, Mr. Speaker. A question to the Minister of Education. In view of the fact that back in 1978 he wrote to the Winnipeg Adult Education Centre advising them that at that time he didn't have funds but he expected that would hopefully change in the future and in view of the fact that on February 22, 1979, his Deputy Minister wrote to the Winnipeg Adult Education Centre advising that the matter of funding was under thorough review at that time and that as soon as a resolution could be found his department would be in communication with Winnipeg No. 1, can he advise as to whether a decision has now been made after two years of serious consideration?

MR. SPEAKER: The Honourable Minister of Education.

MR. COSENS: No, Mr. Speaker.

MR. SCHROEDER: Can the Minister advise as to when a decision can be expected or do we have to wait until after we get a change of government?

MR. COSENS: I don't think he would be prepared to wait that long, Mr. Speaker.

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

MR. SCHROEDER: Thank you, Mr. Speaker. Further to the previous question on Landmark, can the Minister confirm that in fact a parents meeting was held within the last several months in Landmark and that the parents did vote in support of a motion, the effect of which was that they did not wish any addition to their existing high school?

MR. COSENS: Well, Mr. Speaker, it is not uncommon for meetings to be held in communities and votes to go one way one time and go the other way the other time. I understand that in fact this is the very situation that has happened in this particular community. However, I am sure they will find some resolution and that their school board will be contacted or will meet with the people and come to some final determination. At this time, I understand the school board is prepared to go ahead with the addition to the existing 6 to 12 school.

MR. SPEAKER: Order please. The time for question period having expired, proceed with Orders of the Day.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

BUSINESS OF THE HOUSE

HON. GERALD W. J. MERCIER (Osborne): Perhaps I can first confirm that the Law Amendments Committee will meet Thursday morning at 10:00 a.m.

RULES AND PROCEDURES

MR. MERCIER: Mr. Speaker, would you call the motion in my name on Page 6 of the Order Paper, then Second Readings beginning with Bill No. 85, then 79, 81 and then Adjourned Debates on Second Reading beginning with Bill No. 31, then 19; then we will go into Committee of Supply.

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, the Honourable Attorney-General.

MR. MERCIER: I move, Mr. Speaker, seconded by the Minister of Government Services:

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

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

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Well, just briefly, Mr. Speaker, it's not the intention of the government to have this motion passed today. It could be passed tomorrow, Mr. Speaker, after the estimates are completed tonight.

Mr. Speaker, I would like to indicate for the information of members of the Assembly, the number of hours that have been spent in past years on estimates. In 1975, Mr. Speaker, the House spent 194 hours and some minutes; in 1976, 235 hours; in 1977, 228 hours; in 1978, 317 hours; in 1979, 337 hours and to date, Mr. Speaker, have spent a total of 343 hours and 45 minutes.

Mr. Speaker, I mention this fact for the sole purpose of indicating to members of the House the large and ever increasing number of hours, particularly in the past three years, that have been spent on estimates, Mr. Speaker, and point out to members of the House that very shortly it's time to deal with and complete government business.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Thank you, Mr. Speaker. I'm afraid that after I'm done some of the members won't want to applaud. I have to indicate, Mr. Speaker, I have never been a friend of the Speed-Up although as a member of a democratic group I have gone along with the majority. I believe people should work normal, regular hours, eight hours I believe is sufficient. I don't know why this place, which prides itself in creating law and being the model for the rest of our society, has to create stupid hours — and I believe they are stupid hours when you sit till 2:00 and 3:00 in the morning. But I'm going to indicate that I'm not going to oppose the resolution.

But I do want to indicate, Mr. Speaker, that I have a bone of contention because I believe that I have a number of times asked, how many more bills and the Honourable House Leader has indicated that we have to go to about 120 or 130. He, himself, is not sure yet and he doesn't know when he'll be able to tell me that, how many bills there are?

Secondly, that means —(Interjection)— Thank you, I'll make my own speech. That means that there are at least 30 bills that we know nothing about and we don't know how contentious they are, what's in them or why they are necessary.

MR. DOERN: You're prolonging the session.

MR. FOX: Mr. Speaker, I want to indicate that I have discussed with the Honourable House Leader that there are a number of bills that have similarity. I believe those kinds of bills which we can give the title to as professional bills, we should come to some consensus and put out of this House and pass into a second or third reading at another session. I believe there should be discussion by the public and representation because there's a lot of similarities in the bills and there are also some very contentious areas in these kinds of bills. I do not believe it's necessary to try to force them through at this particular time. If we try to utilize the Speed-Up, that means the public will have to be making representation at some terribly odd hours.

I do recall during Speed-Up having representation being made after midnight. I think this is an imposition on the public and it should not be done. If these laws have to be passed, then I think there should be time taken adequately so that the public can, at its leisure, digest what is in store for them, make their representation and we, as legislators, should take our time and have a look at them.

The Honourable House Leader indicated that we've spent a number of hours on estimates. I want to inform him that's a two-way street. It's because the opposition can't get the answers that they have to drag out, squeeze, and I mean squeeze and tease and heckle the heck out of the Ministers to get the replies, consequently it takes much longer. If we would have forthright answers the estimates would probably go through in one heck of a hurry.

I'd further like to say if we are going to sit through the summer — and it appears that way because of the number of bills — I believe there should be some negotiations possible that we do not sit beyond the midnight hour and, since we're going to take up the summer, I believe we should look at having a five-day week, not a six-day week, so that we can enjoy a little bit of this summer.

With those conditions, Mr. Speaker, I'd like to say I'm prepared to let the bill go but I'm going to negotiate very strenuously with the House Leader and if I don't get some kind of reciprocity he's going to have one difficult time getting his bills through this House.

MR. SPEAKER: The Honourable Member for Logan.

MR. WILLIAM JENKINS: Thank you, Mr. Speaker. This is our annual trek into madness that we engage in every end of the session.

However, I do want to say that I realize that this is a necessary thing that happens at the end of every session but I think, as has been pointed out by my House Leader, that the fact is that we are on the verge now of going into Speed-Up. We are being bombarded with bills in the late stages of this session. We're expected to make decisions on them and I must say, Mr. Speaker, the Government House Leader can get up and state statistics about what time we've spent in estimates, but if he wants to take a look at some of the bills when they were first introduced for first reading in this House, and when they were introduced for second reading and when the bills were distributed, we had bills that were distributed here some of them in March and not debated until the end of May. I say that's pretty sloppy work on the part of somebody and unfortunately it's the Government House Leader that has to take the responsibility because you're the one who is to pilot the stream of bills that go through this Legislature. Because you have been inept, your government has been inept in introducing your bills — and the Minister of Highways is one of the worst offenders — I believe he has a bill that was introduced somewhere in April and not introduced for second reading until just, lo and behold, the other day. Now what was the Minister of Government Services doing? —(Interjection)— He certainly wasn't here filibustering, that was for sure. He was perhaps somewhere else, I don't know, but he certainly was putting no pressure on to get these bills before this Assembly.

Therefore, I say, that if you want co-operation from the opposition, then we will expect you — and I would expect my leader to negotiate to the best of his ability — that we do sit here with some reasonable hours, not here till 3:00 or 4:00 o'clock in the morning. I think we're expected to be here six days a week, I think that's what the resolution calls for. Not only on my own behalf, but I'm talking about the gentlemen that work for this Assembly, or for the Clerk, the Deputy Clerk; I'm talking about the people who work for the recording staff; I'm talking about the people who work for Hansard; the people that work to make this Assembly work, they too need their rest. It's all very well and good. We leave here at 3:00 o'clock in the morning but the Clerk, the Deputy Clerk, the Chief Recorder, other personnel, Sergeant-at-Arms, Deputy Sergeant-at-Arms, they have other duties after this Chamber adjourns for the day and they are expected to be here next morning bright-eyed and bushy-tailed to carry out their duties. I say to those people it is not fair. If I was them, I would be going on strike because I think they have a legitimate complaint to make to the Minister

of Labour. I would say to them if they want an organizer, I'll be in Room 228 and they can come and see me and I'll organize them.

But I say, Mr. Speaker, to the Government House Leader and to the government, you have the horses over there, you can do what you like. But remember, you're not always going to be sitting on that side of the House and you're going to be over here one day and as you treat others, they shall treat you. So I say to you, especially to the Government House Leader, if we can have a commitment from you that we will try to adjourn around midnight every night, I think that would be something that we would be prepared to go along with.

When we get into the very dying days of the session, I quite agree, sure, if we can get out of here by sitting here till 3:00 o'clock to finish up the business of this House, that is a different matter, but not day after day. I say to the Government House Leader, as far as preparing and seeing that legislation is hitting the desks and the distribution of bills of this House, you have done a rotten job, a terrible job. I say that with no reservation whatsoever, and if you want facts and figures I'll prove them to you, they're right here, because I have track of all the bills as they have been — (Interjection)— Well, the honourable member can actually count. If the honourable member doesn't know what my position is within this opposition caucus and what the function of an opposition Whip is, one of the functions he has is to take adjournments on debates. You can ask your own government Whip. That is one of the responsibilities that you take on when you are the Whip and if you want to go back and look, look at the years passed when the Honourable Member for Gladstone took adjournment debate after debate. It's one of the responsibilities of the Whip to do so.

We have bills here, Mr. Speaker, that were introduced, well, here's one, introduced Bill No. 8, the Minister of Labour. Now he's a pretty nice fella in some respects but introduced a bill for first reading on the 19th of March, was not introduced for second reading until the 2nd of May. Now, this bill has already passed this House. The opposition dealt with this bill in a matter of seven days, we cleared that bill, which is not bad, not bad.

Now we have another bill here — I want to deal with the one with the Honourable Minister of Government Services, yes, here we are. The Minister of Government Services introduced Bill No. 47 on the 21st of April, 1980. Two months later, almost to the day, on the 20th of June, 1980, he introduced the bill for second reading. What's he been doing for those 60 days? Twiddling his thumbs? What's he been doing? Another bill. — (Interjection)— Well, a private member's bill, I'm not going to comment on that. We have a number of those but here's the professional bills, and some of them were introduced. Yes, they are private member's bills, I believe there are about 10 professional bills that are being tried to be processed through this House. The 29th of April, Bill No. 53, the Honourable Member for River Heights, and lo and behold, he didn't introduce it for second reading until the 3rd of June. What's he been doing? We have Bill No. 55 introduced for first reading on the 2nd of May, still not introduced for second reading, that's the chairman of the caucus of

the Progressive Conservative Party. Then we have the Minister of Community Services who introduced a bill — I don't know what the name of it is — Bill No. 56 introduced for first reading on the 5th of May. It is now the 25th of June and we still haven't had second reading. I don't think we even had the bill distributed. We have another bill from the Member for River Heights, Bill No. 58, introduced for first reading on the 5th of May, 1980, still haven't received that bill for second reading or distribution.

I could go on and on, Mr. Speaker. The Rent Stabilization Act is another one. The Minister of Consumer Affairs is not entirely innocent either, he has some bills that he's been delaying one way or another. I must say when the Minister of Consumer Affairs was Government House Leader he seemed to be able to organize the business of the House much better than the new one. I know that I've had my differences of opinion with the Minister of Consumer Affairs over the years but I will say this to his credit that he was able, it seemed, to be able to organize the business of the House in a much better manner than we've seen at this time.

So I say to the Government House Leader that we want to get some concessions from you that we're not going to be sitting here till God's all hours at night, day after day, after the things that I have tried to point out to you and I want you to realize that we are expected and I think that the Member for Virden, who threw out a question, I believe, when the House Leader asked here a week or so ago; some bills, how many more bills, he said jokingly, 55. Well I'm beginning to think that maybe the Member for Virden knows more than the Government House Leader, that we are perhaps going to get 55 bills.

MR. MERCIER: That's right; that's right.

MR. JENKINS: That is perhaps what we're going to find. So I say to you, Mr. Speaker, I think that we have to have, before we pass this motion, some sort of commitment from the Government House Leader. How many more bills are you intending to introduce for first and second reading in this House? If we're going to add 55 bills, as the Member for Virden jokingly threw out as a figure — (Interjection)— Well, now I hear from the Attorney-General that he wasn't joking. Now, am I to gather from that, Mr. Speaker, that the Attorney-General is now telling us that he has a further 55 bills to table before this House? If that's the case, then I think we better recess for the summer, hear some representations on the bills that we have before us and come back again in the fall.

In a serious vein, Mr. Speaker, I want to say to the — (Interjection)— Yes, I was very serious. There is always a certain amount of repartee here between myself and other members of this House. I enjoy your interjections, except sometimes when they annoy me, then I might call you to order, as I used to do sometimes. But, Mr. Speaker, I would say to the Government House Leader that if you want co-operation, then you must be prepared to make the effort from your side because this House can only operate, and operate successfully, if there is co-operation between the government side and the opposition side. If we're going to be at loggerheads, how long we are going to sit here at night? I can tell you that we are going to come here tomorrow or the

next day after we've been sitting here until 2 or 3 o'clock in the morning very uptight, snarly and that doesn't just apply to members on this side, it applies to members on that side of the House as well.

I think that since we are dealing with legislation that is affecting the lives and careers of Manitobans, I think it behooves us to do the justice to the legislation that is before us and some of it is important legislation, some of it is housekeeping. Those bills are not that controversial and they go through fairly easy but there are some pieces of legislation that we find fault with. Some we may not find fault with, but when they go out to the various committees for dealing with at second reading, members of the public raise some very valid concerns. I say to you that we need the time, especially since you are so late in introducing these 55 bills that the Attorney-General has thrown across the floor that he's going to introduce, I think that within the next few days that we're going to be snowed under, snowed under with bills.

I know how you can work to get legislation through, you just keep pounding and pounding away at it, but I'll tell you, it doesn't do justice to the legislation. It doesn't do justice to your cause; it doesn't do justice to our cause, and above all, it doesn't do justice to the people of Manitoba. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: I move, seconded by the Honourable Member for Burrows that the debate be adjourned.

MOTION presented and carried.

SECOND READING — GOVERNMENT BILLS

BILL NO. 85 — AN ACT TO AMEND THE MENTAL HEALTH ACT

MR. SHERMAN presented Bill No. 85, An Act to amend The Mental Health Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Health.

MR. SHERMAN: Mr. Speaker, Bill No. 85, An Act to amend The Mental Health Act is a response to conscientious requests and conscientious representations that have been made in the recent past with respect to the rights of persons who are patients receiving treatment in our psychiatric facilities and mental health centres in this province. It's an attempt to ensure that those rights are protected and guaranteed against invasion and against subversion. The proposed amendments contained in the bill have been prepared by a committee of the Department of Health and the base was a reference document, Sir, in the form of the report of the Law Reform Commission. It was entitled Emergency Apprehension, Admissions and Rights of Patients under the Mental Health Act. Also used as a reference document where comments of the Manitoba Psychiatric Association in regard to the Law Reform Commission Report.

Much of the proposed new legislation is of a housekeeping nature, Mr. Speaker, but there are two salient amendments and proposals contained in the legislation which really represent the principle at hand. In the housekeeping area there are a series of changes to use the term "medical officer" in charge of a psychiatric facility, rather than the term "superintendent"; to use the term "psychiatric facility" than the term "hospital"; to use the term "provincial judge" instead of the term "magistrate", and a change in wording to restrict the apparent powers of the Director of Psychiatric Services clarifying his admission authorities to clearly relate to mentally disordered persons. In addition, it gives the Minister of Health the right to establish standards committees in mental health institutions similar to his right to do so in general hospitals under the Hospitals Act in conjunction with the College of Physicians and Surgeons of Manitoba. There is also, Sir, an addition that establishes confidentiality in regard to medical records and transmission of case file information. But the most important proposals contained in the proposed legislation in front of the House, Mr. Speaker, involve an addition to provide for emergency apprehension by a peace officer and an addition that establishes a review board, a mental health review board. The addition, relative to the emergency apprehension by a peace officer, is a major change that permits a police officer to apprehend a patient who appears to be dangerous, pending a medical examination. The proposed review board establishes a mandatory review, Mr. Speaker, of all patients in institutions on a regular basis and will involve staff and other expenses. In addition, where it receives an application at any time for a hearing, relative to the status of a patient in a psychiatric facility, the board shall schedule such a hearing forthwith and such a hearing may include the patient's legal representative, among other persons, examination and cross-examination of witnesses and access to all relevant documents and records pertaining to the patient.

So essentially, Mr. Speaker, the legislation, as I've said, deals with the principle that patients, residents in our mental health centres and psychiatric facilities are entitled to the utmost protection that can be given them insofar as their right to full participation in society's concern, consistent with their protection and the protection of society and the particular illness or psychosis for which they require treatment. The bill ensure that they will receive the continuing attention of a review panel which will address their cases within a year of one's admission to a psychiatric facility as minimum, and in the future, within a year as minimum, every year on an ongoing basis, with provision for a particular hearing to be called upon application.

I think the reforms proposed in the legislation are overdue, Mr. Speaker. I think they have the support of many advocates in the legal, social services, psychiatric and community services and health fields and I recommend the legislation to the House.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker, I move, seconded by the Honourable Member for Kildonan, that debate be adjourned.

MOTION presented and carried.

BILL NO. 79 — AN ACT TO AMEND THE EXPROPRIATION ACT

MR. ENNS presented Bill No. 79, An Act to amend The Expropriation Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Government Services.

MR. ENNS: Mr. Speaker, this Act, while standing in its own name, has amendments to our Expropriation Act, which has served us well over the past decade. I think 1970 was when The Expropriation Act was last dealt with in any substantive way. However, it does require a number of measures and amendments to some of its clauses that are necessary both for clarification from the landowners' point of view and also from the authorities that have to deal with the business of expropriating land from time to time. Members will appreciate that that's not always one of the most pleasant tasks of government. We do so when we believe that it is in the public interest. I'm sure all members of the House acknowledge the necessity of having the capacity to do so as government; that we also, I think, acknowledge and I think we in Manitoba, by the way, are reasonably well served in that the individual citizen of Manitoba is and has in fact been well protected in terms of his property rights when he is being asked by some jurisdiction of government to give up of his property for the public good.

Mr. Speaker, I know it's the kind of an Act that makes it very difficult to understand when you see the inclusion of one or two words, or the addition of one or two words, to be able to appreciate the full context of the proposed changes and, Mr. Speaker, I would certainly undertake to provide to honourable members opposite — I was going to have that ready for honourable members this afternoon — a summation of the intent of the proposed changes that may be helpful to honourable members as they discuss the bill in their caucus. I will undertake to provide these copies of my explanatory notes, if you like, to our honourable members opposite, which I believe will be of some help to the honourable members in dealing with this Act.

In general, Mr. Speaker, the Act, if anything, reinforces, clarifies, strengthens the position of the individual property owner. It makes and builds into the existing Act a bit more flexibility to allow members of the two parties concerned — that is the expropriating authority and the landowner — to come to a mutually agreed upon settlement.

The Act, for instance, now reads that when a landowner is in dispute with the expropriating authority and files notice that he intends — as is his right under The Expropriation Act — to take the matter to court, that all negotiations cease. One of the amendments of this Act simply indicates the period for allowing negotiations to proceed with the

expropriating authority and the landowner, up until the point and actual trial date is set. Honourable members will know that may, in some instances, be some time before an actual trial date is set.

Mr. Speaker, it also will enable the other matter that is of concern to citizens of Manitoba when their land is being expropriated, that the first offer in some instances need not be the final offer or indeed the fair offer when all circumstances of the disturbance to that property, the value of that property are to be considered. This enables and builds in a little bit more flexibility into both the operation of the Land Value Appraisal Commission, which issues certificates of value of the land, that these certificates of value can be varied from time to time and it makes it clear to those public servants who are acquiring land that they do not, in their first offer, have to necessarily present that offer as being the final offer.

The Act now provides for the expropriating authority to pay 75 percent of an offer immediately, if there is an acceptance. This has not changed, except there is a slight change but it is an important change in as far as the attitude of the expropriating authorities and the people in my department, in the division of Land Acquisition, that there is a tendency because the Act so directs them today, that the attempt is made to have the landowner, under some pressure of time or some pressure of urgency some time, to immediately settle for the full value or accept a final offer. There's been a reluctance on the part of the landowners, in some instances, to accept that 75 percent payment, which is his right, because it has not been quite clear that that is not necessarily 75 percent of the total, or of the final offer. The amendment proposed in the Act makes it clear that the 75 percent of payment that is made to the landowner does not in any way prejudice the final offer that may be agreed upon.

Mr. Speaker, there are changes of this kind in general through the Act. There are some changes that tighten up the length of notice or action required to be taken by the landowner to indicate acceptance or rejection of the offer made by the expropriating authority. We believe, for instance, that 60 days, two months, is sufficient time for a landowner to indicate whether he accepts or rejects the offer. If he rejects the offer, he then has the full and considerably lengthier period of time to commence action but it is not clear in the Act today as to whether or not the acceptance of an offer, particularly in a particularly prescribed form which can be a very lengthy and legalized form, it's very often difficult for the landowner who has agreed and is prepared to accept the offer of the expropriating authority to be able to comply with the rather complicated prescribed form that is currently in use. This change suggests that a simplified version of that acceptance form will be acceptable as a notice of acceptance of an offer.

Mr. Speaker, other sections of the bill provide for the problems that the government faces when indeed a party feels that he has just cause to reject the offer. The Act now stands that he has a period of up to two years to file his claim. There's no suggestion in the Act to change that period of time and I think, by and large, that has proved to be workable and certainly a landowner can, within two years from the time some public works has taken place that affects

his property, determine whether or not he wishes to put in a claim for injurious affection to his property. But what isn't clear in the Act is that there is no time limit exposed upon him, having made that application very often through the courts, for him them to act upon it. We have, in fact, some situations outstanding for seven, eight, nine years where, not on behalf of the government but on behalf of the landowner who is served notice of claim, if you like, and then has for one reason or another chosen not to act upon it. We are suggesting that a further two-year period of time be a reasonable period of time for that party to commence action.

Honourable members will have an opportunity to discuss this with officials of my staff at the time the bill is before committee, but I can assure honourable members that these are progressive measures being introduced to our Expropriation Act, which is among the most progressive in the country, Mr. Speaker.

We do have a particular problem and I know it's a problem that arises from time to time when property owners who are not necessarily directed affected by any expropriation of their property feel that they have been injured in some way. The most notable example perhaps, Mr. Speaker, that comes readily to mind is the merchants of Broadway Street, for instance, when the city did substantial public works to the improvement of the Broadway Street just in front of our Legislative Building or down the street, where the merchants complained that they suffered loss of business during that time of construction. Again, Mr. Speaker, the Act as it presently stands, is not clear as to whether or not that loss should be compensable and we do make it clear that it shall not be. We simply cannot envision a situation otherwise. This happens to all of us throughout the province at different times. Residents in a rural area that have to perhaps make a 20 or 30 mile detour while a bridge is being replaced, such as indeed is the case in my own constituency in the community of Poplar Point where a 70 or 80-year old bridge is finally being replaced. I had waited, Mr. Speaker, for eight long years, while my friends opposite were in government, to replace that bridge but it is now taking place and I suppose a farmer could argue that during harvest time the extra 30 miles that he has to travel to get to his land — because farmers occupy land on both sides of the river at that particular part of the community — that the state or the government should compensate them for that additional cost.

Mr. Speaker, I think we simply accept the fact, while we attempt certainly to minimize the injurious action that follows when public works are undertaken from time to time, but it is not really conceivable that we can pay out compensation for improvements which in the long run are to the very businesses or merchants, or indeed farmers, where these works are taking place.

Mr. Speaker, the Act of course does provide for injurious acts against land, whether or not the land has been expropriated or not. A neighbour's land can be expropriated for public purposes, your land may not be, but you can suffer some damages and you have full recourse under the Act with the kind of time limitations that I spoke about, two years to file claim, two years thereafter — in other words, really four years — to consider if there are in fact injurious actions against your property as a result of some

expropriation procedure which may not directly affect your particular piece of property.

Mr. Speaker, I sense a general feeling of readiness on members' opposite to, in the spirit of the resolution brought into this House by our House Leader signalling Speed-Up time is about to come upon this House, that I should now cease and desist and leave this bill in the hands of honourable members opposite, knowing that it will receive tender loving care and prompt and speedy action. Thank you.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Yes, thank you, Mr. Speaker. The last words prompted me to say a few words. The Minister of Government Services always has the knack of sort of being able to rile somebody and it's the tender loving care that he wants us to give and of course his inclusion of the resolution of Speed-Up, which turned me on.

You know, Mr. Speaker, here's a bill that was introduced almost a month ago and it took him until today to make a decision to give us second reading on it and the explanation. Now I appreciate the fact that the Minister is going to provide us with his speaking notes but, you know, because of the way he behaves in this Chamber, every so often, who can trust him. I know we are supposed to trust him and I do but nevertheless we're going to have to take a real hard look at even his speaking notes and to confer with other people because I do recall this Expropriation Act was passed by our administration and I know that it had been in the works for a long long time, prior to that, before the final decision was made with the first draft and the second draft and then the original draft that came out to the Chamber to be debated. And it's the same thing in respect to the amendments. You know, everyone says, oh well, take my word for it, it's only housekeeping; but I'm reminded of the kind of housekeeping that some people do. They do it where the pope dances, the corners are left dirty and consequently when you move in you have to really do a cleanup. So therefore I'm not prepared to accept that it is only housekeeping. I think that we really have to have a hard look at it and that's one of the reservations I have in respect to the resolution that the Honourable Government Services Minister raised in respect to the resolution on Speed-Up. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker. I move, seconded by the Honourable Member for St. Boniface that debate be adjourned.

MOTION presented and carried.

BILL NO. 81 AN ACT TO AMEND VARIOUS ACTS RELATING TO COURTS OF THE PROVINCE

MR. MERCIER presented Bill No. 81, An Act to Amend Various Acts Relating to Courts of the Province, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, this bill includes amendments to all of the court acts, Court of Appeal Act, Court of Queen's Bench Act, County Courts Act, Surrogate Courts Act and the Provincial Judges Act, to provide that the courts may permit an extension of time, notwithstanding any specific provision in any Act for the purpose of allowing time to obtain a translation of any document filed in the court from French into English or English into French.

As members are aware, Mr. Speaker, we indicated some months ago that we would provide, through the Department of Cultural Affairs, a translation service for the courts. Judges of the various courts have been meeting for some time now working on rules and it was deemed necessary, as a result of those deliberations, to bring forward an amendment to the various Acts to specifically authorize the court to permit extensions of time, to override specific provisions in the Act.

This Act, Mr. Speaker, will also permit an additional full-time judge of the Court of Queen's Bench. I note, Mr. Speaker, that almost concurrently with this bill, a bill has been introduced into the House of Commons dealing with judges and, at the same time, an amendment has been made concurrently to the federal legislation. This arises, Mr. Speaker, out of the recent retirement of the Honourable Mr. Justice Nitikman who has been working almost full-time as a supernumerary judge in the Court of Queen's Bench and it has been deemed necessary, with his retirement, that another full-time appointment will probably be necessary to carry on the workload.

Mr. Speaker, there are various amendments in this bill which repeal provisions relating to fees; all matters related to fees are now included in the Law Fees Act which has already been introduced in the House. This Act will also clarify, Mr. Speaker, that the court may sit at places other than the courthouse, in and for a judicial district, Mr. Speaker. I can indicate that this probably has some specific significance for the city of Thompson, where I have dealt with representatives of the Northern Bar Association. It may very well be that this will enable some additional sittings in the city of Thompson.

There are specific amendments included in this bill relative to provincial judges and The Provincial Judges Act, Mr. Speaker, which will provide some basic requirements before a person is appointed as a provincial judge. There are other amendments that reflect housekeeping amendments that have been brought to our attention by the Judicial Council and Chief Provincial Judge. The Act will permit the Judicial Council to refer a complaint to someone other than the Chief Provincial Judge for investigation and report and gives the Judicial Council the power to dismiss a complaint that it considers to be frivolous, vexatious or unfounded. It will clarify the rights of a judge who is the subject of an inquiry and authorize the Judicial Council to examine relevant information from the records.

The Act will also detail the powers, functions and duties of the Chief Provincial Judge, having regard to the concern about designating the area of the

province where a judge must establish residence; the Act will allow a judge to require the Judicial Council to review a change of residence ordered by the Chief Provincial Judge. In those circumstances, the onus will be on the Chief Provincial Judge to establish the need for a change of residence.

The Act, Mr. Speaker, will also require all full-time judges to devote their whole time to the performance of their duties as a judge and forbid the carrying on of any practice of law or acting as an arbitrator or conciliator, except on the direction of the Lieutenant-Governor-in-Council or with the prior approval of the Chief Provincial Judge. That, Mr. Speaker, would be in accordance with provisions in virtually every other jurisdiction. Those basically are the principles involved in the amendments to these Acts, relative to the courts of the province. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: I'd like to ask a question of the Honourable Attorney-General. In view of the fact that we're going into Speed-Up and Hansard may be a little while getting back to the members, I wonder if we could have a commitment from the Attorney-General that we could have his speaking notes as well, so that we could compare them against the bill?

MR. MERCIER: Mr. Speaker, I'll try to provide the Opposition House Leader with as much information as I can.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker. I'd like to move, seconded by the Honourable Member for Wellington, that debate be adjourned.

MOTION presented and carried.

ADJOURNED DEBATES ON SECOND READING

BILL NO. 31 — THE PUBLIC SCHOOLS ACT

MR. SPEAKER: Move to adjourned debates. Bill No. 31, The Public Schools Act standing in the name of the Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker. — (Interjection)— Yes, the Government House Leader suggests I have held this bill since May 30 but the bill was introduced for first reading on April 30. So I'm speaking on the bill in less time than what it was moved from first to second reading. I want to make it clear, Mr. Speaker, that I am not the official critic of the government on this bill. What I am going to be raising with the Minister is some of the concerns that I have with the legislation, they will not be the complete critique that will be made by members on this side, our education critics will be making that debate in further representation on this bill.

My great problem that I have with this bill, and it flows from one bill to the other bill, and it deals with the position of field representatives that the Minister of Education is introducing into the legislation in Bill

19 and in Bill 31. It deals with the powers that the Minister is going to, by virtue of this Act, give to these people. They are tremendous powers and, as is stated in this Act, that the powers for the purpose of investigating a complaint the field representative shall have the protection and the powers, as if he was a commissioner appointed under Part V of The Manitoba Evidence Act.

I want to point out to you, Mr. Speaker, I want to point out to members of this Assembly, that the powers that the commissioner has under the Manitoba Evidence Act are quite extensive and I want to draw to the Minister's attention some of the powers that a commissioner, under The Manitoba Evidence Act has, and I want him, when he's closing debate on this, if considered this type of power to give to a person. And I'll say that the one improvement that they made — and I believe last year they had a different name for them, an educational consultant or something like that — to be appointed by Order-in-Council. This now is the same person, he's called a field representative, to all intents and purposes that's what the Minister told us when we were discussing his estimates. He also pointed out one of the prime functions of the field representative was to interpret government educational policy of the Department of Education out in the field. I don't quarrel with that function of the field representative but I don't think that he needs the power of a commissioner appointed under The Manitoba Evidence Act to carry out educational policy of the Department of Education, in representing what the department's view is on certain aspects of education in the province. Certainly he doesn't need the power to summon witnesses, to set forth the educational policy of the Department of Education, he certainly doesn't need to examine witnesses under oath, after all, he's interpreting policy. What's he going to say, I'm going to put you under oath and I'm going to tell you this, now this is the gospel truth. The commissioner may view premises, commissioners may enter upon, into and view or inspect any land, building, works or property if, in their opinion, a view thereof will assist in the inquiry and the view may be had, if deemed necessary to the inquiry, at any day, at any time, by day or night. Is this the kind of powers that the Minister wants to give to the field representative? That's the power that he's going to have. He can also, if he wants to summon a witness, supposing he has an appeal or something, he can summon witnesses to appear before him. And if a person neglects or refuses to appear at the time and place specified in a subpoena or summons, he can even have a warrant issued, a warrant issued. And, you know, Mr. Speaker, if someone is called before this field commissioner, it may be a parent not sending a child to school or something, maybe that's one of the functions that he may want to call someone in. Where on the appearance of a witness before the commissioner, either in obedience to a summons or being brought before them by virtue of a warrant, the witness refuses to be examined upon oath concerning the premises, or refuses to take such an oath; or having taken such an oath, refuses to answer questions, concerning the premises, then put to him without lawful excuse for the refusal, the Commissioner, and in this case, it would be the field

representative, the Commissioner, may by warrant, signed by the Commissioner, commit the person, so refusing, to a common jail and there to remain and be imprisoned for a term not exceeding one month. Unless in the meantime he consents to be examined and to answer concerning the premises or the question that is put to him, if we're going to apply it to a field representative.

And the police are to assist the Commissioner. The Commissioner if he has an enquiry going, or the field representative, he is entitled to command the service of one or more police officers or constables to assist him.

So I would say, Mr. Speaker, that I take serious exception to the powers that's being given to this person. When we look at it in conjunction with, and this is the difficulty that we have, Mr. Speaker, because the two bills are hand in glove, The Education Administration Act and The Public Schools Act, and this person or persons appear in both Acts and the powers that are delegated to him here, and the powers that he has under the other Act. I find both of them abhorrent, in a modern day society that a person is to be given these powers.

If I was to be given my druthers I would much rather have the old school inspector. You know, school inspectors certainly didn't have the powers that the Minister is proposing to give to field representatives, field representatives who are going to have powers of a Commissioner as if you were appointed under The Manitoba Evidence Act. These are the powers. I know that they are for his appeals, from his findings, and other things, that he has these powers. But why does he need these extensive powers? To interpret government policy on education, the policy of the department? I find that absolutely astounding, absolutely astounding. I don't really know if the Minister looked at The Manitoba Evidence Act when he was going to confer upon these people these powers. I want to give him the benefit of the doubt that he didn't realize that he was putting in the hands of a person the type of power. You know, he has the powers, say, of Justice Tritschler, appointed under the Commission, to subpoena, call witnesses, have them committed if they refuse to testify. —(Interjection)— Hang them? Yes, you know, what is it? The Gilbert and Sullivan Operetta, the Mikado, the Lord High Executioner, judge, jury, and the executioner.

MR. ENNS: Koko was his name.

MR. JENKINS: KoKo yes, KoKo. That's right. I thank the Minister of Government Services for giving me his name.

But I say to the Minister, and I say to him very seriously, that I hope that the Minister has not deliberately set out to give the powers to this person that he has set forth in this Act, because if he has, then I say that since, under the accompanying Act that accompanies this bill, this person can suspend a teacher's certificate. And when you suspend a teacher's certificate, Mr. Speaker, it's not like a fellow being fired. To get a similar condition you would have to go to the Department of Labour where people get a certificate of qualification to be a plumber, to be an electrician, a carpenter or a joiner, various other trades, and the Minister of Labour

saying that I'm going to have a field representative who can inspect people on the job and say, well, I can suspend your certificate of qualification, your journeyman's paper, subject to appeal. And I know there are appeals in the Act, but that's the same criteria that we're looking at, and these are people in the main now, Mr. Speaker. The days of the old permit teacher are just about gone here in Manitoba.

MR. ENNS: Those were the good old years, I'll tell you.

MR. JENKINS: Well, is the Minister of Government Services a product of the little red school house with the permit teacher? I don't know.

But I say, Mr. Speaker, in all sincerity, I say to the Minister, to draw the parallel, that the Minister of Labour could have, well, say one of the inspectors in the field, lift a workman's certificate, pending an appeal. That's what you're doing to teachers. There are circumstances when a teacher's certificate should be suspended, but to give it to this person who, in the Minister's words — and I don't think I'm misrepresenting him — when we were dealing with his estimates, he said one of the prime functions was in some of the remote territories, remote areas of the province, where we don't have school divisions organized as much as we have in Winnipeg. Winnipeg, when I was a member of the Winnipeg School Division, we passed a resolution years ago, that we do away with school inspectors. Well, of course, the government of the day didn't see fit to do it, but I just wish I would have kept some of the school inspectors' reports that we used to receive. I won't tell you the name of one, but I can remember one in particular. I should have kept them and read them to the Minister and to the members of this House. He wasn't worried about the teachers, the teaching quality in the school, he was worried more about whether the blinds were straight, that the blinds were all in a straight row, whether the window rattled, whether the door shut properly, and you know we had an architectural department and a good maintenance staff in the Winnipeg School Division No. 1. I often wondered what this school inspector, if he was a frustrated architect or a building inspector, or a maintenance inspector, because that in the main was the inspectoral reports that were received. I think it was in the days when Dr. Wes Lorimer was the school superintendent of the Winnipeg School Division No. 1, that we passed a resolution then calling upon the Conservative government of the day, as far as the Winnipeg School Division was concerned, to abolish the position of school inspector within the Winnipeg School Division. We had enough expertise within the staff to be able to ascertain whether the teachers were capable of teaching the young people of this province. —(Interjection)— The rattling windows, we could have looked after, the Member for St. Boniface, like I said, we had a department that looked after that.

To get back to the question of the field representative, school inspectors certainly never had the powers that are envisaged under this Act. I say to you, Mr. Speaker, through you to the Minister, that you are creating a monster. You're creating a position that can virtually — I know it's

very difficult to discuss this one Act in isolation from the other — but regulations under The Administration Act or The Public Schools Act, this very Act here, Regulations, that a teacher may not even be aware of, that he may have violated, innocently, this field representative can lift his certificate. There are members in this House, and I'm one of them, I'll freely admit I can't tell you what every regulation is to every statute in this House and I know that the Minister of Government Services doesn't either. You see there are regulations passed that never see the light of day. They're passed by Order-in-Council by the Cabinet. The only restraint put upon the Lieutenant-Governor-in-Council is that he can't violate the spirit of the Act, and so, regulations.

The time may come, or it should be, that we should be debating some of the regulations that have been passed by the Treasury Bench, because they are the people who pass them and they are the nuts and bolts that make that legislation work, and they never see the light of day in this House, they never receive the public scrutiny that they should. And so the field representative can suspend — (Interjection)— Well, it's the Minister who is a former teacher, and when he is defeated will be back in school, probably in Stonewall, teaching, and if his field representative is still there he may innocently violate one of the regulations of the Act and this fellow can come along and say, sorry, Mr. ex-Minister, but I'm going to have to suspend your certificate to teach. We'll have this Court of Appeal and we can go all through this here regulation, because you violated a regulation.

Now I say to you, Mr. Speaker, and I say seriously to the Minister, is that the kind of powers that you intend to give to this person? Then, Mr. Speaker, if that is what you are prepared to offer here as the powers, then I can tell you for one, speaking for myself, I do not intend to vote for this bill or the other bill to go to second reading.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Rossmere.

MR. SCHROEDER: Thank you, Mr. Speaker. We've reviewed this bill in some detail and it is my privilege to give the Minister the Reader's Digest Condensed Act of the Year Award. He has managed to cut down an Act from maybe 500 pages to a couple of hundred pages and to that extent we applaud his efforts. But we must oppose this bill, in principle, because excepting for slimming the Act down and providing for several minor changes, nothing fundamental has changed. This Act has not brought education into the Eighties, let alone the twentieth century, and we don't want to create an illusion for anyone involved in education, or otherwise, in this province that somehow we are doing something here which is for the benefit of education, because it is not.

We take the position that if we support this document, that if we support this farce of a piece of a progressive legislation, then we will be pretending to the citizens of this province that something has happened, when in fact nothing has happened. And that will probably mean that it will take many more

years before we get some real change in the education field, and therefore, we will be opposing this bill.

The broad areas where nothing is done is in the area of student rights, recognizing that students have the right to an education appropriate to their needs, first of all. That is elementary; that is something which this Act does not recognize and just for that reason alone we would oppose it. This Act does not recognize the crucial role played by educators in this province, by teachers. This Act does nothing, absolutely nothing, to deal with the crucial problems of education finance in this province.

There are many specific areas in this bill which we do not like but I will briefly deal with the main objections. The matter of students rights, the right to an appropriate education, is not dealt with, that the Act says people are entitled to an education. Well, that's moving back from Bill 58, the former legislation passed by the previous government although not proclaimed. It is not going far enough. It is our position that an education must, again, be appropriate to each child's needs. The school must respond to that right of the child. Each child is entitled to the advantages of a system of education conducive to the full development of his personality. He is entitled to an education which contributes to his general culture and allows him, in conditions of equality of opportunity, to develop his faculties, his personal judgement, his sense of moral and social responsibility and to become a useful member of society.

While the school is committed to serving the rights of the child, it must also exercise this function; that in a society that accepts the fact that parents are responsible for the education of their children, in a pluralistic society the school board must respond to these needs at a local level. The Act must indicate these rights. Our children are now, without this Act, receiving an education. The question is, what kind of an education? I have some case histories here of people who are not receiving appropriate education in this province. They will not receive appropriate education after the passage of this bill and therefore we oppose the bill.

Case No. 1 — At age three was diagnosed as hyperactive through the Montreal Neurological Hospital. No learning problems were evident but on entry into school the boy experienced great difficulty in learning. Despite requests from his parents for testing to determine the problems, the only help that was offered was for behavioural problems. A number of drugs were tried to correct his disruptive behaviour. The parents were told that they must learn better management techniques and willingly agreed to try all suggestions. By eight years, their son was making little gains in the classroom, disrupting his family and the neighbourhood and the subject of professional experimentation with medication.

When the family heard of MACLD, the Manitoba Association for Children with Learning Disabilities, received referrals to knowledgeable professionals and learned their son was learning disabled and had him enrolled at the Learning Centre, the child was still receiving medication for his hyperactivity and the parents were expressing concern about the side effects. Aggressive behaviour was increasing and at

times his sight did not seem to be good. Parental pleas to the psychiatrist fell on deaf ears and finally the Director of the Learning Centre insisted the child be seen. Incidentally, that Learning Centre is one which is not funded by this government; it won't be after passage of this bill.

The child was in such desperate shape that he had to be hospitalized, losing valuable weeks of his Learning Centre Program. Daily visits by observant parents soon showed that regular monitoring of the child's program was not taking place. Experimentation with medication was becoming something this family was not prepared to allow to continue and a frantic father removed his son from the hospital after two weeks without getting any answers.

A supportive pediatrician and the Learning Centre and Winnipeg School Division have come together to fit this now 10-year old into a special small classroom where he receives daily resource help. His behaviour is no longer a problem and learning is taking place. Ideally, he should be enrolled in school for the learning disabled but finances do not permit it. There is no doubt in the parents' minds that this will become a critical factor of the future if their son is to become an individual with a future. Somehow, somewhere, they will have to find a way to make the needed help available for him. He was 10 before the system let him have a place that works for now. His younger five-year old brother, suspected of having learning disabilities, is being watched so as not to allow the same difficulties to develop. His parents have learned the ropes and are now better equipped to be an effective advocate.

Another case which was provided by the MACLD: In this case pre-school development was seemingly normal with no indication of problems ahead. Though reading was easily learned, there were other areas that proved impossible. When the family could not get answers to their expressed concerns, they took their daughter to the Mayo Clinic where a learning disability was diagnosed. Unfortunately, there were no appropriate services the parents could find for their child in the Winnipeg schools.

After floundering through elementary school, the child was accepted at St. Mary's Academy, where she had a pleasant experience, though little remediation was forthcoming. When it became evident that the Academy had a preference for academic excellence, this 15-year old was enrolled at Gordon Bell and two years later began attending R.B. Russell. By now a thoroughly confused family and a disillusioned 17-year-old could only wonder if anything was going to turn out right. There were good and bad experiences here with an anxiety-ridden almost hysterical young person often being taken home by a member of the school staff.

This learning disabled young girl was soon failing in her first job and began attending Skills Unlimited, which was totally inappropriate for this learning disabled. She made a vain effort to seek employment through Manpower, only to have skills say, send her back. A week later she was hospitalized with a nervous breakdown, totally defeated by a system that had never heard her or her parents plea for help. The next step was to have the system refer her to a residence for retarded adults. Her parents sad

commentary was that if only they had not listened to all those professionals, asked more questions and demanded more answers.

Another case, this boy age six was looked on as slow, was put into a continuous program after Grade One; that's a continuous Grade 2 and 3. The mother was expressing concern and a perceptive teacher suggested to mother in November of 1979 that the child might have a learning disability and testing should be done to determine if he could benefit from the MACLD's Lions Learning Centre. The mother began to ask for information on the test results. When no answers were forthcoming by April, she called the Child Guidance Clinic and was informed that all testing was done with the exception of visual tests. Mother saw to it that son received the visual examination. Several more weeks went by without the parent being contacted. Mother's call to the Child Guidance Clinic technician went unanswered. Mother finally reached the Assistant Director of Child Guidance Clinic, who listened to her frantic concern that this child's testing results be completed so he could be referred to the Learning Centre for help before the end of June.

The mother was called with the information that testing was not complete, that psychological testing had not been done. She was told that the child was on the Learning Centre referral list, behind only five others. Her son's school was told that the child was on a waiting list of 30. Mother, now distrusting of the information, called the Learning Centre direct and learned that her son had never been referred as Child Guidance Clinic had informed her. Mother has been constantly told by various school people that she would be contacted, yet has had to finally realize that it was up to her to contact the Centre. This 9-year-old, who now hated school, does not want to go and cannot produce, is in desperate need of appropriate help and, unless the mother continues her pushing, it appears that his future could follow in the same direction as that of his 15-year old brother.

The 15-year old is struggling at Grade 8 level, barely reads, writes or spells yet is articulate, has been considered bright but lazy, immature, uncooperative; typical professional description of the learning disabled before appropriate testing. This child soon will be a young adult and is likely responsible for having driven his family apart by the constant struggle of the school and parents trying to understand him. His mother struggles alone, determined to help her sons against overwhelming odds, realizing that time is running out on the oldest one. MACLD Family Information Centre will assist her in pushing for testing of the older son but the sad reality is that there is little support service at the high school level for the learning disabled.

There are many other such cases. There's a happier one dealing with a 21-year old individual who is a university student, who is learning disabled. He contacted MACLD because of his difficulty in handling his university program. He asked if there was anywhere that someone could test him and give recommendations. He told the story of his parents' struggle to keep him out of a classroom for the retarded throughout his elementary school years. With his family's support, he had managed to struggle through to Grade 12. At 13 years of age a neurologist had diagnosed dyslexia but no academic

program was developed which would have allowed spelling and reading skills to improve. Demands of the university program made it necessary that these skills be improved.

With a referral in hand from MACLD, this young man soon found himself thoroughly assessed with specific recommendations for a remedial program developed which could be easily implemented. He was able to carry out the remedial program with the willing assistance of his university professor and saw an immediate improvement in spelling skills. As well, he was given direction on recording of assignments and methods of study which would prove most effective considering his deficits in the visual motor perception and memory area.

If these support services would only be made available on the community colleges, universities and adult education centres, those learning disabled who do make it there could better survive. This is not the first university student who had come to MACLD with the same background experience, where the mother has fought pressures from school professionals to place an elementary student in a class for the retarded. One cannot but wonder how many children were screened off this way.

There's a letter from a parent of a learning disabled child, and I'll quote from that letter. It's to the Lions' Telethon, dated August 20, 1979.

"This letter, although inadequate, is to extend to the Lions Club my thanks for your enormous contribution toward the education of children with learning disabilities. My son, John, is one of the children who has benefited tremendously from the programs and facilities provided by MACLD Lions Learning Centre.

"When John entered school, he showed no outward signs of a disability and the Early Identification Program failed to recognize a problem. The Early Identification Program, which is administered by the Department of Education, doesn't include specific tests for perceptual handicaps in their regular sight and hearing tests. When it became evident that John was having a problem with his school work, he was placed on a waiting list for diagnostic testing. He remained on the waiting list almost a year before he was tested and found to have a learning disability. He was fortunate enough to be accepted by MACLD in November, 1978, at the age of seven. At that time, he had no reading skills and his printed work was illegible, with reversals. He was aware that he couldn't cope with his school work and was filled with frustration, and frustration that was naturally transferred to his family and home life as well.

"Since working with the staff at MACLD, he has become a successful learner, able to meet challenges and very proud of his accomplishments. This September John will be enrolled in a Grade 3 program at Riverview School and the MACLD staff is confident that he will have a successful term. Considering that he did not have Grade 1 skills when he entered MACLD last November, I believe that the success of the program is evident. Were it not for the dedication of the Lions Club, these programs and the Learning Centre would not exist, as the various levels of government refuse to recognize the enormity of such handicaps and have been very limited in their support of same. Learning disabled

children are often missed because they appear perfectly normal outwardly but cannot learn academic skills in spite of average or better intellectual potential."

There are other letters to MACLD. Here's one dated November 16, 1979.

"We are writing to you about our son, Bradley, who is now 9 years old and going into Grade 3 at school. We are not happy with the way he is functioning at school and are very dissatisfied with the help we get from there. They do a lot of suggestion but nothing seems to help. We hope that maybe you can help Brad or suggest someone who can help him.

"In Grade 1 we were told, after many tests and questions from psychologists, that he was hyperactive. They put him on some pills for the rest of the school year to see if it would help. He did start sitting better but he did not improve much in his written work or his reading. They did I.Q. tests with the result that his I.Q. was quite good. In Grade 2, he still had trouble with reading or putting any answers down on paper. He also has trouble making complete sentences when talking. We were told once he knows a lot more than shows up on written tests.

"We told different things that created this problem. One psychologist said we didn't love or show our love to him. The resource teacher said he is very immature. Someone else said he needed more discipline. One of his teachers said he can't apply himself, that he rarely finishes any work. When reading he sees letters and words backwards. His physical co-ordination has not been as good as other children but we think this is improving. If we give him instructions to do something he has a hard time remembering long enough to get the job finished. He gets so upset because he really does try to please. He comes home from school upset because the other children call him dumb. According to one of his teachers he compares himself with other students in the classroom and comes to the conclusion that he is dumb, but we don't believe he is. We don't know what to do for him or what is wrong, but we are watching a very happy contented toddler turning into a very frustrated unhappy boy."

Another letter, again to the MACLD. My heart goes out to Mrs. Jones as I understand the frustration and sorrow she must feel over the loss of her son. "We have a 14-year old son who was diagnosed as having dyslexia when he was in Grade 2. His symptoms are almost identical to those of Robin's. Ken has had a very difficult time in school due to the fact that his reading and writing abilities are very poor. The psychologist who tested him said his I.Q. was above average, but he just cannot see things in their right perspective, especially written words and numbers. So while he has an exceptionally good memory and can answer questions which are given orally, he cannot read or write well enough to do a written test or examination. We are very concerned about this problem and the effect it is having on our son as he is becoming very negative in his attitude both at home and school".

These letters go on; nothing is done. Here is one, February 27, 1978. "I am writing on behalf of our son who will be 19 years old June 30th. He is presently taking his Grade 12 under the OHE Program and not doing too well. What I would like to

know is whether it's too late for him to go to a private remedial school. I know of one in Dallas, Texas, which has a very high success rate. I wanted to know if there are any that are closer to Manitoba. We both understand that tuition fees can be very high but we now can remortgage our home if it will help him along in his life. To do this any earlier we neither had the ways nor means. I thank you very much for your kind attention.

Those are the kinds of letters being received by that association. Those are the kinds of concerns that they have and legitimate concerns for people who are not being given an appropriate education in this province. The letters point up a number of deficiencies in the current system. That is, first of all, many have gone through it without any recognition by the system at any point that there was a learning disability, as opposed to a mental handicap. Many have been streamed into that area, rather than being given an appropriate education. I'm sure that it is because many people just didn't know what the problem was in the past and we are becoming more familiar with it now. Because we are becoming more familiar with it, we now have more of a responsibility to do something about than we had when we didn't know anything about it.

There's another point, and that is, that in a number of these cases there is improvement when we discover what the problem is and a school board or parent is prepared to spend the money, the time and the effort to correct these disabilities. As a further point, that depending on which school division you live in, you may have more or less luck in coping with any kind of a learning disability. I would suggest that this right to an appropriate education be one which should apply no matter where a child lives.

A further point which should be obvious, by reading these letters, is that teachers need assistance and training in learning to recognize these learning disabilities. I would suggest that is something that this bill lacks, in that it does not in any way require that new teachers coming into the field be educated in the area of detecting learning disabilities. I would suggest that this cannot be done without a provincial commitment to fund the process. Just in comparison to Ontario, I understand that they are committing something like 70 million to the area of Special Needs Children; 70 million, which would compare to something like at least 12 million or so, in Manitoba. Everybody in the House full well knows that there's nothing like that being spent here.

Again, while Ontario goes ahead, we are moving backwards, backwards even from where we were with Bill 58. The Act is silent on the rights of adults, other than those who are up to 21 years of age, silent as to their rights to an education. Of course, this government is providing no funding whatsoever for adult education.

This bill does not recognize the training, experience, dedication and ability of our teaching staff in this province. Just for instance, the bill continues the notion it makes it worse, that you have to have 20 teaching months before you have the right to cause for dismissal. We would suggest, on this side, that be changed to six months, first of all; and, secondly, that it be a once in a lifetime six months. Once it has been earned it is there, unless a

teacher is fired at any time after that six-month period. A teacher should have the same right to just cause before dismissal as, for instance, a firefighter.

When I joined the fire department, I had no clue as to what professional firefighting was all about and, yet, I was given the right, after six months of employment, to just cause. They could not dismiss me, or any other firefighter or most other unionized employees in this province, they cannot be fired without being given cause. After a certain period of time, in two years, for professional people who have gone through four years of university of training to get into their occupation, I suggest is outdated. It may have been appropriate in the days of the permit teacher; it may have been appropriate in the days of even the one-year normal school, but it is not appropriate now and we, on this side, are not prepared to accept a bill that will continue that past practice.

The rights of the school teacher are not recognized in that, on a school board's complaint, a field officer has the right to suspend a teacher's teaching certificate. We would remove that power from this bill. We do not believe that a field representative should have that power in the first place. We do not believe that the Minister has given any explanations whatsoever for the current power that are satisfactory to us and certainly the idea that a field representative, simply on a complaint of a school board, can take away a person's right to teach is going far beyond what we would be prepared to accept on this side.

There is all kinds of nonsense in this Act about the duties of teachers, duties such as seizing, or causing to be seized, offensive and dangerous weapons which may be in the possession of students in the public schools. It seems to me that the super heroes which the Minister is setting up, the field representatives, if anybody, should be the persons who can go around disarming people in the schools. This kind of provision in an Act is absolutely nonsense, it is dribble. And for refusing to do something like that, under this Act, the field representative can suspend a teacher's right to teach.

MR. SPEAKER: Order, order please. Order please. The hour being 4:30, I'm interrupting proceedings for Private Members' Hour. The honourable member has 12 minutes time remaining.

PRIVATE MEMBERS' HOUR

ADJOURNED DEBATE ON SECOND READING PRIVATE BILLS

MR. SPEAKER: We're now under Private Members' Hour. The first item of business on Tuesdays is Private Members' Bills. The first item on the agenda is Bill No. 30 standing in the name of the Honourable Member for Logan.

The Honourable Member for St. Johns. (Stands)

BILL NO. 54 — AN ACT TO GRANT ADDITIONAL

POWERS TO CHARLESWOOD CURLING CLUB LTD.

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. STEEN: Mr. Speaker, I am closing debate on this particular matter. I would like to say that I have had a number of conversations with the Honourable Member for St. Johns regarding this bill. I appreciate his concerns regarding the bill and his prime concern was that, through the share assessment measure, a person could let his share lapse through the assessment and that the share would then revert back to the Charleswood Curling Club Ltd. It's perhaps a very hypothetical case but it is possible that the 400-plus shares could end up in the hands of a handful of members and if the handful of members so chose to wind down the club and dissolve it and sell off the assets as the only shareholders remaining in the company limited, an asset perhaps with a value greater than half-a-million could be acquired for something in the neighbourhood of slightly more than 100,000.00.

So the Member for St. Johns certainly has brought forward a concern that I've been aware of and he knows that I have been aware of it and I've talked to the solicitor acting on behalf of the Charleswood Curling Club Ltd., as well as senior members of the club executive. I have mentioned to the Member for St. Johns and I'm going to mention it to you, Sir, Mr. Speaker, that the solicitor for the Charleswood Curling Club Company Ltd., he is quite prepared, and their executive are prepared, to accept the amendment that the Honourable Member for St. Johns had suggested, and they are also prepared to go one step further and that is that from hereon in they want to write it into their by-laws that no member shall own more than one share. Currently it is my understanding that one member does own four shares. That particular member was the one of 24 that attended the annual meeting when this bill was discussed. He was the one particular member that voted against proceeding to the Legislature and having such a bill passed. The shares do carry a value of 25, and the assessment would be 5 per share and that particular person would be charged 20, 5 per share times 4. So that particular member I understand has a concern, but the club in no way can force him to sell three of those four shares and be like all members and own one. But they are prepared to write into their by-laws, from hereon in that no shareholder shall own more than one share. They are also prepared to accept the amendment that the Honourable Member for St. Johns discussed when he was speaking on the second reading of this bill.

I would hope that now, when the bill goes to committee, that the Member for St. Johns, or another person representing himself, would at that time be prepared to put forward the amendment. I certainly would be supporting that amendment because the executive of the curling club, as well as the solicitor, have said that they agree with it. So, Mr. Speaker, with those few remarks I would recommend that the bill go to committee.

QUESTION put, MOTION carried.

MR. SPEAKER: Bill No. 57, the Honourable Member for St. Boniface. (Stands)

SECOND READING - PRIVATE BILL

MR. SPEAKER: Bill No. 55, An Act to Incorporate Brandon University Foundation.

MR. FERGUSON: Stand.

SECOND READING — PUBLIC BILL

BILL NO. 66 — THE REGISTERED PSYCHIATRIC NURSES ACT

MR. SPEAKER: The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, could I move, if necessary, or suggest that we proceed first with second reading of Bill No. 66, Public Bill.

MR. SPEAKER: Is there agreement from the House to proceed with Second Reading of Bill No. 66? (Agreed)

MR. ARNOLD BROWN (Rhineland) presented Bill No. 66, The Registered Psychiatric Nurses Act, for second reading.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. BROWN: Thank you, Mr. Speaker. The Department of Health is interested in maintaining and establishing a high quality registered psychiatric nurses program. The Department of Health recognizes the importance to bring these people into the health care program. The RPNs are the key people in the mental health program. I am sure that members on both sides of the House recognize the important role that MARN, the LPNs and the RPNs play in the total health care delivery system. The RPN program is an innovated Manitoba program. It is a vital part of our nursing future. The RPN is the heart and soul of a successful psychiatric program.

During the past few years, membership in the psychiatric nursing program has declined. At the present time, there's a shortage of about 100 RPN's in Manitoba and, even after the new members graduate, I understand there will still be a shortage of about 30 or 40. British Columbia has a shortage of 250 RPN's. Alberta is presently recruiting in England.

The main reason for this bill is for public protection. This bill will ensure a higher quality of RPNs, as endorsed by the provincial government. This bill will recognize the RPNs as a profession and will let them set their own standards, under the guidelines of the Lieutenant-Governor-in-Council. Hopefully, this bill will attract more people to get into psychiatric nursing.

Part I refers to changes in the definition of psychiatric nursing. The old Act was tied to the Mental Health Act; the new Act reflects the reality of the profession which was sometimes not reflected under the old Act. The objects of the Association are

the same as before, except they are more clearly defined.

Part II refers to organization. There shall not be less than 20 percent lay persons on the directors of the board of 20. These lay persons on the board have to meet with the approval of the Lieutenant-Governor-in-Council. The responsibilities of the board of directors are laid out in much more detail. They are designed to develop, establish and maintain standards of professional ethics among its members; in addition, to enter into arrangements with agencies, such as universities, colleges, hospitals, etc., for the conduct of educational programs.

Members are allowed to make changes in their own by-laws, subject to the approval of the whole membership. The regulations have to be approved by the membership and the LGC. This ensures that the membership will run an open shop and serve the public interest, rather than their own. The standards for the practice and education of the RPN have to have the approval of the LGC. Provision is made for mandatory, continuing education. It is hoped that alternatives can be developed so that mandatory education will not be necessary.

The object of Part III is that institutions hiring registered psychiatric nurses will be able to establish more quickly the qualifications of that individual. Provision has been made for appeal by a person who is refused membership for registration in the association. The register shall be open to inspection by any person at the head office of the association at all reasonable times during regular hours, free of charge. Any person whose name is entered in the register and in the roster of active, practising members, shall be entitled to practice as a registered psychiatric nurse. Those persons holding a conditional certificate may also practice as a RPN, subject to the conditions and limitations set by the board under the Act.

Part IV, the Complaints Committee. There will be two lay members on the Complaints Committee, out of a total of five; one appointed by the Minister and one by the board. The chairman of the board and two members of the association comprise the Complaints Committee. The Complaints Committee can resolve disputes informally or can refer the matter for further study to the Investigation Chairman. If a complaint is dealt with informally, either the member or the plaintiff can appeal to the Investigation Chairman.

Part V, the Investigation Chairman is appointed from the board by the board. Investigations shall occur where there is an indication of professional misconduct or danger to the public. The procedures for investigation are spelled out very clearly in the Act.

Part VI, the Discipline Committee consists of seven persons . . .

MR. SPEAKER: Order please. May I suggest to the honourable member that he refrain from referring to sections by particular number and carry on with his explanation.

The Honourable Member for Rhineland.

MR. BROWN: The Discipline Committee consists of seven persons, one to be recommended by the Minister. The other six are active practising

members. The purpose of the committee is to hear evidence of complaint, or to hear evidence of defence, or to hear appeals. The duties of the committee, again, are clearly defined in the Act, to ensure that the rights of both members and the public are considered.

An appeal mechanism has been established under the Act. The process involves the board of directors or, if they cannot resolve the situation, the matter can be appealed to the Court of Queen's Bench. Any such appeal will be a trial de nouveau.

The next section deals with the association's exemption from civil liabilities as long as it has acted in good faith in the administration of the Act or by the by-laws. The section also gives authority to the board to employ legal counsel.

Provision is made for the transfer of responsibility from The Psychiatric Nurses Training Act to this bill. The Advisory Council is composed of nine persons: Six appointed by the association; one from the Faculty of Medicine at the University of Manitoba; one person nominated by the Minister of Health; one person nominated by the Minister of Education. None of the people need necessarily be members of the Association. The function of the Advisory Council is to make recommendations to the board in all matters pertaining to the education of psychiatric nurses. The three present psychiatric nursing education programs at Selkirk, Brandon and Portage la Prairie shall be deemed to be approved by the board under this Act.

The last section of the Act deals with offences and penalties for offences under the Act, the limitations on prosecution, in terms of time and what constitutes an offence. There is also provision for this Act to supersede The Corporations Act, the provision for the existing by-laws to be in effect until the new by-laws are approved, provisions for the genders to be interchangeable under the Act and the repeal of the current Act with respect to the RPNAM, the Registered Psychiatric Nurses Association of Manitoba, and the repeal of The Psychiatric Nurses Training Act.

Members of the Registered Psychiatric Nurses Association will present a brief at the Law Amendments Committee and, if there are any questions that any of the members have, I'm sure they will be only too pleased to answer them at that time.

Mr. Speaker, I would recommend this bill to the Legislature.

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

MR. CHERNIACK: I'd like to ask the honourable member a question, if I may. Is it the actual proposal of the psychiatric nurses that they are willing to submit their disciplinary problems to a committee, half of which is composed of people who are not active, practising members of the organization but indeed could be anybody? Is that the thought that the Discipline Committee would actually consist of six people — I'm sorry, Mr. Speaker, I withdraw the question, I misread it. I misread an eight for a six. I'm sorry, I withdraw the question.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Having read this Act just cursorily, does the member realize that the Act refers only to females? Are there no practising male psychiatric nurses and does it exclude them?

MR. BROWN: I understand that about 45 percent of the RPN's are male members and the Act does make provision for genders to be interchangeable. So wherever it refers to herself, or her, you can interchange that with him or whatsoever.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Burrows, that debate be adjourned.

MOTION presented and carried.

ADJOURNED DEBATE ON SECOND READING PUBLIC BILLS

MR. SPEAKER: Bill No. 40, An Act to amend The Labour Relations Act, on the proposed motion of the Honourable Member for Emerson, standing in the name of the Honourable Member for Brandon East. (Stand)

Bill No. 44, An Act to amend The Medical Act, standing in the name of the Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, the four bills standing in my name, could I have the indulgence of the House to let them stand, please?

MR. SPEAKER: Is it agreed to have Bills No. 44, 62, 63 and 65 stand? (Agreed)

Bill No. 69, on the proposed motion of the Honourable Member for Wellington, standing in the name of the Honourable Member for Roblin. (Stand)

Then we proceed with the proposed resolution of the Honourable Member for Elmwood, standing in the name of the Honourable Member for Inkster. The Honourable Member for Inkster.

Order please. The Honourable Member for St. Johns.

MR. CHERNIACK: I didn't notice that you called Bill No. 71, Mr. Speaker.

MR. SPEAKER: Pardon me. I called No. 69 and the other one also stands in the same member's name . . .

MR. CHERNIACK: Just for the record, somebody else may wish to speak.

MR. SPEAKER: I will call Bill No. 71, An Act to amend The Social Allowances Act (2), standing in name of the Honourable Member for Roblin. Is that agreeable? (Stand)

RESOLUTION NO. 15 — USE OF SEAT BELTS

MR. SPEAKER: Then we'll proceed with Resolution No. 15.

The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I think it is worth saying, although it is of no consequence, that I couldn't get here at the right hour today and I walked in two minutes ago and you called a bill standing in my name, so there must be something that sort of militates towards —(Interjection)— good timing, that's right. Mr. Speaker, the reason I got up to speak on this bill, when it was spoken to on the last occasion, is that there were remarks made by proponents of the bill, all of whom I have the greatest respect for, in terms of the sincerity of their desire to establish something which would be an improvement insofar as they are concerned with respect to automobile safety and the safety of passengers of automobiles. It's unfortunate that some of the same people got up and ridiculed, and I believe that I'm not being unfair, ridiculing the notion that anybody who opposed this type of legislation on the basis that it encroached on the fundamental freedoms and liberties of the individual, was in some way being less than sincere. I, Mr. Speaker, am not going to make that much of it but I think if one would look to the last speech on the resolution, I don't think that what I'm saying is an exaggeration. I think that there is some tendency to try to make a mockery of any argument on this bill which relates to the freedom of the individual being interfered with.

I think, Mr. Speaker, as a general principle, that one should pass laws which govern the conduct of human beings only insofar as those laws that are absolutely necessary for the public objective of not interfering with the rights and liberties and freedoms and safety or other hazardous effects that might accrue to other human beings. Every time you legislate for the purpose of passing a law which is intended to govern my conduct, from the point of view of protecting me, myself, I believe, Mr. Speaker, you do have to consider as to whether I may be just the same or have as much solicitude for my own safety as do the majority of the people.

Now I will readily concede that if I'm going to be in danger to somebody else, that I have to submerge my own freedom to accommodate that danger. But if the danger is only to myself, then the arguments that society must protect me from myself are rather tenuous. I don't wish to speak in a universal manner, I want to talk about this legislation.

I've heard it said, well, if you don't wear a seatbelt and you're in an automobile accident and you're hurt, then Medicare has to look after you, and I suppose that's true. However, Mr. Speaker, if we extend that argument to all other activities in society, we would get into a horrendous position. After all, there are more people hurt who require medical attention by virtue of smoking cigarettes than there are who are hurt and require medical attention by virtue of motor vehicle accidents. —(Interjection)— Well, the member says that is not so, Mr. Speaker. I believe that it is, at least, a statistical possibility if it is not so. There are also many people hurt by doing other things which are hazardous to themselves and I

wonder whether the remedy is worse than the cure as to saying that the state is going to regulate personal conduct. Because that is also a hazard, Mr. Speaker, and it can extend further and further until the state says how you shall dress, how you shall walk down the street and how you will cut your hair, or many many other things which appear, at the moment, to be obscure but once you permit, or once you accept a notion that the state is better equipped to be able to tell people how to behave for their own safety than they themselves are, even when their conduct doesn't interfere with the safety of others, I think is a problem. I'm not professing to be certain on this point. I am merely trying to convince those who ridicule the argument, with respect to civil liberties, that they should, I would hope, try to look at it with a little bit more understanding and tolerance whether they agree with it or not.

I had that occasion, Mr. Speaker, because I think that I was quite prepared to regulate the use of helmets by motorcyclists. I didn't see anything terrible about it and I saw what I thought was a potential safety to the driver of the motorcycle. There came to Legislative Committee, which I consider at least one of the three most articulate groups that ever appeared before Legislative Committee in my tenure in the Legislature, and this group happened to be motorcycle gangs. —(Interjection)— Well, you don't like the word. Mr. Speaker, you don't like the word. I shouldn't refer to them as motorcycle gangs but the public will commonly talk about it as being motorcycle gangs. And they came, Mr. Speaker, and they gave what I consider to be one of the most articulate speeches on the question as to whether the state should enforce the wearing of a helmet. Most of them said helmets should be worn, but they said that what you do to the person who you tell to wear a helmet is one of many things. First of all, he may feel that he will drive better without the perspiration or other things that you call non-impediments of the helmet; his hearing will be better, his sight will be better, his comfort will be better, and therefore he will drive more safely. Or if he is wearing a helmet, he may be encouraged to think that he is safe and drive more hazardously. And they went, Mr. Speaker, much further into the question than I am going into it, and they did a better job of it than I can do. But they did convince me that it would be wrong to vote, for me to pass a law to say that if they don't wear a helmet they will be fined or imprisoned or prohibited from driving their motorcycles. They did convince me and I think that their arguments were convincing and I do not think that the arguments against their position are all that convincing.

The accident statistics, Mr. Speaker, can be read in many many different ways and they do not take into account subjective elements. They do not take into account whether or not a person strapped into his vehicle has a sense of greater security and, therefore, is more likely to get into an accident. I don't know whether that is so. What I do know is that if a person doesn't wish to be strapped into a vehicle his attitude at the wheel of the car may be psychologically much better than if the law says that he shall be strapped into a vehicle, because now the law is making an imposition on him and every imposition that the law makes on a human being

which he wishes to resist, has the same kind of affect as throwing a pebble into a pond. It has ripple effects and we don't know where they reach. Therefore, Mr. Speaker, I think that the people who argue, and I do now argue, I don't back away from it, I do argue that I would prefer that if seatbelts are worn they be worn as a result of the good sense of the person who wants to wear them, rather than an ordinance by the state saying he shall wear a seatbelt. The less "ye shalls" that we enact, as to telling the people how to live and how to be, the better. If that's an argument to be ridiculed, then I don't make the argument any less valid. It does say something for the person who is advancing the ridicule.

You can argue the question both ways. You can come to the conclusion, as they have done in many provinces, that the Legislature should regulate this activity. If a majority do it will be a law which will be obeyed, for the most part I think, and will be disobeyed by some people, and it will not be a crisis situation one way or the other. On the other hand, if you do not legislate in this way, you will be expecting more of human responsibility and there is nothing to say that human responsibility, in deciding whether or not to wear a seatbelt, is any less effective than human responsibility in deciding what you should read and what you should not read. I would think, Mr. Speaker, that those who oppose censorship, on the basis that they should not be told what to read and what not to read, should not find it so difficult to oppose a law which tells them whether they, for their own safety, should or should not wear a seatbelt.

It is also a fact, Mr. Speaker, that at least if it becomes voluntary that the person chooses and, therefore, accepts responsibility for how the accident occurs. It is true that some people will be killed in accidents if they wear a seatbelt who would have lived if they didn't wear the seatbelt. That is a fact.

MR. DOERN: Not very many.

MR. GREEN: Mr. Speaker, the Honourable Member for Elmwood says, "Not very many". But what if he is the one? What if he is the one that was in the car, didn't want to wear a seatbelt, put it on, and then got killed because the law said that we make him wear a seatbelt? I think that it's important as to who it is. —(Interjection)— Well, my friend, the Member for Elmwood makes a correct comment. He says that if he got killed, on that basis, he would not object. That's true, Mr. Speaker, he wouldn't be able to object, that's right. He would not be alive to object, that is correct.

MR. SPEAKER: The honourable member has five minutes.

MR. GREEN: I tried to approach this subject with some degree of an appeal to reason, and my appeal is on the basis that just because a person is on one side of this picture or the other, does not mean that he is stupid or he is hypocritical or anything of that nature, he just happens to have an different opinion as to what will best serve the well-being of the interests of the people of the province of Manitoba.

And for my part, Mr. Speaker, the other person that I wanted to talk about, making a speech before Law Amendments on a related subject, had to do

with blood transfusions. That was the best speech I have ever heard. I said this was one of the best three by the cyclists, the best speech I ever heard before Law Amendments Committee was given by a lawyer by the name of Howe from Toronto. We had a law — (Interjection)— Was it Howe? I think it was Howe. We had a law that said that parents can require their children to take a blood transfusion — and we have that law today. If any member in this House said that their child is going to die with that transfusion, and they don't want it, because if they don't die immediately they're going to have eternal damnation — and somebody talks about laws with regard to religions freedoms — he said that the parent should have the right to say whether that transfusion will be given or not because you do not know whether the transfusion will help or not, and they believed that it will not help. And then Mr. Howe proceeded to give scientific evidence to show that it is possible — I am now giving his argument, Mr. Speaker, because I'm not adopting it — he said that it is possible that more people die as a result of the transfusion than not getting the transfusion, and produced particulars to believe it. If that is the case, why are you telling me that there has to be a transfusion? The problem with his position is, if it was for himself, I would accept it a hundred percent. As to whether I am going to have a blood transfusion or not, I should be able to say. When he says that he has property in his children and that he can decide for the child whether they will have a blood transfusion or not, it becomes much more difficult for me, Mr. Speaker, to accept his argument. Now some here accept it very well. They say that the parent is better off to say what will be good for his child than the state. You know, it's not an unreasonable position. The Jehovah Witness's position is that we don't want the state to tell us to kill our children by giving them blood. Now they may be wrong and I would even legislate against it but I will not say that they are stupid, I will not ridicule them, and I will not say that they are, in any way, advancing an argument which, not only should be considered by everybody who is involved in this kind of debate, but should be seriously considered and given a lot of thought to, Mr. Speaker, regardless as to how you come out of it at the end.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Thank you, Mr. Speaker. — (Interjection)— No, I'm speaking on the amendment.

I'm happy to have an opportunity to speak on this before all Private Members' Resolutions fade away. I would just like to say, in response to the Honourable Member for Inkster, that I always like or enjoy being on the same side of the issue as he is but when we have to diverge, so we do. I must tell him as well that the logic of his argument would lead one to the extreme position that every law passes an infringement of a person's freedom and he would ultimately arrive at the conservative position, which is that that government is best which governs least and that a state of nature is the best of all possible positions. Now, this would gladden the heart of the First Minister and some of the backbenchers but, as my friend, the House Leader says, boy, if they believe this why are they bringing in another 30 bills?

So there's an obvious contradiction in this position. —(Interjection)— That's true.

I also want to say to my friend, and to others across the way who share that position and I assume this is essentially a free vote, if not in fact at least in spirit, that we are talking here about probabilities. I have to say this to the Minister of Highways. If you want to describe to me a case where somebody went flying through the air at 80 miles an hour, landed on their head in a soft pile of dirt and rolled over and came away unscathed, and if they had been strapped into their seatbelt and the car had flipped they would have been killed. Sure, I agree, there are circumstances, there are peculiarities, there's cases. My God I read of a case one time years ago where a fellow fell out of an airplane. I think he fell 3,000 or 5,000 or 8,000 feet and hit the ground and survived.

—(Interjection)— Sure, if he had a seatbelt on it wouldn't have happened. I'm just saying, there are bizarre instances of people who have come through incredible experiences. I mean, there are. Read Ripley's Believe It or Not or the Guinness Book of Records or whatever, sure, people being hit by freight trains and everything else and coming away to tell about their experience.

But we're not talking about possibilities, Mr. Speaker, we're talking about probabilities. I want to know what happens to a person who's sitting in a car going 40, 50 miles an hour or even 30 miles an hour, they hit a tree or they hit another car coming the other way, I want to know whether the person beside you, in particular, if you're the driver, what's going to happen to that person in the seat beside you? You want to gamble? Do you want to gamble on whether or not they're going to fly out of that car and come through it okay? Do you want to give them the right to go through the windshield and have that as a freedom, an unobstructed right? I want to tell you, that I remember, as a young teenager, a fellow in my neighbourhood in the north end — I don't even remember his name, I remember he was a nice looking young man, he lived in the vicinity of Mountain and McGregor — and he had a plastic ear. That's what happened to him. You know, there's worse things than that, Mr. Speaker, but this fellow is a young man, went through the windshield and severed one of his ears right off — and I'm talking now about 25 years ago — and he got as a result, a plastic ear. Now in those days we didn't have the high arts that we have today. I don't know what such a replacement would look like today but I know that if you looked at that young man in any sort of careful sense, you would see that there was something funny about his appearance and then you realize that he did have, on one side of his head, a plastic ear. It's a pretty shocking thing for a young guy. It's bad enough for anybody but for a young person that is a shocking and a horrendous thing to happen to them. Mr. Speaker, for good reason they call the seat beside the driver, the death seat. That is called the death seat because in most accidents the person sitting there is the one, of course, who gets killed. I want to read you another brief example that just appeared in the newspapers on the weekend and I happened to read it by accident. It's actually on the religious page of the Winnipeg Free Press, page 14, but it's about the current Miss America. The current Miss America at age 12 went through the windshield

of a car and this is what happened to her. She had on her face 100 stitches and she said that: "My entire mouth has been sewn back together; my chin has been sewn back together; my forehead has been sewn back together. See this line." And they mention how even today — although she is considered the great reigning beauty of the United States of America — that she wears very heavy makeup and it's to disguise what was then an emergency operation at the time. In addition to that she injured her leg, she had a crushed leg and her one leg was two inches shorter than the other, that's what happened to a person who went flying through the windshield. I want to remind the people in the Chamber, that Autopac I think very intelligently, has invested money in a machine called the "Convincer" and I think the people in the Chamber, who are inclined not to support this legislation, should take that little test. Apparently what happens is they buckle you up in a seat; it runs down a little incline like in a little roller coaster and you hit the end at five miles an hour. It's not much but apparently that jolt will make you realize how crucial it is to be properly protected in the event of a head-on collision.

I would like to remind people that the Canadian Paraplegic Association, when they commented on this debate in the newspapers, particularly in response to the attitude and the comments of the Minister of Highways who is one of the few Ministers of Highways in Canada who does not support this legislation, I want to say to you that the Canadian Paraplegic Association said at the time, that the Minister's statement in the Legislature, points out once again: "That fuzzy thinking and confusion of issues, which unfortunately has come to overwhelm this area". Not me, they described the Minister of Highways as a "fuzzy and confused thinker" and they point out, Mr. Speaker, that court settlements are commonly awarding 500,000 to 1 million to paraplegic and quadraplegic motor vehicle accident victims. Then they say: "Mr. Orchard seems quite prepared to allow this cruel lottery to continue", and the final sentence they say: "As long as he does, he will continue to see instant millionaires turning up in the Emergency Departments of Manitoba hospitals".

Mr. Speaker, the Free Press in their editorial on the matter on April 8 said: "Seatbelts do save lives". That was their editorial. I want to point out a list of some of the organizations that supported a resolution by the Provincial Council of Women when they came and met with the Ministers and argued in favour of compulsory seatbelt legislation. The Winnipeg Council of Women, the Anglican Church Diocese of Rupertsland, Manitoba Dietetics Association, John Howard and Elizabeth Fry, Manitoba Association of Registered Nurses, Manitoba Home Economics Association, Manitoba Health Auxiliaries, Provincial Women's Christian Temperance Union, Manitoba NDP Status of Women, Manitoba and Northwest Ontario Synodical Society, Presbyterian Church, Manitoba Business and Professional Women, Manitoba Women's Institutes, Manitoba Salvation Army Women's Organizations, Manitoba Ukrainian Women, Manitoba Association of Administrative Assistants and Manitoba Women and the Law.

Mr. Speaker, the resolution, as it was amended by the Member for Portage la Prairie, was interesting. It unfortunately takes us back to the status quo with a slight improvement. Remember, Mr. Speaker, that there are signs all over Manitoba saying, "Buckle up" and I was waiting for my friend from Rock Lake, the Honourable Member for Rock Lake who was worried about those kilometre signs, I was waiting for him to ask a question of the Minister of Highways about whether American tourists wouldn't get confused by reading those "Buckle Up" signs and that it would create the impression that there was a mandatory seatbelt law in Manitoba, and it would simply encourage people to wear belts but that one could easily get the impression that we did, in fact, have compulsory legislation.

So the argument of the Member for Portage — and, Mr. Speaker, I sort of smiled at one part of the resolution — it said, "Only four provinces", only four have this type of legislation, but what four they are? Which four are they? Well, Ontario and Quebec, they're fairly big provinces, Saskatchewan and B.C., when you add them all up —(Interjection)— My colleague says, so, so what? It's 80 percent of the population, that's the point. That 80 percent are under this mandatory and oppressive law and if you talk to a person, Mr. Speaker, who comes from one of these provinces, they never think about it. Talk to a friend of yours who lives in Ontario, for example. They certainly do wear them and when they come into Manitoba it's just habit, they just slap on the belt, they never even think about it. No one thinks they're oppressed. No one is pained or hurt or offended in the mind and worried about their freedom. I'm sort of mocking the debate, I have to watch now after the admonition of my friend. No one is concerned about the absence of freedom and so on, they're used to it. It's simply a custom. It's like turning in the key.

I want to read to the Minister of Highways, in particular, a couple of letters that I received, because these are from provinces that don't have mandatory legislation. These are from Ministers of Highways who wrote to me on this particular matter, because when our Minister goes to those conferences I don't want him singled out as an odd-ball. I want him to be with it and I want him to be in step with existing legislation and with the trend, which will be ultimately coast-to-coast mandatory seatbelt legislation. I read to him what Mr. Brett, the Honourable R.C. Brett of Newfoundland said, he said to me: "In response to your enquiry regarding the use of seatbelts I presently have legislation in draft form before my Cabinet colleagues for discussion," and he includes a sample of what he is bringing up.

In the case of the Minister, George McMahon, from Prince Edward Island, he says: "Personally I am in favour of seatbelt legislation and I may attempt to have caucus agree to same at the next session of the Legislature." And finally Alberta. My God, Alberta, the last bastion of free enterprise in the country, except for PetroCan and a few other socialist things that have been foisted on the people of Alberta; Pacific Western, that red airline that they accidentally introduced. Here we get a letter from Henry Kroeker, and he says: "As I have long been a champion of increasing seatbelt use, I am pleased that you are introducing a Private Members'

Resolution to the Manitoba Legislature regarding the compulsory use of seatbelts," and then at the end he says: "I certainly would like to encourage you in your efforts to convince Manitobans to buckle up." Can you believe it, Mr. Speaker? A Right Wing Conservative Minister saying a thing like that. Well, I think this man is showing some foresight.

It shows that there are four provinces that have this legislation, Mr. Speaker. It shows that there are at least three Ministers, minimum, who are in favour. That leaves our Minister and that leaves two more who may or may not be. So I'm simply saying that it's obvious where the logic goes.

Mr. Speaker, I could continue on. It's difficult not to be repetitive and I hope that we will have an opportunity to vote on this matter. As I said, I certainly intend to vote against the amendment because the amendment will simply do more of the same. It will simply encourage people. Unless the Minister of Highways is going to stand up and say he's going to put some money on the table and he's going to have ads on T.V. and ads in the paper and more signs, more pictures of his moustached smiling face encouraging people to buckle up, but with an asterisk saying: P.S. I don't believe in this but if you do, it's your option.

Mr. Speaker, I simply say that you have your choice on this matter. It's basically one or the other. If you go the route of freedom, then you can't support this because you're going to say it's an infringement on freedom. If you, however, look at it as a safety measure, is it good or bad? I say, Mr. Speaker, it can only lead in one direction, namely that there is no doubt, the statistics are there, the backup material is there; the odd exception about someone flipping off a bridge and something about maybe their seatbelts hindered, maybe it didn't, that's about all you can do. I'm talking percentages and I'm talking probabilities, and I recommend to the Chamber that we take the proper step and introduce this legislation for Manitobans.

MR. SPEAKER: The Honourable Minister of Fitness and Amateur Sport.

HON. ROBERT (Bob) BANMAN (La Verendrye):

Thank you, Mr. Speaker. I want to very briefly say a few words with regard to this particular resolution. It I guess poses one of those sort of grey areas for members of the Legislature, who on the one hand want to ensure the well being and safety of the people that they represent, and on the other hand, realize that there are certain basic freedoms which the individual is responsible for him or herself to look after their particular well being.

I would suggest, Mr. Speaker, in this particular resolution that there are many things that we could deal with when we are talking about public safety. Seatbelts is only one of them.

Mr. Speaker, something that has been brought to my attention over the last little while, particularly in the area of fitness, is one of smoking. I would suggest to the Member for Elmwood that if he really wants to cut out a killer and a disease, and a problem that is causing a self-inflicted illness, that is causing not only people to suffer a lot of health problems as well as physical problems and also causing extreme costs with regard to you and me as

a taxpayer in our health delivery system, it's a self-induced illness, Mr. Speaker, which is causing all of us to go ahead and provide funding to our different health institutions with regard to people who have brought this upon themselves. I suggest to the Member for Elmwood that there are far more people that are suffering and having larger ill effects from that particular, I guess it's called a social problem, than are even affected by the seatbelt legislation.

The other thing that has been identified as one of the killers on the highways is alcohol, Mr. Speaker. When you look at the statistics with regard to alcohol and fatalities, it far outweighs the problems involved with seatbelts. Mr. Speaker, a lot of the insurance companies, however, have in the past had certain policies where they gave an abstainers policy. In other words, they induced people and they recognized that the accident rate was lower among people that didn't imbibe on alcohol and, as a result, gave these people a break on their insurance. Maybe that is something we should look at.

Maybe we should say to the people that are wearing seat belts, if you want to stipulate that you always wear your belts and that you're going to see that your passengers in your cars wear the belts, because that's a responsibility of the driver. If somebody doesn't buckle up, I'm not going to take you along. The same thing happens in an aircraft. If you've got a private pilot's licence, it's your responsibility to make sure that the passengers in your aircraft are buckled up. They're your responsibility. I think maybe, Mr. Speaker, we should have a look at where Autopac would maybe give somebody a cut in their Autopac insurance and that way use a system whereby we would induce somebody to do it, rather than force them to do it. Then if something happens to an individual that doesn't want to do that, that's his or her responsibility.

So I suggest, Mr. Speaker, in just saying a few words, I have difficulty, especially looking at some of the figures which have come out from Ontario indicating that the utilization rate isn't nearly what we would expect it to be even though its compulsory; I understand that it's something like 47 percent of the people are breaking the law right now and aren't buckling up. I would suggest, Mr. Speaker, that public awareness programs such as the Minister has undertaken, as the government has undertaken by indicating that buckling up is a safety feature, I would suggest maybe some type of form of inducement, as far as a premium rate, might be one way of approaching it, but I would hesitate at this time to say to everybody in Manitoba that you're going to have to buckle up or you're going to be subject to certain fines. I think the enforcement of it becomes very difficult and I think that particular area should be left up to the particular individual to do with what he or she feels. We all have certain responsibilities when we reach a certain age and I think one of the responsibilities for the people that hit driving age is to ensure that the safety within their vehicle and their vehicle itself and the way they operate it is their responsibility and that person has to accept the responsibility for that.

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. STEEN: Mr. Speaker, I have a couple of concerns regarding this resolution and many speakers who have spoken prior to me have covered most of the possible subjects that could be covered. The Honourable Member for Elmwood has had two 20-minute cracks on this subject and so on.

But there are two points that I believe that are fairly important. One has been mentioned by the Member for Inkster; that is having our lives legislated in another avenue, another way that government again, through legislators, is legislating our lives, and the other one, which was just mentioned by the Minister of Recreation and Sport, was the enforcement. The problem that they have in the province of Ontario and the other three provinces that do have seat belt legislation is trying to have the police enforcing the law.

Sure, I believe that motorcyclists should wear helmets and the member for Inkster mentioned about the time that the motorcyclists made a presentation to the members of the Legislature and made a very good one. What they were opposed to, and I'm sure that every motorcyclist said, "Yes, I think wearing a helmet is a good thing, but I don't like being told I must wear one".

But yet in the area of sport and baseball and hockey and football, the players all must wear helmets now. That is the regulation before they get on to the ice surface or the playing field. It's very easy for the official who is calling the game to notice and see whether all players are wearing helmets or not wearing them, but it's very difficult for the police officer to tell whether I'm travelling in my car and I have my seat belt done up or not and what he's got to do is pull me over and hope that I haven't buckled it up in the meantime while I'm trying to slow down. I think that the police departments now on traffic patrol are busy enough trying to enforce speed regulations and everything else without trying to spot check cars to see whether seat belts are done, so the enforcement is a problem and a problem that I'm sure the police don't want. They have enough to do in their role as police officers in the traffic enforcement.

But the other thing which has been mentioned by other speakers prior to me, Mr. Speaker, is that we're embarking on legislating the lives of citizens in another area and I'm not in favour of us having to legislate our lives in any more ways than possible. I prefer to have as much freedom as possible and . . .

MR. SPEAKER: Order, order please. The hour being 5:30, I am interrupting proceedings. I am leaving the Chair and will return at 8:00 o'clock. When this matter matter next comes up, the honourable member will have 18 minutes.