



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

**DEBATES**  
and  
**PROCEEDINGS**

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**31-32 Elizabeth II**

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Speaker*



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

**Members, Constituencies and Political Affiliation**

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 9 June, 1983.

Time — 2:00 p.m.

## OPENING PRAYER by Mr. Speaker.

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

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**MR. SPEAKER:** The Honourable Member for River East.

**MR. P. EYLER:** Mr. Speaker, I beg to present the second report of the Standing Committee on Law Amendments.

**MR. CLERK, W. Remnant:** Your Committee met on Thursday, June 9, 1983, and heard representations with respect to the Bills before the Committee as follows:

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

Mr. Walter Kucharczyk, Private Citizen

Bill No. 12 - The Water Rights Act; Loi sur les droits d'utilisation de l'eau.

Mr. Doug Connery, Association of Irrigators in Manitoba

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

Mr. Gary A. MacDonald, Manitoba Wholesale Implement Association

Bill No. 43 - The Transportation of Dangerous Goods Act; Loi sur le transport des marchandises dangereuses.

Mr. Al Cerilli, Manitoba Federation of Labour

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

Mr. Florencio B. Antonio, Association of the Non-Recognized Filipino Professional and Technicians in Manitoba, Inc.

Mr. Mario J. Santos, Chairman of the Presidents' Council

Mr. Myron Spalsky, Manitoba Parents for Ukrainian Education Inc.

Mr. Rod E. Cantiveros, Editor/Publisher of the New Silangan

Mr. Dante Buenaventura, Filipino Folk Arts, Inc.

Your Committee has considered:

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

And has agreed to report the same without amendment, on division.

Your Committee has also considered:

Bill No. 25 - An Act to repeal the Statute of Frauds; Loi abrogeant la loi intitulée "Statute of Frauds."

And has agreed to report the same without amendment.

Your Committee has also considered:

Bill No. 35 - An Act to amend The Trustee Act.

And has agreed to report the same with an amendment.

All of which is respectfully submitted.

**MR. SPEAKER:** The Honourable Member for River East.

**MR. P. EYLER:** Mr. Speaker, I move, seconded by The Honourable Member for The Pas, that the report of the committee be received.

**MOTION presented and carried.**

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

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

**HON. R. PENNER:** Mr. Speaker, I beg leave to file a Return to Order of the House, No. 13, on the motion of the Member for Minnedosa.

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

**HON. J. COWAN:** Mr. Speaker, I beg leave to table the 1982 Environmental Accident Statistics from the Department of Workplace Safety and Health Environment.

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

## INTRODUCTION OF GUESTS

**MR. SPEAKER:** Before we reach Oral Questions, may I direct the attention of honourable members to the gallery where we have 13 students of Grade 7 to 9 standing from the Gypsumville School under the direction of Mr. Jackson. The school is in the constituency of the Honourable Minister of Agriculture.

There are 19 students of Grades 8 to 11 standing from the Deloraine Collegiate under the direction of Mrs. Percival. The school is in the constituency of the Honourable Member for Arthur.

On behalf of all of the members, I welcome you here this afternoon.

## ORAL QUESTIONS

### Abortion clinics

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

**MR. B. RANSOM:** Mr. Speaker, my question is for the Minister of Health. Mr. James Rodgers, the Vice President of the Health Sciences Centre, is reported to have said the abortion facilities at the Health Sciences Centre are currently underutilized. Can the Minister of Health give an indication to the House of the justification for his announcement that abortion facilities will be expanded in Manitoba?

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

**HON. L. DESJARDINS:** Yes, Mr. Speaker, I do not take exception to that statement nor do I have difficulty with that statement. I think I made it quite clear that I wasn't talking about numbers; I was saying that we should monitor it. I also made the point that there were actually less abortions performed in Manitoba in the last few years. But the thing that we have to find out is exactly why there are some that are leaving the province. Is it because of lack of knowledge that the operation could be performed here, or is it because that there is no waiting list as far as the therapeutic abortions committees - the giving of a decision, but that they can't find the facilities. We are not building any great things. We are going to monitor it with the different hospitals to see if indeed there is a waiting period and I must report to Cabinet and of course to the House.

**MR. B. RANSOM:** Mr. Speaker, can I ask the Minister what discussions he or the Commission has had with the hospitals that perform abortions? What discussions has he had with them with respect to the adequacy or inadequacy of the facilities?

**HON. L. DESJARDINS:** Mr. Speaker, there has been ongoing discussion with the facilities and the medical directors of the different hospitals for over a couple of years now.

**MR. B. RANSOM:** Mr. Speaker, is it the government's policy then that they will not be expanding abortion facilities until such time as their monitoring has truly identified whether or not a need exists for the expansion of those facilities?

**HON. L. DESJARDINS:** Mr. Speaker, I think one should realize that we're definitely not talking about a free-standing building or clinic. We're talking about facilities to meet the needs and I think that I reported - if not, I can give the information now - that a number of hospitals signified, in the discussions that we've had with them, that they could increase the number of abortions performed here and that it was only in waiting for the list and the demand that we will find out and that will be monitored immediately.

For instance, as I've stated previously in the House, the former Women's Pavilion at the Health Sciences Centre will be open. There's been a lot of changes made, initiated by the former government and they will be able to increase the capacity there, but we're not going to hire all kinds of staff and start building anything until we find out, but that could be done as we go along in the monitoring so it could be that we could meet the demands, if there are any demands.

**MR. B. RANSOM:** A further question to the Minister of Health then, Mr. Speaker. Is the Minister satisfied

that, at the present time, there is an immediate requirement for the expansion of abortion facilities and does he expect to undertake that expansion prior to any further determination of need?

**HON. L. DESJARDINS:** Mr. Speaker, I'm satisfied that if the numbers and the reasons that are causing Manitoba women to seek abortions in the States, if that would continue, of course we don't need the facilities, but I think that you can't wash your hands and say you're not going to have any abortions here in Manitoba and as soon as they pass the border, it's not our responsibility. I think that this is what we want to find out and, as I stated, there might be a number of people that are going to the United States who will keep on going for different reasons; for confidentiality is one; for the fact that it is not considered a safe abortion here because of the time, the period. They might still have to go or for any other reason, but we can only find out.

There is no doubt that there are a certain number of them. The number I don't even know; I've tried to get it and you hear everything from zero to 4,000. The thing is, it is only by monitoring and by being ready, if need be, to increase the capacity that we can afford, and I repeat, for legal, safe, therapeutic abortions and I can't make it any clearer than that. It is not the intention that next we're going to start construction or anything like that. We're going to look at the facilities; we will probably get in touch with the medical profession to try to get more information and we'll monitor it. But the thing is, if we need, we could act quite fast because the facilities will be there, we'll be able to increase the capacity if - and only if - the need arises.

It's only a question of looking at the demands, the legitimate demands and try to meet these demands without forcing people to go to the States, in some instances. I say some instances, because some will choose to keep on going to the States. Also, by doing that, is maybe prolonging the time and then waiting until it is no longer a safe operation.

**MR. B. RANSOM:** A final supplementary, Mr. Speaker. How does the Minister propose to undertake monitoring then, with respect to the number of women who are going to the United States for abortion to determine how many of those would qualify under the Criminal Code of Canada and how many, in addition to that, for others reasons, would want to have those abortions done in Manitoba?

**HON. L. DESJARDINS:** Mr. Speaker, there is no way that I can do that. There is no way that I want to do that or I'm interested in doing that. What I am concerned with is to see if there is actually a demand that we can't meet and to see if we can improve the facilities. I can't dictate to the people where to go, but if the demand is here and if they are going to the United States because they can't actually avail themselves of the rights they have under the Criminal Code, this is what we're going to do now.

It's very clear; they want to know if I can determine how many - I don't even know the numbers of the people that are going to the United States. I've tried to get all the information; I don't know. I will expand

the service if it is needed to have the proper facilities. I think that it's quite obvious - the number is something else - but that you're talking about people having to go to the United States, they feel that they cannot get the service here and this is what we're going to check. But we will be ready. If the need is there, we will increase the capacity at a number of hospitals.

### Flyer Industries Limited

**MR. SPEAKER:** The Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Speaker, my question is to the Minister in charge of Flyer Industries. Because of the report that was in the paper today regarding the problems of Flyer Industries, has the Minister met with the management and Board of Directors of Flyer Industries regarding this situation? I'm sure that the government was aware of it before the article was in the paper.

**MR. SPEAKER:** The Honourable Minister of Economic Development.

**HON. M. SMITH:** Mr. Speaker, we've been meeting continuously with the Board of Flyer to deal with the quite serious difficulties that they have had. I think it would be most appropriate if we left the detailed discussion to the committee hearing on Tuesday morning at 10 o'clock in the Economic Development Committee. I think it would be more appropriate to deal with all the questions raised in the newspaper article which I do have here when we can give a fuller interpretation and explanation. But I certainly assure the member opposite that we have been meeting frequently and in fact we have strengthened the Board of Flyer to ensure that they do have the expertise that they require to deal with what is admittedly a very difficult circumstance.

**MR. F. JOHNSTON:** Mr. Speaker, I am well aware of the meeting next Tuesday morning, but I would like to follow up and ask the Minister about the situation in Vancouver which I know is very very serious, but I think there is a more serious situation in the fact that there is a penalty clause for the Chicago order and that is going to cost Flyer Industries an awful lot of money if delivery cannot be made for that order on time. Has the Minister been discussing that with the board so that Flyer Industries will not pay a penalty for late shipment on buses to Chicago.

**HON. M. SMITH:** Mr. Speaker, I can assure the member opposite that I am in almost daily communication with the Chairman of the Board and quite frequently with the members of the board as well. The hope that the member opposite has that we can speed up production and avoid any penalty is regrettably not a realistic expectation. We are doing everything within our power to see that the delay is minimal and therefore the charge on penalty is as low as can be realistically maintained.

**MR. F. JOHNSTON:** A final supplementary from the answer the Minister gave us, Mr. Speaker. I would

interpret from what the Minister said that Flyer will pay a penalty on the buses that are shipped to Chicago because they will not be able to deliver on time, or at least some penalty.

**HON. M. SMITH:** Mr. Speaker, the probability is certainly there but again, I defer those detailed types of questions I think will be dealt with on Tuesday morning.

### Payroll tax

**MR. F. JOHNSTON:** Mr. Speaker, another question to the Minister of Economic Development. Mr. Bulloch of the Canadian Institute of Independent Business has, as the paper says, given a stinging attack to the Manitoba Government because of the implementation of a payroll tax in Manitoba. Mr. Speaker, the Attorney-General just mentioned that Mr. Bulloch just learned about it. In view of the fact that Mr. Bulloch has 64,000 members and probably has closer contact with business in Manitoba than any other organization in Canada; in view of that fact, Mr. Speaker, I would ask the Minister of Economic Development if she has had any contact with her department regarding an investigation or study as to the effect of the payroll tax on small business in Manitoba.

**HON. M. SMITH:** Mr. Speaker, I'm quite familiar with the position of the Canadian Federation of Independent Business and of its prime spokesman, Mr. Bulloch. This issue is part of their ongoing review of taxes as they impact on business right across the country. What the member opposite fails to note, however, is that when you're looking at the impact on business of taxes and comparing province-to-province, you have to put it in the context (1) of the level of economic development in that province; (2) of the fiscal transfers that come from the Federal Government; and (3) of the total mix of taxes and of expenses that apply to a company for doing business.

What was not referred to is the fact that small business did get a reduction in their corporate tax level at the same time as the levy to fund health and post-secondary education was introduced on this side of the House. It's a total package approach that is important, Mr. Speaker, and I would suggest that the member opposite, if he wishes to respond to Mr. Bulloch's concern, might point out the heavy tax that is involved in the Province of Ontario on medical premiums which are not paid out of the public purse as they are here, but must be paid by employers.

**MR. F. JOHNSTON:** Mr. Speaker, that's the same answer we've had for nearly a year and a half, that there is a complete, total amount of taxes. My question is to the Minister of Economic Development. The fact that Mr. Bulloch says it has a demoralizing effect on small business and business in Manitoba, and the fact that it was ill-conceived, has this government now decided to take a tax off jobs in this province.

**HON. M. SMITH:** Mr. Speaker, I do respect the member opposite's opinion, as I respect that of Mr. Bulloch. I do understand that small businesses had many reasons

to suffer low morale in the recent economic recession, but the solution, Mr. Speaker, is not necessarily to go along with the belief that I think the member opposite holds and Mr. Bulloch holds, that an appropriate public policy is to do that which supports small business and nothing else. I think what we're looking for on this side of the House is the best mix of policies to give small business as much of an opportunity as we can; at the same time, not to leave out of our consideration, the other members of society, the people who are dependent for one reason or another, the people who are unemployed for one reason or another, the people who in fact are going to spend part of their income, part of their social assistance grants in the small businesses of Manitoba.

We have to take the balanced approach, because the lopsided approach of doing only what appears to be good for small business, I think is also an illusion. I think it's a short-sighted policy that doesn't keep the economy in as sound a total condition as is desirable, so while I respect that opinion, I with respect, Mr. Speaker, do not agree with it.

**MR. F. JOHNSTON:** Mr. Speaker, I would have a final supplementary for the Minister after that gobbledegook, I might say, after a display of complete misunderstanding of business. I would ask the Minister if the reason for the consumer price index in Winnipeg having risen higher or faster than in any other city in Canada, if the payroll tax that we have in Manitoba has had any effect to create that situation of the consumer price index rising, and I again say, has the Minister asked her department to do a study on the effects of the payroll tax in Manitoba.

**HON. M. SMITH:** Mr. Speaker, we regret that the CPI has increased, but we also look at the components of the CPI. The member opposite will note that the food and clothing rates have been kept down. The chief increase is in the area of liquor and tobacco, hardly the basics of the consumer interest. Also, Mr. Speaker, the unemployment rate — (Interjection) — if you wish to hear the answer, I would appreciate it if the members would attend. It's one thing to ask a question; it's another not to show respect while the member is responding.

The unemployment rate, Mr. Speaker, has been maintained at not a rate at which we are proud; we'd like to see it down at zero, but relative to performance across the country, we've had a good record and I submit that if we have choose between some increase, relative increase, in non-essentials such as liquor and tobacco and keeping more people employed and sharing in some of the benefits that are about, that we hesitate not at all in choosing the support for the larger number of people.

### Sales tax

**MR. F. JOHNSTON:** Mr. Speaker, I have another question for the Minister of Economic Development. The Minister has mentioned that they have an overall tax policy in the Province of Manitoba. I wonder if she could clarify, for this House, what that overall tax policy is, because the tax policy that has been given to us

at the present time, that there have been at least six or seven tax increases in this province on all commodities, which are increasing prices. Is the overall tax policy of this province to increase taxes on different commodities?

**HON. M. SMITH:** Mr. Speaker, no one on this side believes in increasing taxes just for the sake of increasing taxes. The only reason for increasing taxes is that projects of importance to the total community, Mr. Speaker, can be accomplished by the total community. What we wish to do is share both the burdens and the benefits when we have tough times. Is the member opposite suggesting that 30 percent of the people should just have to tough it out while the rest of the people are protected? That's an unacceptable solution, Mr. Speaker.

What we're looking for is a really responsible approach, where we all tighten our belts somewhat and come through the economic recession in as healthy a condition as we have. Mr. Speaker, our total approach to taxation is to raise enough to do what we think is essential and to shift the burden somewhat so that those who are most vulnerable do not carry a disproportionate load.

**MR. F. JOHNSTON:** Mr. Speaker, does the Minister of Economic Development consider the sales tax a regressive tax?

**HON. M. SMITH:** Mr. Speaker, the sales tax is relatively regressive; it is not the most regressive tax around. All right, if the members opposite think that the tax field is a very simplistic thing and a tax is either regressive or progressive, I don't think they understand the tax system very well. There's a whole continuum of impacts of taxation and what we do is analyze the taxes available to us and make the most progressive selection we can, because it's our belief, Mr. Speaker, particularly when times are tough, that the very poorest people should not have to carry an undue load.

### Legislative Building - maintenance

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

**MR. H. GRAHAM:** Thank you very much, Mr. Speaker. After listening to the remarks of the Honourable Minister, I am somewhat hesitant to ask a question of the Minister of Government Services. However, I would like to ask the Minister a question, mainly, as a member of this Assembly and also as a farmer who knows the problems that exist with noxious weeds, and I would ask the Minister if he could find \$10 to buy some spray to apply to the dandelions on these legislative grounds, when you can spend \$90,000 landscaping an arena in Cross Lake. Can you find \$10 to spray the dandelions on these grounds?

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

**HON. J. PLOHMAN:** Mr. Speaker, we haven't priced that out and I don't know whether the cost analysis that the honourable member has made is accurate,

but we would like to take a look at it. I have to agree that we want to keep the grounds beautiful; it's a beautiful place, and we will attempt to always keep the grounds beautiful and I can assure the honourable member that we will do whatever possible to keep it looking beautiful and to eliminate weeds on these grounds.

**MR. H. GRAHAM:** Thank you very much. A supplementary question to the Minister. While he is concerned about the grounds, I was wondering if he's also have some concern for the Legislative Building. I notice there are six Cabinet Ministers out scouring the province today and I wonder if we could get some people to scour the steps of the Legislature to remove the pigeon droppings.

**HON. J. PLOHMAN:** It's good to see the honourable member getting into the real serious problems facing this province, Mr. Speaker. I have been informed by one of his honourable colleagues already that he would like to see the pigeon droppings removed from the steps, and having noticed that, we have indicated to my staff that I'd like to see them do that.

We've also had requests, Mr. Speaker, to have the whole building cleaned on the outside as well; it has never been done, and the Legislative Buildings and Parliament Buildings across Canada, I understand have never been cleaned completely. Maybe the honourable member wants us to undertake that endeavour too; it's a very costly proposition.

### Admittance to Chamber

**MR. H. GRAHAM:** Mr. Speaker, a final supplementary to the Minister of Government Services who is responsible for this building. Could the Minister - I know he has half a dozen tour guides who bring visitors into this Chamber during the mornings - could he leave one tour guide in the Chamber so that members could get into the Chamber in the mornings to get to their desks to get stuff when it's necessary for committee work outside of this House?

**HON. J. PLOHMAN:** That's right. Mr. Speaker . . .

**MR. SPEAKER:** Order please, order please. The Honourable Member for Virden should know that while the Minister might be responsible for tour guides, the access to the Chamber is not within the scope of the Honourable Minister's competence.

The Honourable Minister.

**MR. H. GRAHAM:** On a point of order, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Virden on a point of order.

**MR. H. GRAHAM:** Yes, I realize that I cannot ask a direct question of the Speaker; that's why I asked it of the Minister of Government Services.

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

**MR. R. DOERN:** Mr. Speaker, I'd like to direct a question to the Minister of Government Services, speaking of

sprays, and ask him whether he has something that would either hold or fix the Member for Virden who made the remark in the Globe and Mail. He said, "Out here a commitment is a commitment; I'm voting for Joe Clark . . ." and then he paused and said ". . . on the first ballot."

**MR. H. GRAHAM:** Mr. Speaker, I would love to answer that question for the honourable member.

**MR. SPEAKER:** Order please. I'm not sure that matter is within the competence of the Minister either.

The Honourable Minister of Government Services.

**HON. J. PLOHMAN:** Mr. Speaker, I would certainly be inclined to keep my commitment with regard to the dandelions here, if the Honourable Member for Virden is willing to keep his commitment.

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

### Workers Compensation Board

**MR. G. MERCIER:** Mr. Speaker, my question is to the Minister responsible for the Workers Compensation Board.

During the Minister's Estimates, the Minister confirmed that Mr. Hiebert and Mr. Dyer, long-time employees of the Workers Compensation Board, had been dismissed and had been paid over \$125,000 in severance pay in damages for wrongful dismissal. A third senior employee was also subsequently released by the Workers Compensation Board. My question to the Minister is this: Can he advise this House whether any more senior employees of the Workers Compensation Board have been fired, released or retired, or will be fired, released or retired within the next three months?

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

**HON. J. COWAN:** I can certainly repeat to the member the answer which I gave to him on every occasion that he has addressed that question to me, and that is, in fact, the matters of hiring and firing and dismissals and retirements are matters that are best left to the Workers Compensation Board of Commissioners, as has been the history in every government and in every instance in this province to my understanding. They are the ones that have assumed responsibility for the personnel at that operation.

If they see that it is necessary or if they determine that it is necessary for changes in personnel to be made, they will make those changes. I have indicated to him my responsibility goes so far as to make certain that those changes are conducted in a proper manner once it is determined that they want to make those changes. If he can inform me of an improper use of that authority by the board, then I'd be more than pleased to look into it, but to my knowledge there have been no suits of wrongful dismissal; to my knowledge there are always retirements and changes and transfers and departures and additions to operations, and that's the case with the Workers Compensation Board.

**MR. G. MERCIER:** Mr. Speaker, I suggest to the Minister that it is an abuse of the authority of the board to fire long-term employees of the Workers Compensation Board and then to have to settle for over \$125,000 of the taxpayers' money as severance pay and wrongful dismissal.

On a matter of privilege, Mr. Speaker, this Minister stands up in the House, and he's supposedly the Minister responsible for the Workers Compensation Board, and says that hiring and firing is within the competence of the board and he's not going to interference with it. In his Estimates, he chose to undertake to investigate the use of automobiles by the political appointees of this Minister

**MR. SPEAKER:** Order please, order please.

The Honourable Attorney-General on a point of order.

**HON. R. PENNER:** The Member for St. Norbert is clearly out of order. He's making a speech in question period that doesn't even purport to be a preamble to a question. He tries to dress it up as a point of privilege. It's clearly not a point of privilege, and he's clearly out of order.

**MR. SPEAKER:** I have not yet heard a point of privilege or a substantive motion by the honourable member, which he knows is usually the follow-up to a matter of privilege.

The Honourable Member for St. Norbert.

**MR. G. MERCIER:** I was not completed my matter of privilege, Mr. Speaker, and it is this: The Minister chose to intervene and to undertake to investigate the use of automobiles by the members of the board that he appointed during his Estimates. Now he stands up in this House and says he's not going to answer any questions with respect to the hiring and firing policies of the Workers Compensation Board for which he is supposedly the Minister responsible. My matter of privilege is, Mr. Speaker, he's the Minister responsible for the operation of that board and he should be answering these questions in this House and accounting to this Legislature for the conduct of the Workers Compensation Board.

Mr. Speaker, my supplementary question to the Minister responsible for the Workers Compensation Board is this: Can he confirm that within the next month, Ken Carrol will be appointed the Claims Director?

**MR. SPEAKER:** Order please. The Honourable Minister of Health on a point of order.

**HON. L. DESJARDINS:** Yes, Mr. Speaker, I'd like to clarify the position of a supplementary question on a point of privilege. I've never heard that before.

**MR. SPEAKER:** Order please. The honourable member did not have a point of privilege, and since he did not follow his remarks with a substantive motion, seems to be somewhat of an abuse of the rules to stand up and to make a speech under the pretext of it being a matter of privilege, when his remarks should be restrained to a question of the Minister involved.

Does the Honourable Member for St. Norbert have a question?

**MR. G. MERCIER:** Mr. Speaker, a supplementary question to the Minister is this: Can he confirm that Mr. Ken Carrol is to be appointed the Claims Director of the Workers Compensation Board?

**HON. J. COWAN:** I have no knowledge of that and, therefore, cannot confirm it, but I do want to address the inferences in the matter of privilege which preceded the supplementary question, if that is allowed. I will certainly seek your guidance on that, Mr. Speaker.

I believe it would, however, be unfair for the member under the false pretenses, and they certainly were false, of having a matter of privilege, because he followed it not with a substantive motion. In fact, there was very little substance in that which he had to allow those statements to remain on the record.

**MR. SPEAKER:** Order please, order please. There was no matter of privilege before the House, so the Honourable Minister's reply to the matter of privilege would be out of order. However, the Honourable Minister is entitled to answer the question in whatever way he sees fit. That would seem some measure of fairness involved in the Honourable Minister enjoying approximately the same amount of time to reply.

The Honourable Minister of Northern Affairs.

**HON. J. COWAN:** Yes. The member did allege that I would not involve myself; as a matter of fact, he categorically stated that I would not involve myself in the affairs of hiring and firings of the Workers Compensation Board. Had he been listening, he would have heard very clearly that I indicated and have indicated on numerous occasions that I, in fact, will not involve myself as long as I am satisfied there has not been abuse of the process. Nothing which he has said; nothing which he has brought to my attention; nothing which he has indicated has happened in past has in any way convinced me that there has been an abuse of the process and, therefore, I see no reason for me to involve myself in those deliberations.

**A MEMBER:** Answer the question.

**HON. J. COWAN:** I did answer the question.

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

**MR. G. MERCIER:** Mr. Speaker, my question to the Minister is this; will he take these questions as notice and advise this House as to whether or not any more senior employees of the Workers Compensation Board, since Mr. Cross was dismissed, have been fired, released or retired, or are about to be fired, released or retired, within the next three or four months, and whether or not Mr. Ken Carrol is to be appointed the Claims Director of the Workers Compensation Board.

**HON. J. COWAN:** By way of his question the member has asked me to do three things; I can agree to do two of them. One is to indicate to him any changes in

personnel that have taken place and give him a listing of those changes in personnel in the past; the other is to determine with the Board of Commissioners of the Workers Compensation Board whether or not it is the intention to promote a certain individual to a certain position, and I can certainly enquire into it as to whether or not that is intended.

The third would be to involve myself, previous to them having made a decision in respect to the hirings, firings, transfers, retirements, etc., in regard to the operation of the Workers Compensation Board, by going to the Workers Compensation Board and asking them to notify me, previous to any decisions having been made of such actions. I think that would be inappropriate on my part and might, in fact, imply influence on their decisions and I'm not prepared to do that. In essence, I am prepared to answer two of the specific items which were mentioned in the three-part question.

### **Campgrounds - Northwestern Ontario**

**MR. SPEAKER:** The Honourable Minister of Economic Development.

**HON. M. SMITH:** Mr. Speaker, I would like to respond to a question put to me by the Member for Sturgeon Creek about the new Ontario Park's policy. We have ascertained that the Ontario Government has introduced a pilot policy whereby non-residents of Ontario will be banned from camping in a number of highly-used areas of Crown land in Northwestern Ontario; this doesn't include regular campgrounds. The charging of daily fees to out-of-province tourists who camp on other areas of Crown land will be introduced. There will be increased fees and more controls on non-resident hunters and fishermen. This policy won't affect very many Manitobans. Most of the non-resident campers in that area of Ontario are, in fact, Americans.

The plan may be contrary to the spirit of the recently signed agreement between Manitoba and Ontario, although the specifics of that had to do with joint promotion of Gull Harbour and Minaki. On the other hand, there may, in fact, be spinoff benefits for Manitoba. Some Americans may be discouraged from going to Ontario and would turn to the closest vacation land which is in Manitoba.

Manitoba itself does have some similar, I suppose you could say, preferential treatment, in that Manitoba residents in our provincial parks systems do receive seasonal sites, by preference, and they have easier access to the Parks Branch campsite reservation system.

### **Outbreak of tuberculosis and hepatitis**

**MR. SPEAKER:** The Honourable Member for Roblin-Russell.

**MR. W. McKENZIE:** Mr. Speaker, I apologize for being excited about Mrs. Thatcher being re-elected, the iron lady of the empire, again today, so I apologize for my conduct there.

Mr. Speaker, I have a question for the Honourable Minister of Health. Mr. Speaker, I am concerned today

of the headlines in the papers; I am sure the Honourable Minister is, regarding the problems that are revealed in the Birdtail and Lizard Point Reserves regarding a tuberculosis outbreak on both reserves, and with some 20 cases reported, and some 15 cases of hepatitis. My contact with the district health office, I got a non-response; my contact with the doctor is he is protecting the confidentiality of the patient which is rightfully so. Can I ask if the Honourable Minister of Health is familiar with this outbreak that was reported this morning in the paper, at Rossburn, on the neighbouring reserves of Lizard Point and Waywayseecappo.

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

**HON. L. DESJARDINS:** I've been in contact with the department on this. This is a federal jurisdiction but nevertheless the department is investigating to make sure something is done.

**MR. W. McKENZIE:** Can the Minister advise the liaison between his office and Dr. Talbot from the National Health and Welfare in matters related such as this. Does the federal jurisdiction have top priority or is the province involved in any capacity at all?

**HON. L. DESJARDINS:** Mr. Speaker, it's clearly a federal jurisdiction but there is no doubt these people are Manitobans, also, so we have, although no legal responsibility, we have at least a morale responsibility and we want to make sure that something is being done so staff is in contact with them.

### **Press release - election financing**

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

**MR. B. RANSOM:** Mr. Speaker, on Tuesday, June 7th I asked the question of the First Minister as to whether or not a press release, which had been tabled in the House on June 6th, concerning the Election Finances Bill, had been distributed publicly or not? The First Minister stood in his place and said he would have to take it as notice, but gathered, again, information from the Attorney-General at the time, and the Attorney-General said that the press release had not been distributed.

Will the Attorney-General now admit to the House that the information which he provided to his First Minister, and indirectly to the House, was incorrect; that, in fact, the press release had been distributed on Monday?

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

**HON. R. PENNER:** To my knowledge, that press release was not distributed to the press. By my instructions, it was not to be distributed to the press until it had been distributed in the House. It was embargoed, by specific direction, to the Director of Information, and if it was distributed to the press before being distributed to the House, then it was done so without my authorization; in fact, contrary to my authorization, without my knowledge, and all I can say to the

honourable member; if that is so, then I would like him to provide me with facts which indicate, indeed demonstrate that that was so and I will take the appropriate steps.

**MR. B. RANSOM:** Mr. Speaker, my question to the First Minister was: Had the press release been distributed publicly? I didn't say anything about what time it had been distributed publicly. I asked whether it had been distributed publicly that day, and the answer that I received was no. Clearly, Sir, the questions which were being asked were questions arising from the press release, and the Attorney-General was indicating that the press release hadn't been distributed; then, by inference, we couldn't ask any questions.

So a further question to the Attorney-General then is: Will he at least apprise himself of the mechanism in place for the distribution of press releases and, more than that, will he revert to the traditional methods of dealing with bills in this House and not be making press releases in the fashion that he and the Minister of Government Services have done within the last 10 days?

**HON. R. PENNER:** The Member for Turtle Mountain is far from being clear. Certainly, it is clear and it was clearly understood by the First Minister and myself that the question related to a question which would have been proper had that been the question, but we so understood it, giving him the benefit of the doubt, whether or not the press release had been distributed to the press, i.e. through the press to the public, before being distributed in the House, and the answer which we gave to that, and clearly intended to be an answer to that, was no. Otherwise, his question that day and his point today has no point.

With respect to the second part of his question, it is clear and remains clear to me until it is ruled otherwise or found otherwise by an appropriate committee of this House or decided unanimously by both sides of the House that, in the first instance, a bill is to be distributed to the House before it is distributed publicly; that was followed without question.

Secondly, with respect to any speaking notes and explanation of the bill, that is done upon second reading, but what has happened, and pre-eminently by the Opposition, is when a bill is distributed - and two days must elapse at least before second reading - they're wont to rush out into the hall and hold an impromptu press conference, divesting themselves of half-baked and ill-informed notions about what the bill contains, and expect the government to remain silent while they're out in the hall doing that kind of thing, lurking down the hall doing that kind of thing.

We will not, Sir, be caught in that kind of a bind by their kind of manoeuvring, their kind of hallway politicking.

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

## INTRODUCTION OF GUESTS

**MR. SPEAKER:** May I direct the attention of honourable members to the gallery where we have 50 students of Grades 8 and 9 standing from the Swan River Jr. High

School under the direction of Mr. Lasiuk. The school is in the constituency of the Honourable Member for Swan River.

There are 20 students of Grade 7, 8 and 9 standing from the Prairie View School under the direction of Mr. Hiebert. The school is in the constituency of the Honourable Member for Morris.

On behalf of all of the members, I welcome you here this afternoon.

## ORDERS OF THE DAY BUSINESS OF THE HOUSE

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

**HON. R. PENNER:** Mr. Speaker, with respect to House business, just two or three matters by agreement with the Opposition House Leader. The House will be asked to adjourn at 4:30 today and there will be no Private Members' Hour and will not be reconvening, of course, in the evening. As you have been advised, Sir, the House will not be sitting tomorrow.

I would also like to advise with respect to House business, in response to a question raised with me by the Opposition House Leader, that there remains eight general bills to be introduced, only one of which is major; three Finance Bills and one Statute Law Amendment Bill for a total of 12, which will bring the total, I expect, to 107 for this Session. The previous high was 1980 when the Opposition as government brought in 115, and then you have to go back to 1972 for about the same number.

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

**HON. R. PENNER:** Would you please call, first of all, the second readings on Page 6 and 7 in the following order: Bill 48, 49, 78, 74 and 82; and then we'll move, Sir, if I may, to debate on second readings: Bills 24, 23 and 18; and if the time remains, I may call two more second readings.

## SECOND READING - GOVERNMENT BILLS BILL NO. 48 - THE ELECTIONS FINANCES ACT

**HON. R. PENNER** presented Bill No. 48, The Elections Finances Act, for second reading.

**MOTION presented.**

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

**HON. R. PENNER:** Mr. Speaker, in recent years, running for electoral office has become a big and expensive business. Candidates across North America have spent enormous sums to win the privilege of serving on various legislative bodies. In response, governments across North America have enacted statutes to control the enormous increase in election spending and to introduce other needed reforms in the electoral process.

The principle underlying these statutes is to prevent politics from becoming the preserve of the wealthy. To

its credit, the previous Conservative administration joined this North American trend by implementing the first wide-ranging election finances legislation in the history of Manitoba. The current, that is the existing Elections Finances Act contains progressive features such as a registration system for candidates and political parties, and public disclosure of significant contributions to candidates and political parties.

However, Sir, if a system of controlling and administering election financing is to work, it must be thorough, it must be sophisticated and it must be internally consistent. In these respects, the current Elections Finances Act is lacking. It addresses some issues in a piecemeal and inconsistent fashion; some issues it does not address at all. After an extensive review, Mr. Speaker, of elections finance legislation across Canada, our government has decided to re-enact this legislation completely. We believe that Manitobans will welcome a more modern, comprehensive and equitable system for financing the electoral process.

I will now outline the main features of Bill 48. First of all, Sir, we propose to make it easier for political parties to become registered. Bill 48 retains the registration options in the current Act and adds a new one; that is, by endorsing five or more candidates in a general election. This new registration option recognizes that the activities of political parties are focused on elections and it provides a fast and effective means for a new political movement to offer its ideas to the voters.

Another major innovation is the introduction of a deregistration process for political parties. In the current Act, Mr. Speaker, that is Bill 48, a political party begins its formal participation in the electoral process through the act of registering. Registration, however, conveys certain privileges but in addition imposes important statutory obligations on a political party. Unfortunately, the present legislation contains no deregistration procedure for political parties which are unwilling or may be unable to comply with the obligation involved in being registered.

Under Bill 48, political parties may deregister voluntarily or will be required to deregister if they prove incapable of meeting their basic statutory obligations, for example if they fail to file the statement and returns required by the legislation, or if they fail to nominate at least five candidates in a general election.

As I stated earlier, Sir, our government believes in public disclosure of significant contributions received by candidates and political parties. This bill will tighten and extend the procedures contained in the current legislation for recording and disclosing political contributions. Another major reform in Bill 48 is the establishment of limits for both the total overall election expenses and the advertising expenses which may be concurred for candidates and registered political parties. The democratic process, we believe, is enhanced if all legitimate candidates and political parties have an equal opportunity to present their policies to the voters. The previous government recognized this principle in half-measure. They chose to limit the controls on advertising expenses.

If there is virtue in limiting advertising expense, and we believe there is, then we ask why not limit other election expenses as well. Limiting overall election

expenses will bring Manitoba into the mainstream of election financing legislation in Canada. Currently, four other provinces as well as the Federal Parliament restrict the total election expenses of candidates and political parties. One other province, Ontario, restricts only the advertising expenses of candidates and political parties. It should be pointed out - I think this is well understood - that as electioneering becomes as it has, more sophisticated and technologically oriented, the deployment of costly media campaigns and polling methods can favour the wealthier over the poorer political parties — (Interjection) — but you only went half way. I just referred to things like polling methods which are used now more and more, together with sophisticated, technological methods for using polling in particular ways to get at and out the vote.

If it is fair, Sir, the enact a maximum level for election expenses, then we believe it is equally fair to provide a basic minimum level of financial support for those candidates and political parties receiving a significant degree of electoral support. Where the policies of a candidate or political are supported by a significant number of voters, the candidate or political party should be assured of having reasonable means to finance the communications of these policies. In that way, Sir, if that is assured, they do not then become dependent on and beholden to backroom financiers.

This brings us to the next major principle then of Bill 48; limited, direct, public financing of elections. Candidates who receive 10 percent or more of the votes in their constituencies and registered political parties which receive 10 percent or more of all the votes cast provincially will be reimbursed for 50 percent of their total election expenses, remembering, Sir, that these are limited by Statute. Both of these percentages result from careful evaluation of the principles involved and the financial implications of the scheme. Ten percent of the constituency or provincial vote, as the case may be, represent significant support, but also in our view a realistic target for any serious candidate or political party. — (Interjection) — If the honourable member wants to ask me a question he can do so when I'm through and I will answer the question. Fifty percent reimbursement solidly establishes the principle of public financing, but nevertheless, Sir, preserves substantial incentive for candidates and political parties to go out and raise money for themselves.

The Leader of the Opposition, in his initial reaction to this bill, suggested that either by design or otherwise, the bill would support fringe parties. Sir, even the Liberal Party would not have qualified if this bill had been law in 1981. Now it may be arguable whether or not they're a fringe party - I hesitate to get into that. Their percentage of the vote provincially was 6.68 percent, far short of the required 10 percent. The Progressives, as they like to call themselves, with 1.8 percent would have had to increase their vote by over 400 percent to qualify; indeed 500 percent to qualify. The Communist Party of Canada which was referred by the Leader of the Opposition with .05 percent of the provincially vote would have had to increase its vote by 20,000 percent to qualify. On a constituency basis, Liberal candidates would have qualified in 14 constituencies, the Progressives in 1, and Steve Juba in 1.

Public financing — (Interjection) — if the members opposite would care to listen for a moment instead of

getting into a raucous, back alley, jungle type of diatribe, Mr. Speaker, how one prays for some decorum in this House from time to time, so that it looks like a Legislative Assembly and not a jungle. The public who come to our galleries, the students who come to our galleries, the press who watch us and report it, are saying where is the decorum? I'm rising here to introduce a very significant piece of legislation and I have to listen to the Member for Sturgeon Creek who can't contain himself — (Interjection) — who is bubbling over with venom, interject, when I should be explaining this piece of legislation. The Leader of the Opposition, Sir, has raised these issues and I'm introducing these bills to explain the bill.

Public financing of the political process in Manitoba began in 1980 during the lifetime of the Progressive Conservative Government, short as it was. The previous administration permitted registered candidates and registered political parties receiving financial contributions to issue receipts for purposes of provincial income tax credits. Limited public financing of election campaigns, thus as we propose it, is an extension of an already existing system, the system they put into place to support political parties and candidates from the general public.

Questions have been asked about the cost of public election financing. Those are legitimate questions. The figures obtained from Revenue Canada show that in the year 1981, the total paid out as Manitoba tax credits for political contributions under their legislation was \$687,540 - I repeat that figure, \$687,540 - and clearly this constituted a direct cost to the province in lost revenue.

**A MEMBER:** Voluntary.

**HON. R. PENNER:** The honourable member says "voluntary". I did not volunteer that supporters to the Progressive Conservative Party could take money out of the Consolidated Revenue of this province, but it was the result of the democratic process and, therefore, I supported it on that basis, but I also supported it on the basis that the notion, as far as it went, is a democratic notion, and I am prepared to support it, even though I would not, myself, choose to have tax revenues of the Province of Manitoba paid to the Progressive Conservative Party. But I recognize that you can't take this kind of notion of making the electoral process more democratic and say, but I'm only going to apply it to the NDP or to the PCs, you can't do that type of thing.

No doubt, Mr. Speaker, having referred to the amount lost in this way to provincial revenues, \$687,540, will be higher in an election year than in a non-election year. I recognized that and my research went a bit further. A preliminary estimate for 1982 indicates that the amount for that year is likely to be \$300,000 so that, perhaps, is the measure in constant dollars, other than an election year, of what the scheme already in place is costing the taxpayers of Manitoba. Thus it may be seen that the existing scheme, put into place by the Opposition when it was government, would cost the province close to \$2 million in a 5-year period, taking the approximate time that can elapse between elections, maximum time that can elapse between

elections, but counting only one election for the period. So that, on the measures that we have, the scheme put into place by the Opposition will cost Consolidated Revenue \$2 million.

The proposal contained in Bill 48, had it been in place for the 1981 election, and this was the question asked of me by the Member for St. Norbert, would have cost \$1.4 million. However, Bill 48 calls for contributions to election expenses only, and not to political parties year by year, as is the case with the legislation now in place. The total cost in a 5-year period, again counting only one election, is far less, in this addition to public financing than the cost to the taxpayer of the measure introduced by the previous government.

Mr. Speaker, as with the limitations on spending limits, the proposal to provide limited public financing has ample precedent across Canada. Five other provinces and the Federal Parliament provide partial reimbursement for election expenses incurred by individual candidates. As for political parties, there is one partial reimbursement scheme for overall election expenses in Saskatchewan, and one for advertising expenses in the Federal Parliament. Additionally the provinces of New Brunswick and Quebec provide an annual public subsidy to qualifying political parties. Let me stress, Sir, our legislation does not provide for year-by-year subsidies to political parties; it is focused solely on the electoral process. So that our bill, as I say, proposes public assistance to political parties only with respect to election expenses.

Mr. Speaker, Bill 48 contains extensive penalties for political parties, candidates and other persons or organizations in breach of its provisions. Commission of an offence may result in a substantial fine. Exceeding the limits on election expenses will result in partial or total loss of reimbursement. The remedy of injunction will be available in certain cases, for example, the incurring of election expenses by an unauthorized person or organization. Also the new bill extends considerably the time available for investigating alleged offences and laying charges under the Act. This extended period would prevent repetition of the situation which occurred after the last general election, when charges alleging offences against the current Act, were quashed because the statutory limitation had expired - I think this arose in Brandon.

Another major innovation in this bill is in the terms of administration. Mr. Speaker, we propose that the law be administered by the Chief Electoral Officer, acting with the assistance of an Advisory Committee composed of one representative from each registered political party. The Elections Commission, established under the current legislation, would be abolished. Administration by the Chief Electoral Officer will, in our opinion, be much more efficient and economical. Furthermore, to retain the Election Commission, composed of representatives from only some of the registered political parties as is done in the current legislation, is discriminatory and may well contravene the Canadian Charter of Rights and Freedoms.

One other important reform which this bill proposes is an almost total prohibition on government advertising during the course of an election campaign; that is, from the time that the writs are issued. In all of Canada only Saskatchewan has similar legislation. Now here, Sir, and I would like the Opposition to take note of this -

indeed, I would like the media to take note of this - here is the government in power, the NDP Government in power, imposing, in effect, a gag on itself because we feel if we are going to talk about the principle of fairness and equity we have to be consistent, and we are, in our own legislation, limiting the amount and quality of government advertising during the course of the time when the writs are issued.

**A MEMBER:** Is that why you're spending it now?

**HON. R. PENNER:** The introduction of this bill necessitates consequential amendments to The Elections Act; these are contained in Bill 74 which has been distributed to the members of the House and which I will be speaking about later this afternoon.

I recommend this bill to the House.

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

**MR. G. MERCIER:** Mr. Speaker, I move, seconded by the Honourable Member for Sturgeon Creek, that the debate be adjourned.

**MOTION presented and carried.**

## INTRODUCTION OF GUESTS

**MR. SPEAKER:** I wonder if I might take this opportunity to direct the attention of members to the gallery where we have 29 students of Grade 5 standing from the Gladstone School. They are under the direction of Mrs. Melne, and the school is in the constituency of Honourable Member for Gladstone.

On behalf of all the members, I welcome you here this afternoon.

Second reading of Bill No. 49. The Honourable the Attorney-General.

## SECOND READING - GOVERNMENT BILLS Cont'd

### BILL NO. 49, THE PROVINCIAL POLICE ACT

**HON. R. PENNER** presented Bill No. 49, An Act to amend the Provincial Police Act for second reading.

**MOTION presented.**

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

**HON. R. PENNER:** Mr. Speaker, this is basically a housekeeping bill designed, firstly, to clean up various obsolete or deficient provisions of The Provincial Police Act; and, secondly, to make certain consequential amendments based on the anticipated enactment and implementation of The Law Enforcement Review Act.

The obsolete provisions which have been changed include two sections, Sir, ratifying agreements which were signed in 1939; and a reference to The City of Winnipeg Act when it was still in bill form in 1971. In terms of deficient provisions, Sir, a subsection of the Act, as presently worded, is incomprehensible and the

bill clarifies the intended meaning of this subsection. I sometimes fear that we may find all too many sections of that kind.

Bill 49 amends the definition of police commission in the Act. The current wording restricts the membership of some municipal police commissions to members of a municipal council, or any committee thereof. This wording prohibits citizen membership on those local police commissions which come within the definition. The amendment would, in effect, ratify the presence of citizen members on certain of those commissions. There are already citizen members, but the present legislation doesn't properly authorize that.

Bill 49 also would change the criteria under which the Manitoba Police Commission may hold an in-camera hearing of an appeal from the decision of a local police commission. The two criteria which remain, that is, the maintenance of order, or the proper administration of justice, appear in a corresponding section of the new Law Enforcement Review Act. More importantly, Sir, the amendment changes the standard by which the Manitoba Police Commission may decide to hold an in-camera hearing. Under the current wording, the justification for an in-camera hearing must be established, "in the opinion of the commission." The amendment would remove the reference to this subjective opinion of the commission, because that could be arbitrary, and thus would objectify the process under which an appeal is heard behind closed doors. In our opinion, this change, Sir, encourages openness and conforms to the protection afforded freedom of the press in the Canadian Charter of Rights and Freedoms.

The new Law Enforcement Review Act will affect the nature of disciplinary proceedings which may be brought before a local police commission, or the Manitoba Police Commission. The effect of The Law Enforcement Review Act is spelled out in Bill 49; that is, where a complaint is filed by a member of the public concerning the conduct of a municipal police officer, the complaint will be adjudicated under The Law Enforcement Review Act. No police commission, including the Manitoba Police Commission, shall enquire into, investigate, or hold any hearing into the conduct of the police officer, except as provided by The Law Enforcement Review Act. We're trying to remove any suggestion of duplication of jurisdiction.

This provision ensures that a standard set of rules and procedures will apply across Manitoba for dealing with citizen complaints against police officers; and also ensures that the same alleged misconduct by an officer will not be investigated or adjudicated in more than one administrative tribunal. The amendment relates only to complaints made by members of the public, because that's all that The Law Enforcement Review Act does. Where a proposed disciplinary action against a police officer does not involve a member of the public, the existing jurisdiction of the local police commissions and the Manitoba Police Commission will not be affected. This is a distinction which I am afraid has escaped the attention of some members hitherto speaking to The Law Enforcement Review Act bill.

Bill 49 also proposes to extend the operation of the investigative procedures developed under The Law Enforcement Review Act under the current Subsection 26(8) of The Provincial Police Act, the Attorney-General

may refer a complaint, alleging misconduct by members of the RCMP to the Manitoba Police Commission for investigation, report and recommendations. That's in the present Act and will remain in the present Act. The new subsection would permit the Manitoba Police Commission to refer the same complaint to the Commissioner under The Law Enforcement Review Act for investigation. Such a reference would mean that the same investigative techniques and procedures are applied to complaints against the RCMP as are available with respect to complaints against municipal police officers under The Law Enforcement Review Act.

The power to investigate and report on alleged misconduct by RCMP officers is the constitutional limit of the province's power to regulate the RCMP. The province cannot discipline RCMP officers, even those acting as Provincial Police officers under the contractual agreements between the province and the RCMP. That's why the procedure with respect to the RCMP is retained in The Manitoba Provincial Police Act, and the change to which I have just adverted, simply in order to have the same kind of investigative procedures used, that we can do, is use the machinery of The Law Enforcement Review Act up to the point where - and this becomes the limit - a recommendation is made, but it cannot be referred to the board under LERA for disciplinary action.

So I commend this bill to the House.

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

**MR. G. MERCIER:** Mr. Speaker, I move, seconded by the Honourable Member for Sturgeon Creek, that debate be adjourned.

**MOTION presented and carried.**

## **BILL 78 - THE MANITOBA TELEPHONE ACT**

**HON. J. PLOHMAN** presented Bill No. 78, An Act to amend The Manitoba Telephone Act, for second reading.

**MOTION presented.**

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

**HON. J. PLOHMAN:** Mr. Speaker, most of the amendments on Bill 78 before the House address certain administrative items which are intended to enhance the flexible operation of the Manitoba Telephone System, and to clarify procedures relative to the ownership of certain kinds of telephone equipment. Other parts of the bill are also largely administrative in nature, and they flow from the government's policy, which was made effective on June 1, 1982, that now allows residential telephone users to own their own extension telephones. The amendments repeal the present sections of the Act relative to such ownership, and substitute appropriate provisions. Members will note that the substituted subsections allow MTS to set standards for customer-owned terminal equipment. This approach is necessary

to ensure that the systems network can be protected against negative consequences of attachment by incompatible devices.

Signaling and supervision standards for telecommunications equipment are not uniform on a worldwide basis. For instance, a telephone set designed to meet European standards may not be compatible with the MTS network. This could result in such adverse consequences as MTS being unable to complete calls made from an incompatible set. The MTS network might also be unable to recognize the completion of a particular call made from an incompatible set. Such deficiencies could cause network and billing problems. On multi-party lines, there is a potential for an incompatible set to degrade the quality of transmission experienced by other customers on the line. To prevent this, MTS relies on a voluntary program developed by the Federal Department of Communications and modified by any special circumstances in the Province of Manitoba. To date some 70 terminals have been certified by MTS and the list made available to its customers.

The repeal of certain sections of the Act is intended to remove those provisions that up to this time restricted the use of answering machines. Now, clearly it will be legal for individuals to own their own answering machines without having to pay a fee to MTS for their use.

Members will note that the bill calls for increasing the size of the Board of Commissioners of the Manitoba Telephone System. The minimum number of members of the commission under this change will be increased from 3 to 4 while the maximum number will be raised from 7 to 9. This amendment is being proposed in light of the growing size, scope and complexity of the issues now confronting the MTS Board. Recent experience has demonstrated that the commissioners are being called upon to address issues both within Manitoba and throughout the country because of the membership of the Manitoba Telephone System in the Trans Canada Telephone System addressing matters that are far-reaching beyond the borders of Manitoba and of course that require more intensive review at the board level. The expansion of the board will help to accommodate these demands.

The bill also is intended to clarify and support the MTS subsidiary activities. The members may recall that some questions have been raised as to the extent of the authority of MTS to establish subsidiaries and as to the status of MTS and its current subsidiary MTX Telecom Services Incorporated. We have been advised by legal counsel that The Telephone Act as presently written authorizes the establishment of MTS subsidiaries, however, the present amendment included in this bill clarifies the corporate capacity of both MTS and its subsidiary MTX to ensure that such questions are completely and unequivocally answered.

Mr. Speaker, the bill also addresses the matter of MTS ownership of components of the emerging electronic highway. Members of the House will recall that successive governments have been sensitive to this matter, indeed all of them have, and have recognized that the full range of benefits of that highway can be assured only if the key network elements of it are owned and controlled by the provincial common carrier. This is a premise that has made the extension

of affordable telephone service to all Manitobans possible over the last 75 years, and it continues to be a valid foundation upon which innovative communication services will be made available to Manitobans in the future.

The rapidly changing nature of technology requires that the scope of ownership as identified in legislation be broad, however, the bill provides for a flexible application of the general rule of ownership. Through agreement and regulation specific accommodations can be made that will recognize special circumstances while maintaining the integrity of MTS' common carrier role.

The bill has provisions that give the Lieutenant-Governor-in-Council the power to make regulations, Mr. Speaker. This power has been narrowly focused to give effect to the intent of the bill with regard to terminal attachments and the ownership of network related hardware. Finally, the bill repeals two previous bills; one passed in 1977, the other in 1980, but neither proclaimed.

Mr. Speaker, I would, with that brief introduction, commend the bill to the House for the members' support.

**MR. DEPUTY SPEAKER, P. EYLER:** The Honourable Member for St. Norbert.

**MR. G. MERCIER:** A question of clarification, Mr. Speaker, to the Minister who indicated that he proposed to expand the board from its present seven members to nine members because of complex issues facing the board. Has the Minister considered replacing some of the present board members, the political appointments of the Minister and the government, if they're unable to deal with those issues?

**HON. J. PLOHMAN:** Mr. Speaker, we have recently replaced members and have a full board complement at this time. However, there are a number of committee activities that the board is involved in, that they are expected to serve on as well as the subsidiary that was just formed in 1982, where members of the MTS Board also have to sit on that board. The combination of the MTX Board as well as the number of committee boards, as well, as I mentioned, the emerging issues and the changing nature of telecommunications in our modern-day world makes it a very demanding position. Therefore, we believe it is advisable to add to the number of boards so that the work is spread among greater numbers and they are better able to serve the needs of the telephone system.

**MR. DEPUTY SPEAKER:** Are you ready for the question? The Honourable Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Mr. Speaker. I move, seconded by the Honourable Member for Arthur, that debate be adjourned.

**MOTION presented and carried.**

#### **BILL 74 - THE ELECTIONS ACT**

**HON. R. PENNER** presented Bill No. 74, An Act to amend The Elections Act (2); Loi modifiant la loi électorale (2), for second reading.

**MOTION presented.**

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

**HON. R. PENNER:** Mr. Speaker, Bill 74 is a companion bill to Bill 48, The Elections Finances Act. Bill 74 makes consequential amendments to The Elections Act based on the principles proposed in Bill 48. For example, Bill 74 incorporates into The Elections Act some of the definitions contained in the new elections finance legislation. Also, Sir, significant changes are made to the existing procedures in The Elections Act concerning endorsement of the candidate by a political party. These changes are necessary because of the registration and reimbursement principles proposed in The Elections Finances Act. The new endorsement procedures are particularly important in dealing with an application for registration and during a general election campaign by a political party which claims to be endorsing five or more candidates in the general election.

Bill 74 also proposes to repeal some existing provisions in The Elections Act which more properly relate to election finances legislation and which have, in fact, been incorporated in the proposed new Election Finances Act, now of course still a bill. Examples of such provisions include the procedure for making claims against candidates for unpaid election bills and the statutory rules requiring official authorization for any election material which is printed, published, distributed or broadcast on behalf of a candidate or a political party.

Finally, Sir, as a result of the proposed abolition of the elections commission in the new Elections Finances Act, Bill 74 proposes repealing all references to the commission contained in The Elections Act. This change would leave the administration of The Elections Act including the prosecution of offences solely in the hands of the Chief Electoral Officer.

I recommend this bill, Sir, to the House.

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

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

**MOTION presented and carried.**

#### **BILL 82 - THE JURY ACT**

**HON. R. PENNER** presented Bill No. 82, The Jury Act: Loi sur les jurés, for second reading.

**MOTION presented.**

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

**HON. R. PENNER:** Mr. Speaker, Bill 82 is a revised Jury Act which incorporates most of the present Jury Act. There is a very significant change introduced in Bill 82, dealing with jury selection. Sections of the present Act set out the procedures for municipalities,

Indian Reserves, and local government districts to select jurors; sets out procedures for the annual meeting of the selectors; the procedures with respect to the lists that must be compiled; the process of final selection by the Chief County Court Judge or other County Court Judge assigned by the Chief, and the sheriff and the prothonotary; the preparation of jury rolls and jurors' books, all in all a process which takes considerable time and effort, and I should say expense, on the part of hundreds of people and is, may I say, entirely antiquated.

Municipalities have been urging the government to change the method of jury selection to rid themselves of this responsibility. There are many instances where municipalities or Indian Reserves have failed to select jurors. The whole thing is cumbersome and seemingly alien from the day-to-day administration of a municipality or a Reserve.

Bill 82 introduces the concept of random selection of jurors by computer. Bill 82 permits access by the chief sheriff and only the chief sheriff, to any appropriate list for the purpose of making a random selection of names and addresses from a computer data base. Let me say parenthetically here, Sir, that the list that comes most readily to mind as the most complete up-to-date list of Manitobans from which computer random selection of a jury panel - this of course is not a jury but the panel when the assize meets - would be the Manitoba medical list; the list maintained by the Manitoba Health Services Commission.

Mr. Speaker, the only information that would be taken and then only by the sheriff, from the computer data base is the names and addresses. No further information is sought or required. Jurors will be selected for the judicial district by programming the postal code. That is, a sufficient number of jurors, let's say, for the Western Judicial District will be selected at random from those persons whose addresses as indicated by their postal code reside in the Western Judicial District.

The effect of the random selection by computer of jurors will be to involve all persons in Manitoba in the jury selection process and to reduce the time required for selection from some months as it now takes, to a matter of hours. We're doing away then with a very cumbersome, inefficient, antiquated, some would say arcane method of selecting jurors.

The remainder of the Bill 82 is virtually the same as the present Jury Act. Other sections clarify the responsibilities of jurors to attend and appear when called, and - this has become particularly necessary as a result of some experiences laterly - not to discuss jury deliberations with anyone other than another juror on the jury, or with the judge at the trial. One section clarifies that it is contempt of court for anyone involved in a trial to discuss with a juror any matter or issue before the court other than, of course, during the trial in the normal way.

I commend this bill to the House.

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

**MR. G. MERCIER:** Question of clarification. Perhaps the Attorney-General may wish to take it as notice. Has he changed the grounds for exemption from jury duty?

**HON. R. PENNER:** No. There'll be no changes with respect to exemptions.

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

**MOTION presented and carried.**

## ADJOURNED DEBATES ON SECOND READING

**MR. DEPUTY SPEAKER:** Adjourned Debates on Second Reading, Bill No. 24. On the proposed motion of the Honourable Attorney-General, standing in the name of the Member for Lakeside. (Stand)

### BILL 23 - THE REAL PROPERTY ACT (2)

**MR. DEPUTY SPEAKER:** Bill No. 23, on the proposed motion of the Honourable Attorney-General, standing in the name of the Member for Morris.

**MR. C. MANNES:** Mr. Speaker, I rise to put a few remarks on the record regarding Bill 23, the companion bill to the infamous Bill No. 3. I hope that you will bear with me, Mr. Deputy Speaker, as I address Bill No. 23. I'll probably be shifting back and forth making many references to Bill No. 3.

Mr. Deputy Speaker, I find many aspects of Bill No. 23 quite disturbing. I guess part of it is because I don't have a total understanding of what I have to do or what has to be done by an individual who buys and purchases land today. I'm aware under The Real Property Act that certain declarations have to be filled out and signed. Earlier on this afternoon I had an opportunity to review them. I was a little bit surprised to see how onerous they were, in my view, as far as some of the information that had to be spelled out under the existing Act that protects Manitobans from speculation in farm land.

It was on that basis then I went into Bill 23 and began to spend some time in looking at all the various items of information that are required on the transfer of land ownership. Every new clause that I read, after each sentence, I asked the question, why is Bill No. 3 needed? What is it about our existing land tenure system that is creating such problems that it is now going to force all those of us who are Manitobans - the 96 percent within the Municipality of Macdonald, who are bone fide Canadians, bone fide farmers, who are basically resident farmers, native Manitobans - what is going on that is going to require now that 96 percent who, on the purchase of their next piece of property, are going to have to disclose two pages, three pages, I don't know how many will end up in this final written form of information before that land can transfer.

Like I say, Mr. Speaker, I kept asking myself the question, what is it in Bill 3 that necessitated all the new regulations that are going to come to force by way of Bill 23? I saw a reference to where we had to have Bill 23 on Bill 3 because we had to worry about large farms. I think the Minister of Agriculture suggested that what we were working towards was the large manager and all the employees. That was the way that our system

was going and that we had to protect the family farm; and that was what concerned him so much. You know, Mr. Deputy Speaker, I've said it before in debating and speaking to other bills, I think the worst thing one can do to attempt to safeguard the interests of the family farm is to bring in all these various forms of legislation because, when you realize, and if you've have the opportunity, as any small businessman has, and I'm saying one that does not have his own accountant, one that does all the paper himself; if you were that person and you realized how much work had to be done, you would begin to really understand that the so-called small family farm is being threatened more so through the passage of all these laws that, in some cases, are brought forward, supposedly, for the protection.

I think I'll try and build upon my argument by citing these examples. Today the most successful farms are those, not that are large by themselves, not that are managed by individuals who employ people who have no vested interest in the working and the tilling and the harvesting, but the most successful farms, Mr. Deputy Speaker, are those that are most often run by family operations; ones that, in themselves, have tremendous advantages because the efficiencies of working are there, firstly. Secondly, the commitment to the farm and to the welfare of the unit is there, and those two factors, efficiency plus commitment, create a tremendous advantage to those types of farm units; and they outshine, to such a degree, the so-called set up or bought farm, the one where the non-resident, or the dummy corporation, comes forward to set up and then, after that point, hire a manager who, in turn, hires many employees.

I'll always challenge the Minister of Agriculture to show me where, today, exists many, or any, examples of the type of situation which he used as the rationale for bringing forward Bill 3 and, therefore, Bill 23.

Mr. Deputy Speaker, let me go through some of the items as listed in the bill. Of course, I won't refer to them by specific section, but some of the items that have to be declared, and it says, "Every transfer of land, memorandum or lease or caveat claiming an interest in land pursuant to an agreement to purchase, an option, a lease or a loan, or a loan by a chartered bank or credit," and it goes on and on and on, Sir. It says that all these particular situations have to be tendered for registration, shall be accompanied by a statutory declaration of the person claiming the interest and, of course, that's the whole contentious area. To make Bill 3 effective, all this information has to be presented at the time of the transfer of land; and what is so disturbing about it, of course, are two things.

Firstly, what about the number of situations where there is a verbal commitment between myself and, for instance, my hired man, and I decide to enter and buy a new piece of land, but I've made some verbal agreement with that individual that, instead of an hourly wage, that there will be a share coming to that person. What is his interest in my purchase of that land? He's been prepared to forego his wages because he's now prepared to take a share of the crop that comes forward from the production on the new purchased land; and is that to be set aside and have all those thousands of possibilities, because he has an interest now in the new land. Will they all be covered by the two pages of regulations - pardon me, within the Act, not the

regulations - but the sections within the Act that make reference to that, or will it take 50 pages of regulations built upon that to try and cover all those circumstances and eventual situations that can occur when I, on behalf of myself, go out and purchase another piece of land.

I think it's a very real and honest question that should be posed because I say, Mr. Deputy Speaker, you cannot remember all these items when you go to your solicitor and you ask your lawyer to prepare the legal documents necessary to go through, to make it a legal transfer of land required under Bill 3; you can't remember all these items. What happens if you do forget one and, all of a sudden, you do not comply then with Bill No. 3.

Bill 23 says that if you do not comply to this proposed Farm Lands Protection Act that, indeed, you find yourself giving up the purchase; and that's the concern, the purchase is gone. It's these types of verbal arrangements which, if any individual that comes from the rural area understands at all, he knows that many of them are verbal, a large number; and yet, Bill 23 is expecting and asking and demanding the person who purchases the land has to put into paper.

I think, Mr. Deputy Speaker, for 96 percent of those of us who are not a problem, as defined by our questionnaire, at least, under this so-called attempt to bring in a law to prevent speculation; we're the ones, as the Minister for Lakeside says, all have to jump through the hoop, each and every one of us; and I question again how fair it is to make the vast majority of citizens go the whole route because this government is attempting to prevent 1 or 2 or 3 percent supposedly, of those that are speculating.

That brings up an interesting question, Mr. Speaker, speculation in itself. I am not totally convinced that any law can prevent speculation, not totally convinced. I would suppose if there was any effective way that could be done, it would have to be through taxation and strict taxation just drives the economy underground anyway. But to me, if there was one way that a government wanted to attack speculation, that would probably be the most successful way and I don't even rate that highly successful. As I pointed out on other occasions, if somebody wants to speculate in Manitoba land, the easiest way, in my view, for them to do it under existing law or even under Bill No. 3 is not to attempt to go through the corporate system, the corporate share structure system, but I would think that if I were a non-Canadian and I wanted to effectively control Canadian farm land, the way that I would find the easiest and the approach that I might use, I would come forward, I would approach a Manitoba farmer, maybe the Member for Emerson . . .

**MR. A. DRIEDGER:** I would like that.

**MR. C. MANNES:** Maybe the Member for Emerson, an honest farmer, somebody I would come to know and over a period of time I would trust, I would say to the Member for Emerson, I would like to have an interest in Canadian farm land. Of course he would tell me, well, we have the Farm Lands Protection Act which says that if I buy it on your behalf or a corporation buys it on your behalf, we have to swear out all these declarations.

Then the government is hoping a few weeks from now, but I think the sun will never set before this bill is passed, the government will say that we now have Bill No. 3 which says not only do they have to follow the existing regulations for declarations, but they also have to now spell out as is shown in Bill 23, the bill we're talking about, all those items of information.

I think if I were that prospective owner who wanted an interest in Manitoba farm land I'd say, well, I think we can get around it. Maybe we can do it this way. Why don't you, Sir, go out and buy the neighbour's half that's been for sale? That may be worth \$250,000 and of course the Member for Emerson would say, well, I really don't have that money right at my hand today, maybe tomorrow, but I don't have it today. I'd say, maybe we can do it this way, can you put down \$5,000 and borrow the rest from me. He'd say, but the title would be in my name and I would say, yes, but I trust you. He says, what collateral will you have? I say, I'll have the land, that will be the collateral; it will be a registered mortgage. And really who is the owner of that land? In title, it's the Member for Emerson. But I know he's a trustworthy man, I know he's not going to run away with it. But really, am I not the owner, am I not the person who put up the money for it? Am I not that person? Or is this government going to bring in laws to prevent that too, to tell you who you can borrow your money from?

**A MEMBER:** But how are they going to borrow money in the foreign market.

**MR. C. MANNES:** That's right and that's exactly the point we have here. Here is a government that'll run all over the world to borrow money, but the only sure way if they want to stop speculation, is to prevent the Member for Emerson to borrow his money or force him to borrow it within the country.

That's why I think that when you bring in all these laws to attempt to stop speculation, you can stop everything else. You can stop non-Manitobans, you can stop Manitobans who deal through corporations, you can stop everything; everything except one thing and that's speculation because it knows no bounds. That's why, it's in that area that it concerns me so much because in an attempt to stop that 3 or 4 percent as identified in my municipality, and the numbers change, but only nominally in the constituencies of my colleagues. You're going to force the 96 percent of us who have no aspirations to act as a front person for anybody else; have no desires to be part of a dummy corporation acting on behalf of anybody else; have no aspirations other than to farm our land and if there are some economics associated with purchasing some additional land or if there's a son or a daughter who wants to be part of a larger family unit, those are our motives. But being just involved on the farm is now going to force us to file, Mr. Deputy Speaker, how many pages of regulatory information? Having to give every interest of every parcel of land that we are involved in; mailing address of the registered office; the name and mailing address of any other person who connects you. You know, Mr. Deputy Speaker, what I find very interesting in this is that the small businesses, those people who carry this province on their backs, they're

the same ones who have to file all this information. Right now on my desk at home, because I am a farmer I've got that much material, half of it, to fill out Ag Canada crop report forms, payroll tax levy deduction, all of it, government demands on my time.

I'm telling you where we find the tremendous inconsistency here and yet we have Bill No. 14, The Elections Act and we have the members opposite saying, well, as a citizen, it's your right to vote, it's not your right to be on a list. You don't have to make sure that you're on a voters' list, you don't have to make sure anything. All you've got to do is be sure you vote and we'll make it easier for you to vote. That's right, it is a fact. So on one part of society, you're enforcing all these demands for this material. On the other hand, even though because we hold so strongly our freedom of choice, the government opposite is saying, we don't have to have the responsibility to even ensure that you're on a voters' list.

**A MEMBER:** Just come, we'll vote for you.

**MR. C. MANNES:** I say, where is the consistency? Well, Mr. Speaker, I think there's absolutely none. It's on that basis that I reject totally Bills 23 and 24 and not because of themselves, but because of the fact they're tied into Bill No. 3 and I hope that the government comes to their senses and realizes that they're protecting nobody by Bill 3. They're protecting absolutely nobody; there's not a person. I'd like to know how many letters the Minister of Agriculture has received over the last three months, asking him, requesting him to push on with Bill No. 3, because I get the copies of all my constituents who have been writing to him to tell him to stop, to not push forward with it and, hopefully, he and the government will see the folly of their actions in regard to bringing in the bill and they will see fit to withdraw Bill 3, Bill 23 and Bill 24.

Thank you, Mr. Speaker.

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

The Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, I move, seconded by the Member for Sturgeon Creek, that debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 18 - THE LEGISLATIVE ASSEMBLY AND EXECUTIVE COUNCIL CONFLICT OF INTEREST ACT**

**MR. DEPUTY SPEAKER:** On the proposed motion of the Honourable Attorney-General, standing in the name of the Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Mr. Deputy Speaker. I am pleased to have an opportunity to speak to this second reading of Bill No. 18, The Conflict of Interest Act.

Mr. Deputy Speaker, in reading the opening remarks that the Honourable Attorney-General made when he

introduced this bill and said that the bill aims to promote public confidence in the integrity of the process of government, may I suggest, Mr. Deputy Speaker, to the Honourable Attorney-General, he's so far wrong and so far lost on this type of legislation that it's basically a joke; it's a joke. If he thinks, through this legislation or this type of legislation, that he's going to bring the politicians, the elected people in this Assembly from where we are today on the lowest of the low of popularity list, even up one point, he's absolutely wrong; he's absolutely wrong, because it isn't going to happen.

He goes on here, Mr. Speaker, in his opening comments in introducing this bill on Friday, the 17th of December and he said the bill creates a disclosure requirement which will reinforce public trust but will avoid the inflexibilities of current legislation. Mr. Speaker, one only has to listen to the speech that was just made by the Honourable Member for Morris to substantiate my argument of why the public and the man in the street is so fed up with politicians, by the piles and piles of bills and regulations and restrictions that we're putting on people and here we're imposing more, more under this legislation. It's coming now, to be elected in this Chamber, Mr. Speaker, I'm guilty of something. I'm guilty before I even offer my name on the ballot, that I have done something wrong because once I put my name as a candidate, I'm in conflict of interest automatically, and yet I've committed no sin, never been here before and I'm guilty before I've even arrived in here. That's what this bill says, Mr. Speaker.

Mr. Speaker, he goes on and he says here in his opening comments, "What we have is virtually a dog's breakfast and restrictions and then exemption from the restrictions and it's never really been adequate or enforceable," and I agree. There are no laws that I know of that have been passed through this House all the years I've been here, that some smart lawyer can't find a way to bypass or get around. We see on this Farm Protection Bill, Bill No. 3; how many times have we had this farm bill before us in the last 10 years trying to plug up the loopholes of this so-called crowd. And, Mr. Speaker, this attempt that we've got today, again, is going to fail and so is this Conflict of Interest Bill going to fail.

Mr. Speaker, I'm surprised. The one section of the bill says here, on Page 6, "The vacancy shall be treated as one occurring through death." Can you believe that? If somebody in this Legislature gets in conflict of interest, the Attorney-General, by this legislation says he can be considered as being dead. That's what it says; "The vacancy shall be treated as one occurring through death." Now does the Attorney-General have the right? Where do the people that send us, Mr. Speaker, where do the people that elect us come into the picture? Don't they have the right to send us back? I have seen cases since I've been here; I can recall the Honourable Maitland Steinkopf who resigned over a Conflict-of-Interest issue. He went back to the people; they sent him back here. Let the people be the judge of conflict. We don't need this hierarchy or this court that the Attorney-General's going to set up to decide who is in conflict. Let the people be the judges and they will be the judge, have no fear, because it's been proven time and time again in this place, you make some political bad judgments or make some bad steps or deal illegally with the people of this province; they

will throw you out of office very fast and it happens over and over again.

So, Mr. Speaker, I'm not one that's knowledgeable in reading bills, but I am quite concerned about this type of legislation because it's a reflection on my character. I've been in this Legislature some 17 years, I guess, and all of a sudden now I'm guilty of something. Yes, I am. He's making an accusation, because I've been an MLA, I am now guilty of some kind of conflict.

Mr. Speaker, he also says though, and I think this is the secret, and I know this is what the socialists - you read on into his remarks, he says, "The emphasis on this bill is on disclosure." It's not conflict of interest that they want, the socialist, out of this legislation at all; that's not what they're looking for. It's disclosure. Because socialists are known to want to muck around in the affairs of people by more regulations and more bills and more pressures on the poor; keep them down on the ground, don't let them get up so they can speak for themselves, Mr. Speaker. Let the big government, the left-wing socialists - we'll look after you all from the cradle to the grave. I can remember the former Member for St. Johns saying here one time, everybody should have pink toothbrushes; everybody should have green overalls; we all get up in the morning, bow to the State, put on our green overalls, brush our teeth with the pink toothbrushes, bow to the State when you have your supper and go to bed. That's the socialist philosophy and that's what they're trying to do to us members of the Legislature, with this bill.

Mr. Speaker, Bill 18 in my opinion, presumes that once a man or a lady is elected to these hallowed halls of the Manitoba Legislature, he or she, as I said earlier, is automatically guilty of something, unless you stand up and prove that you're innocent by disclosure of all the assets he, his wife or family, the family that resides with him at the time. Would we not be better to put this in The Election Act, Mr. Speaker? Anybody now that wants to run for office should know that, if you're offering your name as a candidate to represent the people of this province, you better ask your wife and ask your family if you can disclose all their assets.

Now what has changed over the years that I've been in this Legislature? Has the Attorney-General given me the list of all the MLAs that have been in conflict of some sort with government since I came here in 1966? Would he be kind enough to do that, or would he be kind enough to give me the list of all the Cabinet Ministers that have been in conflict of interest with this province or the people since I've been here in '66? — (Interjection) — Well where does the problem come, Mr. Speaker? Is it us over on this side is asking for this legislation? — (Interjection) — I suspect it's the Ministry of Health maybe is the one that's asking for this disclosure. — (Interjection) — Well who is? I have had nobody in my constituency in all the years they've been sending me back here asking me to disclose my assets.

**A MEMBER:** They know you're an honest man.

**MR. W. MCKENZIE:** Mr. Speaker, the other strange thing, in a wife and husband relationship, what if the wife says that she doesn't want to disclose her assets?

**A MEMBER:** I would like that.

**MR. W. MCKENZIE:** Does the Attorney-General and this Legislature have the right to deny a man or a woman of this province, as citizens, to offer their name for election in this province because of the fact that one or the other spouse says I don't want to disclose my assets, and they certainly have that right. That's a right of every citizen in this country to keep their assets confidential. If a spouse says, I don't want to disclose my assets, do you mean to tell me the Attorney-General and these members opposite over here are going to take the right and say, look to you my dear, or you sir, you will disclose your assets or else you'll not take a seat in this Legislative Chamber? Well, Mr. Speaker, what are we talking about with this bill? Have the honourable members read it? Mr. Speaker, I find that approach absolutely uncalled for.

I think, Mr. Speaker, in many ways it's an insult, to members like myself who have been here for all these years, to bring in this kind of legislation and put this dark cloud shadow of gloom over this Chamber, over members who have stated and been in this place over the years looking after the people of this province. I just can't justify it, Mr. Speaker.

Well, Mr. Speaker, I hope that the Attorney-General when he does rise in his place to respond to second reading, will give me a list of the names of all the MLAs in the last 17 years that have been in conflict of interest - lay them out. He could also, if he wishes, and I could maybe support, Mr. Speaker, this type of legislation for Cabinet Ministers, because Cabinet Ministers certainly do deal with millions and billions of dollars. We're dealing with billions now and there certainly is a need for a conflict in the Cabinet, but for a lowly backbencher like me, Mr. Speaker, I can't see any reason, no way shape or form, that is requested.

Mr. Speaker, I recall the present legislation that's in place today. I recall one time, Mr. Speaker, where a social worker came to my one of my stores at one time and asked certain goods and services . . .

**A MEMBER:** One of my stores; how many stores have you got.

**MR. W. MCKENZIE:** I haven't got any now. Mr. Speaker, a social worker asked certain goods and services be delivered. I was not in the store, I was in this Chamber. Nevertheless, the staff of the store delivered the goods and services as was prescribed. Mr. Speaker, the present legislation, when I come to get my paycheque when the House prorogued on that Session, that money was deducted off my cheque; never got it to this day.

I recall another member of this Legislature, Mr. Speaker, under the present legislation, who rented office space to the Motor Vehicle Branch for them to come into that town and village and expected to use that office space for inspecting the safety of cars. The rent that he got for use of that building, Mr. Speaker, was deducted off his paycheque as a member of this Legislature — (Interjection) — Certainly. That law is in place here today. So if there was, in fact, any conflict of interest the legislation that at the present time is in place certainly has looked after those conditions and incidents that I'm talking about where there might have been conflict of interest.

Certainly I know it's conflict of interest if a staff of the department go into a grocery store and ask a certain

merchant, who happened to be a member of this Legislature, to deliver goods from the shelves of that store to somebody that needed them. Is that conflict of interest? Under the present legislation it is because I'm a member of this Assembly. I'm prepared to accept that. The money was deducted off my cheques and I have no quarrels because the present legislation spells that out.

I ask the Attorney-General what is wrong with the present legislation? What is wrong with it? Because it's proved, on those two incidents, and there may be others that I'm not familiar with, that the present legislation certainly looks after anybody that's a backbencher quite adequately. I can't speak for a Cabinet Minister, Mr. Speaker, because I am not. I was never a member of the Cabinet and I can't speak, but there may be need for disclosure there.

Mr. Speaker, the principle of this legislation, and the way that the Attorney-General is going at it, is absolutely wrong. It's uncalled for and it's not going to do what the Attorney-General promised us when he gave second reading to the bill that it will do.

Mr. Speaker, I wonder if the Attorney-General could advise me, or the members in the House, in their handling of business with their constituents, or with the government, or with Crown corporations, if that's the reason that this bill has been established. Now certainly we had some problems the other day with one of the Crown corporations of government but, of course, that's not in this legislation, the Crown corporations; it's not in here. I hear on the radio today, Mr. Speaker, that the Minister of Energy is working overtime now with his pencil and paper striking up legislation, whether to accompany this or not, to deal with Crown corporations. At the moment when this was introduced they weren't included. That seems strange when the motive of this government, and the Attorney-General, to bring in this legislation wasn't levelled at the Crown corporations.

Mr. Speaker, maybe the Attorney-General can point out to me where I have erred over the years. What have I done wrong? What does the Member for St. Boniface, or some of the other members, the Member for Virden and others that have been in this Chamber, what have we done wrong after 17 years in this place to deserve this type of legislation? What have we done wrong? We have a man of the cloth over there. I ask him, what have I done wrong?

**A MEMBER:** Nothing.

**MR. W. MCKENZIE:** Well then why bring in this kind of legislation? You're part and parcel of it; it went through your caucus. Why are we getting this black cloud hanging over our heads now after spending those years of my life in this place, working for Canada, for Manitoba, for my constituents, for everybody in this province, to have legislation such as this brought in. It says, no, McKenzie, you've been a bad MLA; you haven't looked after the interests of your people; you've been taking money out of the till; you've been robbing the public. I don't know what I've done wrong; I don't. I wish the Attorney-General would tell me why I need, as the Member for Roblin-Russell, to have this kind of legislation pu. on the Statutes, or for the next person

that comes from Roblin-Russell. Mr. Speaker, as long as I can look back through the history records of that jurisdiction, they've been honest, dedicated, loyal people. Why, why do the socialists want these changes?

**A MEMBER:** Because they don't trust you.

**MR. W. MCKENZIE:** Why don't they trust the people from Birtle-Russell constituency, or Roblin-Russell constituency, or Sturgeon Creek, or any of these. Why don't they let the people be the judge if there's conflict of interest, Mr. Speaker? No, Mr. Speaker, the socialists don't believe that the people should make any decisions. No, no, they believe you keep them trodden down; you keep them under your feet; and, as I said earlier, you tell them when to wake up in the morning, you let them have their porridge, then you put on the green overalls and let them all clean their teeth with the pink toothbrushes; you tell them when to go to bed at 6 o'clock and rest, and come back and slave the next day to pay the deficit of this government, Mr. Speaker. That's what they believe in; that's what they're dedicated for. That's the only way they understand, Mr. Speaker, and they think socialists generally speak that everybody is in conflict in some capacity or another. I suspect that's where the Attorney-General got the idea to bring this.

I'm sure that the Member for Elmwood wasn't part of bringing in this bill, Mr. Speaker. He's an honourable man; he came in at the same time as me in '66, and I just ask him - what has he or I done wrong to deserve this kind of legislation after serving in this Chamber for 17 years? What have we done wrong? I don't think I've done anything wrong. What has the Member for Elmwood done wrong to deserve now conflict of interest legislation that requires before we can move into this Chamber after another election, Mr. Speaker?

I think, Mr. Speaker, that the legislation is uncalled for; I think it's untimely; I think it's an insult to the ability and the integrity of the people that sent us here. My gosh, the people in my constituency know whether I'm in conflict or not; and if I'm in conflict with anybody, Mr. Speaker, they'll throw me out of office and I deserve it. Mr. Speaker, if I do anything wrong or get in conflict, let the people be the judge, not a bunch of socialists, and let the people decide who will sit in this Chamber and who will not sit. But no, Mr. Speaker, because it goes back here and says, they can even treat you as you're dead - could you believe that - on Page 6, and I hope the Father will read that.

On the bottom of Page 6, in any case, mentioned in subsection (1), the vacancy shall be treated as one occurring through death. Mr. Speaker, I am not ready to die in no way, shape or form, and I hope the Attorney-General doesn't have to go, or this government, to the length to implement that kind of legislation and declare me as dead and not to let me sit in this Legislature and represent. So, Mr. Speaker, I will be opposing this kind of legislation. I think it's uncalled for; it's not the right thing. It's a black mark on my character in the fact that I gave my best years of my life to come here and serve the people of this province to the best of my ability, and I don't need this kind of lecturing from this government or the Attorney-General.

Let the people decide. Thank you, Mr. Speaker.

**MR. SPEAKER, Hon. J. Walding:** The Honourable Member for St. Johns.

**MR. D. MALINOWSKI:** Thank you, Mr. Speaker. I beg to move, seconded by the Honourable Member for Inkster, that debate be adjourned.

**MOTION presented and carried.**

### THIRD READING - GOVERNMENT BILLS

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

**HON. L. DESJARDINS:** Mr. Speaker, I wonder if you would call the third readings on Page 2, the third reading of the bills that have not been amended, starting with No. 8.

**BILLS NO. 8, 9, 10, 11, 13, 27, 33 and 61** were each read a third time and passed.

### SECOND READING - GOVERNMENT BILLS

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

**HON. L. DESJARDINS:** Mr. Speaker, I wonder if you'd call Bill No. 80 for introduction, Page 7.

### BILL 80 - THE CIVIL SERVICE SUPERANNUATION ACT

**HON. M.B. DOLIN** presented Bill No. 80, An Act to amend The Civil Service Superannuation Act, for second reading.

**MOTION presented.**

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

**HON. M.B. DOLIN:** Mr. Speaker, the principal amendment that's contained in this Act refers to an improvement in the calculation of retirement allowances. Since 1973, the pensions of retiring civil servants have been calculated on an average annual salary of the best of the seven of the last 12 years, of the employee's working career of course. The amendment provides that effective July 1, 1983, 17 percent of an employee's pension will be calculated on the average of the best six years, while the remaining 83 percent will be calculated on the average of the best seven years. This improvement is made possible because of the most recent actuarial evaluation of the Civil Service Superannuation Fund. This showed a \$7 million surplus in the financial position of the fund. As members know many pension funds found that over the last few years interest rates have improved their financial status.

Traditionally, surpluses have been used to help finance improvements and benefits and that is the case that we have here. Members may recall that in 1982 an amendment applied part of this surplus to improve the cost-of-living adjustment to current pensioners. The remaining portion of the surplus which amounts to about \$4.7 million will finance half the cost of this improvement

in the final average earnings calculation for both retired employees and future retirees.

The bill does also provide that pensions of retired employees shall be recalculated before the annual supplementary increase is calculated. This ensures that retired employees who are eligible for this supplement will receive the full benefit from the amendment that we intend to pass with this bill.

It has been the practice of the government to consult with the Employees' Liaison Committee which represents all employees who contribute to the pension fund. That in fact is the case here. Before introduction of these amendments, it was thoroughly discussed with the Employees' Liaison Committee. The amendment is jointly recommended by the representatives of both employers and employees on this committee.

The bill does also contain a number of other technical amendments, housekeeping in nature as they are called, that clarify the meaning of some terms, correct anomalies, and repeal sections of the Act that are no longer applicable.

With those brief remarks I recommend the bill to this House.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, I move, seconded by the Member for Arthur that debate be adjourned.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Bill 86, Mr. Speaker.

### **BILL 86 - THE CIVIL SERVICE SPECIAL SUPPLEMENTARY SEVERANCE BENEFIT ACT**

**HON. M.B. DOLIN** presented Bill No. 86, The Civil Service Special Supplementary Severance Benefit Act, for second reading.

**MOTION presented.**

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

**HON. M.B. DOLIN:** Thank you, Mr. Speaker. I'm very pleased to introduce Bill No. 86 to this House. The Government of Manitoba by means of this Severance Supplement Act will implement certain benefits for retirements between March 1, 1983 and June 30, 1983, in order to create an incentive for voluntary early retirement.

These severance benefits will be available only to those employees who actually retire during this time period.

Briefly the benefits are these: Qualifying service; employees who are over age 55 and who have more than two years of service will be permitted to retire early and receive an immediate pension if they retire during this time period. The calculation of the benefit is improved. Effective March 1st and continuing till June 30, 1983, a supplement will be paid to retiring employees which is the equivalent of calculating a pension based on the average of the best six years of the last 12 years of service rather than seven as is currently the practice.

Early retirement reduction is the third area to be considered. Effective March 1st and continuing till June 30, 1983, the actuarial reduction of 1.5 percent that is currently applicable to retirements for those people between ages 55 and 60 will be paid by the Province of Manitoba as a severance supplement. This means that employees who are aged 55 to 60 with two or more years of service who retire during the time period indicated will now receive the full amount of their earned pensions based on the years of service and the average salary at the date of retirement.

I should mention, Mr. Speaker, that the full cost of these severance benefits will be paid by the province. However, if in the future amendments to The Civil Service Superannuation Act improve benefits with respect to the reduction for early retirement or the final average earning period, then the cost of the severance benefits will be shared by the fund and the province according to normal practice.

There are about 3,000 employees of the government and its agencies who are eligible for this supplement. We do anticipate that 100 to 300 additional retirements to the normal amount will take place during this period. This is one more way that we have of providing a dual benefit to the government and to its employees allowing them flexibility in staffing, opportunities for movement within our work force at a time when the possibility of staff expansion is somewhat limited, all the while providing truly acceptable retirement income for those who choose to take advantage of the special opportunity.

I recommend this bill to the House, Mr. Speaker.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, I move, seconded by the Member for Sturgeon Creek, that debate be adjourned.

**MOTION presented and carried.**

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

**MR. B. RANSOM:** Mr. Speaker, I move, seconded by the Member for Arthur that the House do now adjourn.

**MOTION presented and carried** and the House adjourned and stands adjourned until 2:00 p.m. (Monday).