



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

**DEBATES
and
PROCEEDINGS**

26 Elizabeth II

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The Honourable Harry E. Graham
Speaker*



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Manitoba Legislative Assembly

Thirty-First Legislature

Members, Constituencies and Political Affiliation

<i>Name</i>	<i>Constituency</i>	<i>Political Affiliation</i>
ADAM, A.R. (Pete)	Ste. Rose	NDP
ANDERSON, Robert (Bob)	Springfield	P.C.
AXWORTHY, Lloyd	Fort Rouge	Lib.
BANMAN, Robert, Hon.	La Verendrye	P.C.
BARROW, Thomas A.	Flin Flon	NDP
BLAKE, David R.	Minnedosa	P.C.
BOSTROM, Harvey	Rupertsland	NDP
BOYCE, J.R. (Bud)	Winnipeg Centre	NDP
BROWN, Arnold	Rhineland	P.C.
CHERNIACK, Saul M., Q.C.	St. Johns	NDP
CORRIN, Brian	Wellington	NDP
COSENS, Keith A., Hon.	Gimli	P.C.
COWAN, Jay	Churchill	NDP
CRAIK, Donald W., Hon.	Riel	P.C.
DESJARDINS, Laurent L.	St. Boniface	NDP
DOERN, Russell J.	Elmwood	NDP
DOMINO, Len	St. Matthews	P.C.
DOWNEY, James E., Hon.	Arthur	P.C.
DRIEDGER, Albert	Emerson	P.C.
EINARSON, Henry	Rock Lake	P.C.
ENNS, Harry J., Hon.	Lakeside	P.C.
EVANS, Leonard S.	Brandon East	NDP
FERGUSON, James R.	Gladstone	P.C.
FOX, Peter	Kildonan	NDP
GALBRAITH, James	Dauphin	P.C.
GOURLAY, Douglas	Swan River	P.C.
GRAHAM, Harry E., Hon.	Birtle-Russell	P.C.
GREEN, Sidney, Q.C.	Inkster	NDP
HANUSCHAK, Ben	Burrows	NDP
HYDE, Lloyd G.	Portage la Prairie	P.C.
JENKINS, William W.	Logan	NDP
JOHNSTON, J. Frank, Hon.	Sturgeon Creek	P.C.
JORGENSEN, Warner H., Hon.	Morris	P.C.
KOVNATS, Abe	Radisson	P.C.
LYON, Sterling R., Q.C., Hon.	Charleswood	P.C.
MacMASTER, Ken, Hon.	Thompson	P.C.
McBRYDE, Ronald	The Pas	NDP
McGILL, Edward R., Hon.	Brandon West	P.C.
McGREGOR, Morris	Virden	P.C.
McKENZIE, J. Wally	Roblin	P.C.
MALINOWSKI, Donald	Point Douglas	NDP
MERCIER, Gerald W.J., Q.C., Hon.	Osborne	P.C.
MILLER, Saul A.	Seven Oaks	NDP
MINAKER, George	St. James	P.C.
ORCHARD, Donald W.	Pembina	P.C.
PARASIUK, Wilson	Transcona	NDP
PAWLEY, Howard, Q.C.	Selkirk	NDP
PRICE, Norma Hon.	Assiniboia	P.C.
RANSOM, Brian, Hon.	Souris-Killarney	P.C.
SCHREYER, Edward R.	Rossmere	NDP
SHERMAN, Louis R., Hon. (Bud)	Fort Garry	P.C.
SPIVAK, Sidney, Q.C., Hon.	River Heights	P.C.
STEEN, Warren	Crescentwood	P.C.
URUSKI, Billie	St. George	NDP
USKIW, Samuel	Lac du Bonnet	NDP
WALDING, D. James	St. Vital	NDP
WILSON, Robert G.	Wolseley	P.C.

THE LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, May 12, 1978

Time: 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Mr. Harry E. Graham (Birtle-Russell): Before we proceed I should like to draw the honourable members' attention to the gallery where we have four students of Grade 12 standing from Woodworth School under the direction of Mr. Dan Liberda. This school is from North Dakota.

We have 26 students of Grade 5 standing of the Sherwood School under Mr. Brody. This school is located in the constituency of the Honourable Member for Elmwood.

We have 50 students of Grade 3 and 4 standing from Camperville School under the direction of Mrs. Pengman. This school is located in the constituency of the Honourable Member for Roblin.

On behalf of all the honourable members, we welcome you here today.

Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees.

MINISTERIAL STATEMENTS

MR. SPEAKER: The Honourable Minister of Finance.

HON. DONALD W. CRAIK (Riel): Mr. Speaker, I would like to make a short announcement. I would like to announce that the province will be offering a savings bond issue to the people of Manitoba. The issue will be dated June 1, 1978 and will mature in 10 years subject to prior redemption by a bondholder at any time after December 1, 1978. The interest rate will be 8 $\frac{3}{4}$ percent payable annually. Purchasers will pay \$100 for each \$100 of bonds purchased and when they redeem their bonds will receive the full face value plus interest earned but unpaid.

The issue is intended to make investment in Manitoba available to individual Manitobans in denominations of \$100, \$500, \$1,000 and \$5,000 with \$50,000 maximum available to any person or corporation resident in Manitoba.

Applications for purchase of these bonds may be made through the caisses populaires, chartered banks, credit unions, licensed investment dealers and trust companies commencing in the last week of May. Proceeds of the issue will be used for general government purposes.

Mr. Speaker, I will distribute further information in addition to this to the members of the House.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. EDWARD SCHREYER (Rossmere): Mr. Speaker' the announcement made by the Minister of Finance is one which we certainly would not quarrel with. It is a practice which has been carried out intermittently over quite some few years now and one which the previous administration resorted to as well, from time to time. There is, in fact, a positive argument to be made for this practice. It is, as the Minister of Finance will well recognize, a matter of judgment as to how often this particular capital raising mechanism should be resorted to, because theoretically at least, if resorted to too frequently, it could be argued that it is a diversion of funds from otherwise consumption purposes or private capital investment purposes. So it is something which, I believe, the practice has been to resort to once a year, or every other year, and as such I know from previous correspondence is welcome, both in actual fact and in theory, by many Manitobans.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Mr. Speaker, I wish to proclaim today, May 12, as Arbor Day in Manitoba, and call upon all public-spirited individuals and organizations to mark the event by planting trees, bushes, or smaller perennials.

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

MR. PETER FOX: I believe it has been the practice that when Ministers make statements, we have

copies to the House and to yourself, Sir.

MR. SPEAKER: Has the Honourable Minister copies of the statement?

MR. DOWNEY: Mr. Speaker, I apologize for that, and I am having them brought up from the office, and they will be distributed very shortly.

MR. SPEAKER: Is it the wish of the House, then, to proceed, or shall we wait for copies of the Minister's statement? (Proceed) The Honourable Minister of Agriculture.

MR. DOWNEY: We can get on with the tree planting.

In this day and age, with the increased public concern for the environment, it is doubly important to promote the development and expansion of green areas of our communities, not only parks but also boulevards, yards, playgrounds and other similar areas.

As a farmer, I can also appreciate horticulture as a way of life, as a means for earning a livelihood and I would stress that insofar as environmental factors are crucial to the development of agriculture in our province, so they are also crucial for the cities.

I am pleased to note that the Scouts, Cubs, Girl Guides and Brownies have been marking the occasion by planting trees and shrubs while other groups have organized other tree-planting activities.

It is no accident that the most attractive areas of any community are those abundantly landscaped. Arbor Day is an occasion for focusing our attention on the natural environment and marks our recognition of its importance.

MR. SPEAKER: Order please. Before I allow anyone to answer the statement of the Minister, would the Minister be kind enough to give the one copy he has to the opposition so they can refer to it in their answer.

The Honourable Leader of the Opposition.

MR. SCHREYER: Thank you, Mr. Speaker, for your scrupulous attention to equilibrium. I would like to say very very briefly, Sir, that all of us would want to join with the Minister of Agriculture in acknowledging the importance, and long historical importance at that, of Arbor Day. I believe it's correct to say that — whether it's just that it happens by coincidence this year that it coincides with Manitoba Day, which Manitoba Day will be I believe formally proclaimed by the First Minister in about an hour or so. The Minister of Agriculture said, in passing, that we should all do our part by planting trees, and I must say to the Minister of Agriculture that last Saturday I had occasion to plant some 150 trees, so I feel that I have done my duty. But may I take this opportunity to say to the Minister of Agriculture, if he has any influence with his federal counterpart, that the tree nursery that used to be operated by PFRA at Indianhead, Saskatchewan, which is providing for many many years a very useful service of tree nursery stock for prairie farmer, seems to be under-equipped or operating at slightly below the scale that is needed to meet the demands and requests of prairie farmers, because in asking for some 300 or so trees the other day, I believe the package came back with about 150 willows and stock of that kind.

But in a more serious vein, I say to the Minister, that ever since the 1930s, the importance of tree planting; of shelter belts and the like has been I think well understood and made good use of by many many prairie farm families. I join with him therefore in acknowledging the importance of this day which is more than merely a token thing.

MR. SPEAKER: Tabling of Reports. . . Notices of Motion.

INTRODUCTION OF BILLS

MR. CRAIK introduced Bill No. 26, The Statute Law Amendment (Taxation) Act (1978). Recommended by His Honour, the Lieutenant-Governor.)

MR. SPEAKER: The Honourable First Minister.

HON. STERLING R. LYON, Premier(Charleswood): Mr. Speaker, at the outset of the question period, may I bring to the attention of honourable members the fact that has already been mentioned by the Leader of the Opposition, that today is Manitoba Day, and that I would hope that all members of the House would avail themselves of the opportunity to join with the Leader of the Opposition, myself, and others on the front steps of the Legislative Building at noon, where there will be gathered a choir of several hundred young Manitobans, to join in song and celebration of Manitoba Day,

a great day for our people.

ORAL QUESTIONS

MR. SPEAKER: The Leader of the Opposition.

MR. SCHREYER: Mr. Speaker, to the First Minister. Now that the Prime Minister has ended speculation at least for a few days or a few weeks, can the First Minister indicate if he has had some indication which enables him now to see a calendar or to be able to offer an opinion as to whether it is likely that there will now be some convening of a Federal - Provincial conference in the foreseeable future on the so-called constitutional package that the Prime Minister has been referring to now for many many months.

MR. LYON: Mr. Speaker, the Leader of the Opposition will quickly appreciate that I am in no better position than he to divine what course this particular Prime Minister will follow with respect to a constitutional package, or for that matter any other matters. From recent occurrences, however, perhaps both of us should direct our questions to the Member for Fort Rouge, who seems to have closer contacts with that office than some governments across Canada.

But, in a serious vein, Mr. Speaker, there was agreement at the last First Ministers' Conference, that there would be an attempt — starting in 1978 — to schedule the First Ministers' Conferences for a fixed date, or a relatively fixed date each year in order that preparations by staff, and so on, could go forward. My recollection is, and I can get the documentation on this to refresh my memory, but my recollection at the moment is that there will be a meeting in November. The Leader of the Opposition will appreciate, of course, that the annual Premiers' Conference will take place as usual this year in August, and constitutional matters will be discussed at that conference, according to the preliminary agenda. And there has been some discussion, and I think it's only discussion, about the possibility of a meeting in September, but I would have to re-check my correspondence in that regard in order to give him a definitive answer, which I'll be happy to do.

MR. SCHREYER: Mr. Speaker, a supplementary, which is, I'm satisfied, not hypothetical, that is to ask the First Minister if he has received from the Prime Minister, at any time in recent months, an elaboration as to the approximate kind of constitutional changes that the Government of Canada is seeking, and more specifically with respect to language rights. Can the First Minister say whether he has received any proposal from the Prime Minister that would indicate that freedom or right of parental choice with respect to language would be one thing in all parts of Canada, but something slightly different in the Province of Quebec with respect to the rights of parents relative to language of upbringing and instruction?

MR. LYON: Mr. Speaker, I would have to check the correspondence again, which I will be happy to do, and subject to the usual arrangements, would be pleased to table any such correspondence for the edification of all honourable members.

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

MR. LAURENT L. DESJARDINS: Mr. Speaker, in the absence of the Minister of Tourism, I would like to address my question to the Acting Minister. Is it a fact that the tours organized to the St. Boniface Basilica Cathedral and Riel Monument will be curtailed because of lack of grants, or lack of funds?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, on behalf of the Minister of Tourism, I'll take the question as notice.

MR. DESJARDINS: I would like to ask a question of the Minister of Education. If this is the case, would it be possible that the summer employment for the students could be considered to fill the gap — that these people could qualify as a grant to employ people for the summer?

HON. KEITH A. COSENS (Gimli): Mr. Speaker, I'd be glad to take the honourable member's suggestion under advisement.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, I'd like to direct a question to the Minister responsible for the

Task Force. I'd like to ask the Minister whether he has written a letter to the people whom he spoke to in Dauphin apologizing and correcting the statement that he made that the Minister of Health has made an investigation which indicates that sheets are changed four times a week or more often at the discretion of the nurses.

MR. SPEAKER: The Honourable Minister responsible for the Task Force.

HON. SIDNEY SPIVAK (River Heights): Mr. Speaker, to the Honourable Member for Inkster. I have no intention demeaning myself, as he is, by continual reference to nonsensical suggestions of restraint and the exercise of restraint. There has been no suggestion that I am aware of that the implications of the questions that have been asked by the opposition have in any way affected the health care of anyone in Manitoba.

MR. GREEN: Mr. Speaker, does the Minister of the Crown not consider it a problem that a Minister of the Crown went to Dauphin and made a false speech to those people, and does the Minister not wish to correct a false speech that he made to the people of Dauphin?

MR. SPIVAK: Mr. Speaker, I have no intention of responding to the honourable member except to indicate to him that the matter was discussed yesterday in the House when he was absent. It's not necessary for one to read it in the newspaper or to put an ad in the newspaper — all one has to do is look at Hansard of yesterday.

MR. GREEN: I'd like to direct a question to the Minister of Agriculture. Would the Minister of Agriculture, in recognition of Arbor Day, consider the advisability of announcing a program whereby many of the unemployed people in the Province of Manitoba could be utilized to line a highway of his selection with trees in honour of Arbor Day as an Arbor Day program of the public of Manitoba which would both be useful in terms of beautifying the province and putting productive people to work creating wealth in this province?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Chairman, in answer to the honourable member opposite I would have to certainly discuss that with the Minister of Highways and get his opinion on such a program, as the Department of Highways falls within his jurisdiction, and after consultation we could certainly consider a program such as has been recommended by the honourable member opposite.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SCHREYER: Mr. Speaker, I would like to ask the Minister of Municipal Affairs whether the province is in a position to indicate that it will be responding positively to the request of the City of Winnipeg, as evidenced by the Executive Policy Committee of Winnipeg's announcement that they are seeking accelerated public works with provincial support and co-operation. Is the province in a position to respond positively to this request?

MR. SPEAKER: The Honourable Attorney-General.

HON. GERALD W. J. MERCIER (Osborne): Mr. Speaker, I believe the First Minister answered that question yesterday. To date I have not received any communication from the City of Winnipeg expressing the position of Council.

MR. SCHREYER: Mr. Speaker, if I understand the Minister of Urban Affairs, there has been no formal request, so I take it that it has not been taken under policy consideration as yet, is that correct?

MR. MERCIER: That's correct, Mr. Speaker. I would say, just from reading some newspaper reports, that one of the projects discussed, for example, was the Sherbrook-McGregor Overpass, and I indicated to the City of Winnipeg Council reaffirming the position of the previous government and our position that we were prepared to participate in the normal manner in the cost-sharing of the construction of that facility but, of course, that approval has not yet been forthcoming from the Transport Commission.

MR. SPEAKER: Before we proceed, I would like to do something rather unusual. I understand there are 7 students in the gallery from a school somewhere in Manitoba and I would like to ask the Member for Selkirk if he would introduce them.

MR. HOWARD PAWLEY: Mr. Speaker, 7 students from the Selkirk Junior High School that are

present today will be present the entire day in order to obtain some observation of how the Legislature works in preparation for a student parliament which will be held in the Selkirk Junior High School next year.

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. KEN MacMASTER (Thompson): Mr. Speaker, I would like to clarify some questions and answers that the Honourable Member for Rupertsland and myself have been having in relationship to the freight service for the Bloodvein and Princess Harbour people. Mr. Speaker, I'd like to confirm that the Honourable Member for Rupertsland is correct in suggesting that no specific proposal has been made to Chief Harry Cook of the Bloodvein reserve to operate a ferry service between that point and Island View nor has any such proposal been made to any other party or community.

What I have intended to convey was that the department had contacted both Chief Harry Cook of Bloodvein and Mr. Anderson of Princess Harbour to inquire as to the level of specific service and requirements of each community in order to identify and further evaluate the freight service that would be available to the communities in 1978. That specifically has been done.

To date there has been no response whatsoever from Chief Cook to a letter dated April 24th. However, the department has received a telephone call from the community of Princess Harbour, from Mr. Frank Magnusson on behalf of Mr. Anderson, outlining the needs of that community and further suggesting that that community might be interested in leasing the vessel for an intimate use. The department has received no specific proposal from Princess Harbour outlining the possible terms or conditions of this arrangement and the department has undertaken to contact Chief Cook to establish if he has any interest in participation or undertaking in a similar arrangement. I can confirm to the Member for Rupertsland that several attempts have been made to contact Chief Cook, the latest of which was made this morning, and I do not have any advice on his response, if any, although I am given to understand that Chief Cook has entered into an arrangement with Northlands Freight to transport fish during the fishing season commencing June 1st.

I should advise the honourable member that the department will not operate a ferry on a regular scheduled basis as was done in 1977 because (a) of the low traffic volume, (b) of the high cost, and (c) of the fact that the Ministry of Transport will not issue a license for regularly scheduled passenger service using the particular vessel available to the department. The department is, however, willing to discuss with the communities any possible alternative including the lease of the vessel for freight purposes, and I would like to assure the Member for Rupertsland we will continue to attempt to contact Chief Harry Cook. Thank you.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. HARVEY BOSTROM: Thank you, Mr. Speaker. Just by way of clarification, I want to bring to the Minister's attention and ask him if his department had received a resolution from the Manitoba Indian Brotherhood. I believe at their last convention in Winnipeg they had supported the Bloodvein Band in their resolution to the Manitoba Government that the ferry service which was offered to those communities last summer be continued in this present summer season. I received a copy of that resolution and if the Minister has not received such, I would be happy to supply his department with a copy.

MR. MacMASTER: Mr. Speaker, in answer to the Member for Rupertsland, the ferry technically cannot get approval to run for passenger services. We're prepared to do what we can on the freight end of it.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. LLOYD AXWORTHY: Thank you, Mr. Speaker. I would like to ask a question of the Minister of Education, a question that was taken as notice two days ago, concerning whether the Department of Education intends to examine the situation in the St. James-Assiniboia School Division with the large-scale dismissal of teachers to see if the teacher-pupil ratio that was established as a criteria for grants last year, whether the reduced teacher-pupil ratio will be met by that school division in the case of the dismissal of some 20 teachers.

MR. SPEAKER: Before I allow the Honourable Minister to answer, may I suggest to the honourable member that I understand we are dealing with the Minister's Estimates in the House at the present time. The Honourable Member for Fort Rouge.

MR. AXWORTHY: Well, Mr. Speaker, on that point of order, we have already passed through the

area of the Estimates dealing with public school education and community services and we have the right to ask the question because it's a media question.

MR. SPEAKER: The Honourable Government House Leader on a point of order.

HON. WARNER H. JORGENSEN (Morris): I understand he'll have all the opportunity he chooses when we get back to the first item on the Minister's Estimates.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Speaker, a question directed to the Attorney-General . . .

MR. SPEAKER: Order, order please. The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, on a matter of order. The Minister was prepared to answer until the intervention took place. I wonder if the Minister would still care to answer that question considering the fact that we will not have this area of Estimates today and this is an issue of some importance.

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: The honourable member should recognize that when you have ruled the question out of order, that ends the subject right there.

MR. SPEAKER: Order please. May I suggest to all honourable members that if they listened carefully I suggested that the question may be out of order. Now, if we may proceed with the Question Period. If the Honourable Member for Fort Rouge has another question, I would certainly entertain it.

MR. AXWORTHY: Well, Mr. Speaker, I would again address a question to the Minister of Education, whether he intends to examine the question of the eligibility of school divisions for the school grant, considering the reduction of teaching staff, and considering the fact that new criteria was established last year to reduce the teacher-pupil ratio?

MR. SPEAKER: The Honourable Minister of Education.

MR. COSENS: Mr. Speaker, to the Honourable Member for Fort Rouge. The staffing of schools in any particular school division is the responsibility of that particular school division; that is left to their judgment and it is not an area that the department interferes with at all.

MR. AXWORTHY: A supplementary, Mr. Speaker. Is it not the case, however, that the Department of Education has established very specific criteria concerning the relationship of the number of pupils in classrooms to the teaching staff, upon which the grants coming from the Department of Education are based? And does he intend to examine whether those criteria of eligibility for those grants are being met in this particular circumstance?

MR. COSENS: Mr. Speaker, we would be very pleased to look at those particular criteria for the Member for Fort Rouge.

MR. SPEAKER: The Honourable Minister of Northern Affairs.

MR. MacMASTER: Mr. Speaker, I'd like to answer questions from the Leader of the Opposition, the Honourable Member for St. Johns, and the Honourable Member for Selkirk in relationship to crop depredation and the payments due to the farming community in Manitoba. I made a statement in the House that the procedure that's followed this year, I felt, was identical to last year, and it is in fact so. I made a statement that these payments are made on a similar basis and the same type of philosophy as how you handle forest fighting in the particular province after the case has been established, and that in fact is a fact. I should point out that in 1976 there were 54 claims established in Manitoba that averaged approximately \$487, and in 1977 there were 437 claims that averaged approximately \$940.00.

I made a statement to the Member for St. Johns that I felt, I thought I was right, and am, that the method of funding is that \$2.00 out of the Wildlife Certificate goes into a trust fund; the trust fund is Trust Fund Account No. 69, and during the course of 1977 there was \$97,000 went into that fund. The initial federal contribution was \$100,000; it's been well established, just in my comments, that we certainly needed a great deal more money and I am pleased to state here today

that we have just finished a successful set of negotiations with the Federal Government for an additional \$129,000.00. We are short for total payments, the figure of \$85,000 which I will be seeking approval from Cabinet to locate, and we will be paying on the same system as was paid last year, Mr. Speaker. And I would like to assure all the members that everything being equal, the cheques will be in the mail within the next two weeks to all the farmers concerned.

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

MR. SAUL CHERNIACK: Mr. Speaker, I thank the Honourable Minister for his information. Does he then confirm that it appears now, at this stage, that there will be at least \$85,000 requested by way of special warranted addition to the Estimates?

MR. MacMASTER: No, Mr. Speaker, I am not confirming that; I am saying that I'm going to endeavour to find \$85,000, and I'm not saying that it specifically has to be in special warrant, and for the sake of the Member for Inkster, who is talking from his seat, we can reallocate funds, I am sure, with the approval of the appropriate people. Thank you.

MR. CHERNIACK: Mr. Speaker, it's rather important. The honourable member indicates that it may not be necessary to go by way of special warrant. Could he indicate under what resolution in all of the Estimates, he can possibly obtain money to use for this purpose, other than by special warrant?

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, there's just one minor point I would like to deal with in response to the Member for St. Johns' question. This government will not be raising money by special warrants when the House is sitting, contrary to the law, as the former government did.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SCHREYER: I had a conventional question, but the last interjection by the First Minister does require that I rise on a point of order, if only to say that the record shows that law was passed — law was passed — providing for the provision of funds by special warrant, even intra-sessionally — (Interjection) — And such law was passed in The Financial Administration Act, 1969.

May I ask the Minister of Northern Affairs this question? While accepting all of the answer given by the Minister of Northern Affairs, that the procedure followed, the method of appraisal followed has not been changed from the previous year or years, may I ask the Minister, however, this point: Will he check to ascertain whether if, in any of the previous years, those who had been informed that their claims were appraised and found to be valid, were told, "But, however, there are no funds available to meet your claims," because that's the point?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

MR. MacMASTER: Well, Mr. Speaker, I suppose I could check and attempt to find out if somebody said something to somebody, somewhere. I don't know whether you're taking that — and I say this to the Leader of the Opposition — I don't know whether you're taking that out of context by saying, "But, that there's no funds available and we will see what we can do." — I don't know whether the last few words were there, Sir — and maybe you will never know, and I don't know, but I know that we have not given up on trying to locate the moneys; we have not at any time indicated, to my knowledge, my department, that we were forgetting about this particular issue, and we are prepared to deal with it now, I think in a very responsible manner.

MR. SCHREYER: A final supplementary on this, which could clear it up very nicely. Will the Minister give an assurance that in those cases where claims have been adjudicated and found to be valid, that there will be no question but that the claims will be paid, and that there will be no confusion caused by extending the time period because of lack of funds to meet valid claims, accepted claims, at the present time?

MR. MacMASTER: Mr. Speaker, my records show that there are 437 valid claims which have been assessed and gone through the system. If the Leader of the Opposition is aware of one, or ten, or two or twenty that do not fall in there, or if he finds that through lost correspondence or some type of communications that has transpired somewhere between somebody, that somebody has not

been paid, I would be pleased to hear of it.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I would like to direct a question to the Minister of Public Works. Given that his management of the Department of Public Works, combined with the recent layoffs and firings, have resulted in 233,000 square feet of vacant space costing the taxpayers of Manitoba well over a million dollars a year, is the Minister now undertaking a program to consolidate empty space, terminate leases which have expired, and sub-lease existing space no longer required?

MR. SPEAKER: The Honourable Minister of Public Works.

HON. HARRY J. ENNS (Lakeside): Mr. Speaker, I continue to be concerned about the 70,000 empty feet of unoccupied space of the new provincial garage. Otherwise the ratio of empty space to occupied space remains at the 3 percent figure which is relatively constant over the last few years. We're not satisfied with it. We will be attempting to consolidate that into making sure that the space government requires is no more than it requires and that we do not have even a 3 percent figure of unoccupied space being kept at the expense of the taxpayers.

MR. DOERN: Mr. Speaker, a supplementary. Since this sizeable block of space is a glaring manifestation of waste and mismanagement by the present administration, would the Minister be prepared to accept a little something to assist him to speed up his program of sub-leasing?

MR. SPEAKER: The Honourable Minister of Finance.

MR. LYON: Try renting a brain. It might help.

MR. CRAIK: Mr. Speaker, I want to reply to a question by the Member for Selkirk which he placed a few days ago with regard to the Mineral Acreage Tax. Mr. Speaker, I want to advise the Member for Selkirk that the Department of Finance wrote to all persons with arrears under the Act requesting payment of same, and also wrote to all persons who had voluntarily surrendered their mineral rights to the Crown advising that they could, by the payment of tax not previously paid, regain ownership of the mineral rights previously surrendered.

I find that on reading his second question that he asked in particular, I gather, as to whether anyone was offered their mineral rights back at a fraction of the taxes. I can advise the Minister there's no evidence of that. All the people were advised that they could either re-purchase their mineral rights through payment of arrears, or, if they had given up title, could re-purchase their mineral rights again by paying their back taxes.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Speaker, I thank the Honourable Minister for his answer. Could the Honourable Minister answer now or would he like to take as notice whether or not mineral rights pertaining to 620,000 acres of mineral rights belonging to Siebens Oil and Gas of Calgary, Alberta, was offered back to them at a sum less than full taxes and penalties?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, as I've already said to the Member for Selkirk, in all cases — I can give a copy of the letters that have gone out, and a reminding letter to all those who had arrears in excess of \$1,000 — that has gone out universally to all participants, and this letter states clearly that they would have to pay their complete back taxes.

MR. PAWLEY: Would the Honourable Minister be prepared to table the letter to Siebens Oil and Gas of Calgary, Alberta?!

MR. CRAIK: Mr. Speaker, first of all if the member wants to give me presumably a copy of some letter I'll have it checked out. I would remind him that all the information that we have is that they got identical letters. I will table the letter that has gone out to everybody and presumably they're in the category of people having more than \$1,000 in back taxes. I can check the particular case. It would be helpful if the member would provide me with any documentation he may have.

MR. PAWLEY: Mr. Speaker, if I could ask a question of the Attorney-General. Further to the answer

the Attorney-General provided me yesterday pertaining to Jarmoc Agreement and his advice that the procedure that was followed in the instance of the Jarmoc Agreement was similar to that of past practice by the previous administration, I would ask the Attorney-General if he could indicate to me the previous instance where, in fact, an agreement executed was later approved as to form by the department of the Attorney-General in which a third party was involved — a development agreement in the form of the Jarmoc Agreement.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I can only assume that the solicitor concerned was acting on the same basis and the same practice as had been carried out under the previous government because no instructions to the contrary were given him.

MR. SPEAKER: The Honourable Member for Selkirk has had three questions.

MR. PAWLEY: A supplementary to the Attorney-General, Mr. Speaker.

MR. SPEAKER: There are several members who haven't had a question yet.

MR. PAWLEY: My question to the Attorney-General is if he could advise the House as to what possible advantage could be achieved by an approval according to form of an agreement such as this after it has already been executed by the parties thereto.

MR. SPEAKER: Orders of the Day. The Honourable Member for The Pas. Oh, the Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, unless it were a condition of the agreement that it not be deemed to be valid and binding until it was approved as to form there could be no advantage whatsoever, and I intend to instruct the department not to approve agreements as to form after they have been executed.

MR. SPEAKER: The Honourable Member for The Pas.

MR. RONALD McBRYDE: Mr. Speaker, I wonder if I could direct a question to the Minister of Northern Affairs. I wonder if he could tell us if the Cross Lake ferry will be operating this year and the Split Lake ferries will be operating this summer.

MR. SPEAKER: The Honourable Minister of Northern Affairs.

MR. MacMASTER: To the best of my knowledge, Mr. Speaker, unless the Member for The Pas has information that I'm not aware of.

MR. McBRYDE: Mr. Speaker, another question to the Minister of Northern Affairs. I wonder if he could tell the House whether he has contacted the Thompson Citizen and the Canadian Native News Service to correct and apologize for the incorrect statements that he gave them.

MR. SPEAKER: Orders of the Day. The Honourable Minister of Health. The Honourable Member for The Pas.

MR. McBRYDE: Yes, Mr. Speaker, I wonder if the Minister of Northern Affairs could tell the House whether or not the Pakwagan operation at Jenpeg — if the sale of that operation has been completed — if they've accepted any of the bids for that operation?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

MR. MacMASTER: Well, Mr. Speaker, the former Minister of Northern Affairs isn't too familiar with the location of the particular topic that he's talking about. Pakwagan is no longer at Jenpeg; it's been in Wabowden for quite some time, and I believe the proposals will be finalized in the next couple of days, the receipt of proposals.

In relationship to the comments that appear in the papers, I suppose I could question some of those that you see in papers but I don't feel that (a) it's the rule of the House that you're not supposed to debate them or discuss them, and (b) I suppose we're entitled to put in what we like, and if it isn't quite reported right we might be rather busy running around checking. If there's something terribly detrimental I certainly would endeavor to correct it.

MR. SPEAKER: The Honourable Minister of Health.

HON. L. R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, on Thursday evening, May 4th, in response

to a written request from me, and subsequent to an exchange in the House that had taken place that afternoon, the Member for Inkster supplied me with the name and address of a constituent who he felt had been poorly served — the Member for Inkster says that it wasn't a constituent — supplied me with the name and address of a citizen who he felt had been poorly served with bed linen changes during April, while she was a patient in the Health Sciences Centre, where she had her tail-bone removed. I told him I would investigate the case and report back' Sir, and I can report that I have received a written report on the matter from the patient, herself, that I have talked to the patient by telephone, that I have asked for and received from the Health Sciences Centre its report on the case in question.

It's correct, apparently, that the patient was admitted on April 12th, that her bed linen was changed on April 14th, that it was changed again on the 19th, the day she was discharged and surrendered the bed to another patient. It is therefore correct that there were at least four days in a row: April 15, 16, 17 and 18. —(Interjection)— Mr. Speaker, I repeat, the bed linen was changed on April 14, and on the 19th, it is therefore correct that there were at least four days in a row — April 15, 16, 17 and 18th on which the linen on that bed was not changed. —(Interjection)—

Mr. Speaker, the Member for Inkster asked me to report to him and to report to the House on the situation.

The patient also told me in her written report, that she was told by an aide, quote: "That sheets were no longer changed daily, and that cutbacks had left the hospital without enough staff in the laundry."

The reports I have received, Sir, from the Director of Nursing and the head nurse on that particular ward, both dispute that contention. The Director of Nursing-Adults reports as follows: "The unit assistant said she did not refer at all to cutbacks in laundry staff." The head nurse suggests that the term "cutbacks in use of laundry" may have been used, and may have been misinterpreted by the patient to mean "cutbacks in laundry staff". As for cutbacks in the use of the laundry, Sir, that point has never been disputed by this government. I told this House on May 4th that the hospital had reduced the volume usage of its laundry as of June of 1977, because the hospital administration felt it was a facility that was being unnecessarily over-used with the result . . . —(Interjection)—

MR. SPEAKER: Order please, order please. May I suggest to the Honourable Minister of Health, that if he has a lengthy explanation that it be given in writing rather than use up the time of the House in a long verbal explanation. The only reason I do that is because we have now reached the time when the question period has expired, and if the Minister can assure me that he can finish his statement in 15 seconds, that would be fine.

MR. SHERMAN: Mr. Speaker, I just make the point that this incident was catapulted into this arena of public debate. I was asked to report on it, and I'm reporting on it. I don't merely want to report to the Member for Inkster, I want to report to the members of the House who were party to the claim raised and to the allegation leveled at the government by the Member for Inkster.

ORDERS OF THE DAY — ORDER FOR RETURN

ORDER NO. 52: On Motion of Mr. Walding.

THAT an Order of the House to issue for a return of the following information:

1. The names of individual firms and firms included in the consortiums which submitted the five quotations to provide insurance coverage on provincial government buildings.
2. The quotations submitted by each firm or consortium.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, the request or Order for Return is in order. We accept it.

MR. SPEAKER: The Honourable Government House Leader.

GOVERNMENT BILLS — SECOND READING

MR. JORGENSEN: Would you call Second Reading of Bills standing in the name of the Honourable the Attorney-General, and the Minister of Agriculture, Bills No. 20, No. 22 and No. 25.

BILL NO. 20 - AN ACT TO AMEND THE GARAGE KEEPERS ACT.

MR. MERCIER presented. Bill No. 20, An Act to amend The Garage Keepers Act for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, the amendments to The Garage Keepers Act are consequent upon the coming into force of the Personal Properties Security Act. The registration system for the Personal Properties Security Act will remove registration of chattel mortgages, bills of sale, assignment of book debts from the County Court offices. Since the Garage Keepers Act presently provides for registration of a garage keepers' lien in the County Court office, where the garage keeper gives up possession of a vehicle to the owner, and because the garage keepers' lien deals with a security and personal property, that it was considered advisable that the registration of a garage keepers' liens be transferred to the Personal Property Registry along with all other registrations of security and personal property. The amendments do not, in any way, change the effect of the garage keepers' lien, the sole purpose of the amendment is to transfer registration of the lien from the County Court to the Personal Property Registry. All other amendments, including the change in Form I in the schedule, merely reflect the transfer of registration of garage keepers' liens from the County Court to the Personal Property Registry.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: I move, seconded by the Member for St. George, that the debate be adjourned.

MOTION presented and carried.

BILL NO. 22 — AN ACT TO AMEND THE JURY ACT.

Bill No. 22, An Act to amend The Jury Act for second reading

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, these are really housekeeping amendments. I've distributed to the Leader of the Opposition, the House Leader, the Member for Selkirk and the Liberal Party, a sheet of explanatory notes relating to this Bill, and I will, if I might, just comment on three or four of the proposed changes.

The first section is the result of a proposal from the Law Reform Commission of Canada and the Law Reform Commission of Manitoba because the present clause permits a person on parole, or someone who has just been released from incarceration to serve as a juror, and it has been deemed advisable to change that restriction, as indicated in that proposed amendment.

There is another proposal in Section 61 of the proposed amendments to allow persons for jury duty to be served by registered or certified mail, rather than by just personal service. This has been allowed in Ontario and will certainly be a more efficient and less costly method of serving summons for this case. We will take the necessary administrative steps to ensure that no procedures are taken against someone who does not appear in answer to a registered mail summons without some personal follow-up to ensure that in fact they have received the summons by mail.

There is a further amendment to Section 79. In that case the Law Reform Commission recommended three years ago that jurors' fees be increased from \$18.00 to \$30.00 a day and this has been a concern to numerous citizens who have served on juries. Comparison with other provinces indicates that some change is required. It is not intended to increase the sum of \$18.00 in this proposed amendment but simply to allow that to the change in fees to be set by regulation so that it does not have to be done by legislation and will allow the fees to be kept up to date with current costs and remuneration.

Mr. Speaker, those are the major housekeeping amendments to The Jury Act.

MR. SPEAKER: The Member for Selkirk.

MR. PAWLEY: Mr. Speaker, I wish to move, seconded by the Honourable Member for St. Johns that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, I would like to ask the leave of the House to indicate that on Bill 26 that I introduced this morning for first reading, The Statute Law Amendments Taxation Act, that I should have indicated that His Honour the Lieutenant-Governor had been informed of the subject matter of Bill 26 and the proposed resolution recommended to the House.

BILL NO. 25 — THE CATTLE PRODUCERS ASSOCIATION ACT

MR. SPEAKER: The Honourable Minister of Agriculture on Bill 25.

HON. JAMES E. DOWNEY presented Bill No. 25, The Cattle Producers Association Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, in explaining the Bill No. 25, the Act that is before the House, The Cattle Producers Association Act, I would like to just briefly quote a bit of history or explain a bit of history of the cattle associations in Manitoba and relate a bit of the history to the House in explanation of this bill.

The earliest cattle producers' organization in Manitoba goes back to 1891 making Manitoba Cattle Breeders' Association the oldest organization in Western Canada. So it points out that the history of Manitoba has had an early start in cattlemen's associations. The original association, it is pointed out, that the Manitoba Livestock Associations and the Ministry of Agriculture worked so closely together over the period 1906 to 1924 that it is difficult to differentiate between the programs and the projects of the associations and the departments so there has been co-operation in the past history of the government and certainly livestock organizations.

I think probably, to carry on a little further, that when we come to more recent times, we have to look at some of the other provinces in Canada and what they have done as far as the organization of their livestock industries. We have the Provinces of B.C., Alberta, Saskatchewan, Ontario, with livestock organizations representing the majority of that industry. In fact, Mr. Speaker, I believe that approximately 80 percent of the cattle marketed in Canada come from provinces that have an organization such as the one that we are proposing in this Act.

I would also like to just state, Mr. Speaker, that it is the position of the government that there is substantial evidence derived from the Commission of Inquiry which was held by the previous administration and the Joint Advisory Committee recommendations that the producers need an organization for the Province of Manitoba. I would just like to read some of the letters of support from some of the organizations, or parts of those letters, and we'll comment on them.

The first letter I would like to read is from the chairman of the Manitoba Marketing Board. It states: "Dear Mr. Downey, I was pleased to learn that you had appointed Al Church to co-ordinate discussions among beef producers to develop an organization to be financed and administered by producers. The Manitoba Marketing Board has been involved over the past three or four years in the same task without positive results partly because there are divided views among producers on what such an organization should do and what powers it should have.

"Our board reached agreement with the major beef grower groups on two occasions but the vote on the first plan was negative and no vote was held on the second occasion because the then minister decided to defer any vote until after the Manitoba Livestock and Meat Commission had reported. Since he favoured a vote on a comprehensive plan, the more limited plan favoured by the Beef Growers' Association was not put to a vote a second time.

"In the meetings of the Joint Livestock Advisory Committee appointed by Mr. Uskiw, the Honourable Member for Lac du Bonnet, if that sort of plan had been put to a vote, it is highly probable that it would have been favoured by a good majority though opposed by many who favoured a stronger plan."

Mr. Speaker, I have one or two other letters which I would like to read. The letter of support from the United Grain Growers: "The board of directors of United Grain Growers is pleased to lend its whole-hearted support to proposals to establish a beef cattle checkoff system in Manitoba."

The Manitoba Farm Bureau, also a letter of support for a proposed beef cattle organization in Manitoba. The Maine Anjou Association, also letters of support; the Diploma Graduates' Association, a letter of support; the Manitoba Beef Growers' Association, a letter of support for proposed legislation; and a resolution passed at the Manitoba Cow-Calf Association, a resolution that read: "That after a lengthy discussion a motion was carried and the Manitoba Cow-Calf Association supports in principle the establishment of a Manitoba Cattlemen's Association."

So, Mr. Speaker, we have several letters of recommendation to the government and I would also like to point out at this time that in the vote that was held in 1977, a more comprehensive plan as recommended by the Minister or one that he thought would be — the Minister of the day — that a voluntary letter was sent back or letters were sent back in asking what the producers would like in place of a marketing board for beef cattle. Mr. Speaker, at this time I have a pile of letters here which indicates that a Cattle Producers' Organization be funded by a voluntary checkoff and run by elected directors to do the following without government regulation: To provide daily marketing information to producers in all parts of the province; assist starting producers to understand the market and the grading system; fund research into production problems unique in Manitoba; represent the industry in dealing with the government.

There are two other points that were on the letter that these ombudsmen operating under The Ombudsman Act be appointed to investigate and correct producer complaints; that packers be required to daily advise the Market Information Service of the following details of all direct packer sales of live or rail grade cattle.

Mr. Speaker, this is the pile of letters in favour of a cattle producers' association in Manitoba; there are approximately 4,000, and here is the pile, Mr. Speaker, of those that were opposed to it. Mr. Speaker, I think that the evidence we have in the department and our government shows that there is a need for a livestock association in the province. I would like to just proceed a little further to say, with the implementation of enabling legislation, that the producers themselves will, in fact, be the people who organize and run their organization. I think that the act itself will enable them to go ahead and we it is time get back to the beginning times in Manitoba when the government worked with the producers of the province, and not in confrontation to them.

There seems to be little doubt after the vote held by the previous government that the beef producers do not want an organization with marketing powers or a marketing board under the Natural Products Marketing Act, and I would say that in other provinces, as recommended by the Commission of Enquiry and the Joint Advisory Committee, the funding of an organization by means of a small refundable checkoff would be acceptable. Basically, the Cattle Producers' Association Act provides a positive response to the questions and does so by providing the establishment of a province-wide producer organization run by producers themselves who are elected from designated districts in the province before the end of 1979.

In order to ensure the democratic implementation of this act, it is required that the collection of fees and the method by which they shall be refunded to those not wishing to participate, shall only be implemented by those elected by producers themselves. Specifically, marketing powers are excluded from the Association's authority. The Association's purposes include the provision for the Association to initiate support and conduct programs for stimulating and improving the economic well-being of the cattle industry in Manitoba to developing improved marketing methods, grading standards, quality standards, educational programs and to co-operate with other agencies having similar purposes. The object of the Association may include market expansion, information service to producers, and research into production and marketing of cattle.

The honourable friends opposite say, "Why would there not be any marketing powers?" And after some 9,000 people in the Province of Manitoba voted against a compulsory marketing scheme under the Natural Products Marketing Act which could impose a marketing system upon the beef producers, they rejected it. As indicated previously, the act enables the Association to implement a funding procedure based on the deduction from all cattle marketed. The only way that the funding can be implemented, however, is by the action of producers who have been elected on a district basis by other producers. Furthermore, these elected members must, at the same time, establish the procedures by which refunds will be made to those who do not wish to participate. At the implementation stage, the act also provides for the drawing up with administrative by-law by an appointed group within three months of the date that the act is proclaimed.

One of the primary functions of this appointed group will also be to see a democratic election of their successors prior to the end of 1979. Mr. Speaker, I would ask for the support of the members on a bill to enable the livestock producers in Manitoba to have an association that will represent their industry.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Speaker, I would ask the Honourable Minister if he would submit to a question. Can the Honourable Minister advise whether or not the groups which he indicates he received letters of support from, were advised of the sweeping powers which he has included within his legislation, specifically those powers outlined in 7, subsection (1) of the A act, prior to their forwarding those letters of support to him?

MR. SPEAKER: Are you ready for the question ? The Honourable Member for St. Johns.

MR. CHERNIACK: Mr. Speaker, I wish to speak on this, but I thought the Minister was going to reply to the question; if he doesn't, then I will speak.

I believe the Minister is not prepared to reply to the question asked by the Member for Selkirk. Well, he will.

MR. DOWNEY: Mr. Speaker, would the Member for Selkirk state again the one that he was referring to in the 8 act?

MR. SPEAKER: The Honourable Member for Selkirk.

MR. PAWLEY: Section 7, subsection (1), dealing with regulations.

MR. SPEAKER: Order please. Before we get into the detailed clause by clause of the bill, I believe under second reading you should not be referring to specific clauses. The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Speaker, if I could reword my question; has the Honourable Minister consulted with the organizations he referred to in his address that forwarded to him letters of support in connection with the powers to obtain information from various cattle producers in respect to their financial and other matters?

MR. DOWNEY: Mr. Speaker, I am not quite clear on the question that is being asked; however, we will be dealing with it in committee, and I can certainly have an answer for him at that time.

As far as the reference to the people that we are referring to, the powers that we are giving them as far as the obtaining of information —(Interjection)— Yes, the organizations I am referring to are —(Interjection)— . . .

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

MR. CHERNIACK: Mr. Speaker, I never participated, to my recollection, in any debate involving cattle producers' problems, or indeed, I think, agriculture generally. I am not aware of the political implications of the legislation before us, nor of the position taken by our party in the past on this; it was not an area in which I was knowledgeable, or became involved. So, Mr. Speaker, when I got this bill, I looked at it the way I try to do with every bill, just to look at a bill to see what the implications are of the bill, and what is intended by it. And as I read this further and further, Mr. Speaker, I became more and more shocked by the powers that are given to a private body of people over others . . .

MR. SPEAKER: I wonder if I may interrupt the honourable member for a minute. We have 40 students from Centennial School — this school is from Lac du Bonnet, under the constituency of the Honourable Member for Lac du Bonnet. On behalf of all members, we welcome you here today.

The Honourable Member for St. Johns.

MR. CHERNIACK: Well, Mr. Speaker, I probably will have to start again because your interruption challenged my train of thought . It would have been easier had I finished the sentence before you decided to interrupt.\$

Mr. Speaker, I was talking about this legislation and looking at it in an effort to be objective about what was the government's intention in doing it. Mr. Speaker, I don't even know why the government as such, and the Minister of Agriculture as such, is involved in setting up legislation establishing an association of private people in relation to how they develop their trade, because the first purpose of any person who reviews legislation is to see what is it that this act intends to do, and what does it intend to do according to the legislation proposed.

The purpose and intent of this act is to provide for the establishment and financing of an organization to initiate, support, or conduct programs for stimulating, increasing and improving the economic well-being of the cattle and beef industry in Manitoba. How? By developing improved marketing methods, grading standards, quality standards, research and educational programs. And as one reads through the balance of the bill, one does not find that they will control the market, or attempt to influence the market, or intend to improve the manner in which people will be able to produce their product and offer it for sale. I'm not sure that it's much different to so many other

organizations of a self-interest nature such as The Downtown Businessmen's Association, The Chamber of Commerce, the association of doctors called The Manitoba Medical Association, or any other self-interest group, but this government apparently has decided to give tremendous powers to a private organization, and powers that involve compulsion, powers that involve the intrusion into the business operations of any individual who happens to be in the cattle industry, to be a buyer, a seller, a drover, a shipper, a transporter of cattle; a person who buys cattle for a producer; a person who raises cattle — all these things, the powers over these people, are given to a private organization without any form of supervision, without any form of responsibility on the government which gives them that power. And that's really what brought me to my feet, Mr. Speaker. Again I say, I don't know the problems of the cattle producers of Manitoba; I will not pose as an expert in that field, but Mr. Speaker, I am looking at what is being done here. So let's look at it.

The purpose is to initiate, support, or conduct programs by developing improved market methods. I think that's a highly commendable purpose. Surely that's a good thing to do. I think it's a good idea to try to develop standards, educational programs — that's a good thing to do. But then, once they set out the purpose, what do they do? They establish an association to lay down some pretty basic rules, like there has to be a majority to constitute a quorum, which I suppose is a step ahead of this Legislature, which doesn't need a majority to constitute a quorum. And they say that the decision of the majority of members present is required — that's very democratic of them.

But then they go on, Mr. Speaker, to give certain powers, and now one wonders. The powers and objects of the association are to advertise and promote the cattle industry. That sounds good. To initiate, sponsor, and encourage research — that sounds good. To encourage education, advertising promotion — that's pretty good, Mr. Speaker. Co-operate with any organization — we had a contribution from some member opposite — oh yes, the Member for Emerson is impatient to get into the debate — by all means, if he has a question, I would permit that — but he doesn't. . . . To co-operate with any organization having a similar purpose — that's pretty good. To enter into agreements with other organizations in order to carry out its purposes — which I've just defined. And subject to this act, do such acts as it deems necessary or advisable to enable it to administer this act, and to promote and to assist producers in the production and marketing of cattle.

All of these things, Mr. Speaker, appear to be commendable. Why they appear to be just what any group of people would get together to do and say we have a common interest; we want to promote the cultural aspects of Manitoba in the field of construction of fine pieces of furniture. Let them get together, let them do all the things that are here, but then what does the government do?

Mr. Speaker, the Minister of Agriculture, who has a question to ask; I didn't hear all the import—(Interjection)— Mr. Speaker, it seems that the Minister of Agriculture, who did ask a question; he didn't make a statement, but he said, "Did they something or other?" He wants to do it from his seat rather than to stand, and I give him every opportunity to interrupt me and ask his question. He has decided against that.

So then what does the government do? And what does that Minister do? The Minister then says, "The Association may make such regulations as it deems necessary." That's this Association of people who want to promote and advertise, and research. (a) Requiring information reporters who are defined as any person who is engaged in the cattle or beef industry including sellers, drovers, shippers, auctioneers, everybody; to require them to maintain books and records in relation to the production or marketing of cattle or beef, containing what, Mr. Speaker? Such information as the Association requires, and to submit to the Association such information relating to the production of marketing of cattle, as the Association may require. Mr. Speaker, I don't think the Income Tax Department has that kind of power.

Mr. Speaker, I was Minister of Finance long enough to become fairly familiar with some of the powers of a Minister of Finance. I don't think he has that power, but this is given not to a government; not to a body elected by the people under the democratic process, this is given to an association to affect other people: drovers, shippers, transportation people. . .

A MEMBER: The Law Society doesn't have. . .

MR. CHERNIAK: Mr. Speaker, I intend to deal with professional associations in respect to that. Further, what are the regulations? Imposing fees payable to it or on its behalf on producers and providing for the collection as its agents of those fees and the remission thereof by any livestock dealer. Mr. Speaker, when the governments of Canada impose taxation, they pass certain laws which give them the authority to force others to collect taxes for them. We have sales tax laws; we have people who have to collect them for us. We pay them a fee, and we say, well that is the method

by which a government has to be able to operate in order to operate for the benefit of all the people in the province. Well, this association is being given the power to impose on other people the responsibility to be tax collectors for the association. For what purpose? For research; for education; for promoting industry. Mr. Speaker, I am not aware of other private organizations that have this kind of power.

And you know, Mr. Speaker, as I recall it, there are certain even professional associations, or paraprofessional associations, who can make regulations but the regulations have no power or effect unless they are approved of by the Lieutenant-Governor-in-Council, or unless they are approved of by a certain Minister. I think that there are certain associations within the health field who cannot pass regulations without approval by either the Minister of Health or the Cabinet, but in this case, oh no, Mr. Speaker, they don't have to go to any other body for approval; they can do anything they please, anything whatsoever as long as they complied with the Act. What does the Act say? They may make such regulations as they deem necessary to force people to give them information, which they the association require, and to impose fees and force others to collect it for them.

That is what this government, this Conservative government —(Interjection)— I'm glad, and I'm being reminded. This government that was elected on the great platform of free Manitobans, and look at this form of procedure. Mr. Speaker, then they say, "Oh, wait, we have to protect the individual; why, there's a principle involved." So they say that no regulation shall be made unless (a) Until the election of members is held within the time specified under 11(1), which provides for election of directors; (b) Unless it provides and sets out the procedure for the refund of fees to those producers who apply therefore. Oh, that seems to give people the right to sort of opt out. But what does it? If they decide that they are going to have a refund mechanism, which means that you have to fill out forms that are as extensive as the forms that the Minister of Agriculture paraded before us today, and if, in addition thereto, they have to file their refund within 12 hours of the payment having been made, and the refund has to be applied for and registered in Timbuktu, and if that comes back to Manitoba in sufficient time within 12 hours, then the refund shall be made; that is permissible under this legislation. Because all they have to do is set out a procedure; the procedure doesn't have to be fair; it doesn't have to be workable; it doesn't have to be one that recognizes any problems that may occur; all they have to do is establish a procedure and they're in; they can do as they like.

I don't know, Mr. Speaker, of other legislation which has this kind of power to deal with individuals; I don't know that, Mr. Speaker.

But then it goes further. It says, this regulation may be discriminatory — no, that's not the word, it doesn't use the word discriminatory — but what does it say? Any regulation may be general or may be limited to any locality or localities, or to any persons or classes of persons, or to any branch of the industry. That to me, means that they can be discriminatory. They can decide whom to affect and how to affect them, and how to have special regulations imposed. I don't believe that was the intent of this government that we have before us, but, Mr. Speaker, if it wasn't their intent, then the most favourable description I can give is that they were sloppy; so sloppy that they ought to withdraw this legislation and draw it up fairly and properly. But, Mr. Speaker, I am too kind, I believe that I am too kind; I don't think they were that sloppy. I think that probably they met with whoever is the establishment in this industry, and I admit that I don't know who it is, and they talked to that establishment and they said, "Okay fellas, what would you like?" And once you tell me what you would like, I'll give you what you would like." It's not unusual for this government to deal that way. —(Interjection)— The suggestion is, better still. . . As a matter of fact, I put this question to the Minister and I am sure he will answer it before we're through; I would ask him — who drew this legislation?

Mr. Speaker, let's then look at these regulations the government is giving to a private body of people, and what do the regulations say? That there has to be an administration by-law, and that that administration by-law has certain features that it should have. Mr. Speaker, I understand you'd like to interrupt me and by all means, do so; it's a good position for me to stop.

MR. SPEAKER: I thank the Honourable Member for St. Johns. It gives me an opportunity to introduce 73 students from Goose Lake High School. This school is in Roblin; these students are under the direction of Mr. Jack Ziprick. This school is located in the constituency of the Honourable Member for Roblin.

The Honourable Member for St. Johns.

MR. CHERNIAK: Mr. Speaker, by all means, I was glad to enable you to interrupt me because I was able in that way to finish my one train of thought. Anytime you want that kind of co-operation, Mr. Speaker, you'll get it.

Coming back, Mr. Speaker, to the proposed legislation. It says within three months after coming into force of this Act, the association shall pass an administration by-law. At this stage, we know who they are; they are the people appointed by the Lieutenant-Governor-in-Council. What is the administration by-law? It shall provide for the registration of producers; it shall provide that there shall be an election not later than the end of 1979. That means they have another year and a half to operate before there shall be an election of members, and it goes on to say that the by-law shall provide for the method of calling and holding meetings of the association, which means when they want them, where they are to have them, what kind of notice to give to members, what kind of information, how open they can be. All of these things are matters that would be given to the association to determine, without review by any other outside body.

What else? To establish rules to determine those producers who are eligible to vote for the purpose of electing the members of the association, and at meetings of registered producers.

Mr. Speaker, please look at the definitions. The definitions tell you what a producer is, but the administration by-law then says that it may determine rules to determine those producers who are eligible to vote. Why do they even have to distinguish which producers may vote, when the Act tells us who is a producer? So what does that mean? Will they now say that you have to have not more than two cows to be entitled to vote, or that you may not have less than 50 cows, in order to be able to vote? I don't know, Mr. Speaker. The trouble is that these regulations can be made in closed rooms without much debate — no public debate is necessary. Why, the Minister of Agriculture may not be allowed to know what are their reasons; they may not even consult the Minister of Agriculture. They have a right to say, "We will determine which producers shall have the right to vote."

And what else, Mr. Speaker? Such other matters related to the conduct of meetings of the association and registered producers and for the proper discharge of the duties of the association. So now, Mr. Speaker, this association will decide who may vote; how they will vote; how they will hold meetings; and still retains for them the power to go to people who are not given the right to vote and force them to maintain books and records and to submit to the association such information relating to the production or marketing of cattle or beef as the association may require. So now we have the situation of people without a right to vote; people who cannot participate in the election of the board of directors of the association; people who thus are not even members of the association but are required, by the association, to give them the kind of information the association wants to have.

Mr. Speaker, I think it's horrendous. Mr. Speaker, I am speaking again as a person who admittedly, and don't anybody dare stand up and say, "Well you know nothing about the cattle industry so who are you to talk"? I admit I know nothing about the cattle producers industry, but, Mr. Speaker, I do not admit that I know nothing about legislation and about powers that may be given to bodies who are outside of government. That I will not take a back seat to, to many others, but, Mr. Speaker, I am concerned. I've been studying legislation affecting professionals for quite a number of years and I have to say that firstly, there is no standard of professionalism that is determined in any way under the Cattle Producers' Association, and if there were, I don't know of any professional body that is given the kind of powers that are given here without the right of an appeal. I don't know of any legislation affecting professional associations, any association, given tremendous powers such as in here without the right of appeal, without the right of review. If this association becomes absolutely slap-happy and arbitrary and starts demanding information which a person considers, deems an intrusion on privacy, he can't even go to a court or to any other body, administrative or otherwise, and say, "Hey, look what these people are trying to make me do." He can't do that. Do you know what he'd have to do, Mr. Speaker? He would have to refuse and then there would be all kinds of activity involved in whether or not he has a right to refuse. —(Interjection) — He can't go . . . Oh yes, he can come to the Opposition and say, "Please could you get that Act amended, give me some kind of method by which I can challenge the arbitrary decisions of the association," and we here will do our best — as I'm trying to do now — and then we will have probably the First Minister saying, "Don't answer — Estimates and keep quiet and vote it down." —(Interjection)— Soon — yes, that's another thing he can say.

Mr. Speaker, I am speaking at this stage because I want to appeal to the Minister of Agriculture to review what he's doing here. Because, Mr. Speaker, in the end the government has the right to set up legislation affecting cattle producers — they may be right; they may be wrong. I'm not entering into that debate, Mr. Speaker, there are other members of our caucus who are much more knowledgeable who will enter into that debate. But, Mr. Speaker, let the Minister of Agriculture review the powers he is giving to a private body without review by him, without even the government assuming the responsibility of over viewing what is being proposed here. They're just going ahead

and saying, "Here you are, fellows, you want powers — here are the powers." The only power that the government retains is the temporary one of appointing the first board. I recognize that, so that first board which they will appoint which no doubt will be very judicious and very objective and consist of members of the opposition as well as members of government so that there is a real effort made that there should be a fair review and a proper preparation of good laws, regulations, and then once that is done, then they will leave it to that organization to carry out these tremendous powers.

Mr. Speaker, it is a very ill-advised bill that we have before us. We are debating the principle. I have to agree that the purposes as described seem to be very fair, very straightforward but the powers that are given to an organization whose objective is only research, education, promotion, are horrendous powers, Mr. Speaker. The Minister of Agriculture, who is not trained in law as far as I know, who is not even trained much in reviewing legislation, I assume, should accept the fact that it is a matter which requires some review by him and his body because in the end he's responsible. This bill stands in his name. I still don't know why a member of the backbench couldn't have brought this bill. Why does the Minister of Agriculture get involved in promoting and developing legislation for a self-interest group? Why does he do that? —(Interjection)— Well, I think that a Minister of the Crown has to think of individuals and all of the people of Manitoba and particularly to protect the rights of individuals and I'm telling him, Mr. Speaker, he is not protecting the rights of individuals by giving these extensive powers to a private organization.

If a backbencher produced this as a Private Members' Bill, then clearly it would be a bill presented in a vested interest of a self-interest group for its own protection and for its own benefit. I would understand that; then we could debate it on that basis. But when the government assumes the responsibility of bringing in this kind of bill here to this House, it is giving its approval to servicing a vested interest, self-interest group which wants powers over other people, which wants powers over their own people as they may be described in the tremendously broad definitions in this Act and that is what this government wants. I know that one of the members of the Cabinet is indeed, or was, a cattle producer. I don't know . . . I don't even want to get involved in knowing the extent to which he has become a promoter of this but he has because he's a member of the Executive Council and, as such, this being a ministerial bill, all of the Cabinet is involved in the extent of it. The Minister of Labour should be very much concerned because she should be involved in the concern of individuals who are being affected by it. The Minister of Consumer Affairs should be very much involved to protect the rights of individuals. The Attorney-General under whom the whole Human Rights legislation rests, should be very much involved and should be accountable. I think they should be accountable for coming to us and saying, "Yes, we are participants of this bill; it is a government bill and we, each in our own way, with our own responsibilities, give approval to it." I think that's necessary, Mr. Speaker, because of the way this is drawn and the breadth of its application.

If it were confined only to an attempt to make it possible for an organization to promote research and education, that's fine, let the Minister of Agriculture push it if he wants to but when it goes way beyond that, then I think that the entire Cabinet assumes the responsibility and should come back to this Legislature and say — yes, each and every one to the extent that they are affected by the implication of this bill — to say "Yes, I agree that that is right. We should give to a private organization that kind of power."

Mr. Speaker, I hope that my kindest remark — and that is the sloppiness that I label this legislation with — is true and that the Minister will take a very good look at what is intended here and will either withdraw the bill and have it redrafted so it's a much more fair bill or will bring and will promise to bring, and maybe before the debate ends . . . And this is another proposal I would make to the Minister, that he have a good look at it I am sure this bill will not be passed within the next few days and in that time to have a good look at it and then to authorize some other member from his caucus to say, "Yes, there will be proposals brought forward which will enable this bill to be debated on the level of fairness and of consideration to individuals affected." I would think, Mr. Speaker, that if the Honourable Minister wishes the opportunity to speak without closing debate — and I think he should, to explain what he really means, does he really mean what it says? — that he should be given an opportunity to do so by some member on his side moving a six-month hoist, for example, which would give the Minister an opportunity to debate it again and then they can vote down the proposal so that it can be dealt with in this House in this Legislative session.

Mr. Speaker, I appeal again to the Minister and to the Attorney-General — I'm sorry he's not here — to have a good look at the principles involved: the civil rights of individuals, the freedom with which people should be allowed to operate within an industry without having the authority given

to a private body, without a right of review, without a right of appeal, without even the government continuing its responsibility to supervise what's going on. If there was a simple section here that said that no regulation will be effective until after the Lieutenant-Governor in Council has approved the regulation, that would not be too good, but, Mr. Speaker, that would be a lot better because then the government would have the responsibility for the actions of these people. That's a very very common clause that one can find in much legislation. But if the government wants to disassociate itself from responsibility then indeed they should draw the kind of bill they have brought before us and this bill, Mr. Speaker, sets up a body which is responsible to no one but to the people it decides for itself shall have the right to re-elect them and perpetuate them and yet give them powers over the others.

So I challenge this government, if they believe there should be such powers, then assume responsibility for regulating them in the future. If you don't think that you want to regulate them, don't give them such far-reaching powers over other people and over individuals that may not want to be affected by it. If all you want is the power to raise money, then give them the power to raise money. The United Way has a very good way of raising money and if people really want to promote education, really want to promote research, they can go to government, they can get grants, they can go to the public, they can ask for contributions, they can go to organizations. the Manitoba Bar Association, it

I mentioned s objectives are: education, research, debate, discussion, continuing education. They're not a compulsory body, they have no right to tax anybody, they have no way of collecting one penny from someone who does not voluntarily give it and I think that's fair. But the Minister of Education is making motions, now he's not interrupting, he's just making motions which would make it appear as if that's the intent here. —(Interjection)— The Minister of Agriculture, whom did I name? —(Interjection)— The Minister of Education. I'm sorry. He listened so much to what I was saying that I did not feel that he was attempting to interrupt me.

But let me tell the Minister of Education —(Interjection)— Agriculture, I'm sorry. I suppose the reason I keep calling him that is that this bill is ostensibly designed to promote education within the industry and I suppose also I'm trying to educate the Minister of Agriculture a little bit. I interpret his motions when I talked about the Manitoba Bar Association which is a voluntary organization, has no taxing powers, cannot force anybody to pay a penny to them, and I think that he was sort of saying, "Well, look at the bill," and the bill, I know, says that there shall be a method and procedure set up for the refunding of fees to those producers who apply for it. If he thinks that gives them a protection, he's wrong because they are still required to give such information as is asked of them, which may be: How much does it cost them to produce; What is their overhead; What is their power bill? And he shakes his head, Mr. Speaker. I'm sorry, I have to interpret his shaking his head to what I'm saying as being a reaction to what I'm saying because I'm not aware that he normally shakes his head when this goes on, when debate goes on.

Mr. Speaker, powers like that are powers which I think that I would object to — an association of a professional nature which has certain standards and certain recognition of service to the public which overrides their special interests. May I again refer to the Manitoba Law Society which has been empowered since I suppose time immemorial to police itself, to make sure that the services it offers to the public are services which are fairly offered and which is responsible for maintaining standards. But the Manitoba Bar Association is voluntary, has no powers, it is educational, it does research, it does promotion, it is a self-interest body to a large extent. The Law Society is not. The Law Society — may I recall to members — even have people appointed to it by government who are not members of the Law Society. That's to further ensure that the interests of the public are protected but here, there's not the slightest need, desire, intent or objective to protect the public in any way whatsoever. It's not even a pretence and why should it be? It's a self-interest group.

So let me tell the Minister of Agriculture, if he thinks he's protecting a person who may not want to be a participant in the operation of the association, Mr. Speaker, it's not so. They are given powers over that kind of a person. Maybe that person can somehow wiggle out of paying by demanding a refund but let's just touch on that for a minute. They're not being given an opportunity to say, "I don't want to pay." They're not being told, "You have freedom of choice whether or not you pay." Oh no, they're told, "Whether you like it or not, you pay." Then, if you want some money back, "We will set up rules, we will determine methods by which you can get your money back, at which time you can get your money back. We will review it."

Mr. Speaker, I think that in the Budget Speech there was an intent to change certain regulations affecting the payment of tax on gasoline or diesel fuel in the far north. As I recall it there was previously a requirement that taxes be paid and that a person who is exempt from payment could

apply for a refund by sending in his bills as proof of purchase. I believe there was that and I think there was some intent to let them use purple coloring, purple dye, which becomes administratively difficult but, Mr. Speaker, that kind of regulation, that kind of legislation requires passage . . .

MR. SPEAKER: The Honourable member has five minutes.

MR. CHERNIACK: Thank you, Mr. Speaker . . . requires passage by this Legislature, after debate by this Legislature, after review in public, after consideration in Committee of the requirements. But this method of saying, "Oh well, after we force you to make your payment we will then tell you how you can get the money back", is not something that will have public review; it is not likely to be challenged. They will not even have to say, "Wait until the Estimates to discuss it." They'll just have to say, "Get out of our office. It's our office." Here at least we eventually get an opportunity to ask a Minister to be accountable. Eventually if the First Minister is not present we even sometimes get an answer under the question period if they're allowed to ask the question and allowed to answer it or else we're told Estimates is the time to debate it. But here under this proposed bill there's not even that opportunity. There is no opportunity, no right, for any person to say, "I think that what you are doing to me is unfair." They'll say, "Get out of our office. Why, the Conservative Government of Manitoba has given us this power. You can't interfere with that, and therefore we have decided how it is that you may get your money back and we will also decide whether or not you have a right to vote, to see whether you want to be on the Board of Directors. We will then decide whether or not you will be affected in the discriminatory way as to whether your locality or your type of production comes under the Act, but please don't bother us. This door is closed. It's a small room. We don't want you in here. We're going to lock the door. You can't come here." And they have that power. The Minister of Agriculture's giving it to them.

I want to suggest to him in closing that he'd better look at it, and I see his leader has just come in, and his leader used to be a person who was involved in the Attorney-General's Department and should know something about civil rights and human rights. I would suggest that he talk to his leader and to the Attorney-General to find out how adversely and with tremendous powers he is attempting to control the lives of individuals without their concurrence.

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: Mr. Speaker, my honourable friend, the Minister of Highways, will be calling it 12 o'clock. It seems to me that because of the demonstration that is going on outside, the ceremony that is going on outside, that perhaps honourable members would like to attend it so I wonder if we could adjourn at this point and return at 2.30.

MR. SPEAKER: I find myself in a rather odd situation that if debate is still open — if someone wants to speak on it and then we can close it off at 12 o'clock.

MR. JORGENSEN: Well, my honourable friend, let me get this straight, my honourable friend, the Minister of Highways, wants to call it 12.30.

MR. SPEAKER: I recognize the Honourable Member for Lakeside.

MR. ENNS: Thank you, Mr. Speaker.

MR. CHERNIACK: I don't understand — it seems to me that the House Leader has decided whom you shall recognize on this debate, and if that's the case I think he is usurping your power if — I don't know why he has to say that his colleague wants to call it 12.30. He can call it 12.30. But I think he is trying to usurp for you the decision as to who is next on this debate.

MR. JORGENSEN: Mr. Speaker, what I wanted to do, and I'm sorry if my remarks were misinterpreted by my honourable friend, what I wanted to do was to ask . . .

MR. SPEAKER: Order please. Before anybody should speak I think they should be recognized by the Chair first. I will recognize the Honourable Government House Leader on a point of order.

MR. JORGENSEN: Well, I'm sorry, yes, and say that my remarks were misinterpreted by my honourable friend. What I wanted to do was to indicate to the House that it may be desirable at this point to call it 12.30. If my honourable friend, the Minister of Highways, can be permitted to do that then we will come back at 2.30.

MR. SPEAKER: The Honourable Member for Ste. Rose on a point of order.

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MR. ADAM: No, I beg to move, seconded by the Member for St. George, that debate be adjourned.

MR. JORGENSEN: No, if debate is adjourned, Mr. Speaker, then we cannot continue this debate at 2.30 and that's the point I was attempting to make.

MR. SPEAKER: Order please. I recognize the Honourable Minister of Highways, if he wants to speak and debate.

MR. ENNS: Mr. Speaker, I would now like to enter in the debate on Bill No. 25 and carry on the debate we've had on this subject.

MR. SPEAKER: Order please. The hour being 12.30, I'm leaving the Chair.