



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

DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 8 August, 1983.

Time — 8:00 p.m.

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

OPENING PRAYER by Mr. Deputy Speaker.

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

ORAL QUESTIONS

Administrative Studies Buildings, U of M - status of

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

MR. B. RANSOM: Thank you, Mr. Deputy Speaker. My question is for the Minister of Finance, I guess, Mr. Speaker, in the absence of the First Minister, who is Chairman of the Jobs Fund. My question to the Minister of Finance, Mr. Speaker, would be: What is the status of the Faculty of Administrative Studies Building that appeared on the "Wish List," which the Minister tabled in February? Is there any action being undertaken on that project?

MR. DEPUTY SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: Yes, Mr. Speaker, I'll take that question as notice.

Earth Sciences Building - construction of

MR. B. RANSOM: Mr. Speaker, a supplementary to the Minister of Finance. I note that the Earth Sciences Building, which has already been announced for the University of Manitoba, was not a part of the "Wish List," was not on the "Wish List" that the Minister tabled in February. Can he give an explanation to the House as to the selection of that particular building to be proceeded with at this time?

MR. DEPUTY SPEAKER: The Honourable Minister of Education.

HON. M. HEMPHILL: Mr. Speaker, perhaps I can answer the question for the Member for Turtle Mountain.

The university, as we all know, sets its own priorities for both programs, budget, and buildings. The Earth Sciences Building was the No. 1 priority. Now they did, and have been saying that they have two main facilities that require upgrading, and they have been

communicating that to the Universities Grants Commission and the government. We did say to them that they would have to make a decision on which one was the most important. They did make a decision, and the decision was that the Earth Sciences Building had the highest priority.

Now, it's also my understanding that they are considering some joint planning for the two facilities and that they may be incorporating planning down the road for the Administration Building that may be tied in in the planning for the Earth Sciences Building, but that they have received approval from this government for their No. 1 requirement and their top priority, which was the Earth Sciences Building.

Brandon University - Music Building

MR. B. RANSOM: Mr. Speaker, a supplementary to the Minister of Education. It's my understanding that the Music Building is the No. 1 priority for Brandon University. Can the Minister advise the House what progress she is making with having a decision made in order that that facility may proceed?

HON. M. HEMPHILL: Mr. Speaker, we've always accepted that it is both the No. 1 priority for the university and for the government. We've accepted their priority and we agree with it.

I also suggested to him that there was a very important issue here, and that is how to deal with three or four proposals that have gone from .5 million, with the original request for a small addition, to three times the space they originally asked for, that has now become a \$6 million facility, and that they do have authority, in principle, to proceed with the Music Building on the clear understanding between the Universities Grants Commission and the Board of Governors that they raise \$4.5 million. If that is not so, and it doesn't appear that it's going to be because to date they've only been able to raise .5 million, then the government is going to have to make a decision on how much of the \$6 million it is reasonable for the people of Manitoba to pick up. That's the process they're going through right now.

MR. B. RANSOM: A final supplementary to the Minister of Education, Mr. Speaker. Is the government considering providing bridge financing for the amount of money which the university has not yet raised, but which is prepared to undertake to raise?

HON. M. HEMPHILL: Mr. Speaker, I think that our position on the request for bridge financing is exactly the same as the request that was put forward to the Conservative Government when they were in office and they were asked to bridge finance. At that time you said no to the building, because you froze it in 1977, and you said no to bridge financing. We have also said no to bridge financing.

The Brandon board's idea of bridge financing is that we put up all the money that is required and they pay

the interest, which would mean a very large capital outlay of public money for a building the size of which, and the scope of which, has not been even approved by the Grants Commission.

MR. B. RANSOM: Mr. Speaker, I have a further question then for the Minister of Education. The question of bridge financing, of course, was under consideration at approximately the time of the election in 1981. The size of the facility being considered was in the range of \$6 million. Was that the basis upon which the NDP Party made their promise that the Brandon University Music Building would proceed?

HON. M. HEMPHILL: No, I believe, and I'll have to check this to confirm the sequence, because I don't have the information in front of me that indicates the sequence of events. The \$6 million proposal is a fairly recent proposal. They first had .5 million, they went up to \$1.3 million, they went to \$1.6 million, then they went to \$4.5 million, and then they went to \$6 million. In the course of changing those proposals they have tripled the space requirements. The numbers of students are really not that large, the increased numbers of student. While we believe that it's a high priority and that they do need additional space, the commitment or the agreement to give them authority in principle to build the \$6 million facility was only always on the clear understanding and the condition that they raise \$4.5 million.

User-fees - Health care system

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

MR. L. SHERMAN: Mr. Speaker, my question is to the Honourable Minister of Health. I would ask him a question, Sir, that I have put to the First Minister, and the Acting Minister of Health in the past week, and I'm glad the Minister of Health is back from the Western Canada Summer Games in Calgary, where he was in attendance in his capacity as Minister of Fitness and Sport, and now can address this important question in the health area.

Can the Minister advise this House whether the government has been advised by Ottawa that the Federal Government intends to impose so-called dollar-for-dollar penalties in its new Canada Health Act as a means of attempting to outlaw user-fees and extra-billing?

MR. DEPUTY SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, I've partially answered this question in the past and it might sound that we should have more information, but the truth is we've had very little information. Go back to 1982, in the end of '82, when we had a meeting of all the Ministers with the Federal Minister of Health, and that's when she told us that she wanted to see some changes. There were about two, three meetings at the most of the staffs of the different provinces with the Federal Government. Now, on October 1st, 1982, we had a

meeting, the Provincial Ministers of Health met and we felt that what's the rush, what was the priority? A lot of things happened since then, but what was the reason for this act? There were other priorities that we felt. We asked the host Minister, Mr. Nelson, at the time to get in touch with the Minister and request a meeting. He did that and she met with him, but we never had this meeting. Repeatedly, the host in our name also suggested to her that we should meet before they bring in the legislation.

Now, I did meet with her for a few minutes when she was here on another occasion. The Minister told me very little at the time and it was obvious that it didn't look like we were going to be successful in having a meeting until all the legislation was ready. That is the best report that I can give you on the information I have.

There's one thing I should say. Just a couple of a weeks ago, I was sent a book - I think that it's public now - with a letter explaining, but very vague in saying that they will call the details later on. Now all the indication that I have is that there will be a charge also if people are extra-billing, or if they have Medicare, or if there's a utilization fee, that they will go after the provinces.

At the time when I talked to her, I said, well, it's fine to bring a stick, but maybe you should bring a carrot, because you're talking about the situation of including mental health. We'll be glad to deliver mental health, but we want you to live up to the agreement and pay part of it. It seems that there won't be any of that at all.

We're concerned on that. Who will make the decision? Is it going to be left in the hands of the Federal Government? Are they going to, for instance, if we have somebody that's paneled to go in a personal care, waiting for a bed in an acute hospital, will they call that utilization rate? We're very concerned.

I want to say though very clearly that at a meeting that we had with the Ministers, it was agreed that we would monitor extra-billing. All the Ministers agreed to that, provincial and federal. We are concerned and we're not going to be too hard on the Federal Minister on this, with some of the action that happened in three of the provinces just lately, but we'd prefer to do this in an orderly way. We'd like to meet before the legislation is prepared and apparently we won't have the chance to do that.

MR. L. SHERMAN: Well, Mr. Speaker, I thank the Minister for that response, but I would ask him whether he is expecting that Manitoba, with its limited extra-billing, and in fact its extra-billing that only is permitted if the practitioner has opted right out of Medicare, and in many cases doesn't even exist then, but with its limited extra-billing is facing dollar-for-dollar penalties, in his view, from the Federal Minister?

HON. L. DESJARDINS: I'd like a correction. When the Member for Fort Garry talks about extra-billing, only when they're completely out of the plan, I don't consider that somebody that's getting paid through the plan is completely out of the plan. They are opted out maybe, but not completely out of the plan, that would be only as in Quebec. That option, I understand, will still be there.

I repeatedly said that in principle we're against extra-billing, the party is, the government is, but we've never felt that it was an issue. The member is absolutely right, and I've repeated that many times, it wasn't a major issue, a major concern; there were a lot of other things that were more of an issue than that, because the medical profession here in Manitoba has been very very responsible. As it was said, there's only approximately maybe 5 percent who extra-bill and they don't extra-bill at all times. Having said that, we know it's not the major concern. In principle, we're against extra-billing and utilization fees.

Now, yes it would be a guess, I haven't got the detail, I want to repeat that, but from what is made public I have the same knowledge as my honourable friend has, nothing more. I would think, I guess it's a fair guess - I don't know if it'll be dollar-for-dollar, but it's quite obvious that the Federal Government wishes to penalize the provinces that allow extra-billing or that charge for hospital beds.

MR. L. SHERMAN: Well, Mr. Speaker, is the Minister of Health expecting that his Leader, the First Minister, will be confronted with this issue when he gets to the Premiers' Conference in Toronto later this week? If so, is he briefing the First Minister and advising him that it would be unconscionable for dollar-for-dollar penalties to be imposed on a province like Manitoba where extra-billing cannot take place inside Medicare? It can only take place outside of Medicare. Therefore, it would seem to me to be unconscionable for a Federal Government to penalize a province for extra-billing that takes place outside of Medicare. Is this the Minister's view and is he briefing the First Minister to that extent?

HON. L. DESJARDINS: That's not my understanding at all. The extra-billing can be done within the plan. You don't collect directly, but the patient is paid by the plan and then he pays the doctor. If he's completely out of the plan, it is just like the Quebec situation where neither the patient nor the doctor is covered if a doctor is extra-billing. There's only Quebec, and from the brochure that I have - I thought that it was public - I'll try to get more copies and make sure that the honourable member gets a copy. I was told they would send more copies, there's only one so far. They seem to indicate that that option will still be there in the Quebec issue. They'll say that, okay, we're not preventing the people from extra-billing, but you're right out of the plan. In this way the province would not be penalized, because the province is not paying anything, it is a doctor and his patient, the patient-doctor relationship still goes, but they're completely out of the plan. There would no payment by anybody except the patient. The patient would not be reimbursed. That's right out of the plan.

MR. L. SHERMAN: Well, I understand that, Mr. Speaker, but would the Minister not confirm that the difference between the Manitoba plan and the Quebec plan is that under the Manitoba plan the doctor opts out, that does not opt the patient out, as is the case in Quebec? The patient remains in; the payment is made to the patient rather than to the doctor. So the doctor is out, at which point he or she can then extra-bill, but in view

of the fact that he or she is out of Medicare at that point and the patient is being reimbursed anyway, by the taxpayer, through the Commission, is it not unconscionable for the Federal Government to talk about penalizing Manitoba on a dollar-for-dollar basis, because doctors who are out of Medicare are engaging in that kind of billing on which the patient is protected by the taxpayer anyway?

HON. L. DESJARDINS: There's not much point in having an argument. I look at it differently, the Federal Government certainly looks at it differently, and my friend will see in the brochure when I can give him one. If the patient is getting paid, then he's in the plan. The doctor is benefiting from that also and the words "extra-billing," meaning extra, would indicate that.

The term, and let's go by Ottawa's definition. When they say, you're out of the plan, they're referring to the Quebec model and I'll bring a copy. I'll say that I was ready; I went along with the other Ministers at the time when they said, why? What's the rush? Things are not that bad. But now, after the action of the Federal Government, if it takes action like that - I want to know a little more about it and the First Minister and I have discussed this and these are questions that we'll be asking. If it takes that to protect the plan, we'll go along with Ottawa.

First Ministers' Conference

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

HON. S. LYON: Mr. Speaker, a question to the First Minister. Could he tell the House, the Ministers and/or other members of the government and of the Civil Service, who will be accompanying him to the Premiers' Conference, which starts this week?

MR. DEPUTY SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, the Minister of Finance; the Minister of Labour; the Clerk of the Executive Council, Mr. Decter and the Deputy Minister of Labour. I believe that is it, Mr. Deputy Speaker. — (Interjection) — Oh, Mr. Pat Gannon.

HON. S. LYON: In view of the importance of the debate that is arising, largely at the instance of the Federal Minister of Health who has run around the same track before on Medicare, would it not be advisable - and I'm asking the question not in a manner to embarrass the First Minister - to have the Minister of Health along in the event that the provinces are able to strike a common position against the hysteria that has been emanating from Ottawa, particularly from the mouth of Madame Begin who, as I remind the Minister, played the same trick in 1979 with the same flimsy information and is now about to do the same unless her colleagues in Ottawa can bring her under control?

HON. H. PAWLEY: Mr. Speaker, I'm not aware of other Ministers of Health accompanying their First Ministers to the Premiers' Conference. If, indeed, that was the

case and it appears to be a matter which is going to command attention, I assume then we could arrange appropriate pairs from honourable members across the way. I'm sure the Minister of Health will be able to attend. At this point, I'm now aware of other Ministers of Health attending the conference.

HON. S. LYON: Mr. Speaker, again, I preface my comment by saying I'm not trying to be facetious when I say this to the First Minister, but in view of the fact that the Federal Government through the person of Madame Begin, is embarked on this foolhardiness of hers again, would the First Minister not be wise to have the counsel of the Minister of Health at his side as, indeed, I always had the counsel of the Member for Fort Garry as Minister of Health, to counteract the stupidities and the hysteria of this woman which is well-known now to Canada, and if it's necessary for a common front to be established against this woman or to ensure that she be shifted off to another portfolio, and that recommendation made by the Premiers that the Minister of Health be there, because he has some understanding not only of the health system but of the perfidies of this woman?

HON. H. PAWLEY: Mr. Deputy Speaker, I do not believe that, despite some differences of view that we might have with Madame Begin, I don't look upon her as one that is shepherding stupidities and hysteria. I think she is concerned about the direction of health care in Canada and if, indeed, I felt it was necessary to ensure the attendance of the Minister of Health at the First Ministers' Conference it wouldn't just be in order to ensure that there is a watching brief in respect to the so-called stupidities or hysteria of Madame Begin, it would be in order to ensure that the Medicare system per se is saved from any further erosion insofar as Canada as a whole was concerned.

HON. S. LYON: Well, Mr. Speaker, on this side of the House we share the same concern and since the source of the main attacks on the Medicare system come from this woman, who is the Minister of Health, and since I, as First Minister back in '79, recommended to the Prime Minister at that time, albeit through the media, that she be relieved of responsibility because of her patent incapacity to handle the job, I merely suggest as honestly as I can to the First Minister that he should not take lightly in any way the necessity on behalf of all Canadians to protect the plan from the perfidies of this woman.

HON. H. PAWLEY: Mr. Speaker, if there's a need I certainly will call upon the Minister of Health to provide support. I want to simply point out though, Mr. Deputy Speaker, I think we should attempt to keep this discussion in proper focus.

I have criticized the Federal Government for a lack of funding, a lack of funding insofar as post-secondary education was concerned, insofar as health was concerned, I have not blamed Madame Begin for that. Rather, Mr. Deputy Speaker, I have blamed the Ministers of Finance and the Prime Minister himself at the federal level for their lack of funding or for essential services in Canada.

Incest cases

MR. DEPUTY SPEAKER: The Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, I have a question for the Attorney-General. A recent Winnipeg Sun column by Peter Warren quoted a pre-sentence report in a case heard in Steinbach involving a charge of incest in which the pre-sentence report indicated that this type of behaviour is not unusual in that neck of the woods. Is the Attorney-General undertaking an investigation of that report or does he accept that probation officer's report? Does his department accept that?

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Indeed, when I first became aware of that statement which appeared in the Steinbach Carillon, as I recollect, it did cause an investigation to be made and we've asked the Chief Provincial Judge and the Director of Prosecutions Deputy Minister to track down the source of the story. It is not the case, I'm happy to say, that that statement was in fact contained in a pre-sentence report. I believe that - and I'll get further information on it - there was some conversation between the Crown Attorney on the case and the probation officer which may have led to a remark like that, or a remark being construed as that to be made, but I'll come back to the House tomorrow with a fuller report.

Water quality problems - Pilot Mound

MR. DEPUTY SPEAKER: The Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Speaker, my question is to the Minister of Agriculture in his capacity of administration of the Manitoba Water Services Board. This spring the community of Pilot Mound underwent some severe water quality problems. Could the Minister indicate whether the drilling for ground-water source has been successful as a potential solution to that problem?

MR. DEPUTY SPEAKER: The Minister of Agriculture.

HON. B. URUSKI: Mr. Speaker, as the member knows, there was extensive work going on in the community in terms of trying to sort out the water quality problems of Pilot Mound. I will take the specifics of the question as notice and get a report from the Water Services Board as to the extent of the drilling and the ability to determine whether in fact the source of water will be adequate. I'll take that question as notice.

Flood zone - Carman

MR. D. ORCHARD: I thank the Minister for that answer and I have one other question for the Minister of Natural Resources. The Town of Carman is in the process of being imposed by flood designation zone within the boundaries of the town. A meeting was held between

the citizens of Carman and members of the Minister of Natural Resources staff at which they made the request to not have their town designated as a flood zone. The Minister's staff undertook to further investigate the recommendation of the Minister. Could the Minister indicate the current status of the flood designation in Carman?

MR. DEPUTY SPEAKER: The Minister of Natural Resources.

HON. A. MACKLING: Yes, Mr. Speaker, in respect to flood risk designation, it would be useful for all members to realize that the Government of Canada and the Government of Manitoba many years ago entered into an agreement in respect to flood risk mapping and designation, and this flood risk designation does not mean that existing dwellings or buildings within flood risk areas are no longer compensable in respect to flood damage. What it does mean is that the Government of Canada or the Government of Manitoba would not compensate for flood damage occurring in areas that have now been designated as flood risk where new buildings and new construction have taken place. That is the process that the honourable member reflects upon. It's an ongoing process, it's been going on for many years.

The specifics of the undertakings that my staff have given in respect to the concerns in the Carman area, I will take notice of and answer another day.

MR. D. ORCHARD: Thank you, Mr. Speaker. Could the Minister indicate whether the Carman Diversion, which was the second project in the water-related and flood-prevention projects under the "Wish List," has an ongoing status with the Provincial Government in his department?

HON. A. MACKLING: Mr. Speaker, the concern for a diversion to protect the Town of Carman is one again of longstanding concerns. The issue and the problem has been around for many years. We had hoped that as one of the options the Federal Government could look at. We included the possibility of some flood control works, and the Town of Carman Diversion was on the "Wish List."

It's an area of spending that we will have to look at when we get into our Estimates process for a succeeding year, but given the extreme financial constraints that the province has and the considerable cost of that diversion, I am not very hopeful that it can be included in next year's Estimates.

MR. D. ORCHARD: Mr. Speaker, given that the Minister is still considering the Carman Diversion, although with less enthusiasm possibly than just a short year ago, would it not be a reasonable request by the community to delay the flood risk designation in the downtown area for at least a year to two years, pending a favourable decision on the diversion by this Minister?

HON. A. MACKLING: Mr. Speaker, I've indicated that I would take notice of the specifics of that concern and the undertakings that staff had indicated in respect to

reporting to me and review back. I will answer that another day.

Sherritt Gordon Mines - NEED Program

MR. DEPUTY SPEAKER: The Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question for the Minister of Energy and Mines if he can tear himself away from the Financial Times.

The NEED Program for Sherritt-Gordon Mines in proving up the Agassiz gold deposit near Lynn Lake called for a shared government expenditure of \$1,558,775.00. Can the Minister advise what was the cost-sharing on that government input?

HON. W. PARASIUK: Mr. Deputy Speaker, I took that question as notice, I believe on Saturday, and I have not received that information yet.

Hazardous and Special Wastes Program

MR. DEPUTY SPEAKER: The Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, my question is to the First Minister. We had a very elaborate presentation made to us today by the Minister of Environment, and I would ask the First Minister if he agrees with the Manitoba plan, the three-phase plan, that is being put forward by the Minister of Environment?

MR. DEPUTY SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I think that's asking an opinion. The Minister has put that forth, Mr. Speaker, as a position in respect to an approach regarding hazardous goods. I have not had an opportunity to read in detail the contents of that report. It's one that comes forth after a great deal of consultation involvement with interested members in the community.

MR. F. JOHNSTON: Mr. Speaker, it's rather surprising that with something as elaborate as this bulletin, the money expended, and a three-phase plan for the province, that the First Minister doesn't know whether he agrees with it or not. Let me ask him if he agrees with, "Whatever the actual components of the management system in Manitoba will be decided by the Manitobans and will be suited to the needs of Manitobans"?

Mr. Speaker, if the three-phase plan, which also states at the bottom, based on public consultation of Phase I and Phase II, implementation appropriate management system - based on public consultation - I repeat that again. Mr. Speaker, if that plan is acceptable to the Minister of Environment, I would like to ask the First Minister why the First Minister does not agree to have hearings, and does he not agree that the changing of the Constitution of Manitoba should take at least as long as making a plan for waste disposal, which on television tonight was said to be four years?

HON. H. PAWLEY: Mr. Speaker, we're most interested in having hearings and that is what the subject matter of the debate and the referral has been about is in order to ensure that there be public input and public hearings, in case the honourable member hasn't had opportunity to read the referral motion.

MR. F. JOHNSTON: Mr. Speaker, Mr. Kennedy, the consultant on this program, said on television tonight that it would take four years, and that the public would be involved in the decision as what the system would be.

I believe that the public should be involved in what the resolution should be when changing the Constitution of Manitoba, and will the Minister make sure that the public has input to the changing of the Constitution of Manitoba, which takes longer than six months?

HON. H. PAWLEY: Mr. Speaker, we've been attempting to indeed have that public input now for some weeks. I look forward to the support of the Honourable Member for Sturgeon Creek in ensuring that the referral motion is passed through this Chamber, so we can receive input from the public. Instead the Honourable Member for Sturgeon Creek and others appear not to be anxious to receive that input from the public. Give us an opportunity to have the input from the public, Mr. Speaker.

Mr. Speaker, all that the honourable members have to do is to support the referral motion and we'll have input from the public in different parts of the Province of Manitoba.

Bilingualism - proposed resolution

MR. F. JOHNSTON: Mr. Speaker, it has been said in this House that the Manitoba Government, the Federal Government, and the Franco Society were the ones that negotiated the conditions of the resolution.

I ask the Premier if the rest of the Manitobans can have an input into the actual writing of the resolution - not hearings on the resolution - the actual writings of the resolution?

HON. H. PAWLEY: Mr. Speaker, I am simply amazed at the Honourable Member for Sturgeon Creek, who sits in his place and appears to listen, but in fact does not hear; the Honourable Member for Sturgeon Creek that speaks, but apparently does not hear those that speak in this Chamber in respect to this matter. Because we've indicated again and again that we are interested in receiving public input; we're prepared to receive public submissions in respect to any appropriate improvement or tightening of the wording of the resolution.

Mr. Speaker, that has been said for some number of weeks, and if there is any misunderstanding on the part of honourable members across the way in that respect, let me disabuse them now, because maybe we can finally, at last, hear from Manitobans in respect to this resolution. Hopefully at long last we can proceed in the democratic process to hear the response from Manitobans.

I gather there are some scores of Manitobans that already want to make submissions in the City of

Winnipeg and I'm sure there are scores that want to hear, to make submissions outside the City of Winnipeg so, Mr. Deputy Speaker, I sense that there is some light of the tunnel, that now the Member for Sturgeon Creek is indicating his desire that there be hearings and that there be input and there be opportunity to make possible changes on the resolution. Mr. Speaker, let's try it; let's see if we can come up with a resolution that is more satisfactory to all Manitobans. Let us cease the filibuster; let us give Manitobans an opportunity to be heard.

MR. F. JOHNSTON: Mr. Speaker, my question is to the First Minister, and I might say that it's very refreshing to say that he is at least now going to have hearings which he was never going to have before.

Mr. Speaker, I could refer to Hansard, where the First Minister believes that the people should have had input before the resolution was ever written. Will the people be able to do that when the hearings are held? Is the government ready to make the changes according to what the people say at the hearings?

HON. H. PAWLEY: Mr. Speaker, the duplicity of the Honourable Member for Sturgeon Creek and other members across the way simply amazes me. They forget 1980-81 when they took a firm and unequivocal position in respect to the Constitution of Canada, they assumed a position in opposition to the entrenchment of a Charter of Rights; they took a position in respect to other matters pertaining to the adoption of a new Constitution. Did honourable members speak first to Manitobans? Did honourable members carve their position clearly in stone before going to Manitobans? Mr. Speaker, did honourable members, when they went to the public by way of the committee, say to the public of the Province of Manitoba, we want to hear you and indeed there may be some changes? Did they say that?

Mr. Speaker, so what we are dealing with in respect to the matter before us is preparedness and a desire and a willingness, and a willingness and a desire that does not appear to exist on the part of honourable members across the way, to hear from Manitobans, to hear from those Manitobans that are opposed, to hear from those Manitobans that are supportive of the resolution, to hear constructive proposals and in case there be any doubt, we are prepared to look at sound, constructive proposals in respect to — (Interjection) — The honourable member says, now, but let me refer, we've been debating this resolution.

Let us not fool anybody in this Chamber. We have been debating a motion in respect to referral now for at least three weeks in this Chamber, for at least three weeks and, Mr. Speaker, on June 23rd, I announced in my speech in this House, June 23rd, which is now six weeks ago, that we were referring this matter to a committee to receive briefs from the public of the Province of Manitoba. That was before the informational meetings, Mr. Deputy Speaker, for six weeks, undeniably honourable members have known that we're prepared to refer this matter to a committee, for three weeks; plus we have had a resolution on the Order Paper referring this matter to a committee to hear from Manitobans.

Mr. Deputy Speaker, I ask you, I ask members of this House, which side? Has it been the New Democratic

Party Government that has been afraid to hear from Manitobans? Has it been Conservative members across the way that have been afraid to hear from Manitobans?

SOME HONOURABLE MEMBERS: Oh, oh!

MR. DEPUTY SPEAKER: Order please. Order please. The time for Oral Questions has expired.

ORDERS OF THE DAY

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

Order please, order please.

HON. R. PENNER: Mr. Speaker, would you please call the adjourned debates on Bills 62, 98, 99, 100, 101, 109 and 114 and then we'll see where we go.

MR. DEPUTY SPEAKER: The Honourable Leader of the Opposition on a point of order.

HON. S. LYON: Mr. Speaker, on a point of order relating to House business, I understand there was some discussion of this earlier today. Do I understand it correctly that the House Leader of the Government side has indicated, along with the Whip of our side, that it should be communicated to Mr. Speaker that both sides of the House are extremely desirous of having the decision of Mr. Speaker on the advisability or otherwise of proceeding with the sub-amendment to the referral motion?

We say that, Sir; because while the government can call whatever business it wishes, certainly the government should not be deprived of calling that item merely because Mr. Speaker is taking time to make a decision upon it. Notwithstanding the fact that he has other obligations and responsibilities this week of which we're all aware, I would hope that the House Leader would join with me, through you, Sir, in asking that Mr. Speaker not delay any longer, because any delay - implications could be drawn from that delay that the delay was being made for other purposes.

HON. R. PENNER: Just on that point, Mr. Speaker, I'm sure my colleagues in the government, of course, hope to have the Speaker's Ruling as soon as possible, but let it not be thought for a moment that we join in the implied commands of the Speaker in the Leader of the Opposition's remarks. Certainly he knows, I think, the anxiety of the House to have his ruling as soon as that can be done. He should also know the anxiety of the House to have that, as one expects from this Speaker, a researched and careful opinion.

HON. S. LYON: Mr. Speaker, no command was suggested to Mr. Speaker at all with respect to this matter. All of us realize however, Sir, that the Speaker is the servant of the House, not the master, and when the House is desirous of having an opinion, that opinion should be rendered and rendered quickly.

MR. DEPUTY SPEAKER: The concern of the House was expressed to the Speaker today at lunch time by the clerical staff in the Clerk's office. I will speak to the Speaker personally tomorrow morning before the Session, if I can get in touch with him, to further confirm the House's concern.

ADJOURNED DEBATES ON SECOND READING

BILL 62 - THE PROVINCIAL COURT ACT

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 62, standing in the name of the Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I adjourned this for the Member for St. Norbert.

MR. DEPUTY SPEAKER: The Member for St. Norbert.

MR. G. MERCIER: Thank you, Mr. Speaker. Mr. Speaker, in keeping with the spirit of good will and co-operation which exists on this side of the House and the intention to get on with the business of the House, I want to indicate to the Attorney-General that, at least as far as I am concerned, I am prepared to allow Bills 62, 98, 99, 100 and 101 to proceed to committee.

I would like the Attorney-General's assurance, as I expect he can make it, that these bills have been reviewed by the Chief Provincial Judge and by the Chief Justice of the Court of Queen's Bench and other judges, and that they are satisfied and have no real concerns with any changes that may have taken place in the wording of these specific pieces of legislation, Mr. Speaker.

I may very well have some questions with respect to these bills in committee, but the bulk of them deal with reports which we had undertaken with respect to the amalgamation of the Court of Queen's Bench and the County Court, Mr. Speaker. They deal with the unified Family Court, which we on this side of the House support in principle.

Mr. Speaker, I would have preferred that in dealing with small claims jurisdiction that the jurisdiction of the court be expanded considerably to something like \$2,000, rather than the current \$1,000, but I understand that is under study and may very well take place in the next year or so.

So with those few words, Mr. Speaker, I would indicate I am prepared to proceed with passage of those bills, although some of my colleagues may have comments on one or two of the bills.

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

HON. R. PENNER: Just speaking to the general point raised by the Member for St. Norbert, first of all, let me thank him for his co-operation on having - as I knew he would - studied the bills. To the general point, yes, these bills have been looked at again and again and again by the parties most affected, namely, the judges of the Court of Queen's Bench, the County Court and the Chief Provincial Judge, as well as his colleagues. I may say, having said that, that in the result at committee stage with respect to 62, there will be a proposed amendment dealing with the composition of the Judicial Council.

I further advise the Member for St. Norbert that with respect to Bill 98, there will be a proposed amendment deleting a section - I just forget the number, it doesn't

matter - that deals with the question of rank and precedence. At the request of the Chief Justice of the Court of Queen's Bench, there will be, at committee stage, a resolution just deleting that reference. There may be one or two other amendments of that kind that originate from a very careful, and I may say a very useful and constructive study of these bills that the judges of the County Court, Court of Queen's Bench have been engaged in with respect to these bills; the judges of the Provincial Bench with respect to 62. It has been a constructive process that I think has made sure that pitfalls, which one might normally experience in legislation of this kind, have been at least substantially avoided.

QUESTION put, MOTION carried.

**BILL 98 - AN ACT TO AMEND THE
QUEEN'S
BENCH ACT AND TO REPEAL THE
COUNTY COURTS ACT,
THE SURROGATE COURTS ACT AND
THE COUNTY COURT JUDGES' CRIMINAL
COURTS ACT
AND TO AMEND THE MUNICIPAL
BOUNDARIES ACT**

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 98, standing in the name of the Member for St. Norbert.

MR. G. MERCIER: As I indicated, I am prepared to allow the bill to go to committee. There may be a colleague who may wish to make a few comments.

MR. DEPUTY SPEAKER: The Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker. I have a few comments to make with regard to this bill and would want to draw a few of my concerns to the Attorney-General's attention.

I know from time to time we do things within government which are supposed to streamline activities of government, whether it be in the judiciary or other areas in government. One of the concerns I have with regard to the unification of the Family Court is the possibility of a loss of some service to the rural areas. I say that, Mr. Speaker, in an attempt to draw that concern to the Minister's attention.

Over half of the population in Manitoba right now resides in the City of Winnipeg. One of the problems that we have in rural Manitoba is to receive the type of services that the people in the City of Winnipeg do. The difficulty comes into play, Mr. Speaker, when we are dealing with professionals. We all know that a lot of the people who are either practising law or in other fields, for instance, in the health field, in the field of dentistry, in the field of more specialized medicine, we are finding it very very difficult to attract these types of people into rural areas.

In talking about this particular subject matter to a number of people, there has been some concern expressed by them that this might lead to a deterioration

of services in rural Manitoba. They point out with some justification some of the problems that have happened in Ontario and some other jurisdictions that have taken over this type of an approach to dealing with the Family Court.

I say to the Minister, as expressed sometimes by the Member for Virden, is that justice for the people or is it justice for the bureaucrats? I would, of course, have to say, and I'm sure the Attorney-General would agree with me, is that the justice should be for the people.

As I mentioned earlier, as a rural member who is concerned about the slow erosion of services in our communities, I have to say to the Minister that it is my hope in dealing with this matter that there is a very close eye kept, a very close monitoring by his department and by the members of this Legislature to ensure that these services will be available, and that the judges that are assigned or that will hear these cases will be willing to travel to different parts of Manitoba.

I understand that there is going to be provision to make sure that the services remain in areas such as Brandon and I believe Dauphin is the other one, and Portage. But I just say to the Attorney-General that I have some concerns because I really do believe this will lead, maybe not in the very near future but on the longer haul, to it becoming more difficult for people to travel out to places like Lac du Bonnet and places in rural Manitoba. So I ask the Minister to watch that very closely and hope he will put in place the necessary safeguards, that the people of rural Manitoba receive the same type of service as the people in the City of Winnipeg do.

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

HON. R. PENNER: Yes, I thank the Member for La Verendrye for the very good question. Just two observations. In fact, that was a concern throughout, namely, making sure that rather than in any way restricting service to the centres and areas outside of Winnipeg, we would be increasing service, and indeed that will be the net result.

First of all, those judges, who are now judges of the County Court in Dauphin, Portage, and Brandon, will remain there, but they become judges of the Court of Queen's Bench, that is, with a much larger jurisdiction. So instead of the Q.B. only meeting once or twice a year in those areas, there will be a Q.B. (Queen's Bench) sitting there, in a sense, throughout the year.

Moreover, pursuant to the administrative component of the bill, I just mention Section 27 in particular, which requires that the setting up of various administrative centres and judicial centres shall be done in consultation with the Chief Justice of the Queen's Bench. In fact we already have looked, together with the administrator of Court Services, and the judges, and we're looking to an increase in the number of administrative centres which will increase from 12 to 16, so that there'll be more, not less, administrative centres and so, too, there will be an increase in the number of hearing centres.

I should also add in closing here that we've had particularly strong support from the practising bar in various parts of Manitoba, the Dauphin area, certainly

in south and southwestern Manitoba. Many members of the practising bar have been very supportive of this proposal, for the reason that it does make the practice of law and the representation of their client's interest that much easier, in the ways indicated.

QUESTION put, MOTION carried.

**BILL 99 - THE COURT OF QUEEN'S
BENCH
SMALL CLAIMS PRACTICES ACT**

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 99, standing in the name for the Member for St. Norbert.

MR. G. MERCIER: I indicated, Mr. Deputy Speaker, I'm prepared to allow this bill to go to committee.

QUESTION put, MOTION carried.

**BILL 100 - THE COURT OF QUEEN'S
BENCH
SURROGATE PRACTICE ACT**

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 100, standing in the name of the Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, as I indicated, we're prepared to allow this bill to go to committee.

QUESTION put, MOTION carried.

**BILL 101 - VARIOUS ACTS OF THE
LEGISLATURE
TO FACILITATE THE REORGANIZATION
AND EXPANSION
OF THE COURT OF QUEEN'S BENCH**

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 101, standing in the name of the Member for St. Norbert.

MR. G. MERCIER: Mr. Deputy Speaker, again, we're prepared to allow this bill to go to committee.

QUESTION put, MOTION carried.

**BILL 109 - AN ACT TO AMEND THE
LEGISLATIVE ASSEMBLY ACT (2)**

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Minister of Finance, Bill 109, standing in the name of the Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, with respect to this bill, of course, I'm not going to tend to speak on behalf of a substantial number of members of the Legislature. This is a bill, obviously, on which any member of the Legislature may very well wish to speak.

In 1977, when we came into government, Mr. Deputy Speaker, we made a decision as a government that

restricted - in fact prohibited - any increase in the indemnity of members of the Legislature, Mr. Speaker.

This bill takes a different tact towards that situation, and one with which I do not disagree with, Mr. Speaker. As I understand it, it keeps the increase to a limit in the area of 6 percent, when calculated for the whole year. I, in these times of restraint, at least exhibited by other governments, Mr. Speaker, I do not question that approach to this particular problem. As far as I'm concerned, Mr. Speaker, the bill can proceed but there may very well be other members who wish to speak.

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

The Honourable Attorney-General will be closing debate.

HON. R. PENNER: I thank the Member for St. Norbert for those remarks. I would simply indicate that, of course, this will go to the Committee of the Whole. I will be speaking to the Opposition House Leader or Deputy House Leader tomorrow about the possibility of facilitating passage of 109. There are some time lines on that, that have been referred to me by the Minister of Finance, but we'll raise those tomorrow or the next day.

QUESTION put, MOTION carried.

**BILL 112 - THE STATUTE LAW
AMENDMENT ACT (1983)**

MR. DEPUTY SPEAKER: Bill No. 112, on the proposed motion of the Honourable Attorney-General, standing in the name of the Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, The Statute Law Amendment Act is a bill that generally is one that only deals with technical amendments to legislation. Now I don't want to be 100 percent critical of the Attorney-General, Mr. Speaker, because he can probably look back into the record and find that perhaps on one or two occasions I may have put into The Statute Law Amendment Act at the end of the Session a provision that had some substantive effect. But I must say I've never seen a Statute Law Amendment Act that has had as many substantive provisions in it.

There are some very important amendments to legislation in this Statute Law Amendment Act, Mr. Speaker, and the Minister of Labour is one, I take it, after her experience with The Payment of Wages Act, who did not want to go through bringing another bill through the Legislature and having to withdraw it again, so she persuaded the Attorney-General and the Government House Leader to include some substantive amendments into The Statute Law Amendment Act.

One of the most important amendments in this bill, Mr. Speaker, deals with first-contract legislation. The note - and it's interesting and the note should be read into the record, at least a part thereof, Mr. Speaker, they deal with Section 16. They say, "The amendments contained in this bill are to make the other provisions of Section 75.1 consistent with the amendments made at the committee stage at the last Session. The effect is to make clear that where the Minister directs the

board to inquire into negotiations between an employer and a bargaining agent for a first contract, the board must either settle the terms of the first collective agreement or advise the Minister that it believes that the settlement will be arrived at between the parties within a month of the date of the report to the Minister. Where the parties do not settle the term within that time, the board must then proceed to settle the terms."

Now, Mr. Speaker, when the amendments to The Labour Relations Act were before a committee of this House at the last Session of the Legislature, the government brought in amendments during the tail end of the committee meeting and I recognized, certainly, that it was the clear intention of the Minister at that time - and it wasn't this Minister of Labour, although I believe she was the Legislative Assistant to the Minister of Labour at that time. I do accept the fact that last year they wanted to completely take away any discretion that the Labour Board might have with respect to first contracts, and they wanted to make it clear that the Labour Board must impose a first contract.

Mr. Speaker, in the hastiness of dealing with the amendments, I take it there was some discretion left in the hands of the Labour Board, and that in some instances there has been a refusal of the Labour Board to deal or to impose a first contract. But the clear intent of this legislation in the notes prepared, as I'm sure they were by Mr. Tallin, Legislative Counsel, indicate that there is to be no more discretion whatsoever in the hands of the Labour Board with respect to the imposition of a first contract, once the Minister of Labour refers the matter to the Labour Board, Mr. Speaker.

Now, Mr. Speaker, a number of people have commented on this whole situation. I go back in my notes to the discussion last year, Mr. Speaker, where we said at that time it was bad legislation and it's not in the long-term interest of workers in this province. Mr. Speaker, I believe there is no other jurisdiction, federally or provincially, in Canada that takes away all of the jurisdiction from the Labour Board. I believe in every other jurisdiction, either federally or provincially, where they have some type of first-contract legislation, the board has the discretion in a case where there obviously is merit in refusing to impose a first contract. In fact, Mr. Speaker, when you look at the manner in which Labour Boards in other jurisdictions deal with this particular subject, they are reluctant to impose a first contract.

But this Minister, Mr. Speaker, and this government is taking away all of the jurisdiction of the Labour Board, so that a first contract must be imposed whenever the Minister, at her whim, for whatever reason no one knows, although we can guess where the request will come from and the direction it will come from, can refer a matter to the Labour Board and require a first contract to be imposed. We'll be able to go back and she will be familiar, Mr. Speaker, with the positions taken with respect to this matter.

Mr. Speaker, the government, as I understand it, has just hired a person to assist the Minister of Economic Development to liaise with business for \$85,000 a year, plus expenses. No wonder, Mr. Speaker. The Minister, no doubt, will recall the position taken by the Winnipeg Chamber of Commerce with respect to this bill, where they indicated they are absolutely opposed to this

mandatory first-contract legislation. So, Mr. Speaker, on the one hand we have a government spending \$85,000, plus expenses to hire someone . . .

MR. F. JOHNSTON: And a car.

MR. G. MERCIER: The Member for Sturgeon Creek advises me and a car - to liaise with business and on the other hand they do the exact opposite that business people, the Chamber of Commerce people, acting in the interests of all Manitobans, Mr. Speaker, concerned with the employment of young people in this province, concerned with attracting investment to this province, concerned with expanding manufacturing and jobs for people in this province are telling the government don't do this, it's not necessary. They go further, Mr. Speaker, than any other jurisdiction. The Minister may find one other jurisdiction, but I'm not aware of any other jurisdiction. First of all, there are not that many that have first-contract legislations, but of those that do, I don't believe there's anybody else that has taken away the discretion from the Municipal Board.

Even if the Labour Board has discretion to refuse a first contract, it's bad legislation, but it's made worse by the amendments that the Minister is bringing forward. I wonder if the Minister of Labour has consulted with the business liaison to the Minister of Economic Development. I would ask her, Mr. Deputy Speaker, I would ask her now and I know she's listening and is always concerned with my comments, would she undertake to table, at the committee stage when this bill is dealt with, a letter from the business liaison person to the Minister of Economic Development, a letter which sets out his opinion with respect to this amendment, and what effect does he think it will have on the government's relation with business and with business in general in Manitoba? I would like her, Mr. Deputy Speaker, to undertake to do that, to give us that information from this new person that the government has hired, and surely for that salary we're entitled in opposition to have the benefit of his opinion on this one bill. So I would ask, Mr. Deputy Speaker, that the Minister of Labour do that.

Now, Mr. Deputy Speaker, again this amendment to The Labour Relations Act is in The Statute Law Amendment Act.

MR. F. JOHNSTON: Downright devious.

MR. G. MERCIER: Mr. Speaker, how many people, I wonder, are going to be made aware of this. Normally it's customary when a Minister brings forward, at least a significant piece of legislation, that the bill will be sent out to interested parties. I wonder, Mr. Speaker, if the provisions of this bill have been brought to the attention of specific groups in Manitoba, be they Labour, or be they business, or Chamber of Commerce, or employer groups, or employee groups. Because, Mr. Speaker, by including it in this bill - even amongst our side, who are trusting souls, generally - there must be a small suspicion that perhaps the government is trying to have a very significant amendment passed, without adequate discussion with groups that are affected by it.

It is a very significant amendment and there are others in this piece of legislation. I note that there is an

amendment that deals with babysitters that the Minister brought forward that will attempt to clarify the position of babysitters, as to whether or not they are included in the definition of domestics and thereby, certain work conditions and salaries and other matters have to be provided by the employer. Mr. Deputy Speaker, we will want to examine the specifics of the wording in committee. I hope it does go far enough to exempt babysitters from the employment standards requirements, because as we've said, we don't believe that's an area where the government should be interfering.

I congratulate the Minister because the amendment, which I assume is satisfactory and which we'll want to go over carefully in committee, but it is retroactive to November 1, 1982, which I believe was the proclamation date of the previous amendments that included domestics. So I congratulate the Minister of Labour in that area though, Mr. Speaker, for bringing forward an amendment to attempt to deal with that situation and for making it retroactive. I hope that will be of assistance to people like Mrs. Normand, who has come into the news with respect to this matter because of a prosecution and I hope it's of assistance to people in her similar situation.

There is also an amendment which, again, is significant and I guess this is one that the Minister of Municipal Affairs is trying to get through and that's Section 33, involved in amendments to The City of Winnipeg Act; an amendment designed to cause on this side, great concern as to the lack of speed with which this government and this Minister, in particular, are dealing with the assessment problem, because they take out the words "December 31, 1983" and as stated in the notes, the amendments contained in Section 33 of the bill will remove the time limit on this failure, so that the failure will not invalidate the assessment rolls, regardless of when the failure took place.

So, Mr. Deputy Speaker, the Minister of Municipal Affairs, Session after Session, is going through the statutes of Manitoba eliminating any references to any specific dates, so that he will not get caught by any piece of legislation that has a time limit and he can extend his study of assessment in Manitoba indefinitely. That is clearly and obviously his intention, Mr. Speaker. He has done nothing now for two years but study the report and we have little, if any, indication that any action will be taken by him and we have confirmation, once again, in this amendment that the study is going to go on indefinitely.

I suspect that we will never ever see any amendments coming forward from this Minister, until another Minister takes over. We know this Minister is concentrating on Main Street Manitoba and that program is moving so quickly ahead and that's where his interests obviously lie and assessment is not one of them, even though it is a significant concern throughout the province and is one that has to be dealt with in a practical, commonsense way. It is a difficult one. The government needs some courage to deal with it, Mr. Speaker, but this Minister and this government, I don't believe, have that necessary attribute to deal with this particular problem.

So, Mr. Speaker, the notes identify other significant changes with respect to amendments contained in The Statute Law Amendment Act. I take it what happened

is the Cabinet said to the Attorney-General, look, we've approved all of these other bills, but we've introduced so many already, that what we'll do is include them all in The Statute Law Amendment Act and we'll bring them forward in one bill. As I've said, I can appreciate that there is a weakness in any Attorney-General and Government House Leader to include some significant matters in The Statute Law Amendment Act at the end of the year, to get them through the House in The Statute Law Amendment Act, but never have I seen so many and such significant amendments as are contained in this.

As I've said, Mr. Deputy Speaker, my main concern is with those amendments that relate to first contract legislation because as we said last year, those will adversely affect investment in Manitoba, in the attractiveness of Manitoba to outside investors and to current, existing business people in Manitoba, a disincentive to expand and develop new employment opportunities in Manitoba, and the Minister is taking absolutely the wrong direction. She's taking away what limited discretion the Labour Board - her appointed Labour Board - has, to consider whether or not a first contract should be imposed. She's saying to the Labour Board, when I refer to you, it must be imposed, Mr. Deputy Speaker, and that is simply not conducive to a good relationship with business. I do hope that she accepts my undertaking to provide for us the written opinion of the new business liaison person to the Minister of Economic Development, his written opinion with respect to this bill and how he sees it affecting business in Manitoba, investment in Manitoba and new jobs in Manitoba.

Thank you, Mr. Deputy Speaker.

MR. DEPUTY SPEAKER: The Honourable Minister of Labour.

HON. M.B. DOLIN: Thank you, Mr. Deputy Speaker. I am pleased to rise to explain to the member opposite the difference between a substantial change and a technical change in the area of first contract. The legislation, as the member mentioned, was brought in as an amendment to The Labour Relations Act in the last Session. The amendment that was made at committee was made to a particular section of the act and inadvertently, a few other sections did not have a particular clause removed, which would then make them parallel to the amendment that was passed at committee stage. It is necessary to do this at this time to allow for the procedure under first contract to take place without conflict within the act itself, without the threat of going to court over whether the act actually contradicts itself. So it is a matter of clarification and consistency.

The intent of that part of the amendment last Session was always clear. Most cases, as the member knows, referred under the first-contract provisions, have been settled by the parties involved. In fact, during my Estimates debate, when the Member for St. Norbert asked about all of the cases that had been referred under that provision, and I related them to him and to the other members of the committee at that point, his comment was, well it's working better than I thought, or something like that - I am paraphrasing it - because

most cases are in fact being settled by the parties involved. It's deterrent legislation, and that's exactly the way it is working.

The provinces deal with the problem of certified bargaining agents not being able to agree upon a first contract, with an employer not used to having a certified bargaining agent or a union among the workers in different ways. In Manitoba, we have chosen to go this way. We certainly didn't set any precedents. There were precedents for this kind of legislation in federal law, in British Columbia law and so on.

The Labour Law Review, which is now under way and which has had two months of public hearings already, is dealing in its first year with all of the provisions of group labour law. This does not exclude the first-contract section, even though it was only passed into law during the last Session of this Legislature. At the time that the Labour Law Review comes forward with recommendations for Code 1 of our new labour law, they will in fact be recommending either a retention of the first contract section as it is or a change, depending on whatever they have heard from public hearings, and based on two years experience with the law as written. I will be looking forward to their views on this particular section of the law, because we do want to see how it is working and, in fact, if the deterrent effect is in place.

The Labour Law Review would again be the appropriate place to hear the views of the person referred to by the Member for St. Norbert. I am sure that, in either his previous capacity in the business field or his current and ongoing capacity as an employee of the Department of Economic Development, this person will make his views heard. That, in fact, is why he is here, so that we can talk to him about issues such as this.

So I feel that any forthcoming views on this issue are appropriately addressed to the Labour Law Review, and will come forward as a part of Code 1 of group labour law in the next Session of the Legislature when we do present possible amendments at that time.

In the meantime, I reaffirm that this is, in fact, a technical change to make this section of The Labour Relations Act agree with itself; so that it does not contradict itself and, therefore, be open to long and expensive cases before the courts who, in fact, then simply say that our law does in fact contradict itself. So we are clarifying it for this year, and we will review its appropriateness, its effectiveness and any other aspects of it that come before us in the overall light of our Labour Law Review.

MR. DEPUTY SPEAKER: The Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I move, seconded by the Member for St. Norbert, that debate be adjourned.

MOTION presented and carried.

MR. DEPUTY SPEAKER: Would the Honourable Government House Leader indicate the next order of business?

HON. R. PENNER: Mr. Speaker, would you please call the adjourned debate on second reading of Bill No. 103, An Act to amend The Law Society Act?

BILL 103 - THE LAW SOCIETY ACT

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Member for Brandon West, Bill No. 103, standing in the name of the Member for River East.

HON. R. PENNER: I believe, Mr. Speaker, with your permission, I may indicate to the House that you adjourned this debate for me, if that is in order.

Mr. Speaker, I'm going to be very brief about . . .

MR. DEPUTY SPEAKER: Order please. The Honourable Member for Virden on a point of order.

MR. H. GRAHAM: I would think it would be more appropriate that we have someone else in the Chair at the time, so that you can take your place to make that kind of decision for the House.

MR. DEPUTY SPEAKER, H. Harapiak: The Member for River East.

MR. P. EYLER: Thank you, Mr. Speaker. I adjourned this debate on behalf of the Attorney-General.

MR. DEPUTY SPEAKER: The Attorney-General.

HON. R. PENNER: Mr. Speaker, I am going to be very brief. This bill was discussed with representatives of the Law Society, between myself, the Member for Brandon West and, I believe, has also been discussed fully with the Member for St. Norbert.

I have looked it over very carefully, as has Legislative Counsel. There are no major points of policy or principle that are involved here. There are, however, fairly important changes being proposed with respect to the functioning of the Law Society, the election of benchers and the carrying out of the discipline function to make clear the distinction, which has always been important in The Law Society Act, between the investigative function and the judicial function when allegations of conduct unbecoming or improper practice have been raised.

So this side of the House supports the bill as proposed by the Member for Brandon West, and we're ready to let it go to committee.

MR. DEPUTY SPEAKER, P. EYler: Are you ready for the question?

The Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, I move, seconded by the Member for Virden, that debate be adjourned.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, would you please call the second reading on Bill 104?

SECOND READING - PUBLIC BILLS

**BILL 104 - AN ACT TO INCORPORATE
THE SINKING FUND TRUSTEES OF
THE WINNIPEG SCHOOL DIVISION NO. 1**

MR. DEPUTY SPEAKER: The Member for Inkster.

MR. D. SCOTT presented Bill No. 104, An Act to amend An Act to Incorporate The Sinking Fund Trustees of The Winnipeg School Division No. 1, for second reading.

MOTION presented.

MR. D. SCOTT: Thank you, Mr. Speaker. This shouldn't take too long. If you refer to Bill 104 and the members, I believe, have the bill likely in front of them. The actual change in the bill from the previous draft of the bill, or the bill as it presently stands I should say, has only one change in it. That is on the very last line of Section 11(3) under Investment of Pension Funds, on the second from the last line.

Presently the act states that they cannot purchase equity or pooled equity funds, including equity investments and pooled real estate at any time when a purchase would result in a book value of such investments exceeding 25 percent of the book value of the total investments of the fund. The amendment to the act changes that 25 percent with a 50 percent figure.

The trustees for the sinking fund and the school division and the other interested parties, which include the teachers as well I believe, or all those affected by it at least, have recommended this, and I understand that the proposal initially came from a Mr. B.M. Scott who is the Secretary-Treasurer of the Winnipeg School Division. He's canvassed the various participating employee groups and they've agreed to the increased percentage of equity investment.

The amendment basically is one that is administrative in nature, but for myself to better verify that what they were proposing was sound, I consulted with the Pension Commission. I understand from the Pension Commission that they have reported that this is sound and that it will in no way weaken the position of the Pension Fund.

So, Mr. Deputy Speaker, in making a reference to this bill and the small change, I would suggest as well that the Legislative Counsel has also reviewed the bill and has approved the bill. So I guess, pretty well in conclusion, there's not an awful lot more I can say, but just as the 25 percent limit is felt by the school trustees to be somewhat out of date and that it would be more appropriate for a new limit, a new ceiling of equity-type investments of 50 percent of the book value of total investments in the fund. Any effort to go over that 50 percent, of course, would be counteracting and countervailing the spirit of the act, and would be illegal.

So, I think without a great deal of further ado, that I would recommend this bill to the members opposite and to all members of the Legislature and hope that it gets speedy passage along with the rest of our bills.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: The Member for Tuxedo.

MR. G. FILMON: Thank you. Mr. Speaker, we have reviewed this bill, and the concept of the change in equity investment opportunity from 25 percent to 50 percent is one that I think coincides with the practice of most pension sinking funds of this nature. I have had an opportunity to speak with some of the individuals who are concerned with this legislation, and we are prepared on this side to let the bill pass to committee.

QUESTION put, MOTION carried.

MR. DEPUTY SPEAKER: The Government House Leader.

HON. R. PENNER: Mr. Speaker, would you please call the adjourned debate on Bill 107 appearing on Page 10, standing in the name of the Member for Pembina.

**ADJOURNED DEBATES ON SECOND
READING**

BILL 107 - THE CHILD WELFARE ACT (2)

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Minister of Community Services, Bill No. 107, standing in the name of the Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Deputy Speaker. When this bill was debated at the morning's sitting, I wanted to add a few comments to the bill and to the principle that is being enacted by the government in Bill 107.

Bill 107 seems like a rather mundane bill. It's short. It involves only four basic clauses, but what that bill involves is something, as my colleagues have already mentioned that, in principle, goes far beyond a simple one-page, two-sided bill.

I'll pose the question this way to honourable members opposite. If you were sitting in opposition to a government that brought in a piece of legislation which allowed you to unappoint elected members to a board and replace them with Order-in-Council appointees of the government, what would have been the reaction of a New Democratic opposition? I would suggest, Mr. Deputy Speaker, that a New Democratic opposition would have cried, "foul." They would have been screaming, "fascism, totalitarianism," etc., etc. The comments that you would have made had you been sitting in opposition if our government had attempted to pass a bill such as 107 with the contents in it to remove duly elected members to a board and replace them with government appointees, the reaction would have been incredible.

But here we sit with the people's government bringing in this kind of a bill, and the principle behind it is dangerous. I think the Attorney-General recognizes the danger in having this kind of enabling legislation brought in. You can always fall back and say, well, we don't intend to use it. If you don't intend to use it, why are you passing it? It is a dangerous precedent.

If, for instance, this government next year runs into some school division trustee boards that disagree with the Minister of Education in, for instance, her stand on the tenure of teachers, as Bill 77 is enabling them

to do and they protest vehemently to the Minister of Education and they will not co-operate with her, and they stymie some effort of hers. Based on the principle involved in 107, can we expect a Bill 107 next year, which allows the Minister of Education to remove from elected office, trustees in Manitoba on a school board and replace them with government appointees, to run the business of the school division to the satisfaction of the government? In principle this is terribly wrong, terribly bad legislation.

I can't understand a government which theoretically talks about concern for child welfare, for the betterment of the lives of children less fortunate than children that we have in our own families, who are fairly well taken care of and given opportunities to education and health and happiness. The government that espouses concern for those very same children, is now asking us to pass Bill 107, which will enable them, the government, the Cabinet under the direction of the Premier, to now at the instigation of the Minister of Community Services to come in with an Order-in-Council, declaring non-elected, citizens elected to the various child welfare organizations in the Province of Manitoba; and to go the next step further of replacing those elected people with government appointees. If I can be political, to replace them by Order-in-Council with party hacks.

HON. V. SCHROEDER: Whose money are they spending?

MR. D. ORCHARD: Oh, the Minister of Finance says, whose money are they spending? You fool. — (Interjection) — You people are the fools because if you take the argument of whose money are they spending, you go and use that argument in the case I just described to the Minister of Education. If school trustees don't agree with her, you will have a Bill 107 allowing her to un-elect elected members of the school boards in the province, to bring in your will to the school divisions. There's no end to the bad principle that this legislation allows a government, that's out of control, to do. If you don't recognize the concern, then you really are a government in chaos, and a government without principle, and a government without knowledge of what they're doing.

And the Minister of Finance leaves, saying, that's bull. Well, the Minister of Finance . . .

A MEMBER: He said, that fool.

MR. D. ORCHARD: . . . oh, the Minister said, that fool. Coming from such a fool as the Minister of Finance, I don't know whether to be insulted or complimented, Mr. Deputy Speaker. The Minister of Finance has not brought himself around to be a highly regarded financial genius in this province with his activities over the last two years.

Now, Mr. Deputy Speaker, in principle there should be no government that brings in this kind of legislation. In principle this is bad legislation. If one wanted to go into history, I imagine you could find a few examples of similar legislation passed in the Thirties in Germany, where you removed powers from elected people. You see, the government doesn't see the principle that is behind what they're doing here.

They haven't justified it by anything I've heard the Minister of Community Services say in his introductory remarks, or in questions to him. They haven't justified why they need this, other than the suspicion in the community that they wish to provide further government control and influence, party influence, political party influence on the child welfare system of the Province of Manitoba.

If that's what this government is coming down to, where to impose their peculiar philosophy on the people of Manitoba, they have to pass legislation which removes elected people from office and replaces them with government appointed hacks, then we are approaching a dangerous crossroads in this province where all freedoms of elected citizens to various boards can be jeopardized by this government. Woe to the group, or the organization, or the individual that dares to contravene what this government wishes to see done and that's the message that they are giving in Bill 107.

They are putting all Manitobans on notice; if elected organizations, funded in part or in whole by the government, do not undertake the government will, then they have the ability, the will, and the lack of principle to pass more Bill 107s, to remove those elected people and replace them with people of their own choice until such time as they deem that the alleged damage to this system has been repaired by their political appointees.

We've seen some classic examples of their political appointees being able to resolve problems in various organizations under the wing of the government. I need not mention to you, Mr. Deputy Speaker, the kind of problem that that very same Minister of Community Services, who is proposing Bill 107, the kind of problem that he is emeshed in, in the Crown corporation that he has under his jurisdiction, namely, McKenzie Seeds. He was the Minister responsible.

The President of McKenzie Seeds was a good political friend of his, a long-time political associate, and the problems that this company and this government have gotten themselves into by the alliance of the Minister responsible with the President of McKenzie Seeds, the story is yet to be fully told and it will be fully told as time goes on and more investigations take place.

So are we saying now, with Bill 107, that the Minister of Community Services has now got a sudden streak of brilliance in his political thinking whereby he will appoint members to these boards that are going to do a better job than Mr. Bill Moore has done for McKenzie Seeds? Is that what we're saying is embodied in this legislation, that there is a flash of brilliance that has now struck the Minister of Community Services to allow him the wisdom to control these boards with his political appointees? I say no, Mr. Speaker. If it were any Minister in this government proposing legislation such as this, we would be concerned. But let me assure you, Mr. Deputy Speaker, when it's the Minister of Community Services who is proposing this legislation and who will be proposing the people that will be appointed to replace the elected individuals on those boards, we are indeed concerned with the kind of gerrymandering that the Minister of Community Services will allow to be done by his political appointees once he gets the authority, if this bill ever sees the light of day in this House.

It should be of concern to all Manitobans and all members on the government, because the precedent

is bad, the principle is bad, and it further demonstrates that this government is a government in chaos, a government that is run by a collection of incompetents, and a government that has no direction in which they think they should be taking various matters under their jurisdiction in this province. They bounce from crisis to crisis to crisis, with no game plan on how to resolve any of them, except for the fact that they can come in here and, with the sheer weight of their majority, pass legislation that they hope will resolve some of the problems that they are creating within their own administration.

As my colleague behind me says, it is scary; and, indeed, Mr. Deputy Speaker, it is scary. The Attorney-General, I think, has sufficient understanding of the system to realize the dangerous principle that is being set here. If it fits with what he believes should be happening then I am even more concerned about the Attorney-General and where he would take this province in his term of office. It is not good legislation; it has not been justified by the Minister of Community Services; it will not end up with a better-run child welfare system; it will cause a great deal of anxiety amongst the volunteers who work for CAS Manitoba, CAS Portage.

I've talked to some of the individuals that work out of the central division, that work on behalf of the Portage Central Division, and they have indicated to me that there has been a great deal of ministerial influence on their operations over the past year-and-a-half, a lot of meddling by the Minister, and people within his department, particularly some of his - I have to assume - some of his political appointees because names were not attached to some of the discussions I've had with

one individual who's worked long and hard on behalf of CAS Portage.

You know, the government insists on passing this bill. It's a dangerous precedent and I would hope that they would reconsider, particularly bases the actions already in the last six weeks that have been revealed of the Minister of Community Services judgment on his political associates in other operations of government. It's bad legislation; it should not be proceeded with; it doesn't deserve the approval of this opposition, and it doesn't deserve the attention, and the approval, of the government. Surely the government is founded on better principle than those embodied in Bill 107, and I would urge them to withdraw the bill.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Yes, Mr. Speaker, I move, seconded by the Minister of Energy and Mines that the debate on this bill be adjourned.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, I move, seconded by the Minister of Energy and Mines that the House do now adjourn.

MOTION presented and carried and the House adjourned and stands adjourned until 10:00 a.m. tomorrow morning (Tuesday).