

THE LEGISLATIVE ASSEMBLY OF MANITOBA
10:00 o'clock, Friday, April 26, 1974

Opening Prayer by Mr. Speaker.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 40 students of Grade 12 standing of the Hendricks High School of Minnesota. These students are under the direction of Mr. Baslington. They are our guests.

We also have 35 students of Grade 11 and 12 standing of the Charleswood High School and guests of theirs from the Fredericton High School of New Brunswick. These students are under the direction of Mr. Steindel, Mr. Thorpe, Mr. Brambell and Mr. Price. This school is located in the constituency of the Honourable Member for Charleswood.

On behalf of all the honourable members of the Legislative Assembly, I welcome you here today.

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports. The Honourable Minister of Labour.

MINISTERIAL STATEMENT

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, I'm sorry I haven't copies of this statement available. I think it's the type of statement, though, that is more or less in the way of an announcement than an actual statement.

Having considered all aspects of the situation prevailing with the Health Services Centre, I have decided in accordance with provisions of the Labour Relations Act to appoint an industrial inquiry commission to look into all aspects and to try and bring about a resolution, and I have appointed Mr. W. Steward Martin, Q. C. as the Industrial Inquiry Commission.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q. C. (Leader of the Opposition) (River Heights): Mr. Speaker, I believe that there will be greater opportunity, at least I hope, to discuss this matter further, but from our point of view based on the information we have, we say to the Minister of Labour it's a little bit late to start to become concerned about something that you should have been concerned about a week ago.

MR. SPEAKER: Any other ministerial statements or tabling of reports? Notices of Motion; Introduction of Bills. The Honourable Minister of Labour.

INTRODUCTION OF BILLS

MR. PAULLEY, on behalf of the Honourable Minister of Municipal Affairs, introduced Bill No. 58, An Act to amend The Municipal Act (2).

MR. A. R. (Pete) ADAM (Ste. Rose) introduced Bill No. 59, an Act to validate Bylaw No. 3269 of The Town of Dauphin.

MR. SPEAKER: Questions. The Honourable Member for Rhineland.

MATTER OF URGENCY

MR. ARNOLD BROWN (Rhineland): Mr. Speaker, I would like to move, seconded by the Member for Gladstone, that the House do now adjourn to consider a definite matter of urgent public importance, namely, that in view of the impending strike at the Health Sciences Centre, it is urgent that a debate be held to discuss the serious effects that could result in medical care to patients, not only at the Health Sciences Centre but at other . . . within the City of Winnipeg and throughout the Province.

MR. SPEAKER: It's been moved by the Honourable Member for Rhineland, seconded by the Honourable Member for Gladstone. In respect to this motion, I thank the honourable member for giving me notice as prescribed under our Rule 27; and in applying themselves to the five minutes debate on urgency, I would suggest the honourable members consider whether there is urgency of debate, not urgency of the matter itself; and secondly, whether this House should discuss and debate a matter that is, in a sense, hypothetical.

The Honourable Member for Rhineland.

MATTER OF URGENCY

MR. BROWN: Thank you, Mr. Speaker. The urgency is that we are faced with a very serious situation as far as the health care is concerned in Manitoba. A strike by employees at the Health Sciences Centre would have the effect of closing some 1,000 hospital beds. Now there already is a tremendous backlog of patients waiting to be treated, and I believe that most of these patients are known to be elective surgery, and elective surgery can be a very serious thing. It certainly is a very serious thing to someone who can no longer work due to an ailment that can only be remedied by surgery. This means that he or she must give up their job and sit at home for up to three months before they can expect surgery.

MR. SPEAKER: Order please. I wonder if the honourable member would address himself to urgency of debate and not urgency of the matter.

MR. BROWN: The urgency, Mr. Speaker, is that this problem is common, not only in the Health Sciences Centre, but in every major hospital in Winnipeg. A strike by employees at the Health Sciences Centre would greatly compound these problems, especially within the City of Winnipeg. The urgency is that we are indeed facing a complete closure of the Health Sciences Centre if R.N.s, laboratory workers, or lab technicians should refuse to cross picket lines. If this should happen, all parts of Manitoba would be affected because patients from all over the province are referred to the Health Sciences Centre. Some hospitals in Winnipeg already are facing a serious shortage of nursing staff and they may not be able to handle any extra patient load. Hospital boards are placed in a hopeless position. In order to avert strike they will have to . . .

MR. SPEAKER: Order please. Again I appeal to the honourable member to address himself to the urgency of debate and not to the urgency of the matter. The Honourable Member for Rhineland.

MR. BROWN: Well, the urgency is that hospital boards are placed in a hopeless position. In order to avert a strike they will have to greatly increase the remuneration to hospital employees, and if they don't do this a strike is imminent. The urgency is, if hospital boards increase their budgets beyond the eight percent limit established by this government, they have no guarantee they will not have to pass any increase above the eight percent limit on to the taxpayers. The taxpayer already is facing huge increases in the municipal levies, due mainly to higher education costs. This places hospital boards in a very unenviable position. The urgency and the seriousness of the situation is further compounded by the fact that the Health Sciences Centre provides laundry services for the Grace Hospital, the Victoria Hospital . . .

MR. SPEAKER: Order please. For the third time I appeal to the honourable member to address the debate to the emergency of debate and not to the urgency of the matter. The Honourable Leader of the Opposition.

POINT OF ORDER

MR. SPIVAK: On a point of order, Mr. Speaker. Mr. Speaker, the honourable member is attempting to try and indicate the urgency of debate. Mr. Speaker, he has presented that. With all due respect to yourself, Sir, he is indicating very directly the consequences of the strike if it does occur, and the necessity for emergency debate. And surely, Mr. Speaker, he should be allowed. . .

MR. SPEAKER: Order please. Order please. Unfortunately, I did not write the rules. The gentlemen of this House wrote the rules and it says the first five minutes will be conducted in respect to debating urgency of debate and not urgency of the matter. Unfortunately I pointed this out three times to the honourable gentleman. The Honourable House Leader.

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management and House Leader) (Inkster): Mr. Speaker, on the point of order or the purported point of order. I think that we should trace the history of the rule. There was no debate under the previous administration. No debate. Zero. What was done was a ruling by the Speaker. The change in rule was to permit a debate on why the motion was debatable. The Honourable the Leader of the Conservative Party is indicating that the substance of the honourable member's remarks are what would be said if we were in debate, and the honourable member has to indicate to the Speaker why a debate is now urgent. And if the House then agrees to debate or if the Speaker rules a debate takes place, then the remarks that the honourable member is now making would be pertinent to debate.

URGENCY - POINT OF ORDER

MR. SPEAKER: The Honourable Member for Morris.

MR. WALTER H. JORGENSEN (Morris): Mr. Speaker, what the honourable member is attempting to do is to point out the urgency of the situation, and surely the urgency of the situation is the reason why a debate is necessary. And I don't know how the member can outline the urgency of debate without making some reference to the situation. It's a foregone conclusion that if the situation is urgent, then a debate is necessary in order to reach some decision on it, and all the member is attempting to do is to point out that the situation is urgent enough to warrant a debate in this Chamber.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, it may not be possible for the Honourable House Leader to acknowledge this, but unless the consequences of the impending strike are understood, the urgency of the debate will not be understood. And, Mr. Speaker, that's all the honourable member has attempted to do. Now the honourable members opposite may not want that debate, but the truth is, Mr. Speaker, unless those consequences are known, there's no way in which you, Sir, can make a judgment as to whether this is an emergency, or requires an emergency debate or not.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I appreciate that my honourable friend and myself are in complete disagreement as to this matter. It's not because he wants a debate and I don't want a debate, or he doesn't want to strike and I want to strike. The honourable member has to indicate how debate will now be effective in dealing with the problem, and that is the substance of what he has to talk about, and if he convinces the House that debate can assist this problem, then the Speaker has the jurisdiction of saying that the motion is in order, and the House has a right to vote on it. If debate then takes place, and that is the reason for the preliminary argument, then all of the matters that my honourable friend is referring to can take place. The honourable member, who is speaking for five minutes, has to indicate how urgent debate is effective relative to this matter.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, the House Leader has now just destroyed his own argument, because what he has said is that the debate on the question of urgency, the Member for Rhineland has to convince the House that the debate is urgent. That is not in accordance with the rules, Sir. What the honourable member has to do is to convince you, and we have to assume, Sir, that you know nothing of these problems and therefore the ground work must be laid in order to place before you, Sir, the reasons why a debate is urgent. I expect my honourable friends opposite know the situation; that should not be a foregone conclusion, however; but I said that they are convinced of the righteousness of their own situation. What the Honourable Member for Rhineland has to do is to convince you, Sir, not the House.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I don't like to disagree with my honourable friend on the rules because he knows them well, and I really regret the points of order because they take longer than the debate would take.

The honourable member has to convince the Speaker as to the acceptability of the motion. Once the Speaker accepts the fact that the motion is in order, he puts the question: Shall the debate proceed? If the honourable member will read the rules he will see that it is then voted on, so he must convince the House as to the urgency of the motion; he must convince the Speaker as to the question as to whether it is in order or not. But the House decides whether the debate proceeds, and I would ask my honourable friend to look at the rules and he will see that I am correct.

MR. SPEAKER: I thank the honourable members for their contribution in respect to the point of order. I should again appeal to the Honourable Member for Rhineland. I raised two matters in allowing the five-minutes as prescribed for in our rules; one was in respect to urgency of debate, which I've had views of from the honourable members. The other was in respect to the hypothetical situation. The honourable member has one and a half minutes left.

MATTER OF URGENCY - continued

MR. BROWN: Thank you, Mr. Speaker. Well, the urgency is that the time is now for government intervention into this situation over there. This is the urgency. The hands of the

MATTER OF URGENCY

(MR. BROWN cont'd). . . hospital boards are tied, Mr. Speaker, because of this eight percent guideline. They cannot go beyond this and receive the guarantee that the government is going to pay anything above and beyond that. This means that they have to put this on to the taxpayer. That is the urgency of the whole situation. There are other urgencies tied into the whole situation, like the hospitals' laundry and doing laundries for the other hospitals. This is where the urgency is. They are processing ten and a half million pounds of laundry at this particular Health Centre. If these services will be closed, then there is nobody in the City of Winnipeg that can handle that amount of laundry. This is seriously going to affect other hospitals. This, Mr. Speaker, is the emergency of the debate.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I hope that you will accept the motion because I think that the matter is of great urgency. We've heard in the last few days how serious the situation is. We don't know up to this date if the strike for non-professional workers would result in a complete closedown at the Health Science Centre; we don't know this. We don't know what plans the government has. And the member may not have an opportunity to debate this today because we don't know what Orders of the Day will be; if we're going to go into estimates then the member may have a chance to go on a grievance. But, Mr. Speaker, I do feel that this matter is very important. I know that we asked the Minister before the Orders of the Day in the question period many questions, and we have not received factual answers, and I feel that the matter should be discussed and perhaps the government can not only tell the House what their contingency plans may be in this situation, even if it is a hypothetical situation right now, but I think that the Minister or the government should tell not only this House but should tell the people so at least their fears could be to some extent not what they are today, because people are concerned. I myself, Mr. Speaker, had two calls from two doctors yesterday, last night, saying how serious the situation will be and what's happening, because the hospitals not only have not taken any emergency cases but are making arrangements to close the operation. If this is correct, then surely we should have a debate and perhaps the government can tell us what they will be doing. So I feel that, Mr. Speaker, the debate should be allowed.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Well, Mr. Speaker, as you have so properly pointed out, what is before us is consideration, not of the importance or gravity of the subject matter, but rather importance of debate, whether there would be any point served in having debate on the particular subject matter at this time. The members who have spoken have intimated that there is a certainty of strike and therefore there is urgency that debate take place now. That comes rather strangely inasmuch as just earlier this morning the Minister of Labour has indicated that he has taken steps to appoint an industrial inquiry, Industrial Relations Inquiry Officer, in the person of W. Steward Martin, and he has accepted and that process is underway.

There are those who would, I suppose, if not intentionally nevertheless by their words and actions, would try to bring about a course of action in which it would be more difficult rather than less difficult to try and solve this problem in the absence of inflamed passions and resentment against those who are party to the bargaining process or to government. There is an implicit suggestion that if debate takes place now, that there will be a commitment in advance from government as to whether it will or will not intercede and insinuate itself into the bargaining process. Mr. Speaker, nothing could be more injurious to the public interest than to have that kind of premature panicky type of intervention by government. It is not as though this government has passed legislation giving the right to strike to hospital workers. That has been part of the labour relations' law of this province for some time, and indeed it is in other jurisdictions as well. And as we cast our eyes backward over past weeks and months, we see that in four other provinces in Canada there have been hospital strikes or impending hospital strikes that were settled in one fashion or another.

At this point in time, the only prudent and judicious course of action is for the government to appoint an Industrial Inquiry Officer and that is precisely what the Minister of Labour has proceeded to do, announced to this House this morning. Therefore, what is the urgency of debate at this time other than perhaps to have the negative effect of causing prejudicial impact on the possibility of conciliation and coming together of the parties involved in a possible strike in the future?

MATTER OF URGENCY

MR. SPEAKER: Well, the Chair has a very difficult position here because I indicated two issues that I wanted the House to give me guidance on, and unfortunately the one that was more cogent to myself was not debated in respect to urgency, so therefore I shall indicate and ask whether the debate shall proceed.

MOTION presented and lost.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is to the Minister of Health and Social Development. I wonder if he can confirm that as of six o'clock this evening the Health Science Centre will commence its evacuation of its facilities.

MR. SPEAKER: The Honourable Minister of Health.

HON. SAUL A. MILLER (Minister of Health and Social Development) (Seven Oaks): Well, Mr. Speaker, I have not been informed of that. I'm not going to say it might not be; I'm not being made aware of it on an hourly basis of what is occurring there. This is for the Health Sciences Board, who I believe is meeting today in their regular meeting, to deal with these matters.

MR. SPIVAK: By way of another question to the Minister, I wonder if the Minister would indicate whether it would be the government's position that an emergency would in fact take place in the City if in fact the Health Science Centre started its evacuation of the patients in the hospital.

MR. SPEAKER: Order please. The question is hypothetical. Would the honourable member rephrase it?

MR. SPIVAK: Well, Mr. Speaker, will the government act if the Health Science Centre does commence its evacuation?

MR. SPEAKER: Order please. "If" makes it hypothetical.

MR. SPIVAK: Well, Mr. Speaker . . .

MR. SPEAKER: If tomorrow doesn't come, what do we do?

MR. SPIVAK: Is it the position of the government that they are looking forward to the closing of the Health Science Centre in the City of Winnipeg?

MR. SPEAKER: The Honourable Minister of Health. The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, my question is to the Minister of Health and Social Development. Can the Minister indicate to the House if the strike by non-professional workers would close the Health Sciences Centre?

MR. SPEAKER: Again, the question . . .

MR. MILLER: It's purely speculative, Mr. Speaker. I don't know, and I don't think anybody at this point in time can say.

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

MR. J. PAUL MARION (St. Boniface): Thank you, Mr. Speaker. I direct my question to the Honourable the Minister of Labour. Can the Minister now confirm if he has received an invitation by the Canadian Union of Public Employees at the Health Sciences Centre to use his office to mediate what could become a very disastrous strike?

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: No, Mr. Speaker. I'm not aware of such a communication being directed to me.

MR. MARION: A further question, Mr. Speaker, to the same Minister. Can the Minister advise this House if there have been, to his knowledge, improvements in the situation that would indicate that the strike might not come off?

MR. SPEAKER: Asking for an opinion. The Honourable Member for Riel. The Honourable Member for St. Boniface.

MR. MARION: Have there been any improvements, to the knowledge of the Minister, in the deliberations going on between the two protagonists? That's my question.

MR. SPEAKER: You're still asking for an opinion. The Honourable Minister may answer.

MR. PAULLEY: Well, Mr. Speaker, I was notified yesterday that it appeared as though talks had broken down. I had taken the position in this House that while the parties were

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(MR. PAULLEY cont'd). . . continuing to talk there was at least some hope that there would be no strike, and I still think that it can be achieved; and by way of my announcement to the House this morning of the appointment of an Industrial Inquiry Commission, I'm hopeful that we can get the people back talking once again.

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, my question's to the Minister in charge of Environmental Management. Can he advise the House what the decision is of the Clean Environment Commission regarding the cankerworm control in Winnipeg?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: No, Mr. Speaker, because I am not aware of the decision having been made. It possibly has been but I'm not aware of it. It possibly has not reached my desk yet or I've not gotten down to it, but I know that the City was urging the Commission to make a decision, but I'm not aware of it.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Well, Mr. Speaker, the decision was interpreted on the radio this morning and the indication was . . .

MR. SPEAKER: Question please.

MR. CRAIK: Well, the question is whether or not the City hasn't been advised of the decision.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Well, Mr. Speaker, to my knowledge I have not been advised. If there has been a decision made, I presume it will be reaching me in due course, and I'll of course make it available.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. R. (BUD) SHERMAN (Fort Garry): Mr. Speaker, my question's to the Honourable First Minister. Can the First Minister advise the House whether flood compensation that's to be paid under the formula being followed by the government will include compensation to those people who took anticipatory measures but who may not have suffered direct damage - but who took anticipatory measures in the flood areas to prevent damage to certain parts of their property?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, there may well be, and I'm sure there is, a high degree of judgment involved in attempting to deal with any claim for cost or damage by persons that were affected, or anticipated that they would be affected by the rising waters of the various rivers that were in stages of flood this spring. That is precisely why we are establishing a Manitoba Flood Compensation Board and it will be one of the terms of reference of this Board - which, by the way, Sir, I hope to be able to announce next week - will be one of their terms of reference to deal with submissions of claims of that kind, and I wouldn't want to indicate in advance just how that kind of problem will be dealt with. I'm sure that the particulars of the individual case will have to be considered carefully by this Board.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: A supplementary to the First Minister, Mr. Speaker. Are plans being developed to provide assistance in clean-up operations and repair work, through EMO and possibly through the Canadian Armed Forces, that would complement the kind of measures introduced to meet the crisis. In other words, is the government intending to apply the Emergency Measures Organization, insofar as it can, to assist in clean-up and restoring the areas to the pre-flood conditions?

MR. SCHREYER: Mr. Speaker, while I admit that there may well be a good case to be made for some co-ordinated systematic effort with respect to not only compensation, but also availability of manpower for clean-up, nevertheless, I think that the Honourable Member for Fort Garry would agree that clean-up, as such, and rehabilitation, while very important, high priority, is not the kind of activity that is properly attributable under the general heading of emergency measures, and as such I believe to be an improper use of that particular organization and mechanism. That doesn't mean to say, however, that consideration will not be given to effective ways and means of co-ordinating effort to assist those affected so as to bring about a better rehabilitation repair and general clean-up.

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MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question's to the Attorney-General; it relates to the Human Rights Commission and the Order-in-Council that has now been signed by the Lieutenant-Governor. I wonder if he can indicate to the House why the appointments that have been made to the Human Rights Commission have been made for only six months and not for the normal year.

MR. SPEAKER: The Honourable Attorney-General.

HON. HOWARD PAWLEY (Attorney-General) (Selkirk): Mr. Speaker, the basic reason is that I expect to be in a position to introduce legislation to this House this session, that would deal with some, I expect, rather significant changes in the Human Rights Act, which is likely to in many ways change the present structure and powers of the Commission. In view of that, I would prefer to hold my options until such time as the new legislation is ready and then assess the present board in light of the changes insofar as there may be very obvious need for changes at that time.

MR. SPIVAK: I wonder if the Minister would be in a position to indicate why he did not proceed with his original intention of placing Mr. Ben Thompson as a member of the Human Rights Commission?

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

MR. ADAM: Thank you very much, Mr. Speaker. My question is for the Minister of Agriculture. I wonder if he could advise if there is any danger of dairy herds being slaughtered in Manitoba to increase milk prices similar to what is happening in the United States.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): Mr. Chairman, I doubt that very much in that everyone involved in the production of milk is anticipating an increase in the price of milk and therefore, until that matter is clear, I wouldn't imagine that anyone would want to foreclose the possibility of enjoying a very healthy reward for remaining within the industry.

MR. SPIVAK: Mr. Speaker, I wonder if the Attorney-General can indicate to the House the qualifications of the appointee made to the Human Rights Commission of Mr. Allan Scramstad.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: . . . Mr. Speaker, a university student and former president of a school council, and brings I think important representation from youth onto that Commission, which has been lacking.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: I wonder if the Attorney-General would indicate whether he was involved in his political election in the last election in June?

MR. PAWLEY: Yes he was, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, my question is to the Honourable Minister of Mines and Natural Resources. In view of statements made by the Chairman of the Manitoba Exploration Corporation yesterday morning in Committee that mining exploration has come to a standstill in B.C., is the Minister still proceeding with volumetric mining taxation in Manitoba during this session?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Well, Mr. Speaker, the honourable member has taken one remark of the President and has ignored the fact that the President said, when he read the Manitoba mining statement, he was perfectly satisfied because it promised a fair return. But that be as it may, Mr. Speaker, whatever respect I have for Albert Koffman as President of the Manitoba Mineral Exploration Company, he is not a factor more than any other factor in determining what government policy will be, and regardless of what I feel about the Province of British Columbia, I believe that their government, in the interests of their people, are trying to set a fair mineral policy, and if that has its effect I'm sure the Province of British Columbia are able to deal with it. I do not accept Mr. Koffman's observations on British Columbia law nor do I necessarily accept them on Manitoba mineral policy. I accept him as the Mineral Explorations chairman.

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MR. PATRICK: A supplementary, Mr. Speaker. Is the Minister still bringing in legislation based on volumetric tax and mining tax in Manitoba?

MR. GREEN: Mr. Speaker, the province intends to proceed exactly as indicated in its statement before the House, that there will be a royalty tax, Mr. Speaker, and there will be a tax on windfall profits which are achieved only because of increases in prices on investments that had been previously made. There will be no tax which will result in ore being turned into waste - ore being turned into waste.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have some further guests, some 30 students of the Manitoba Christian School from Grades 1 through 11. They are under the direction of Mr. Lawrence and I'd like to welcome them here this morning.

ORAL QUESTIONS (cont'd)

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, if I may add one sentence to what I said relative to the Member for Assiniboia. There is no resemblance, Mr. Speaker, between the British Columbia tax and the Manitoba tax as indicated in our paper, no resemblance whatsoever.

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

MR. GEORGE MINAKER (St. James): Thank you, Mr. Speaker. My question is to the First Minister, Mr. Speaker. Does the government intend to increase the financial contribution from the Public Schools Finance Board to the municipalities this year, in view of the fact that of the increased cost in my own constituency they are only picking up two percent of the increased cost and the remaining 98 percent of the increased cost is being assessed to the property owners?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, I indicated to the House about a week ago that because of the timing with which the school board budgets are brought forward in the year, and because of the admission that there is a larger than anticipated increase in school board budgets, this is what prompted the government to take what seemed to be the most practical step to try and help ease the impact on property taxation at the local level, and accordingly, we announced an amount of approximately eight million dollars that will be available for this purpose and it will be done by means of the \$50.00 increase in the property tax credit, which will change, then, from \$100.00 now to \$150.00 of tax credit on the tax bills at the local level, thus reducing the net tax payable on property.

MR. MINAKER: A supplementary question to the same Minister, Mr. Speaker. Will there be any consideration given to the small businesses who will be paying the direct increase in costs, this 98 percent, and in other communities similar increases? Will there be any consideration for some assistance in the cost of the education towards small business?

MR. SCHREYER: Well, Mr. Speaker, if there is that kind of expectation, I merely point out to the Honourable Member for St. James that we feel that we have gone considerable steps towards the easing of education costs on real property today as compared to half a decade ago, because today the Province really assumes the cost of approximately 25--somewhere between 25 and 28 percent. The cost of education is left on the local level and therefore, accordingly and proportionately, somewhere in the order of 72 to 78 percent of the cost of education is borne by the province, and this compares with a ratio of approximately 55/45 as recently ago as 1971.

MR. MINAKER: My final question to the First Minister, Mr. Speaker. Is the First Minister aware that the total Provincial Government share of education costs in the City of Winnipeg this year as compared to last year, their total share of sharing the cost of education, is down some 4.4 percent from last year?

MR. SCHREYER: Well, Mr. Speaker, there are two points to make in that connection. One is to place alongside those numbers that were just used by the Member for St. James, put alongside that the amount of approximately \$50.00 per household in the City of Winnipeg, and then make that subtraction in order to get the true proportionate figures. The second

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(MR. SCHREYER cont'd). . . point, of course, is to simply again remind my honourable friend to check the relative burden of education costs on the City of Winnipeg in 1973, '72, '71, '70, '69, '68, '67, in order to get an over-all perspective.

MR. SPEAKER: The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Thank you, Mr. Speaker. My question is for the Minister of Consumer, Co-operative and Internal Services. In light of the announcement by the Minister last Friday that the Dauphin-Swan River area would have TV services within a year, I wonder if the Minister is in a position to indicate how long it will be before the Town of The Pas received CTV network services?

MR. SPEAKER: The Honourable Minister.

HON. IAN TURNBULL (Minister of Consumer, Corporate and Internal Services) (Osborne):

Mr. Speaker, as I have indicated several times before in the House, the Provincial Government cannot build or get involved in broadcast services itself, and we have to rely on the private broadcaster in the province to extend that service. The possibility of extending second channel TV service to The Pas and points north of that would depend on that private broadcaster reaching an agreement with the Manitoba Telephone System for the provision of the accessory equipment to the MTS microwave grid and also of course would be dependent on that private broadcaster getting a licence from the Federal Government. Those two things are variable, and when the private broadcaster can settle those two variables, make them not variables but givens, then we could give very firm dates for the extension of a second channel TV to The Pas. Until then, the possibility of giving firm dates is not advisable for that area.

MR. HENDERSON: I have a supplementary question. Is the Manitoba Telephone System presently negotiating a contract with Moffat Communications Limited with regard to extension of CTV services into Northern Manitoba?

MR. TURNBULL: Mr. Speaker, Moffat Communications has been in contact with the Manitoba Telephone System over the past two years or so. Whether or not they are in the process of negotiating a contract I would have to check on that, but certainly there have been communications, inquiries as to the strength of MTS towers and the ability of those towers, capacity of those towers to take the extra equipment that would be needed.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, I direct my question to the First Minister and ask him if he now has the information that he promised the House no later than today.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I'm not sure, I'm just supposing that the Honourable Member for Morris is quite aware as to how elusive that particular piece of information is. This fund that he refers to does exist, has existed for approximately 24 years now. The exact venue of that fund and who the custodians are is not easy to ascertain. However, I have asked senior advisers in finance to check to see who the current custodian of that fund is and under the aegis of which federal agency or department it, nominally or otherwise, stands.

And I would take this opportunity to indicate, in a very rough way, that that fund would seem to be somewhere in the order of two to four million dollars roughly estimated at this time. We hope to be in touch with the appropriate federal person, Federal Government person or custodian, within the next few days, and also we hope by means of a statement next week to indicate to any possibly interested person or persons who may have some appropriate claim to make to that fund for personal property damage, just to whom to address such inquiry or claim. That, we hope to be able to do next week.

GRIEVANCE - REPORTING ON CBC NEWS

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, from time to time there are grievances registered on the record about reporting by the news media, and I've never done this before but I would like to place on the record a concern and a grievance, and it doesn't have anything to do with our own gallery or any people associated with it.

Mr. Speaker, on Sunday night on the CBC news Mr. Finstad reported, with regards to the flood situation in Winnipeg, that Winnipeg was flooded and that the Greater Winnipeg Floodway was a failure, a \$65 million waste, in effect, Mr. Speaker, and was making reference to the flooding caused by the Sturgeon Creek in the Winnipeg area. Now, Mr. Speaker

GRIEVANCE - REPORTING

(MR. CRAIK cont'd). . . this is a very unfair interpretation, particularly for those of us who live inside the protection of the Floodway, which represents perhaps 99.9 percent of those and the other .1 percent might be affected by Sturgeon Creek. Mr. Speaker, the bad part of it is that this is national television news that went across the country, and shows a great deal of disrespect for seeking out the facts before presenting them. Secondly, it's disrespectful, I think particularly to one former Premier, who may at this point be wearing a bit of a halo for one of the few times in the last several years, on looking back at what he has done for Manitoba. So I register it partly on his behalf but on behalf generally of the reporting of news in a fair way.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, I think it would be appropriate in the circumstance to simply put on the public record as well that, assuming that the Honourable Member for Riel has correctly interpreted the particular announcement in question, then certainly it is very erroneous reporting which certainly deserves to be corrected, and I would concur with the general observations of correction made by the Member for Riel. There is no question, Sir, but that insofar as the City of Winnipeg itself is concerned that the operations of the Greater Winnipeg Floodway, the Portage la Prairie Diversion, and even the Shellmouth Dam, all taken together provide an effective - and I do mean effective - flood protection for the City of Winnipeg itself, and by that I mean, and I think honourable members would be very interested to know, that this year, 1974, while water levels on the Red River itself were not at record highs, although they were high, or for that matter levels on the Assiniboine, while not at record highs were nevertheless high, but for the first time as I am advised, in our province's history - recorded history in any case - the two major rivers, the Red and the Assiniboine, would have crested at the confluence within the same 48-hour time span, and it is that very unusual, unprecedented in fact, combination of circumstances that would have caused great flood damage, and that has been averted. I take advantage of this opportunity to simply help clarify for the public record what the true circumstances were, and also take advantage of this opportunity to indicate that this combination of circumstances in terms of simultaneous or virtually simultaneous peaking of the Assiniboine and Red Rivers, are not however to be interpreted as having any effect insofar as water levels at Morris, St. Jean, or Letellier are concerned. And there has been some misinterpretation about that as well.

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MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Thank you, Mr. Speaker. My question is to the Honourable the First Minister and relates to a couple of earlier questions I asked him. In view of the fact that Emergency Measures Organization will probably be removed from the flood scene once the crisis is over, and the army too, and in view of the fact that a massive dislocation and a massive clean-up job still requires attention and must be coped with, would the Minister undertake the possibility of developing a program that might utilize welfare recipients and perhaps even university students now coming out of classes and seeking summer jobs, to put together a civilian army to help flood victims put things back in normal shape?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, in fact we are convening a meeting to discuss the very current flood situation which is obviously and thankfully abating, and also in order to discuss the immediate consequential steps for the aftermath, for the clean-up and rehabilitation period, and the suggestions implicit in my honourable friend's question certainly will be considered. As we see it at the moment, it would make sense to provide systematic coordination and assistance through local government and in turn through local government for the clean-up, repair and rehabilitation of damaged municipal property and possibly even private property. Now, this will be done through local government as we see it at the moment. There is a compensation finance formula which I have already roughly outlined, and we shall be proceeding to draw up the more specific plans in the very near future.

MR. SPEAKER: The Honourable Member for Radisson.

MR. HARRY SHAFRANSKY (Radisson): Mr. Speaker, I have a question to the Honourable Minister of Health and Social Development. The other day in outlining the child

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(MR. SHAFRANSKY cont'd). . . day-care program and trying to get information, one thing that I neglected to do on that was to find out and to get that information: Where should enquiries be made in the Department of Health and Social Development for any assistance in developing the day-care programs?

MR. SPEAKER: The Honourable Minister of Health.

MR. MILLER: Well, Mr. Speaker, the final agreement with Ottawa has not yet been signed; if it's been signed, it may be somewhere in the mail. It has been made known that an information office will be established. That has not yet been established. If anyone does require information, I would suggest they write to my office and I'll put it into the system so someone can handle it at this point in time, but there will be an office set up to handle this sort of thing in the future.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is to the Minister of Health and Social Development. In view of the fact that the Health Science Centre have announced that they will commence evacuation of the people at the complex at 6 p. m. tonight, can the Minister assure the House that other medical facilities will be available to handle the health care needs of the people of the City of Winnipeg and the people of Manitoba?

MR. MILLER: Mr. Speaker, the questions the member poses are almost wishful thinking on his part that something terrible is going to happen. You know, I accuse the Opposition of trying to make an issue and almost a desire on their part for a strike to occur. They're asking for it; they're hoping for it; they're wishing for it. Mr. Speaker, the boards of governors of the hospitals in Winnipeg region are sensible, responsible people. The people involved at the Health Science Centre are aware of their responsibilities to the public as well as to their institutions. The employees aren't satisfied and the management are negotiating in good faith. I believe that they are both reasonable groups. The Winnipeg region hospitals have met, as my understanding is. They've had discussions; they are preparing in the event that, despite their best intentions, something may go wrong, and it's my understanding that they are gearing up to meet the emergency needs of people. I recall in 1950, Mr. Speaker, when hospitals were cleaned out --(Interjection)--

MR. SPEAKER: Order please. Would the honourable member state his point of order?

MR. SPIVAK: Mr. Speaker, in this proceeding, are you going to act as a Speaker, Sir? The honourable member has been allowed, not to answer the questions, but to make a statement.

MR. SPEAKER: Order please. The Honourable First Minister.

MR. SCHREYER: On a point of privilege, that kind of impertinence should not be tolerated, Mr. Speaker, by you or anyone else in this House, because that kind of nonsense is the kind of nonsense that could be thrown up every time my honourable friend the Leader of the Opposition rises and asks questions that are questionable as to whether or not they fall within the rules. No one has ever risen and suggested that you were not fulfilling your role as a Speaker because you allowed some of those questions. We appreciate that you have difficulty enough in terms of deciding which questions fall within or without the parameters or replies, but no one to my knowledge has used that kind of impertinence to date, except the Leader of the Opposition. And this question here is not important if he is going to insult the Chairman.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I stand here as a member of the Legislature with, I believe, as much respect, Sir, for your office and for your position. At the same time, Mr. Speaker, in opposition we are entitled to ask questions the government is entitled to answer, the government is entitled not to answer. But, Mr. Speaker, what has happened and is happening today is that the government have not answered questions but have been allowed to essentially make a political tack or essentially to present what is equivalent of a ministerial statement, and Sir, I must suggest that if the records were to be brought forward, that on occasions when the Opposition have attempted, Sir, to be able to carry out in the same way as the government, we have been stopped at every turn. And, Sir, Mr. Speaker, I . . .

MR. SPEAKER: Order please. Order please. Let me indicate to the honourable member that, as your elected servant, I try to do my best. I try to be as lenient as I can in both directions. I have no knowledge of what questions will be and I continually implore this House to co-operate, that is, the questioners as well as the ones who answer. But let me indicate to you also, Sir, that if you do not like the operations of the way I operate the Chair, there's

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(MR. SPEAKER cont'd). . . specific way that you go about doing it in the procedures in this House. There is no criticism allowed in respect of the Chair as such unless there's a substantive motion made to that effect, and if the honourable member thinks that I am not doing my job, he's entitled to take the correct procedure. In the meantime we will carry on. The Honourable Leader of the Opposition.

MR. SPIVAK: I rise to the point of privilege. Mr. Speaker, the honourable member has suggested that the Opposition--has imputed motives in the question that was put with respect to the Opposition. Sir, our information and our knowledge is that an evacuation will be commenced at the Health Science Centre as of six o'clock. If we, Sir, are not in this position, are not in a position in this House to ask the Minister what procedures the government will take, and if the answer, Sir -- Mr. Speaker, I rise on a point--I'm on a point of privilege, Mr. Speaker.

MR. SPEAKER: Order please. Order please. The honourable gentleman doesn't have a matter of privilege. There has been no--Order please. There has been no denial of anyone asking questions and there has been no restraint on anyone answering. The fact that the answers and questions don't coincide is a matter between the members themselves and not a matter for the Chair to adjudicate upon. And we can still proceed in the question period as long as the honourable members of this House wish to co-operate with the Chair, but the rules are there for them and I have to interpret them as long as they are the way they are, and if I have to ask members not to couch questions the way they do, which are argumentative, which are embellished by many other things, which they are totally aware of under Section 171, then that is the problem that I have. Until the rules are changed I must abide by that.

In respect to the answers, the same problem occurs. I can only implore and hope that the co-operation of the members will be forthcoming. I have no further control; the members themselves must discipline themselves, every one of them, not just one single person or one single side, but every individual member, and they all must desist in respect to the rules and disciplines of this House. The Chair alone is not responsible for that. And I hope I shall have the co-operation of all the honourable members. The Honourable Minister of Health.

MR. MILLER: On a point of order, Mr. Speaker. Mr. Speaker, the questions asked have been asked in various forms but basically the same content for the last week. I have answered those questions. My point of order is that the questions are repetitive and for that reason I think they are out of order.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: On the point of order, I do not believe that information has been supplied to this House before that an evacuation would commence, would commence at six o'clock this evening. I rise, Mr. Speaker, really on the point of privilege rather than the point of order. Mr. Speaker, the Honourable Minister, in answering the question, imputed motives to the Opposition with respect to this particular matter. In doing this, Sir, he basically takes away from what we consider our responsibility, and I believe it is a privilege of the members of the House and of, in this particular case, myself, Sir. We are entitled and I am entitled to ask questions pertinent to particular matters that affect the public policy. And, Sir, those questions have been asked, and I believe it is a matter of privilege that motive should not be imputed to us. I would hope, Mr. Speaker, that the matter will be settled. I question whether it will be settled without government action, and the problem we have is, when will the government act?

ORDERS OF THE DAY

MR. SPEAKER: Orders of the Day. The Honourable House Leader.

MR. GREEN: Yes, Mr. Speaker. I believe that we should now proceed to the adjourned debates on second reading. . .

MR. SPEAKER: Thank you.

MR. GREEN: . . . in the order in which they appear on the Order Paper.

BILL NO. 27

MR. SPEAKER: Bill No. 27, The Lotteries Act. The Honourable Member for Gladstone.

MR. JAMES R. FERGUSON (Gladstone): Thank you, Mr. Speaker. I adjourned this debate for my leader.

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MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I have a very brief presentation to make in connection with this matter. The matter has been debated in the House and the position of the government is known. The issue, Mr. Speaker, is whether it is necessary, really, for something that has been developed in Manitoba and which is peculiar to our province in the sense that it has been developed as a proper lottery and a lottery that has been referred to in previous remarks as the Cadillac of lotteries in Canada, should now disappear as a result of the necessity of some change in legislation by the Federal Government or by way of an agreement with the provinces.

Mr. Speaker, there were options open to the government as to how they would proceed. They have proceeded in a way which we believe basically is the incorrect way in this particular matter. We believe that representation should have been made to the Federal Government for changes in the Criminal Code to in fact allow the lottery to continue. And if it meant, Mr. Speaker, that there would have been competition for the Manitoba lottery, based on the information that we have from those who are involved in the selling of the lottery, we believe that Manitoba would have been able to maintain its competitive position and our people would have been successful in carrying out their function.

But, Mr. Speaker, there is one other point that must be mentioned. In this matter, as in the matter of the Winnipeg Jets, there has been I believe, on the part of the government, positions taken which have misled - almost deliberately - the people who have been involved. Mr. Speaker, I want to make this point very clear, that those who are involved and have been involved in this matter, have requested from the government answers for some time as to what their intentions were. We in this House asked the government for information to determine what those intentions were. The government was not candid with us, they certainly were not candid with the people involved, and their meetings held with the Premier, if anything, the information supplied and the attitude was misleading - misleading to a point that there is utter frustration and, frankly, aggravation by those who are involved with the government.

As a matter of fact, the question that always arises: can you trust anything that Ed Schreyer really says? Can you really trust any representation that he gives? Can you trust any meeting in which he deals with government policy? Because, Mr. Speaker, the truth is that the members involved, or those representatives who are involved in the selling of lotteries, did meet with the Premier, and the assurances they got with respect to what would likely take place are not the facts of the situation or not the matter that we are now dealing with. And I suggest to you that they have been placed in the position, as many other groups in this province, that they don't know when to believe the New Democratic Party government, and there is I think they have an element of deceit in the way in which this matter has been handled. There is a principle as to whether there should have been a change in the Act, in the Criminal Code, to allow Manitoba to continue, if in the long run it was felt that there was going to be criminal action forthcoming against those who were involved or against the Lotteries Commission. I'm not sure necessarily, Mr. Speaker, what the right course of action is, but I do know that if this matter does pass, and if this matter does go to committee, that I'm prepared and want to hear the representations of those who were involved with respect to this matter.

This project was developed under the guiding hand of the late Maitland Steinkopf. He wanted to see something perfected for this province that would be top notch, first rate, and a credit to the province. It has been handled that way so far. We, as sort of pioneers in this matter in western Canada, have nothing to be ashamed of with respect to the manner in which this is operated. It has achieved its objective and it has provided, as a result of resources, for a number of worthwhile projects, and it would seem to us that the initiative that appears to be taken by the government in Manitoba - and I say the initiative by the government in Manitoba, not by the other provinces - is one that can be questioned. But, Mr. Speaker, if we go chronologically over the history of what has happened, we come to the position time and time again, the Minister, the Minister before, the Premier and the government continue to be less than candid with the people who are involved, and for all intents and purposes have essentially, throughout this whole matter misled the House. And, Mr. Speaker, having said that, our position at this point is how do we deal with this? Is this the best way? There are questions that have been raised; there have been certainly objections based on the information we have available. It may be that there are answers to be given by the government, but at this point, you know, one cannot be that sure, and therefore, Mr. Speaker

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(MR. SPIVAK Cont'd) if it does go to committee we are prepared to deal with it then and we are prepared at that point, Mr. Speaker, to listen to the people who are involved to see whether answers are given satisfactorily and to see whether in fact we will get an honest presentation by the government on this matter.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: Mr. Speaker, I think that just a comment or two would be in order arising from comments of the Leader of the Opposition. I accepted yesterday an Address for Papers and intend within a short period of time to be able to oblige the House by tabling the papers. The papers will, however, disclose correspondence between the Province of Manitoba, my predecessor, Mr. Mackling, and the Minister of Justice, in which Mr. Mackling did make representations away back in September 1972 for changes to be made in the Criminal Code in order to permit the sale of lottery tickets in the province without the present provisions of the Criminal Code being utilized against such sale, and the Federal Government refused to agree to efforts to be made in order to alter the provisions of the Criminal Code. So in fact when the Leader of the Opposition had suggested in this Legislature that the proper course of action should have been to have attempted to obtain support from the Federal Government for change in the legislation, the Criminal Code of Canada, let me inform the Leader of the Opposition that in fact my predecessor, the Attorney-General at that time, in September 1972 made exactly those representations to the federal Minister of Justice, and that he --(Interjection)-- Well, Mr. Speaker, how hard? I don't know what is considered to be degree of hardness, whether someone has to club somebody over the head in order to obtain approval to one's representations, but certainly Mr. Mackling made every effort to persuade the Federal people to meet with the provinces in order to bring about a change in the Criminal Code, and relating to this, pointing out that lotteries had become a popular activity, that in fact they were providing a useful method of raising funds for worthwhile public purposes in Manitoba. And yet his office had received numerous complaints from other provinces complaining about the fact that the Province of Manitoba in fact had been participating in other provinces in the sale of lottery tickets, contrary to the provisions of the Criminal Code.

I would like to just say this, that from the vintage point of the administration of justice, laws ought to be changed once they have become obsolete and antiquated, no longer meet the social economic reflection of the day. And certainly from decade to decade there develops need for changes in laws, and thus we have seen over the past 50 years many changes in laws pertaining to the Criminal Code whether one examines any particular area of human moral conduct. Representations have to be made in this respect. But certainly until such time as the representations are received with positive response, law abiding citizenry have really no alternative but to abide by the laws as they stand whether or not those laws are obsolete and antiquated or not. To do otherwise is to fly in the face of law as it exists on statute books and to give to each citizen the right to determine which law he considers or she considers to be just and equitable and which law in fact, each individual citizen can defy.

Well, Mr. Speaker, if that was the course of action pursued by any government within a democratic society, within a society which citizens collectively determine the laws by which they will be governed, if in fact there should develop the attitude that citizens have the right to defy a law simply because they disagree with that particular law, then, Mr. Speaker, the grievous fact would be that you would have a complete breakdown, an erosion of the principles of law and justice by which this nation was founded and created. And therefore in respect to the documentation which will be tabled in this House, there can be no doubt that the province did make every reasonable effort in order to obtain changes in the law so that Manitoba could proceed with the sale of lotteries in accordance with the provisions of the law in Canada without breaching those laws.

Now though my leader has no need of defense because Manitobans recognize and certainly it was clearly demonstrated but a few months ago the very character of my leader, I cannot help but express my utter and complete disgust, disgust is a mild term to use, at the continued, continued personality attacks exercised by the Official Leader of the Opposition. My leader is one whose word is of such a nature that one can take that word as being absolute and total and to suggest otherwise I find it extremely regrettable because I have really never witnessed few individuals who have concerned themselves so much for the honesty, integrity

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(MR. PAWLEY Cont'd). . . . of their word and I regret the comments made by the Leader of the Opposition in that respect.

I hope, Mr. Speaker, I'll be in a position to table these documents within the next few weeks which will outline the representations which were made to the Federal Government, the response which was made by the Minister of Justice, Mr. Lang, in response to those requests so that members of this Chamber need have no doubt but that the government of this province undertook every reasonable effort in order to obtain changes in the laws of Canada with respect to the sale of lottery tickets.

QUESTION put. MOTION carried.

. . . . continued next page

BILL NO. 42

MR. SPEAKER: Bill No. 42. The Honourable Member for Rock Lake. The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, as honourable members may be aware, the Member for Rock Lake is in the hospital but I've been in communication with him and he has consented that I perhaps will want to make a few remarks on this Bill at this time, so if it meets with the agreement of the House. . . .

MR. SPEAKER: Meet with the agreement of the House? (Agreed) The Honourable Member for Morris proceed.

MR. JORGENSEN: . . . on the condition, Sir, that it does now no longer stand in the member's name. He has foregone his opportunity to speak on this particular motion and we're prepared to let it go to the Committee.

One of the effects of the bill that is in my view a little bit peculiar, is that essentially this would fall under a Private Members' Bill. It does not in any way affect the balance of ways and means since the Veterinary Association are simply asking for a renewal of their charter with some modifications and some changes which were outlined by the Minister and indeed are included in the terms of the legislation itself.

One, after watching the Minister of Agriculture operate in his capacity as Minister, always has to - we've learned to be a little bit suspicious of the Minister's motives and I don't say that in any unkind way, but when he takes an unusual step we are inclined to want to have a very close look at the reasons why he's doing this, and although we can see nothing in the bill that deviates from the normal presentation of legislation incorporating a group such as the Veterinary Association, we nonetheless will be wanting to ask some questions during the course of the committee hearings.

There are two essential departures or changes in the legislation as compared to the previous Veterinary Services Act. The first one is the appointment of a board which will perform the essential function of a review board which will police the Veterinary Association itself. This board will discipline its own members, will hear complaints from people who are affected by the practice of veterinary medicine, will investigate complaints, and in general will insure that the practice of veterinary medicine in this province is carried on in accordance with the ethics of the association.

I think now that we have established a number of veterinary clinics under the aegis of the provincial government perhaps that feature of the bill is more important now than it was previously, because people who use the services of the Veterinary Practitioners now will have an opportunity of registering complaints, if there be any, to a properly constituted board who will carry on whatever investigations may be necessary.

The second feature of the bill is that it provides for the use of para-professionals in the form of veterinary students. I think this is an excellent idea on the part of the Veterinary Association because there are very many tasks of a routine nature that can be performed by these students, not only giving them experience in veterinary medicine but relieving the veterinary himself of the responsibility of personally supervising and carrying on the work that can easily be carried on by students; of course, Sir, it must be emphasized, under the supervision of the veterinary himself. So, Sir, we take no exception to the bill that is presented before us, we commend it to the House, and since the Veterinary Association themselves are in a large way responsible for the drafting of this legislation and the provisions contained therein I think they are to be congratulated for bringing their association up to date in insuring that it meets the requirements of the day and affording the protection to the consumer, if I may use that term, and an opportunity to the students who are interested in the practice of veterinary medicine, will be able then to gain some practical experience in their chosen profession.

We believe, Sir, that the Bill commends itself to the approval of the House.

QUESTION put, MOTION carried.

BILL NO. 43

MR. SPEAKER: Bill No. 43. The Honourable Member for La Verendrye.

MR. BOB BANMAN (La Verendrye): Thank you, Mr. Speaker. When looking at the amendments to the Farm Machinery and Equipment Act one realizes its basically consumer legislation for, namely the consumer, who is the farmer in this instance. I think there's a

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(MR. BANMAN cont'd) . . .

problem sometimes with consumer legislation in that we try to legislate certain dealer honesty and morality and integrity and I don't really believe that legislation can do that. It's up to the person or the individual running the business or the operation who is responsible to the people that he does sell vehicles to, that he services them properly and looks after them, and I don't think any amount of legislation will change that. I think one thing that we lose sight of very often in Manitoba is the fact that the percentage of production used in Manitoba of goods bought is very, very small. For example, from my own experience I know there's a small import company that imports cars from a European country. They sell roughly about 40-50 thousand cars in Canada a year and it takes only five days of that company's production to supply all of this product for Canada, and out of that amount Manitoba again sells a very, very small percentage of that, because once again our population is a million people and the amount that we purchase is relatively small.

I think the same thing applies to farm machinery to the big implement companies. The amount of purchases that we make from these people is relatively, if you want to call it, a drop in the bucket compared to the overall scene, so I think that if we feel here that we can wield a real big clout and pound these people into submission, I think we've got another guess coming.

The biggest problem with this type of legislation is that instead of going after the big companies like I think it's intended to do, what is happening is we are putting strain on the small businessman. The big companies can draw from their resources, they have the personnel, they have the financial ability to look after themselves, where the small businessman who's sort of caught in the middle, if we want to call it, between the consumer and the vendor in this case which is the manufacturer, is plagued by different problems such as escalating labour costs, escalating taxes, and is putting the squeeze on the small man. I think another thing that should be pointed out, and I think not too many people use the facilities and that is of the Consumer Protection Bureau. Again from personal experience I know that many people have used these facilities and I think have been helped through this. I think it's an agency that's doing a fairly good job and if a person does have a grievance, a problem which he is having with a particular business or with a particular transaction, it's very very seldom that he does not receive satisfaction from the Consumer Protection people.

Continuing on along the theme of the problem faced in this particular amendment, this Bill 43, I notice that the manufacturer would not be responsible for warranty on things such as tires, batteries, hydraulic pumps and this type of thing. It would be up to the dealer to claim those different components of a vehicle or of a machine that he bought, claim directly from the manufacturer.

I would strongly urge that we would make an amendment on this. It again poses a problem to the smaller dealer because he would like to claim everything from the one manufacturer and it could cause quite a few problems. For example, a big tractor which has a different brand engine in it, the dealer is then forced to not go to the manufacturer, he is forced to go to the manufacturer of that particular engine. So as a result he could be dealing with six or seven different agencies and whereas the companies could process these claims through their files, facilitate much easier claiming for the dealer, and I think it would be much more satisfactory to the consumer because he would not have to wait for the different types of claims on a tire from one company, for battery on another, for hydraulics on another one.

The other thing that I think we should encourage is that if a consumer wishes not to have the additional warranty coverage, in other words, if he wishes to take the one year warranty, the factory warranty, the one year warranty, he should not have to pay the additional amounts of money for the additional warranty. We understand that if you take the full three year warranty, it costs an additional 4.5 percent on the retail price of the machine. If you take the two year warranty it's an additional 1.5 percent. We are informed by the different dealers in Manitoba that the number of people that have purchased this 4.5 percent warranty, in other words the three year warranty, is very, very limited. We did a quick check and I myself found that I could only find two farmers in southern Manitoba that had bought that as an option, so I think it's an indication of what the farmer really wants and I would like the Minister to take note of that. I feel that the farmer should have the choice of taking the optional warranty if he wants it, but he should be able to also have the choice of just taking the one year warranty

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(MR. BANMAN cont'd)

and not having to pay any extra amount of money for additional warranties.

Another point is that under the Act here is that a dealer when he is forced to repossess the machine or does repossess a machine he is again in the position or is forced into the position of having to sell that machine again. If he loses money on the machine it's his loss; if he happens to make a little bit of money on that machine he has to rebate the farmer or the purchaser from whom he's repossessed that machine. It's kind of an interesting little proposal because no matter how you look at it he's the loser in the long run because he is faced first of all with the problems of repossession with the rigamarole - if you want to call it - that he has to go through to repossess the machine, and then of course if he sells it there's selling expenses incurred on it, if he loses well he loses, but if he makes a little he's got to give it back. I don't think this is a fair way of dealing with this particular problem.

The other thing that this brings up is that it goes into fairly great length of how a dealer will have to go ahead and make certain concessions and certain rebates to a person who orders a particular machine and there is a specified date as far as delivery goes on it. Well I think it's kind of a nothing section because at present with delivery dates being what they are, with the steel prices what they are as far as pricing goes a dealer would be stupid to put a date on the delivery of that vehicle. I think if the Minister will check I think there is no dealers putting any delivery dates on any purchase orders because he just cannot be held responsible for that particular thing. The same thing applies to pricing. With the inflationary trend as we see it, price changes of course are effective retroactive very often, and I think there again most of the dealers will be using the notation at the bottom of their conditional sales agreement, in other words, "subject to price change without notice."

The other thing that I think would trouble me as an implement dealer is the establishment of a board which will levy different levies on a dealer in order to maintain the \$300,000 fund, which will be taken out of the Consolidated Revenue Fund, how will this fund be administered? Who is going to be paid or compensated for losses out of that fund? I think these are all questions that we would ask of the Minister. If different levies are put on different people, will it be levied on the amount of retail sales? Will it be a straight levy to all dealers? What is the intent? I think the Minister -- we would like a proper explanation from the Minister on this particular aspect of this bill.

The other thing is the bonds, if enforced, should be set at one rate and I do not feel that we should have a board decide the amount that every dealer should pay. If the bonds are standard I think certain problems could be avoided and I think it would be rather unfair for a board to sit down and say, listen, you pay that much and you're going to pay that much. I do not feel that a board should have the power to go ahead and raise or reduce bonding at will.

These are just several of the observations that I have made on the bill, and once again I would just like to point out that imposing more regulations on the smaller dealer will not only help to drive them out of business but I think it will also help the bigger companies to establish dealer stores, if you want to call them that, whereby they will get into the retailing end of the business, and I think this is not desirable at all. I think the consumer then loses touch with the individuals he is dealing with. Again, I think the closer we regulate the industry the more money it will cost to the farmer, because it's the consumer again in the end that will pay for the regulations and the restrictions imposed on dealers and manufacturers.

MR. SPEAKER: The Honourable Member for Pembina.

MR. HENDERSON: Mr. Speaker, I move, seconded by the Honourable Member from Rhineland, that the debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: Bill No. 44. The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I would like to have this stand until Monday please.
(Agreed)

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, -- I presume we've dealt with all the bills that are there today.

MR. SPEAKER: All except 46 and the Honourable First Minister is not here.

MR. GREEN: That being the case, Mr. Speaker, I move, seconded by the Minister of Agriculture, that Mr. Speaker do now leave the Chair and the House resolve itself into a

(MR. GREEN cont'd)

Committee to consider of the Supply to be granted to Her Majesty.

MOTION presented and carried, and the House resolved itself into a Committee of Supply, with the Honourable Member for St. Vital in the Chair.

COMMITTEE OF SUPPLY - CO-OP DEVELOPMENT

MR. CHAIRMAN: The Department of Co-operative Development. Resolution No. 44 - Administration. The Honourable Member for Morris.

MR. JORGENSON: Mr. Chairman, we witnessed a rather strange performance last night on the part of the Minister. I can't say that it's an unusual performance because it's the sort of thing that we have learned to expect from him, running true to form. You always can tell when the Minister or honourable gentlemen opposite are in difficulty, because failure to provide answers to an argument always seems to manifest itself in an attack on the Leader of the Opposition, not for any other reason than the fact that he has acquired some wealth and even on the part of the Member for St. Matthews because of the clothes he wears. Sir, when it gets to the stage in this House that we have to dress in this Chamber in accordance with the wishes of honourable gentlemen opposite, then I suppose we've really reached the millennium, we have reached the era where honourable gentlemen then have asserted themselves in a manner in which they feel they would like to assert themselves throughout the entire country.

A curious thing about honourable gentlemen opposite, they persist in assuming that the people who should govern this country are the people of their choosing, not the elected representatives, not the people who through the democratic process are elected to this Legislative, but they themselves. And heaven forbid that anybody has been successful. That appears to be the greatest crime that honourable gentlemen opposite see in any person who occupies a seat in this Chamber. There is only one thing, Sir, that they appear to dislike more than the slums of this country, and that is the people who have managed to lift themselves out of the slums. Curious how they can have such great concern for people who up to this point have been unable to do anything to help their own economic situation; but the moment they do, then they become the victims of the attack of honourable gentlemen opposite. And that's been a consistent habit on the part of the Minister who sits across here now.

He had some curious remarks to make yesterday, Sir. His first one -- and the thing that really strikes you whenever the Minister gets up to speak in his own defence, is his complete and absolute lack of any responsibility for anything that goes on in his department. Mind you, he has no hesitation in taking credit if there is any credit due. He will then arrogate all that to himself whether he deserves it or not. But the moment that there is a problem, the moment that there is some criticism and the moment something goes wrong, then he stands up in this House in response to questions and blandly states, "I know nothing about that," when we know full well that he knows everything about it. He didn't know anything about what was going on up north in the fishing co-ops and yet the fine hand of the Minister was manifest all the way through this whole operation. He accuses the opposition of attacking the officials of his Department, and we heard the same thing again from the Attorney-General and other people opposite, and yet they persist, when they have dubbed themselves into a difficult situation, they persist in putting their officials front and forward on the firing line.

You know, the whole concept of responsible government, Sir, is that somebody takes the responsibility, and in this instance it's the government. Each Minister is responsible for what goes on in his own department, and collectively they're responsible for what goes on in the entire administration of government. And I've never seen a greater abdication of that kind of responsibility than is manifest in honourable gentlemen opposite, with one or two exceptions, and I make those exceptions because there are one or two gentlemen on the front bench opposite who know what parliamentary democracy is, who know what responsible government is and act like they do, but that's certainly not the case with the majority of them. Whenever a difficulty arises, then there is some poor official who is put front and center and he has to make the statements, and then they have the audacity to come into this House and say, "Well, you must not attack those officials. You must not say anything against them." --(Interjection)-- Oh, my honourable friend says, "Not unless you can prove the point." And that brings up another evidence of the mentality of the Minister. You know, it's a strange performance that we see. It's a strange performance.

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A MEMBER: The Dauphin issue. . .

MR. JORGENSEN: Yes, the Dauphin issue. When the Minister of Highways' version of the Nuremberg trial was completed up in Dauphin on the highways incident, what did he find? He made all sorts of accusations prior to that time, court cases and everything else. RCMP investigations. On the strength of what? Nothing. Because nothing was proven. But if we make an accusation in this House which we believe to be founded on fact, what do we get? Evasions, sloughing off of responsibility. And the favourite charge of the government, that we've got to prove everything we say. And it was no more manifest than in a statement made by the Minister responsible for Autopac a few days ago. We can ask questions in this House until we're blue in the face asking for information and receive nothing, nothing but evasions, and yet when the Member for La Verendrye drew to the attention of the Minister a possible violation of Autopac, what was the Minister's statement? "If the members of the opposition have any information, they have a duty and an obligation to provide it to this House." The opposition has now got to provide the information for the government. They're incapable of administering any of their own responsibilities, a complete abdication of responsibility on the part of those honourable gentlemen opposite. We've never, never seen anything like it. -- (Interjection) -- Yes. He says we're an accessory to the crime if we don't report a crime. My God, what do you think we're doing under this Department? --(Interjection)-- Oh, now we haven't shown anything. You see what a curious juxtaposition that the Minister has placed himself in now? What a curious mentality.

More evidence of that was given last night. He said - and almost in the same sentence - he said "honourable gentlemen opposite, when they were government, did nothing to help the co-ops." Nothing. He said we let the co-ops drift. We didn't provide them with anything at all in the way of assistance; and then almost in the same breath, read out a whole list of loans that had been written off to co-ops. Now he can't have it both ways. --(Interjection)-- Yes, 100,000 a year he said. --(Interjection)-- Yes. Is the Minister now measuring the assistance provided to the co-ops by the amount of money that is written off in loans? Is that a measure? Is that the criteria? Well that's his criteria, Sir. That's his criteria. Well, I tell you, this government are very good at that. Then, in that case, they have provided a tremendous amount of assistance, particularly under MDC and under this fund, because they've sure written off an awful lot. I don't think that's the criteria. But if that's the measurement that the government applies to assistance to anybody, is the amount of money that they can write off in one year in loans, and bad loans, well then it's no wonder that we're in trouble. I've never regarded that as the sort of measurement that was an indication of any kind of success. There must be something more than that to it. How did he deal with the issue? And when we do raise those issues in this House - and they have been raised - pretends that he doesn't know anything about it. "Oh, that is somebody else's problem." And that's the excuse he gives for answering questions.

Sir, this whole House sits here for the purpose of eliciting information from the government. We don't pretend to have the answers. We get information upon which we base questions, upon which we ask for information, and this place operates on the assumption that when answers are provided that those answers are accurate. The Attorney-General just a few moments ago made the comment that when his leader makes a statement, that statement can be taken as fact. Well, I'm going to tell the Attorney-General that when I get through documenting some of the information that that First Minister's provided to this House, people in this House and across this province are going to have a different idea about the accuracy of the information that he provides from time to time, and that includes other members of the Cabinet as well. They would rather fight, Sir, than provide information, and then they have the audacity to say we are the ones that are supposed to provide the information.

Are they so incapable of governing that now they must ask the opposition to provide the information for them and for the people of this province? It seems like it. They know nothing and what they do know they keep hidden, and when they do provide information to the House, it's evasions. Certainly no democracy, no legislature, no responsible government ever acted in that way before, and they ask why the Opposition is persistent. One gets the impression, one gets the impression, Sir, that they regard this place, instead of the 29th Legislature, as the 29th Congress of the Union of Socialists in Manitoba; and as they do in their Congresses in Russia, the only people that are permitted to speak are the members of the government and

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(MR. JORGENSON cont'd)

nobody, but nobody, is allowed to say a word in opposition. Oh, they don't mind us speaking Sir; I've never said for a minute that we were suppressed. Oh, no. But the only things that we're supposed to say are kind words about the government. All we're supposed to do is to applaud them to applaud them and to say how wonderful they are. No. No. The Attorney-General says, "No, not for me," and I can take his word for it. Not for me. I don't believe that that's my responsibility in this House and I don't believe that it's his responsibility in this House to provide false answers or non-answers when questions are asked. The responsibility of the government, in addition to administering the affairs of their department as a government, is when this place meets to provide the answers to the questions that are asked by the opposition, so that the public will know as well. That they hide. That they hide. And almost invariably, Sir, when we accuse them of a dereliction of responsibility or failing to maintain that which we believe is necessary for a government to maintain in the way of providing information, or if they fail to do something, they continuously come back with the same reply. They go back. They refer to other jurisdictions; they refer to former premiers or former governments.

Well, Sir, that's not a basis for comparison as far as I'm concerned because don't forget, when you came to power, when the honourable gentlemen opposite came to power, they came to power on the strength of the argument that they were better. That they were better. And indeed, a letter to the editor in one of the newspapers the other day manifested that kind of an attitude on the part of honourable gentlemen opposite. They were not the crooked, grasping types that we have been portrayed as being. No. No. That's exactly what the letter said. That's exactly what the letter said, that they were above all that, and that's the reason that they aspire to government because they are so much better. Well, why compare yourselves, then, to those culprits who were in office prior to your time? Were you not supposed to be better? Were you not supposed to be above all that sort of thing? No. But they're happy then, when they're under attack, they're happy to compare themselves to other people. Very happy to. Well, why do they do it? Why do they do it, Sir? Constantly they do it.

Sir, what's happened in the northern co-ops is an example of maladministration at its very worst, for which the Minister must take the responsibility, but he refuses to do that. He suggests that there was some --(Interjection)-- There is no point of privilege, Mr. Speaker.

MR. USKIW: Mr. Chairman, on a point of privilege. . . co-ops in northern Manitoba and that is not correct.

A MEMBER: Oh, come off it.

MR. USKIW: Don't come off it. You get off it.

MR. JORGENSON: Of course, Mr. Chairman, that is not a point of privilege. You know that. I see you smiling and I know that you regard the Minister's intervention as one that is not worthy of the Minister, but typical of him, mind you. It is not the co-ops - and this is the impression he tried to create - it is not the co-ops that are under attack here, it's the Minister and his administration that is under attack, and he'd better get that through his head. And he refuses to accept that responsibility by continuing to attempt to create the impression that he's got nothing to do with it; that the co-ops act outside the very department that was set --. What are we debating this for, if he's got nothing to do with it? What is the provision made in the estimates to debate this particular issue or to examine them if the Minister refuses to give information to the House, if he refuses to accept the responsibility that is his? He refuses to do that, Sir, and it's a curious situation when we find a Minister coming to this House - and he is more adept at that, or he's more, I shouldn't say adept at it, but he's more prone to do that than any other Minister I've ever known. One used to assume, Sir, that when a Minister took over the responsibilities for the administration of the affairs of that department, he took that responsibility. If an official erred, made a mistake, he dealt with him. He dealt with him privately. He did not expose him, as this Minister does. He did not expose him, put him in front and centre so that he's subject to the attack, and because I . . .

MR. CHAIRMAN: The Honourable Minister on a point of privilege.

MR. USKIW: I should like to ask the honourable member to indicate to the House which member has been exposed for wrongdoing by the government? Mr. Chairman, I have never alluded to that kind of thing.

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MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSEN: The question is not even worthy of an answer because you can just name the officials; practically every one of them has been put front and centre to answer for the Minister instead of the Minister answering himself. If he does not want his officials to be attacked, then protect them as a Minister should, instead of sloughing off your responsibilities on somebody else all the time.

MR. CHAIRMAN: Order please. The Honourable Minister.

MR. USKIW: The honourable member is suggesting that the government has put the Civil Service before the Legislature for criticism. I want to make the point, Sir, that the members opposite have raised particular names and have made accusations with respect to those particular individuals, and it is only in defence of those individuals' rights that I have stood up, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Chairman, the Minister denies this. Does he deny that he has had one of his officials speaking at nominating conventions in which they attacked the opposition, speaking at an NDP nominating convention? No. Now he's going to say, "I know nothing about that," and that's characteristic and typical - that's characteristic and typical. Oh now he says, what's that got to do with co-ops? He asked me what official; what's put front and centre. I'm telling him, and that's not the only one, but I named one. Now, the Minister knows the manner in which he administers the affairs of his department. Sir, he's a disgrace to the department, he's a disgrace to the Premier, he's a disgrace to the government as a whole.

MR. USKIW: . . . indicate to the House just who it is in the Civil Service that did indeed address a nominating convention for the NDP, I would be interested to know.

MR. JORGENSEN: The honourable member knows full well who it is. He knows full well who it is. The incident took place in Swan River and there are copies, there are excerpts from the speech delivered by the honourable member in which he attacked the opposition. Now if he wants to put those people front and centre in the front line, then they're going to be attacked. That's all I'm saying to the Minister. His responsibility is to protect those people that work under him and take the responsibility for himself and not sloughing it off on other people as he's attempting to do now.

MR. USKIW: . . . indicate whether that individual was a civil servant, Mr. Chairman?

MR. JORGENSEN: Well I don't know under what classification, I don't know what classification my friend comes under if he doesn't come under the classification of a civil servant. He's receiving pay, he's in the employ of this government and receiving pay from this government.

MR. CHAIRMAN: The Honourable Attorney-General

MR. PAWLEY: Mr. Chairman, I can't help but recall the words of Winston Churchill in reference to the then Prime Minister Attlee in Britain, when he used to refer to Clement Attlee when he would walk into parliament, "There, but for the grace of God, walks Clement Attlee," well in the same way I can't help but think every time that the Member for Morris speaks, "There, but for the grace of God, speaks the Honourable Member for Morris." So overly confident, so overly 100 percent, that that great gem of truth and words that he utters are but just a shade below the grace and words of God himself as he speaks. No question as to the total correctness and accuracy of his position. No question as to the absolute truth of that which he utters, even when the Minister of Agriculture points out in a very telling way that the Honourable Member for Morris had misled this House only but a few moments prior, this morning, by suggesting that an individual was a member of the Civil Service when the Honourable Member for Morris knew full well, full well in his own heart and mind, that that person was not a member of the Civil Service, but he stands in this House hoping that he can utter those remarks, those comments, without being challenged, without the inaccuracy of his words being challenged, and this but is only typical of the general tenor, the general practice, the procedure by which the Honourable Member for Morris conducts himself. The Honourable Member for Morris indicated that when members of government are short of argument, they launch into personality attacks. Well let me say then, Mr. Chairman, that if that in fact is the case, then it's a hundredfold more true of the Opposition during this session, because I wonder, Mr. Speaker, if one traced back through the past decade of sittings in this House,

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(MR. PAWLEY cont'd)

or in fact sittings of any other House across Canada, one would have heard so many personality attacks as one has heard from the Opposition in this Chamber, this session 1974.

And yet to hear the Honourable Member for Morris you would think that some way or other it was an authoritarian dictatorial government on this side, suppressing, stamping out the political rights and liberties, and freedoms of an unfortunately poor, little, oppressed group of members across the way. You know tears come to my eyes to hear the Honourable Member for Morris speak. Certainly a very eloquent spokesman, and certainly a man who if you permit emotions to run away with you, and to forget your mental processes, you might for a moment in a lapse really develop a state of panic as he describes the tendencies in this province to sink into some sort of authoritarian, Soviet Socialist type of situation.

Well let me tell you, Mr. Chairman, that a few months ago I had the opportunity, as well as the Honourable Member from Morris, to travel the length and breadth of this province, and still do from time to time, during the session even, have the opportunity to speak to many Manitobans, and Manitobans are under no illusion. They are under no false impressions created by the gross exaggerations of the Honourable Member from Morris, or any other member across there; and they demonstrated it, they demonstrated to the Honourable Member from Morris, to the Leader of the Opposition, effectively in June of 1973 where they wished to place their arguments and their massive and gross exaggerations.

Mr. Speaker, I would like to deal however with some of the points that have been raised by the Leader of the Opposition, and like to place on record what I suggest, in my humble opinion, is a correct procedure that should be developed in cases such as this, because I think that every member in this House is concerned that that certainly where wrongdoing, where crime is committed, that that crime or that wrongdoing be traced and be dealt with. There is no argument in respect to that, but there is a procedure, a process which has been developed through the centuries within the British form of administration of justice, as in contrast to that procedure which is, well, is developed in the great police states that the Honourable Member for Morris refers to, and that is that when an individual comes forward and says for example, John Doe is a thief, John Doe is fraudulent, that you do not immediately launch police investigations into such an allegation; you do not immediately launch investigations into such procedures.

And I am not going to debate the matter in respect to Dauphin with the Honourable Member for Morris, because I am not going to indicate to the Honourable Member for Morris, because I have not looked at the file, nor have I studied the file, so I'm not going to defend the matter for Dauphin, unless it's a matter of debate some other occasions, as to the correctness or the incorrectness of the Dauphin decision.

I'm trying to outline to honourable members what in my humble opinion is a procedure that should be adopted. It is not enough therefore to launch an investigation on the shout, "John Doe is a thief; John Doe is fraudulent". For if we do in fact develop that type of procedure, then we inherit within our fabric, within our administration of justice, the type of procedures that are in effect in Spain, Portugal - Portugal with its coup d'etat only yesterday - where the police take advantage of any and all allegations in order to launch investigations in respect to particular allegations. But what does happen is this: If the allegation states that John Doe is a thief because on such and such a night John Doe stole a typewriter from the Minister of Labour's office for instance, and he was seen walking out of that office with a typewriter, then that in itself is a basis for an investigation on reasonable and probably grounds of the commitment of a crime, and nobody would for a moment deny the need for an investigation up on given facts and circumstances which create on the basis of that information provided, evidence of a prima facie commitment of a crime.

To fall short of that is to fly in the face of centuries of gradual evolution and development of the administration of justice as we understand it in democratic countries. And so that in this particular instance which we're dealing with here, the Honourable Leader of the Opposition made allegations; and let me assure the Leader of the Opposition that the allegations have been taken and carefully studied by legal officers within the Department of the Attorney-General. And let me also assure the Leader of the Opposition that I have indicated very clearly to legal officers, people of competent professional rank, that I do not wish them to feel restricted insofar as their assessment of professional competence in weighing any

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(MR. PAWLEY cont'd)

particular course of action that they undertake. They are free to exercise their complete professional competence in the judgment that they make.

The allegations have been examined and, Mr. Chairman, the fact now is that we have a series of allegations, but not allegations which provide evidence beyond the simple allegation. But the Minister of Finance, and in consultation with myself, and because of the very reflection that this has cast upon so many people in the co-operative movement and those in northern Manitoba, have wanted to go beyond, beyond the simple stage that probably would be followed in the usual course of events, by requesting that the Provincial Auditor do in fact provide an audit, not only of the records of the Department of Co-operatives, which I gather have been completed, but also to proceed beyond that to audit the very records of South Indian Lake Co-operative, the basis of most of the allegations that have been made, serious allegations by the Leader of the Opposition; and that audit is presently under way, that is my understanding of the South Indian Lake Co-operative. And, Mr. Chairman, I mention this because if in fact there have been wrongdoings of the serious nature that have been suggested by the Leader of the Opposition, the most effective way of discovering whether or not there in fact has been wrongdoings is to have this very type of audit done of the records of South Indian Lake Co-operative, or the South Indian Lake Co-operative. It's the only effective way in order to avoid allegations without concrete evidence. If there is in fact wrongdoings there, I am confident that they'll be disclosed by an audit. And let me tell the Leader of the Opposition that professional opinion which I have received corroborates that view, that if there is evidence, evidence, then it'll be disclosed by an audit. Certainly the simple allegation that somebody has been fraudulent, or soliciting funds fraudulently, is no indication of anything, except an accusation, except an allegation, that any individual can make at any time in respect to any other individual. And if there is in fact, if there is in fact, if there is in fact such a commitment, it will be disclosed by such an audit.

But let me tell the Leader of the Opposition - and I'm pleased that he is presently in the House - that the doors of the professional people within my department are not padlocked, they are not locked, they are not secured; they're open to any citizen in the Province of Manitoba that wishes to come forward and report the existence of a crime. The Honourable Leader of the Opposition need have no concern that he would not be - his facts, his information that he might be able to provide, would not be dealt with in the maximum professional competent manner; could be made available to him by either the Deputy Attorney-General or by the Director of Prosecutions. Their doors are not locked, they're not padlocked, and I would welcome the Leader of the Opposition if he feels for a moment that he has other documents or evidence or material that would help to substantiate the allegations that he has made up to this point, I would welcome his placing those documents on a table so they can be dealt with in a professional and competent manner, rather than through reckless reference to allegations in the political arena. These type of allegations should be done and handled in a competent legal manner in the same way as any other citizen in Manitoba when he has allegations, has his allegations dealt with.

And I would urge the Leader of the Opposition to follow that course of action, to pursue that channel, because there is another danger, there is another danger when we pursue a different course of action. There is a danger that individuals by the very making of allegations which may not be true or correct, or by the repeating of allegations that were made by somebody else that have not been substantiated, will have their own lives gravely affected for the balance of their lives. And I know the Leader of the Opposition is concerned about people and individuals, and therefore I think that we have to be very very careful as to the repetition of accusations unless we have reasonable and probable grounds to distinctly suspect; and the best people that can determine reasonable and probable grounds in respect to any criminal activity are the people that are engaged in that type of activity to discover, and that's the people that are involved in the legal staff of my department.

And, you know, if you do not do this, individuals who feel that they have been affected by the raising of allegations which are later found untrue, have civil remedies which are provided to them by the laws of this land in order to obtain redress, to obtain damages. And that is built into our laws to protect people from the making of allegations which are later found to have been made either - and I'm not suggesting the Leader of the Opposition has made

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MR. PAWLEY cont'd)

accusations but he has repeated references to accusation - which are later found to have been made either maliciously or without any reasonable foundation, that there are civil remedies that can be undertaken by individuals that are placed in that role. And I think that we would surely all honour this type of tradition that has been developed.

And let me assure the Leader of the Opposition that we have the allegations that have been made, evidence was brought to two officials within the department. My advise is that - and the Leader of the Opposition may disagree with this - but if in fact the allegations of wrongdoings are in fact correct in reality, the audit will disclose them better than in any other form of procedure that can be developed. I don't know of another procedure that can better discover whether or not funds have been obtained fraudulently, or whether or not moneys have been paid out that ought not to have been paid out, or that there were breach of trust; I don't know of any other procedure that would be better than an audit. I'd be overjoyed if the Leader of the Opposition was able to announce to this House that there's some other procedure beside an audit that would be able to obtain that type of information. I don't know of any other type of procedure. The Leader of the Opposition may have some secret formula by which this information can be obtained; but certainly it does not come into existence just by seizing upon a whisper or a rumour or unsubstantiated report, and then repeating that allegation or that report within the halls of this Chamber. That does not then make that allegation one of such a nature that becomes reasonable and probable. Reasonable and probable can only come into existence as a result of the effective and careful analysis and determination of documentation, and of books of account, analysis of cheques paid, records, and that, that from the advise that I have received, it seems reasonable to me, can be best done by way of a public audit.

And as I say, the Minister of Finance, the Minister of Agriculture, the entire government has welcomed an audit of these records, first to discover whether or not the Leader of the Opposition's allegations are correct, and if they are, what further action should be undertaken as a result of discoveries on the basis of those audits; and secondly, because if they are not correct, then certainly the shadow, the sometimes unfortunate presumption of guilt by society can be removed from those who may have suffered because of the making in the original form, or the repetition of those allegations, in the publication of those allegations.

I would hope therefore, Mr. Speaker, in simple conclusion, that in the future we could attempt to rely more upon the professional competence of people that are engaged in this type of activity to advise, that we would attempt to avoid at all costs, unless we have real solid material to go on, in the impressions that individuals or personalities may have done something which they haven't, without reasonable cause to make those accusations because of the effects that that can have on the individuals themselves.

And in conclusion I am only concerned about one other type of development. People in northern Manitoba, and the Member for Rupertsland put this so well, have only commenced in the last few years to develop their own social and economic destinies. They have developed their own little business enterprises with the assistance of the government. They've developed their own co-operatives by which they can collectively come together in order to operate their own businesses within their own communities, without depending upon the trade store from outside, and whether it be the Hudson Bay or some other large establishment. They have come together in order to operate their own little businesses, non-profit; to retain the moneys within the community; to make policy and reference to the operation of that store by themselves rather than being made in board rooms thousands of miles away. So that we find now in Manitoba the increasing development of co-operatives, people co-operatively working together in order to develop their own economic and social destinies.

And I want to pay tribute to the Minister of Agriculture and his staff for with courage proceeding in this direction. And I hope that the Minister of Agriculture and his staff will not permit a reversal of this direction that has been commenced of developing co-operative enterprise, of involving people of northern Manitoba in the handling of their own affairs, because it is only in that way can the people in northern Manitoba have real hope, expectations, and develop inspiration for the future and for their part of the province. Thank you.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. SPIVAK: Thank you, Mr. Chairman. I would like to begin my few remarks this morning and continue this afternoon by making reference again to another remark that

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(MR. SPIVAK cont'd)

Winston Churchill made - the Honourable Minister saw fit to make with reference to that when he talked about the Honourable Member for Morris, and it was also about Mr. Clement Attlee. If you recall, he said, "Mr. Attlee is a modest man, and he has much to be modest about", and I would suggest that the Honourable Attorney-General would find, or I find that a very fitting comparison with his position.

Mr. Chairman, the allegations that have been made are really two. One, that it was brought to the government's attention, and that in fact there are minutes of a meeting in which the chairman of the Freshwater Marketing Commission in fact suggested that there had been efforts undertaken by the department which resulted in the fishermen being stolen from, and in which the allegation of fraud had been suggested. That was one allegation.

The second allegation has to do with mismanagement, that the mismanagement of the Department of Co-operative Development has had the effect of either one of two things. Costing the fishermen a lot of money that they were rightly entitled to, or (b) the taxpayers of Manitoba who are now going to have to foot the bill. The government as in the Wabowden affair is interested in only one thing, shifting ground completely on one side of the issue, talking in terms of allegations of fraud or wrongdoing, and suggesting that the only involvement that the Attorney-General should have, or the government should have, should be in this particular area. As a matter of fact if the Attorney-General was prepared to recount the conversation I had with him when the announcement was made that his office would be involved in it, he said specifically, I want you to understand we're dealing with the question of criminal charges, we are not dealing with the question of mismanagement.

Now, Mr. Chairman, we believe a judicial inquiry is required. . .

MR. CHAIRMAN: The Attorney-General.

MR. PAWLEY: I don't think the Leader of the Opposition would mind this clarification that when I was referring to we, my reference was to the Department of the Attorney-General and that investigation, rather than government as a whole. Certainly the Minister of Agriculture had other concerns that he'd have to . . .

MR. CHAIRMAN: The Leader of the Opposition.

MR. SPIVAK: Clearly, to the department, I want to narrow and will place at least in the proper perspective the very narrow confines, you know narrow involvement of his department. His department is dealing with the criminal matters, not with the question of mismanagement. But surely, Mr. Chairman, if millions of dollars are to be lost that really were taken from the earnings of the fishermen, millions, Mr. Speaker. --(Interjection)-- Millions, yes. Millions, Mr. Speaker. If we talk about that, if we talk about that, and if that in fact is the case, or it could possibly be the case, surely then, Mr. Chairman, that is worthy of investigation, and who is going to commence that investigation? That's why we asked for a judicial inquiry.

Mr. Chairman, if a judicial inquiry was held I'm not sure what it would find with respect to criminal matters but I am convinced it would find without question that the government through its department has mismanaged the fishing co-ops to the extent that there will be millions lost by someone, either the taxpayers or the fishermen. The fishermen have no money so the taxpayers are going to bear it. And I'm going to be able I think to pretty well indicate that in one particular case in the next few moments.

But you see the government wants to shift it over to the question of criminal charges. They don't want to talk about mismanagement because mismanagement really is a reflection on them.

Now, Mr. Chairman, we now talk about how the government handled this. The Provincial Auditor is in this matter not because of the Attorney-General, he's in this matter because this was raised in this House. He's in this matter because in effect we basically made an issue on this. I have already indicated the Premier knew about this six months ago. He didn't refer this to the Provincial Auditor; he didn't see fit to see whether there should be some consideration privately; he didn't make an appointment with one of his officials to say information has been supplied to me, I don't think the information is correct, I don't know, but investigate this matter. He didn't do anything like that. What he did is he pushed it under the rug because involved in that, Mr. Speaker, involved, Mr. Chairman --(Interjection)-- Well I know from the Provincial Auditor that no reference was ever made to him. And I would

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(MR. SPIVAK cont'd suggest, Mr. Chairman, that he did push it under the rug because involved in this was the whole question of mismanagement, and involved in this, the question of the allegation of a criminal charge, was the further problem which he was aware of that the Department of Co-operative Development in handling the matters of the co-operatives, and in their administration had bungled it to the point where the fishermen were suffering. And so, Mr. Chairman, what happened? The matter was swept under. And now the Honourable Minister stands up as Attorney-General and lectures we on this side, and myself in particular, that what we should have done is made the appointment to indicate this. I suggest that the information that has been provided to this House was provided to the Premier, and that the Minister of Co-operative Development knew about it, and he didn't see fit to bring the Auditor in.

Now, Mr. Chairman, the records of the fishing co-ops are audited by the Department of Co-operative Development. They themselves audit the actual records that are handled by themselves on behalf of the fishing co-operatives. And, Mr. Speaker, once an allegation of fraud was suggested, without question the practice that should have been followed almost immediately, because their own officials were involved in the audit, was to bring someone who would in fact follow through in an external audit of what has taken place. Was the government prepared to do that? No the government wasn't prepared to do this. In the case of Southern Indian Lake they were caught with a little bit of a problem. In the case of Southern Indian Lake they had to try and see how they could arrive at some kind of arithmetic and documentation that would allow them to be able to draw from the Federal Government by way of DREE grants \$400,000.00. So they brought in chartered accountants who would not, and did not certify, what had happened because they couldn't. But they asked them to somehow or other reconstruct the figures so that they themselves as a department could produce an audited certificate that they'd produced for the Federal Government, to be able to draw the money. And in the course of doing this they may - I'm not saying that they have, but they may, they may have misrepresented the financial position of the company. --(Interjection)-- that's right. They may. And I want to tell you something. Until there is a judicial inquiry we're never going to know whether they did or not. And, Mr. Chairman, this is the problem with the government. The problem at this point is that the investigations that are being commenced are being commenced in a limited way; they are being - the audit that is being undertaken is even an audit in a limited way, and the issue now seems to settle only on the question of the allegations of fraud made by the Chairman of the Freshwater Fish Marketing Corporation and recorded by the officials of the Department of Co-operative Development in the summary of the minutes of that meeting.

MR. CHAIRMAN: The Attorney-General on a point of order.

MR. PAWLEY: Mr. Chairman, the Chairman of the Freshwater Fish Marketing Board is not present to deal with that but he never made such accusations. In fact the very document that the Leader of the Opposition makes reference to concludes by the Chairman of the Freshwater Fish Marketing Board himself, stating that he is not accusing anyone of anything, in reference to the exact and direct quote from the Chairman of the Freshwater Fish Marketing Board, and I think it's most unfair and improper to allege that the Chairman of the Freshwater Fish Marketing Board made statements which in fact he did not make.

MR. CHAIRMAN: The Leader of the Opposition.

MR. SPIVAK: Mr. Chairman, I know it's 12:30; I want to just finish this one point. May I ask the Attorney-General, has he spoken to the Chairman of the Freshwater Fish Marketing Corporation? Has he as Attorney-General spoken to him? Is he seized of knowledge that gives him the opportunity as the Attorney-General to make that statement?

MR. PAWLEY: Mr. Chairman, the knowledge which I have is the very knowledge that the Leader of the Opposition is relating to.

MR. SPIVAK: No, I've spoken to him. There's a very big difference between you and I.

MR. PAWLEY: And that is relating to the very document that he tabled in this House. . .

MR. SPIVAK: I have spoken to him and you have not.

MR. PAWLEY: . . . in which the allegation was earlier made, and then the Chairman of the Freshwater Fish Marketing Board denied that he had alleged anything whatsoever, and this is the document by which the entire source of this information developed from.

MR. CHAIRMAN: Order please. Order please. The time being 12:30 I am leaving the

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(MR. CHAIRMAN cont'd) Chair to return at 2:30 o'clock.

Translation of French spoken by Governor General Leger, shown on Page 2775 of April 25th Hansard:

By being the Canadian province which presents the greatest cultural diversity, Manitoba illustrates particularly well the appropriateness of the expression "Cultural Mosaic" that we use when attempting to define our society. This is evidenced by the vigor that drives the Franco-Manitoban community. It is indeed moving, and particularly for a Francophone such as I, to witness the ardour with which you, Francophones of Manitoba, have developed your cultural heritage. I must admit that I can hardly wait to see your Basilica once again, a testimony to your tenacity and solidarity, and to visit your new cultural centre which reflects your personality and dynamism. The place you occupy here, beside the other ethnic groups, is a place of which we are proud, a very large one, and the whole country is attentive, Mr. Premier, to the role you have played in this great adventure.