



**Third Session — Thirty-First Legislature**  
of the  
**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

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# LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, May 4, 1979

**Time: 10:00 a.m.**

**OPENING PRAYER** by Mr. Speaker.

**MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell):** Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

## COMMITTEE REPORTS

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

**MR. ABE KOVNATS:** Mr. Speaker, the Committee of Supply has adopted certain resolutions, directed me to report same, and ask leave to sit again.

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

**MOTION presented and carried.**

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**MR. SPEAKER:** The Honourable Minister of Mines, Natural Resources and the Environment.

**HON. BRIAN RANSOM (Souris-Killarney):** Mr. Speaker, the trees that have been distributed among the honourable members this morning, have been provided by the Manitoba Forestry Association, to mark National Forestry Week, which is being held May 6th to 12th this year.

The purpose of National Forestry Week is to remind Canadians of the importance that forests play in our social and economic life and of the part that trees and forests play in maintaining the ecological integrity of our environment.

On May 11th, Mr. Speaker, school children, to commemorate Arbour Day, will be planting trees again this year, and I would hope that the honourable members would also follow that example and plant these trees under circumstances where they will be able to thrive and mark, over the long term, the importance of forests to Canada.

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

Before we proceed with Oral Questions, I should like to draw the honourable members' attention to the gallery on my left, where we have 10 students of Grade 10 standing, from Tuxedo-Shaftsburg School. This school is located in the constituency of the Honourable First Minister.

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

## ORAL QUESTIONS

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

**MR. SIDNEY GREEN:** Mr. Speaker, I will choose from amongst the few Ministers that are available for questions. My friend, the Member for Lakeside, the Minister of Highways, and one who now has the responsibility of dealing with what is Manitoba's immediate and most serious problems.

I wonder, Mr. Speaker, whether the Minister can advise me, whether it is correct that a good portion of the sandbags that have been purchased have been proved to be unsatisfactory, and ask him also whether he can satisfy the House that all efforts were made in the province to obtain sandbags from local suppliers. I tell the Minister that, without being able to confirm the information, that I've been advised that some of the bags that were obtained from outside sources have proved not to be satisfactory, and that local sources have been by-passed to purchase outside bags, which have not proved to be satisfactory.

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

**HON. HARRY J. ENNS (Lakeside):** Mr. Speaker, I would want to appreciate and acknowledge the fact that the member has given me advanced notice of this question in conversation yesterday.

The two questions: Yes, I acknowledge that there has been some difficulty with the condition of some of the bags, not to the extent that the honourable member alludes to; on the field reports indicate that in the two batches of bags that we received, these were older stored bags from U.S. sources; the incidents of poor condition ran as high as between 10 and 15 percent. People working with them in the field have reported that back to EMO upon initial and early reports that some of these bags were not in the best of condition.

On the second part of his question, I have been advised and the Deputy Minister and the person right now in immediate charge of the Emergency Measures Organization has assured me that right from the outset we have made inquiries as to what is the capacity for the local manufacturers of sandbags was, and have continuously ordered to full capacity. This started initially some two weeks ago now at the rate of some 60,000 a day, and in the last week we have been ordering and receiving some 100,000 bags from the local suppliers, and the information that I am led to believe is about the capacity of the local suppliers' capability of supplying.

**MR. GREEN:** I thank the Honourable Minister for his answer. I didn't make a quantity as to the faulty bags in my question this morning, and therefore I did not allude to an amount. I did say that some of the bags proved to be unsatisfactory. I will provide the Honourable Minister with the name of a local supplier, and he can follow that up directly. I don't think it's something that I would want to pursue in the House.

I wonder, Mr. Speaker, whether the Minister of Finance, now having arrived, whether the Minister can tell me if Manitoba Hydro has chosen to dismantle a small in-house data processing shop in order to give the work to Manitoba Data Services?

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

**HON. DONALD W. CRAIK (Riel):** Mr. Speaker, I don't know about the exact wording that the Member for Inkster is using "dismantle", but the planned migration of the data service work of Manitoba Hydro to Manitoba Data Services is in the process of taking place. Now whether or not there are things happening that would cause the use of the term "dismantle" I wouldn't know, Mr. Speaker.

It is my understanding that the migration involves the people, as well as portions of the equipment.

**MR. GREEN:** Mr. Speaker, I'll be very happy to accommodate the Minister and adopt his language. In this proposed migration of the data processing work that was done in-House, is it not the fact that there is a report, which was commissioned by Manitoba Hydro, which indicates that this planned migration is planned to cost Manitoba Hydro \$5 million over a period of 5 years, by having it done by Data Processing Services, rather than having it done in-House? Is that part of the plan, the loss of additional \$5 million?

**MR. CRAIK:** Well, Mr. Speaker, if that suggests that somehow, somebody was setting about to plan to lose \$5 million, no, that's not the case. There was a study done, Mr. Speaker, this decision was made, I don't know what year, it was made about four or five years ago, when Data Services was set up by agreement between the Telephone System and the Hydro, and the government, and there were letters of commitment exchanged by the Chairmans of the Boards of the two corporations. And what is happening now is the continuation of that move and the major hardware equipment from the Hydro, as I understand it, was taken over and actually operated by the Data Service some time ago.

This chapter of the transition is one that we've reopened to look at. As a matter of fact, in the process of the continued operation of the Data Service and the Hydro has done a re-examination. I think the report referred to by the Member for Inkster, there was a study done by Hydro, which as a matter of fact, was done at our request to have them examine what their position was. I would also state that there was a second report done and a second examination done of a Consultant's Report that was done for Hydro that questioned those figures, Mr. Speaker. And I must say that at this point and time, although I expect that the Minister of Government Services will more fully, and much more fully, get into this when he presents the Bill to the House, that we will get into all of those aspects of it.

Let me simply say that if I were starting from square one, Mr. Speaker, I would probably not be suggesting that Hydro, or any other public utility be a major participant in Manitoba Data Service, but that's not where we're starting. Where we're starting from, Mr. Speaker, is three floors of hardware and half a basement of hardware in another building, and we're trying to rationalize and make sense out of it, and it may well be that the utilities will find themselves losing a bit of money, but to pack it up and dissolve it at this point and time, would make those figures look small.

**MR. GREEN:** Mr. Speaker, is the Honourable Minister now saying that rather than a planned loss of \$5 million, that he's talking about a loss of \$5 million which is unplanned. And is he also saying, Mr. Speaker, that this report which projects the years 1979 and 1983, and given the fact that both utilities, the Hydro and the Manitoba Data Services, are in the control of the government, is the Minister saying that he's locked in to making this migration even though it will cost Manitoba Hydro an additional \$5 million? And is he also saying, Mr. Speaker, that the Hydro having received figures from one set of experts is now receiving figures from another set of experts which say the opposite thing. And if that's what he is saying, how are we to rely on what experts are now going to say about Manitoba Hydro and the Churchill River Diversion when experts obviously disagree and are ignored by the Minister?

**MR. SPEAKER:** Order, order please. May I caution all members of the Chamber that we do have committees and meetings where the detailed examination of Manitoba Hydro and other facilities may better facilitate the type of questioning that is appearing. I realize that there is a certain desire to seek information now but I hope that we don't get into an argumentative type of questioning. The Honourable Minister of Finance.

**MR. CRAIK:** Well, Mr. Speaker, there's much of what the Member for Inkster is saying that I agree with. But there is a couple of things that I must clarify. One is the use of the word "planning" — this government never planned this, this was planned years ago. All we are trying to do is rationalize it. And the study referred to by the Member for Inkster, I believe — and I don't have a copy of it — but I believe, it is a study that in part we were anxious that Hydro do and it was re-examined by further experts, as the member has suggested to bring in another aspect of it. And I think if I am correct that you will find that the figure is not of that order and I think that the Hydro people would agree with it. I think perhaps what the member has — and if he wants to provide me with a copy — I'll confirm it or otherwise with him, even if he wants to give me the date of the report, I'll confirm it or otherwise with him. And, Mr. Speaker, I think you will find that the results of the further examination which of course we wanted to have — let me say, Mr. Speaker, if I thought for a minute that that figure were correct . . .

**MR. SPEAKER:** Order, order please. May I caution all Ministers to make their answers fairly short. The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, may I refer the Honourable Minister to a hitherto secret report entitled, "Evaluation of Computer Processing Alternatives for Manitoba Hydro, " dated 79-03-02 . which the Minister's government commissioned. And having received information that the five-year cost of going to the migration rather than in-House is \$15,204 million rather than \$11,006 million which is, excuse me, over \$4.2 million, I'm sorry. And if the Honourable Minister can't get a copy of this report from his officials I will give him a copy.

Mr. Speaker, I again ask the Minister whether, having received this information, being in charge of both utilities, whether it is not within his power to discontinue the migration, the planned migration, to unplan it because of the difference in cost.

**MR. CRAIK:** Mr. Speaker, I trust that the Member for Inkster will carry on on this tack, because as I say, starting out from square one, there is just no way, Mr. Speaker, that I would ask or want to ask any utility of the government to be forced into a marriage into a a common facility, a shotgun marriage if you like, for the provision of data services from a central bank of machinery, etc., and hardware and software. But let me tell the Member for Inkster that, having read 79-03-02, which is the computer language of telling you that that's the second of March, I think, of 1979, and that having read all that report and read the other reports and having watched slide sdowns with graphs and numbers and everything else, I picked the best people that — I shouldn't say I did — a number of us picked the best people we thought that knew all about this thing and said, "Now, would you dissolve this business which should never have been started in the first place and revert back to going back to the individual utilities running their own computer show." And their answer was, "Well,

all things considered, it would cost you more to do that."

So Mr. Speaker, we have a bill coming into the House that sets up the Manitoba Data Service, and it brings them all in together. I don't know if it's going to cost Manitoba Hydro more at this point or not. That report certainly seems to think so.

**MR. GREEN:** Mr. Speaker, would the Minister confirm that different experts will give you different opinions, and that that is liable to happen in any field of technical analysis.

**MR. CIK:** Mr. Speaker, I'd say anywhere but in the field of engineering.

**MR. SPEAKER:** Orders of the day. The Honourable Minister of Fitness and Amateur Sport.

**HON. ROBERT (Bob) BANMAN (La Verendrye):** Mr. Speaker, yesterday I undertook to reply to a question from the Leader of the Opposition re purchases of some sweat suits and shirts with regard to the western Canada Summer Games in Saskatoon. I'm informed by my staff that back in June last year the three prairie provinces agreed to purchase the same style of uniform. The Saskatchewan contingent, who is hosting the Games then went ahead and did a selection of uniforms out of the different quotations that were received. A Winnipeg firm was chosen to supply those uniforms, a firm by the name of Rally-West Agencies located here in Winnipeg, and that particular firm will be supplying the uniforms for Manitoba, Saskatchewan and Alberta.

**MR. SPEAKER:** Orders of the day. The Honourable Member for Rupertsland.

**MR. HARVEY BOSTROM:** Thank you, Mr. Speaker. My question is to the Minister of Highways. I would like to ask him if he has yet received and read a letter from the Bissett town committee regarding the continued bad condition of PR304 which leads into their community, and I would just note from the letter, Mr. Speaker, by way of information to the Minister, that — I quote from here: "The people of Bissett are not satisfied and demand to see your government do something about the road condition." They have been waiting patiently now for some number of weeks over the spring period, and I would hope the Minister could give them a definite answer as to when that road will be fixed up, particularly those areas that were under new construction last fall.

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

**MR. ENNS:** Mr. Speaker, I'm well aware of the difficulties with provincial road 304. I am also well aware with the difficulties that many of our provincial roads are experiencing, particularly this spring. Provincial road 304 will receive the attention it deserves in keeping with the overall priorities of the department. But I want to indicate to the honourable member that my Deputy Minister of Highways travels that road regularly; I believe he has a summer cabin in that general vicinity, so the condition of road 304 is not one that's not unknown to me or the department. It will, and has received in the past, the kind of allocation of funds that is consistent with general priorities that we have to make within the department. I would be assisted in improving that allocation of funds if from time to time members opposite would cease and desist their continuous attack against this government and this Minister, in particular, about moneys being allocated to highway construction.

**MR. BOSTROM:** Well, Mr. Speaker, the people in this area, I believe, are really wondering why your department has not taken action before this date to repair those sections of the road. Mr. Speaker, I would ask the Minister if he can be assured that his department is doing everything they can do. I realize that when the rain was falling and so on, it was difficult to have any equipment working on the road, but that is not the condition at the present time, and I would ask the Minister further if his department has checked out the fact that there is crushed rock available in the area. One site is at the mine site at Bissett, another stock pile that the government has stockpiled itself along the PR304, and I would ask them why they have not yet spread this material on those bad sections of road, so that this bad condition of the road, when it does rain, will be alleviated?

**MR. ENNS:** Mr. Speaker, without having personally inspected the sites in question, I remind the honourable member that road restrictions are in force. Hauling of heavy loads of gravel during the period of restrictions may help to solve one particular problem in filling a hole, and damage the other five or six miles that the heavy-laden gravel trucks are having to travel over. I can assure the honourable member that regular maintenance, and in this particular area, improved maintenance, will occur at the earliest possible moment, weather conditions permitting, we can get at.

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

**MR. BEN HANUSCHAK:** A question to the Honourable Minister of Highways. Could he assure the people of Manitoba that provincial road 304 will receive precedence over 518?

**MR. ENNS:** Well, Mr. Speaker, you know, I have so many provincial road numbers to keep in mind. I wonder if the member could more clearly identify the particular road in question as to locale and area, and as to notable people living on that road.

**MR. HANUSCHAK:** I could rephrase my question then, Mr. Speaker. I'd like to ask the Minister whether the repair work to Provincial Road 304 would receive precedence in time over that designated for 518 and namely from the Junction of 518 and Provincial Trunk Highway No. 6 in the near vicinity of Woodlands and extending north approximately 7.2 miles, I believe it is?

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

**MR. ENNS:** Mr. Speaker, I have asked the department to respond to the numerous requests that I made to the previous Minister of Highways, one Mr. Peter Burtniak, that in fact that road should receive at least the kind of attention that Provincial Road 304 has received in the past.

**MR. SPEAKER:** Orders of the Day. The Honourable Minister of Labour.

**HON. KEN MacMASTER (Thompson):** Mr. Speaker, I was asked yesterday and took as notice from the Member for St. Johns the status in relationship to Mr. Janssen, Mr. Nordman, Mr. Orlikow and Mr. Goodison. To the best of our knowledge, all the obligations in regard to The Civil Service Act have been complied with, there are no outstanding financial arrangements that we are aware of, there is no legal action pending that we are aware of. In relationship to Mr. Doug Duncan, legal differences are in the process of being finalized we hope at this particular moment.

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

**MR. RONALD McBRYDE:** Mr. Speaker, I would just like to check with the Minister of Public Works what stage of the redesign of the Correctional Institute at The Pas is now at, and when can we expect tenders to be called for construction of this project?

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

**MR. ENNS:** Mr. Speaker, when there is some additional information to be announced with respect to the facilities or the proposed facilities at The Pas, they will be announced in this Chamber.

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

Before we proceed with Orders of the Day, perhaps I should bring to the honourable members' attention that we have 83 students of Grade 5 standing from Maple Leaf School. This school is located in the constituency of Rossmere. These students are under the direction of Mr. P. Smolarski.

We also have 60 students of Grade 11 standing from Teulon High School under the direction of A. Rensch. This school is in the constituency of the Honourable Minister of Education.

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

### ORDERS OF THE DAY

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

**HON. EDWARD MCGILL (Brandon West):** Mr. Speaker, it is proposed to call second readings on certain bills, but before doing so, I would point out to the members that there is an error on the Order Paper today under second readings: Bill No. 36 should read, An Act to amend The Real Estate Brokers Act in the name of the Hon. Mr. Jorgenson. Mr. Speaker, would you call Bill No. 35.

**GOVERNMENT BILLS — SECOND READING**

**BILL NO. 35 — AN ACT TO AMEND THE WORKERS COMPENSATION ACT.**

**MR. MacMASTER** presented Bill No. 35, An Act to amend the Workers Compensation Act, for second reading.

**MOTION presented.**

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

**MR. MacMASTER:** Mr. Speaker, it's the intention of the government to increase the benefits to children and surviving widows and spouses in respect to fatal accidents that were prior to January 1, 1974; the monthly Widow's Allowance is increased to \$400 and the Children's Allowance is increased to \$90.00.

The members will be aware that the annual ceiling was raised to \$18,000 as of January 1, 1979, which increases the maximum monthly compensation to \$1,125, using the 75 percent factor. In respect to fatal accidents after December 31, 1973, spouse's and children's benefits are 75 percent of the deceased worker's average earnings up to a maximum of \$1,125 per month, and in any case, a minimum of \$400 per month.

It is our intention to amend the Act. In the event of death or remarriage benefits will be continued on behalf of children at \$90 per month for each child until the age of 16 years. The pension is increased to \$100 per month for any child over 16 years while continuing in school or university and attending regularly.

It is our intention to increase the payment of funeral or cremation expenses up to \$300 and up to \$50 for the cost of burial plots, that will remain the same. However, the immediate cash payment to a spouse or estate is increased from \$750 to \$1,050.00.

Permanent Disability Pensions, the minimum remains the same at \$400 per month, but the maximum is increased to \$1,125 per month, 75 percent of the earning ceiling.

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

**MR. PETER FOX:** Mr. Speaker, I move, seconded by the Honourable Member for Lac du Bonnet, that debate be adjourned.

**QUESTION put, MOTION carried.**

**BILL NO. 38 — AN ACT TO AMEND THE TRUSTEE ACT.**

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

**HON. GERALD W.J. MERCIER (Osborne):** Mr. Speaker, except for Section 2 in this bill, the bill deals with Common Trust Funds. The purpose of the legislation is to permit Trust Companies to pool moneys from various estates for the purpose of facilitating . . . I should move it first, Mr. Speaker. Pardon me.

**HON. GERALD W.J. MERCIER (Osborne)** presented Bill No. 38, An Act to amend The Trustee Act, for second reading.

**MOTION presented.**

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

**MR. MERCIER:** Mr. Speaker, I have indicated that except for Section 2 of the bill, the bill deals with Common Trust Funds. The purpose of the legislation is to permit trust companies to pool moneys from various estates for the purpose of facilitating investments. The Common Trust Fund concept has been approved by legislation in B.C., Alberta and Ontario. Common Trust Funds are designed for smaller trust accounts, investments in the funds would be restricted to trustee investments as authorized under The Trustee Act. The benefit to the trust companies is that the Common Trust Fund will reduce considerable paper work, and the benefits to the individual accounts is in lesser fees by spreading the cost of investment counselling.

Service of Notice on passing accounts at least every three years will be served on the Public Trustee and the Director of Companies. The Public Trustee is authorized to represent all persons having interest in a Common Trust Fund, however, persons may at their own expense appear

or by Counsel.

Section 2 of the Act amends Clause 70 of the Act to permit investment of trust funds in Personal Care Homes. This amendment has been suggested by the Department of Finance and Health and Community Services, Mr. Speaker.

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

**MR. FOX:** Mr. Speaker, I move, seconded by the Member for St. George that debate be adjourned.

**MOTION presented and carried.**

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

**MR. MCGILL:** Mr. Speaker, I move, seconded by the Minister of Highways that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to her Her Majesty. I believe that by agreement we will meet in one committee in the Chamber this morning and resume in the second committee as well this afternoon at 2:30 p.m.

**MOTION presented and carried** and the House resolved itself into a Committee of Supply with the Honourable Member for Virden in the Chair for Civil Service.

### SUPPLY — CIVIL SERVICE

**MR. CHAIRMAN, Mr. Morris McGregor (Virden):** I would draw the honourable members' attention to Page 17, Civil Service, Item 1, Resolution No. 24, (1)(a) Salaries. The Honourable Minister.

**MR. MacMASTER:** Mr. Chairman, I would like to take this opportunity to review with the Legislature some major changes in the area of personnel management in the operation of the Civil Service Commission which my government has introduced in the past year and to discuss as well future developments that we foresee in this very important area of government administration.

To review briefly some history and background, Mr. Chairman, you will recall that prior to 1968 the Civil Service Commission acted as the central personnel agency for the Manitoba Civil Service, responsible for the administration of the Civil Service Act and the administration of all personnel functions within the government. In 1968 a recommendation was adopted by government to transfer certain of the personnel administration functions of government including such functions such as job classification, salary administration, staff training and development and collective bargaining for the Civil Service Commission to the then newly created Management Committee of Cabinet.

These recommendations were subsequently adopted by the government through amendments to the Civil Service Act in 1969 which formerly transferred all but the staffing and appeal functions from the Civil Service to the Management Committee. I am not aware of the detailed reasons for the splitting the personnel functions of government at that time. I am aware that there had been a comprehensive study of government organization completed by outside consultants and I can only assume that the Conservative administration then in power agreed with the recommendations envisioned in the responsibility for personnel administration would better serve the needs of government departments.

Well there very well may have been good reason for such recommendations some ten years ago, Mr. Chairman, it is considered of my government that over the years the division of central personnel authority has resulted in problems in such areas as communication with departments, duplication of effort, and general administrative and management deficiencies.

On assuming office, Mr. Chairman, these problems were expressed to me and my colleagues by many employees at all levels within the Civil Service and the restoration of the original authority and the independence of the Civil Service Commission was a major recommendation of the government Task Force on organization and economy. It is also worth noting, Mr. Chairman, that in a majority of other provinces across Canada, responsibility for the complete personnel management function of government rests with the respective Civil Service Commissions. With the dissolution of the former Management Committee of Cabinet in October 1978, the personnel administration functions of Management Committee which included classification, wage and salary administration, personnel records administration, staff training and development, and staff relations and collective bargaining were all transferred back to the Civil Service Commission thereby

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responsibility for personnel management functions with the one agency of government.

The benefits and advantages to government of this re-organization, Mr. Chairman, are many. Centralization of the personnel management function of government focus the responsibility for personnel policy development and administration with one Minister through one organization responsible to the Legislature thereby eliminating the duplication of effort and the fragmentation of authority which had existed. This in turn has resulted in a more economical and efficient use of existing staff resources.

From a departmental point of view all personnel problems can now be directed for resolution to one central agency of government which results in improved communication and allows for provision of a more comprehensive personnel service responsive to the needs of the departments.

Counselling services to individual employees on such matters as career planning, classification, employment opportunities, and employee health counselling can all be carried out more effectively and efficiently through a centralized personnel management function.

From a staff development point of view the centralized personnel function provides staff of the Civil Service Commission with exposure and training in all areas of government personnel activity with the result that the specialization is de-emphasized and employees gain valuable and marketable experience as personnel generalists.

A very important advantage, Mr. Chairman, is that by heading all areas of government personnel management reporting to the Civil Service Commission as opposed to a committee of the Executive Council, a more clearly independent commission is restored and a concept of the merit principle is assured. As demonstrated in the organizational chart from the Civil Service Commission contained in the annual report which has been filed with the House, Mr. Chairman, the Civil Service Commission has been re-organized into three main divisions. The Personnel Services Division combines all central personnel management functions such as administration of the classification plan, recruitment selection, staff training and development, employee health counselling, and personnel records, administration within one division of the Commission, in order to provide a more comprehensive streamlined and effective service to departments. Combined with the Personnel Services Division are all those function areas, the primary purpose of which is to provide service and assistance to departments in the delivery of their programs. Through the centralization and integration of these functions, as indicated in the organizational chart, departments will be able to deal more directly with one division within the Commission to respond to the majority of their personnel needs.

The other major division within the Commission, is the Employee Relations Division, which acts as an agent of the government in collective bargaining in labor relations matters. This division will continue to function in much the same manner as it has in the past. However, its location within the Civil Service Commission allows for a closer relationship with other segments of the personnel management function within government. In addition to acting as the government's representative at the bargaining table, the Employee Relations Division provides an important service to departments in the area of contract interpretation and administration in the grievance arbitration process. Close liaison is maintained with other major employees in the public sector, both with respect to collective bargaining and fringe benefit administration, in order to ensure a consistent co-ordinated approach to labor relations throughout the Manitoba public sector.

Finally, the Personnel Policy Administration and Audit Division will centralize all personnel policy matters in one area of the Commission and allow for a more consistent and co-ordinated approach to personnel policy development. In addition, the Personnel Policy Division will provide administrative support services to the Civil Service Commission and will be responsible for formulating personnel policy recommendations to the Minister responsible. An important function of the policy group, will be to design and implement procedures to audit and monitor personnel practices within government, and to ensure that the provisions of the Civil Service Act approve personnel policy and the concept of the merit principle are being constantly applied.

In addition to the Winnipeg office, Mr. Chairman, the Civil Service Commission currently has two rural offices, one in Brandon and one in Thompson. In the past, the responsibility to these offices were limited to the provision of recruitment and selection services. But the integration of the personnel function, it is intended that the Civil Service Commission representatives in these areas will be trained in all aspects of personnel administration, in order that they can provide a full range of personnel management services to departments at the field and regional office level. This then is an overview of the re-organization of the Civil Service Commission, Mr. Chairman, which my government believes is structured to provide a more comprehensive and streamlined personnel management service to departments of government, while at the same time recognizing the need for an independent Civil Service Commission, in order to ensure the application of the merit principle to all facets of the personnel administration in government.

I would like to turn now, Mr. Chairman, to some of the activities of the Civil Service Commission over the past year, highlighting some of the initiatives which my government has taken to rectify the problems in the areas of personnel management which we encountered or were made aware of on assuming office. One such initiative, has been an attempt by this administration to rationalize the various categories of employment, which we found to exist within the Civil Service. On assuming office, this problem was brought to our attention by the MGEA, and was also a matter which was documented in the report of the Task Force on government organization and economy. Simply stated, the number and variety of categories of employment was found to be excessive and confusing. We had regular civil servants, we had term employees, we had temporary employees, we had contract employees, we had departmental employees and we had casual employees — they were all found to exist in varying degrees.

In particular, it was brought to our attention that the use of the contract employment and term employment had been badly abused over the past years. It was pointed out by the MGEA that there were many staff hired on a contract basis, which should normally have been regular civil servants, subject to the collective agreement and normal Civil Service status and benefits. In addition, we discovered many groups of term and temporary employees, who had continuous service on a so-called term or temporary basis anywhere up to 10 years. The extensive use of contract employment, not only circumvented the collective agreement in the bargaining unit, but also, Mr. Chairman, circumvented the normal hiring procedures under the Civil Service Act and therefore, was directly contrary to the concept of merit principle. As is detailed on Page 14 of the Annual Report, Mr. Chairman, as of January the 1st, 1978 there were 1,010 contract employees within the Civil Service. Whereas, as of December the 31st, 1979 that number had been reduced to 211. As of March the 23rd, 1979 that number has further been reduced to 159. In some instances, depending on the need for the function and an assessment of its ongoing need, some contracts were terminated or allowed to expire. However, in many other instances, these employees were converted to either term or regular civil service status in compliance with the provisions of the Civil Service Act.

In addition, Mr. Chairman, in order to avoid in the future, the type of abuse of contract employment, which had occurred in the past, my government has agreed to supply the MGEA a list of all or any new employees hired on contract and we have agreed to inform the MGEA as to the reasons why contract employment was used, as opposed to term or regular civil service status. As a matter of policy, we are on record with the MGEA, that it is the government's intent to work towards limiting the number of contract employment to assignments which are generally short-term in nature requiring the acquisition of specialized expertise for the performance of a specific function, or the completion of a specific job for which the employee was hired.

With respect to term employment, my government has recognized concerns expressed to us by both the MGEA and individual employees concerned regarding the misuse of term employment. During 1978 negotiations, we agreed to a commitment to examine all term positions which had been in existence for 24 continuous months or longer. We have adopted the policy that where in such cases, the department confirms that such employment is expected to continue on a regular basis for the future, such positions and employees will be converted to regular status. This process was put into effect commencing November, 1978 and so far, Mr. Chairman, 314 term employees have been converted to regular status. Further conversions are expected as the review process continues on an ongoing basis.

An important function of the Civil Service Commission during the past year, which is associated with the restraint program, Mr. Chairman, has been the co-ordination of the activities of the Redeployment Committee of the joint council. This committee, which is a co-operative venture with representatives from the Manitoba Government Employees Association was created to assist in the redeployment of staff affected by program reductions and to review and develop programs with respect to retraining wherever possible. As of December the 31st, 1978 a total of 109 names had been referred through the official re-employment list. This included 90 regular civil servants and 110 term employees with 12 months or more continuous service. The majority of those terms had not been renewed. Of the total of 191, 56 had resigned, 50 had been successfully redeployed, and 85 remained on the list as of the end of December, 1978. The Civil Service Commission and the Redeployment Subcommittee of Joint Council are continuing their efforts on behalf of these employees and recently have been working in conjunction with officials from the Federal government Department of Employment and Immigration in order to identify additional sources of employment or training for those remaining on the list.

In addition to working to assist those employees who have been laid off, the Civil Service Commission, operating through ongoing and close liaison with departments has been successful in transferring or redeploying a significant number of employees whose positions were declared redundant but who were successfully transferred or redeployed prior to any official layoff taking place. The efforts of the Civil Service Commission in the area of re-employment and Redeployment

Subcommittee of Joint Council will continue as a high priority as long as employees remain on the list. The government, operating through the Civil Service Commission, has continued ongoing discussions and consultation with employees, liaison committee on matters concerning superannuation and group insurance benefits for the public sector employees.

Following release of the most recent actuarial report on the financial condition of the group insurance fund, a review of present benefit levels has been initiated and it is anticipated that improvements in present levels will be introduced this year with respect to legislation, Mr. Chairman, and the proposed changes to the Civil Service Act. You will recall that last year certain amendments were introduced involving the repeal or amendment to provisions of the Act in order to make them consistent with provisions within the existing collective agreement. These amendments were largely in response to requests made to the government by the MGEA through the Joint Council. I am pleased to advise, Mr. Chairman, that my government will again be introducing certain changes and improvements to provisions of the Civil Service Act this year, many of which are in response to further discussions with the MGEA. A bill containing those amendments will be introduced to the House in due course.

Mr. Chairman, this completes an overview of the re-organization of the Civil Service Commission and some of the approaches to personnel management, which will be emphasized by this government in the upcoming months. We intend to encourage a co-operative and consultative approach to the resolution of personnel management issues, both in our dealings with the departments of government and also in our relations with various employee bargaining groups. Through the restoration of the original powers, authority and independence of the Civil Service Commission, we are convinced that the employees of the Civil Service and departments of government will be better served. This in turn, we feel, will reflect positively on the general level of service to the public as a whole.

**MR. CHAIRMAN:** Item (b) Other Expenditures, which will include Administrative Salaries—pass. The Honourable Member for Logan.

**MR. WILLIAM JENKINS:** Thank you, Mr. Chairman. Before I start, I would like to congratulate the Minister on taking over the post of Civil Service and wish him well in his endeavours in the coming years. I wish to also thank the Minister for his comprehensive outline of what the Civil Service Commission has been doing in the past few months since the Minister has taken over from the former Minister. The Minister has brought forth the idea that they have restored to the Civil Service the merit principle. This is a matter for debate and I guess will be debated in this House for some time.

I would like to make a few observations, that during the past year and a half many very competent civil servants have been relieved of jobs through outright firings, layoffs and restricted and contrived redundancies. The Minister says that some of these people have been redeployed, but I think that you will find as we go through these Estimates that the majority of them have not been redeployed. What I would like the Minister to do is to give us some information on the Civil Service Commission itself. In the annual report for this year, or for 1978, the Minister has listed a number of personnel and I want the Minister to tell us just who, at the present time, is on the Civil Service Commission. I understand from the list here that Mr. M. B. Newton is retired and Mr. C. F. Schubert and Mr. R. A. O. Hunter is the chairman. I wish the Minister to confirm if he is still in place. Mr. D. A. Duncan is also listed. I wish the Minister to also inform this Chamber whether Mr. Duncan is still a member of the Civil Service Commission. Mrs. Hazel Allen is also a member of the commission. I wish the Minister if he can confirm if she is still a member of the Civil Service Commission. Mr. John Pankiw, Miss Shirley Bradshaw, Mr. R. Brown and Mr. Paul Hart. Now, I'd also like, when the Minister is taking this down, to tell us how many meetings the present members of the committee were informed of and how many meetings that they attended.

What was the remuneration for these meetings, and can the Minister give us a total for the year that each member of the Civil Service Commission received for the past year, 1978. I would also like, since Miss Shirley Bradshaw is the director of the Women's Bureau if she also receives an honorarium in excess of her salary as a member of the Civil Service Commission at the present time. I will sit down at the present moment and if the Minister can give us those answers, I would be very appreciative.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MacMASTER:** Well, the last one first so I can remember them. Miss Shirley Bradshaw does not receive remuneration for sitting on this board, but she is in fact a member. The members of the board are Mr. Hunter, Mr. Duncan, Mrs. Allen, Mr. Pankiw, Miss Bradshaw and Mr. Paul Hart. Now, I'll have to take as notice the question in relationship to numbers of meetings and remuneration

and that type of thing.

**MR. JENKINS:** Can the Minister inform this committee that each and every member of that committee received notice of every meeting that the commission held during the past year? It has come to our notice I think that some members have not been notified of meetings. Since I'm not sure, I would like the Minister to check that every person who is a member of this committee, namely Mr. Hunter, Mr. Duncan, Mrs. Allen, Mr. Pankiw, Miss Bradshaw and Mr. Paul Hart were notified of meetings and what type of notification was used to notify these members of the current meetings of the Civil Service Commission. Was it by telephone, was it by letter, or what type of notification went out to the members for the intent to hold a meeting of the Civil Service, and what was the average attendance of members at those meetings?

**MR. MacMASTER:** Again, the last question first; the average attendance, I'll have to get those figures for the Member for Logan. Members are phoned, that's the method of communication, they phone them, and Mr. Duncan has not been personally contacted for quite some period of time because he informed us that we should be dealing with his legal people and we have been dealing with his lawyers, as I mentioned this morning in answer to a question that was raised by the Member for St. Johns, who wasn't here this morning but is here now. I can say that Mr. Duncan's legal people and ourselves, we believe, I phrase that very carefully, are close to finalizing their differences.

**MR. JENKINS:** Well, Mr. Chairman, since the Minister has now informed us that Mr. Duncan has not been contacted by the Civil Service Commission to attend meetings, then in other words, is the Minister saying that Mr. Duncan is no longer then a member of the Civil Service Commission? Because if he is not receiving notification of meetings, then how is the gentleman expected to know where and when these meetings take place? I can quite understand that the Minister may have a problem, a legal problem, and I don't want to deal with that at this time, because I understand that that is pending completion one way or the other. Whether it goes to the courts or not, I don't know how that problem is going to be solved.

But the fact that the gentleman is a member of the Civil Service Commission, has not been notified of any meetings evidently during the past year, I find is very strange. Surely a call from the Chairman of the Civil Service Commission to Mr. Duncan to attend a meeting, would certainly seem to be no breach of legal entanglements. Now if the Minister can explain the rationale that he is using because he has a legal problem at the present time with Mr. Duncan, but the Commission itself is meeting, and surely a call from the Chairman, who would issue the call I imagine, and the Minister can inform me if I'm wrong, but it's my understanding when someone is appointed Chairman of a committee, or the Commission here, that the meetings would be subject to his call. Now, have instructions gone out from the Minister's office to Mr. Hunter not to call Mr. Duncan? That is another question that I think that this committee is entitled to know.

**MR. MacMASTER:** Well, Mr. Chairman, I maybe didn't explain it fully. We contacted Mr. Duncan on different occasions quite some time ago, until it got to the point where he told us to deal with his lawyer, that he didn't want to hear from us anymore, so we have been dealing with his lawyer, and the dealings that have been taking place is an effort to resolve this particular issue.

**MR. JENKINS:** Well, now the Minister has me confused. He says, "We". I want to know who the "we" is that we are referring to. Is the "we" that we are referring to, is that the Minister or is that the Civil Service Chairman? Now, I think the Minister should clarify this. I understand and I can appreciate that the Minister has a problem that he has to solve with Mr. Duncan, but I don't think that the problem exists between Mr. Hunter and Mr. Duncan. And so has Mr. Hunter been informed by Mr. Duncan to contact his lawyer, or has the Minister been informed, or the former Minister? That is the answer that I think we are entitled to know in this House, and I would wish the Minister would at least clarify that point.

**MR. MacMASTER:** The secretary of the Commission, Mr. Chairman.

**MR. CHAIRMAN:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, perhaps I am misunderstanding, either the question or the answer, and I want the Minister to help me if I am. The member says that despite the fact that there may be a legal problem as between the government and Mr. Duncan, that Mr. Duncan continues to be a member of the Civil Service Commission, that the Commission has met consistently for a long

period of time, but that Mr. Duncan has not been called to participate as a member. Am I okay so far? That the Member for Logan says, "Why have they not contacted him to sit and do his duties?" And the Minister gets up and he says, "Mr. Duncan has told us that he doesn't want to discuss these things with us; he wants us to deal through his lawyer." Now surely, the Minister is mistaking two different and entirely separate procedures. It's not the lawyer who sits on the Civil Service Commission. Mr. Duncan has not — from the Minister's own statement — asked you to contact his lawyer for his participation on the Commission; it is relating to the fact that he has been dismissed by the government. Is the Minister saying that with regard to Duncan's participation on the Commission, that they have told him that there is a meeting, and that he should attend, and that he has responded by saying, "Contact my lawyer." I mean, if that is the case, I would want to know clearly that that is the situation, that Mr. Duncan has been asked to participate and has told the government to contact his lawyer. If that's what it is, I would like to know, because I know that there are two problems here. One is relating to this sitting and doing his duty, and the other is to a dispute that he has with the government relative to termination of his status.

**MR. MacMASTER:** Mr. Chairman, to be as specific as I can, it's my understanding that Mr. Duncan said any communications with him are to cease and we are to deal with his lawyer. That's what was said, so our secretary of the Commission has ceased dealing with him, and the Commission is dealing with his legal people in an effort to resolve their outstanding issues.

**MR. GREEN:** Mr. Chairman, will the Minister accept at least a suggestion that there is a difference between settling a problem vis-a-vis the termination of his position, and his ongoing duties on the Commission? Has the Minister sent letters to Mr. Duncan's lawyer telling him that there is a meeting next week, "Would you please advise Mr. Duncan that he will be expected to do his duties?" Are we involved in some type of game here, because if the Minister has indicated that Mr. Duncan has been communicated with, either personally or through his lawyer, could the Minister — I stopped, Mr. Chairman, because the Minister was conferring with his staff and I do want him to get the question. Has Mr. Duncan been contacted, either personally or through his lawyer, not with respect to settling his legal problem or lack of problem, aside from that, with regard to his ongoing services as a member of the Civil Service Commission? Because I take it from what the Member for Logan has said, that he is a member of the Civil Service Commission; he is? The Civil Service Commission meets. Has Mr. Duncan been told there is a meeting, or has his lawyer been told: There is a meeting, tell Mr. Duncan.

Mr. Speaker, what I have derived — and if my assessment of the facts are wrong I would like to be so advised — what I have derived is that the government decided that they didn't want Mr. Duncan sitting any more; that they did not revoke his membership on the commission; they just de facto ceased to use him; that on this basis Mr. Duncan has made a claim that he has been dismissed; that the government is now dealing with that claim but de jure continue to say that he is a member of the Civil Service Commission. But his membership on the Civil Service Commission amounts to the Doctorate of Laws that was conferred on Dave Courchene by the University of Manitoba. He can say, "Dave Courchene, Doctorate at Law", and Duncan can say, I suppose, according to the government — what is his first name? Doug Duncan, Civil Service Commissioner. But in exactly that juxtaposition, Civil Service Commissioner to Doug Duncan means what Doctor of Laws means to Dave Courchene. Now that's the way I have derived it. And if I am wrong, I would like to be corrected, and I would like the Minister to advise me that the government has continued to call on Doug Duncan, either through himself or through his lawyer to come and participate in whatever the Civil Service Commission does.

Now, if my assessment which I have given the Minister, as I have understood it to be, and for which they may have good reason, is wrong and that Doug Duncan has been contacted or his lawyer has been contacted to continue to use Doug Duncan as a member of the Civil Service Commission, I would like to hear it, because that's not the impression that I get from listening to the Member for Logan, listening to the Minister and from what I have heard in the past.

**MR. MacMASTER:** I have spelled it out and I will attempt to spell it out again for my learned friend from Inkster, that contact was made with Mr. Duncan. Mr. Duncan refused to comply with the request to attend meetings. He told the people that his wish in future was not to have communications with people from the commission, that they were to deal with his lawyer. His lawyer then proceeded to attempt to negotiate some type of settlement with the government, some arrangement which I have not privy to. I don't know what the arrangements are. And at that point, dealings with his legal people have continued in an effort to come to a satisfactory settlement of this particular problem.

**MR. CHAIRMAN:** The Honourable Member for St. Johns.

**MR. SAUL CHERNIACK:** Mr. Chairman, I've never had occasion to discuss this with Mr. Duncan, nor with the Minister, so I've been listening to the discussion between the Member for Logan and the Minister and between the Member for Inkster and the Minister, and I think there's one clarification that is still needed. Firstly, I don't believe that a Civil Service Commissioner can be discharged. I think a Civil Service Commissioner can retire, I think a Civil Service Commissioner can resign, and I believe a Civil Service Commissioner can be dismissed by the Legislature of Manitoba, and only by the Legislature of Manitoba, and by a majority which I'm told is 2/3 and which I believe is correct. I was just looking for that in the Act.

Now, also there are seven commissioners permissible from between three and seven. Now that's one situation that I assume affects Mr. Duncan and all the other five — I think the Minister indicated only six members of the commission at the present time. Mr. Duncan was appointed chairman of the commission, and that I believe is a full-time job and I think the Conservative government fired him. They could not fire him as a commissioner, and when I say "Fired him", I suppose I mean they discharged him from being chairman by replacing him with another person. Mr. Newton. Somebody tells me the word is de-hired. Whose word is that? —(Interjection)— The Member for Burrows says that he learned from the government the term "de-hired". I suppose I would have to spell it out, because I don't know who knows how to spell that. —(Interjections)— In any event, Mr. Chairman, it would appear that Mr. Duncan's employment, full-time employment as chairman of the commission was somehow or other terminated by the government. I want to make sure from this Minister whether the differences between the government and Mr. Duncan relate to the chairmanship which was terminated or is it an effort by the government to have his term as commissioner in some way terminated, something which I believe is beyond the government's power.

So I'd like to get clarification from the Minister if there is a distinction in the dealings with Mr. Duncan, as involving his termination or discharge as chairman, or as involving his continuation as a Civil Service Commissioner. And I want to know from the Minister, very clearly if he can tell us, whether the failure to notify him of meetings is because of his desire not to be notified of meetings in his capacity as a Civil Service Commissioner, one of six or seven, or whether it's as the former chairman. And the reason I'm pressing for this answer, and I guess other members of the Opposition are concerned, is that one wants to make sure that the apparent independence of a commissioner has not been attacked or abrogated in any way by the government.

**MR. MacMASTER:** Mr. Chairman, the Member for St. Johns seems to be somewhat confused in his efforts to establish something. Mr. Duncan was not chairman of the commission, and the Member for St. Johns kept referring to him as chairman of the commission, chairman of the commission. He was not chairman of the commission. He was a full-time commissioner and he was converted to a part-time commissioner, of which he still is, and receives remuneration for same.

**MR. CHERNIACK:** Mr. Chairman, I do appreciate that information. That was not clear to me, and I might ask the Minister, as a matter of interest who the chairman was? I think it may have been Schubert — yes, I'm getting a nod, so it was Mr. Schubert was the chairman and Mr. Duncan then was a full-time commissioner. Well then in changing his status from full-time commissioner to part-time commissioner. Did Mr. Duncan then say, "Do not notify me about meetings."? Did he refuse to attend meetings, because the Minister said, "We contacted him" and he said "Deal with my lawyer". I really would like clarification. Is it in relation to carrying out the duties, the meetings, or is it in relation to the differences they have regarding the discharge or the change of status from full-time to part-time Commissioner?

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MacMASTER:** The Member for St. Johns asks a question I and answers question. He was contacted and he specifically stated that he did not want to have any personal dealings with the Commission any more to deal with his legal people, and we were advised who they were.

**MR. CHERNIACK:** Mr. Chairman, maybe my problem is that shared by other members who have already asked questions. Did Mr. Duncan refuse to sit as a member of the Commission at Commission meetings?

**MR. MacMASTER:** I think you would probably have to ask Mr. Duncan what he had in his mind,

because he told the people that phoned him that he did not wish to have communications with them any longer, period, deal with his lawyers. And that was where the lawyer stepped in.

**MR. CHERNIACK:** Mr. Chairman, was there any exchange of letters, any correspondence as between the secretary of the Commission and Mr. Duncan?

**MR. MacMASTER:** It's always been a phone call situation with the people involved, Mr. Chairman.

**MR. CHERNIACK:** Does that mean that all meetings of a Commission are arranged by telephonic communication only, and that there is no record kept, other than the notes of any person involved in calling the people and the Commissioners?

**MR. MacMASTER:** That's correct, Mr. Chairman.

**MR. CHERNIACK:** Has the Minister, as the Minister responsible for the Civil Service Commission, made any attempt whatsoever, or his predecessor, to communicate with Mr. Duncan, who is a continuing Commissioner?

**MR. MacMASTER:** I haven't personally spoken with Mr. Duncan. I am not sure if I would know the gentleman, Mr. Chairman, but I know that there are those that are dealing with his legal people, so communications have been taking place.

**MR. CHERNIACK:** Well, Mr. Chairman, I now get the impression that this Minister who is responsible for the Commission and who, along with his Cabinet members, are responsible for the appointment of Commissioners, and who cannot in any way, set aside his obligation to see to it that the Civil Service Commission functions and functions well, is now giving me the impression, that he is relying on hearsay as to what has gone on in a telephonic discussion, one or more, between apparently the secretary of the Commission and Mr. Duncan, in relation to Mr. Duncan's attendance at meetings. The reason I say that, Mr. Chairman, is, that I would think that if a year has gone by and a member of the Commission has refused to attend meetings, has not participated as a member of the Commission, that it should be the responsibility of the Minister to come to the Legislature, which is the only one that can unilaterally make a decision about the continuation of the appointment other than the Commissioner himself, report the situation and make a recommendation.

Now I believe that there must be some difference relating to payment or notice, and I stress again, Mr. Chairman, I have never discussed this with Mr. Duncan, or I don't even know who the solicitor would be. But if it is a matter relating to notice or any of the other benefits that a full-time Commissioner might be entitled to or might not be entitled to, I'm not interested in discussing that at this stage. I am only interested in knowing the question of Mr. Duncan's continuing participation as a member of the Commission, part-time or otherwise. And I believe that we've been told by the Minister that he never made an effort to be in touch with Mr. Duncan, that he is relying on what he has been told, and that what he has been told relates to verbal communications, one or more, with Mr. Duncan. And if that's the case, then it seems to me it's a pretty unsatisfactory situation in regard to the structure of the Civil Service Commission.

**MR. MacMASTER:** Well, that can be the opinion, Mr. Chairman, of the Member for St. Johns, but I think he knows better. I think he knows that if a person retains legal counsel and directs you to deal with them, and God, he should know better than me, that that is their prerogative and that's their right, and I respect that right, where he made it very clear when he was contacted that he didn't want contact. He said that he wanted us to deal with his particular lawyer, and discussions commenced with his legal people. That's how I know. And they have been carrying on for the last period of time, and I am aware that they have been carrying on.

**MR. CHERNIACK:** Mr. Chairman, I have to thank the honourable minister for giving me credit for knowledge, even beyond that which he thinks I stated. So let me tell him, that I don't know of any person who has the right to say to a government or to an employer, you may not change my status, you may not replace me, you may not have your affairs function, without removing my name from there, because I want you to talk to my lawyers. They could be talking to lawyers for the next ten years and the position occupied by Mr. Duncan on the Civil Service Commission, continues to be occupied, which means that according to the Minister, the governments and the people of Manitoba are denied the opportunity to have the service of a full complement of members of the Commission. So I know full well, that Mr. Duncan cannot force the Government of Manitoba to

sit back, because, Mr. Chairman, think of the ludicrous situation that would occur if every member of the Commission appointed said to the — not to the Minister because he doesn't talk to them — but says to some secretary, "Don't phone me any more; talk to my lawyer."

Now we're going to be in a situation which is not inconceivable, because if one person has a disagreement, why shouldn't they all have the same right to have a disagreement. Now it seems from what the Minister says, and he attributes to me, the knowledge or experience that should know better, but I tell him that he should know that every member of the Commission taking that position, "Talk to my lawyer" could strap the Commission entirely — I don't think the word is strapped that I am looking for — but could frustrate the operation of the entire Commission and therefore, of this Minister's department in that respect by just saying "Talk to my lawyer." Well, that's nonsense, Mr. Chairman, it's not feasible.

he member, Mr. Duncan, or anyone else, may have an argument about, as I said earlier, money, they may even have an argument as to morality, as to ethics, they may have an argument as to the entitlement of a person to pensions; I don't know what the argument is about, but obviously there is an argument relating to the fact that must be that he was fired as a full-time Commissioner. But that has nothing to do with the fact that he is a Commissioner, and in the Annual Report, there is nothing that would indicate that Mr. Duncan is not a fully accredited member of the Commission, there is nothing to indicate that he has not participated in decisions, there is nothing to indicate that he has any relationship other than that of Mr. Pankiw, Mr. Hart, Miss Bradshaw, and Mrs. Allan, and that is a very peculiar thing.

So I have to say to the Minister that that's an unsatisfactory way, to my way of thinking, for a Minister to say, "Well, I was told," Now I'm trying to be careful. He said earlier he wanted to be careful with his words, I'll try to be careful. The Minister is saying he was told that someone spoke to Mr. Duncan and now I must say that — it must be, in my mind, in relation to his attendance of meetings — and that Mr. Duncan responded by saying, "Talk to my lawyers", and I think he used the words "refused to talk any further," something like that. So I think that what he is telling us is that Mr. Duncan refused to attend meetings, and the only information he has on that, is nothing in writing, in either direction, but simply information that on the telephone, he said, "Talk to my lawyer". But I want to make sure that the Minister interprets that as being an oral refusal to attend meetings.

**MR. MacMASTER:** Well, Mr. Chairman, I have to retract the credit I gave the Member for St. Johns for really being good and understanding the legal aspects of things, and understanding what he is saying. He read to me, a while ago, the numbers and the requirements of the Commission and he said something about 3 to 7. We have 6. The Commission, for his information and for the information of the Legislature, has been working well and as Minister responsible, I am satisfied that it's working well. There is only 3 required as a quorum, and they have been working well. And for the Member for St. Johns to try and throw sand in the air and say, "Well, what if they all decided to talk to their lawyers", well, I think we can find a situation better worthy of debate, than to get so hypothetical. You could talk, we could talk for hours about anything, if everybody threw up their arms and said "No". You know, that's so hypothetical that it's difficult for me to even accept coming from the Member for St. Johns.

**MR. CHERNIACK:** Sure, let me not be hypothetical, let me be very clear to this Minister to tell him, that in a report that he has submitted to the Legislature, that in what he has told us today in the Legislature, Mr. Duncan is a member of the Civil Service Commission. He is a Commissioner under the Act. He has told us, and now I'm inferring from what he said, that Mr. Duncan has refused to sit as a member of the Commission at meetings. And the fact that only 3 as a quorum is not good enough, because, Mr. Chairman, a person who is a member of any body such as this Legislature, has the right to be told when it sits and has a right to sit. A quorum is only needed to determine the authority for a committee to meet. But, clearly, a Commissioner is entitled to know every meeting, and if I were the Minister, I would make sure that at least the record is clear, that Mr. Duncan, any Commissioner, is given notice on every occasion that a committee meets, and if that person does not respond, I would send notices to make very sure that that is the case.

I'll tell you what is happening. I believe now, only from what I've heard this morning, the government would like to get rid of Mr. Duncan, the government did get rid of him as a full-time Commissioner, the government obviously did not satisfy his — Mr. Duncan's — opinion as to what he ought to have received by way of compensation, and Mr. Duncan therefore consulted a lawyer to assist him in that regard. But the Minister who is responsible for the Commission, has not taken the trouble to make sure that Mr. Duncan has the opportunity to continue to sit as a Commissioner. And he, I believe, has not carried out what I believe should be his function, of coming to this

after a period which I assume must be at least a year — probably more — to say, “I want something done about the fact that this person is a Commissioner”, because he would have the right and I think the obligation, not only to report it, but to call to see if he can get support to terminate, to remove the Commissioner from office, but he hasn't done that. What he is doing is negotiating in some way that he himself doesn't know how. And I think, therefore, that the entire — and Mr. Chairman, I can't keep this in my mind separate from the way this government has handled the termination of employment of other people, and I intend to go into that a little later on. But it has shown a pretty ruthless hard-hearted approach to the firing of people and I think that in this case of Mr. Duncan and it must be having some difficulty extricating itself from its obligations to him. But to my mind that difficulty has nothing to do with the fact that he ought to be attending meetings and he ought to be notified that meetings are taking place in his absence. May I ask is he being paid for this time?

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MacMASTER:** Well, the Member for St. Johns cannot make it stick that there's anything irresponsible on my particular actions in this regard. He may be attempting to establish that but he's not going to be able to. When you inform people or endeavour to inform them of meetings and they choose not to even carry on conversations with you, they refer you to their lawyer, your lawyer immediately is in touch and communications take place, letters take place — there's piles, I understand, of confidential correspondence between Mr. Duncan's lawyer and those handling it on our behalf — I'm responsible satisfied that efforts are being made to clear up this particular matter. And the Commission has been working well it's functioning well and as Minister responsible, I have no hesitation in saying that.

The Member for Inkster was correct when he passed on the word to the Member for St. Johns that I had said yes, he is getting paid.

**MR. CHAIRMAN:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Chairman, the Minister has said that there is nothing irresponsible about his action. I don't whether the word irresponsible is the correct adjective but I can think of some adjectives. I say that there is something very very sloppy about his attitude, given the government's best position a year ago in this House there were questions raised as to whether Doug Duncan was being asked to attend the Civil Service Commission — this was a year ago, it didn't start now — and the government implied an answer that he didn't want to attend, that he wanted people to speak to his lawyer. And as I was sitting here and knowing how governments operate and knowing how lawyers should operate, I was certain in my mind — let's not talk now about the cold heartedness of this proposition which my friend the Member for St. Johns has referred to, let's say the government wanted to do this and had the right to do this and had reason to do it. There should be, Mr. Chairman, a letter to Mr. Duncan stating you were called to a Civil Service Commission meeting; you advised us that you did not wish to attend and that we should speak to your lawyers. Produce that letter.

Am I wrong? I look at the Attorney-General and ask the Attorney-General am I wrong? Because if you didn't do that, it's negligence of the highest order. Because now we are faced with an argument by a man who is reported to be in the record, a Civil Service Commissioner, who has not been advised of any meeting, who has not attended any meeting, who continues to be a member because the Legislative Act requires him to be a member, but all that the Minister can say — (Interjection) — and he's getting paid. All that the Minister can say is that I believe because you do believe — I don't even think you were the Minister last year when this occurred. Wasn't it another person? So he's getting it, not second hand; we don't know if it's third hand, we don't know if it's fourth or fifth hand that somebody telephone Doug Duncan and he said, “I don't want to come to meetings, talk to my lawyer.” Now I don't know what Doug Duncan is going to say. I'm with the Member for St. Johns — I haven't spoken to Doug Duncan. Doug Duncan could say, “I was concerned about the fact that I was dismissed from a full-paying job and asked them to talk to my lawyer about that but I was willing to attend meetings of the Civil Service Commission for which I am being paid. I don't wish to be an irresponsible person. The fact is that the government never sent me any notice of meetings.” Now what's the Minister's answer to that? I'm not irresponsible. Well, perhaps not irresponsible but sloppiness of the highest order and I look to the Attorney-General to confirm that what I am saying is correct and if he doesn't confirm it, then my esteem for him as a practicing solicitor will go down some. However that might not bother him.

I tell the Minister that not only should there have been a letter to Mr. Duncan confirming that confirmation — in which case if he didn't respond it would at least been useful — but that there

should be periodic letters, please advise that you are ready as a Civil Service Commissioner on the payroll. Please advise when you will be ready to attend meetings. Because being on the payroll and not attending meetings, if you are not going to attend meetings, we're going to come into the Legislature and say, "We've got a guy, a Civil Service Commissioner, receiving pay; he refuses to attend meetings", and I'll tell you something give you a vote to get rid of him. How can I not do so? You've got a guy who is a Civil Service Commissioner; he's getting money from the public of the Province of Manitoba; he's asked when he will be available for meetings and he says he won't come. I'd vote to say that that man is not longer a Civil Service Commissioner. But that's not what the Minister has.

If Doug Duncan says today — I don't know what he will say, repeat that " No I was sorry that I was losing a full-time salary but I never, ever. . . and I wanted them to negotiate that with my lawyer but I was ready to serve as a Commissioner." What will the Minister say? He'll say that another Minister told me that a civil servant phoned him and the civil servant told me that he said that he didn't want to go to his lawyer and that is the evidence which my friend the Minister of Civil Service Commission, who says that he is not irresponsible, is going to have to deal with before this Legislature who has to pay this man the remuneration and who would be the ones who are required to dismiss him in order to deal with his case.

Now the Minister may feel in his mind that he is not irresponsible and I am telling him that now he doesn't even have to defend himself. He has a problem and he has to say under his breath, "My stupid predecessor, why did they put me in this position?" But he doesn't have to defend himself. He wasn't even the Minister at the time.

But, Mr. Chairman, the Minister may have a very very good case — I'm not suggesting he does have — but if he has a very good case and the government has a very good case, they have done everything conceivable to destroy their case but I guess that shouldn't surprise us from this Conservative government who have shown a capacity to make a pig's ear out of a silk purse on numerous other problems. I guess they have demonstrated that they could do it with this thing as well.

**MR. CHAIRMAN:** The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Chairman, I don't want to repeat anything that the Member for Inkster said. He rose just when the Minister had confirmed that he had stated earlier correctly that Mr. Duncan is being paid. So I want to deal with that alone.

I did not, I believe I'm correct in saying that I did not say that the Minister was irresponsible. I think he said that I was trying to make it appear as if he were irresponsible.

But, Mr. Chairman, you will recall that just a few days ago we learned that the administration of the government of Manitoba had improperly or inappropriately given money to the Conservative Party of Manitoba for some project which they felt was embarrassing enough, and wrong enough — let's not say embarrassing — but wrong enough, legally or not, but wrong enough to get them to get the money back in a hurry. And they had the influence in which to do it. Although I must say once I mentioned it, Mr. Chairman, I wondered why they didn't get interest back on the money that they had felt was inappropriately paid. However that is by the way.

And I had occasion to refer to the mess that was taking place, the unbusiness-like in which it had been handled and I was told, well it's only something over \$2,000.00. I don't know how much Mr. Duncan is being paid. According to the Minister he is being paid and that's the continuing present tense, is being paid. But what kind of administration is it that is paying money to a person who is not attending to his functions? What do you call that? Mismanagement, sloppiness, irresponsible, incompetent, all these words, Mr. Chairman, could apply to a government that is paying money — be it \$1.00 or be it a \$100,000 or be it the kind of mess that they brought us into by signing a contract with Churchill Forestry Industries of which the First Minister had his signature.

**MR. CHAIRMAN:** Order please.

**MR. MacMASTER:** I wonder, Mr. Chairman, if we could deal with the Estimates here? The Member for St. Johns seems to be wandering quite a bit.

**MR. CHAIRMAN:** I would recommend to the honourable members that we are on Civil Service Commission and to make a point, I have allowed some latitude but we have swayed quite a bit from the Civil Service Commission and I would just point that out to the honourable members. The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Chairman, I don't know whether it is of some interest to you or will be to me to check the records of what was said this morning, but I believe that the word, "irresponsible" was the word of this Minister relating to the Civil Service Commission and the payment of salary to one member who is not attending, or remuneration rather, to one member who is not attending. And I was trying to show that this is not to my way of thinking . . .

**MR. CHAIRMAN:** Order please. The Honourable Minister.

**MR. MacMASTER:** Mr. Chairman, it was the operation of the Commission and the Member for St. Johns was referring to his being irresponsible and I thought I had cleared that up by saying they had been meeting regularly and carrying out their duties appropriately.

**MR. CHERNIACK:** Mr. Chairman, I am pretty now and I don't know how important it is but I'm pretty sure that the Minister said that I was trying to make him appear irresponsible and that I couldn't do it, I couldn't get away with it. I think that that's what he was saying — couldn't pin it on him is the words that I'm told he used. Well you know, I wasn't trying to at that stage but now I am trying to attribute irresponsibility not on him alone but on other members of this government to show the danger that we are stepping into if this government sloughs off as being relatively unimportant, sloppy administration, mismanagement and I referred to, just this week, it's so current, just this week's revelation which we discovered through reading the Order for Return that we received of how another Minister's department, and I am not blaming the Minister as an individual, but another department was sloppy at least in the kind of sense of paying out taxpayers' money. Now I am telling this Minister that there is something going on here of which he should have been aware and apparently was because he answered quickly. Mr. Duncan is being paid, No. 1. No. 2, Mr. Duncan is not attending meetings. That's clear. No. 3, He is told that Mr. Duncan did not want to be notified of meetings, he was told that.

As the Member for Inker said, you don't really have to be a lawyer to realize that if a person verbally says something, that to protect yourself you'd better tie it down in writing so you have a record when you go before a Board or an arbitration or a court or whatever. Because if his right to be paid is self-denied by his own decision not to earn the money the you have to be sure to tie it down in some way that there's no doubt about it. But a referral to the solicitors — you know, I don't even know how effective that is but it clearly it had to do with something other than being a part-time commissioner and therefore I am sorry to say to the Minister, for whom I have no ill feeling and at whom I don't think I aimed the word irresponsible, that now that he put the word in my mind, I cannot avoid saying that, yes, it appears to me now on what we've learned about payment of moneys for non-service, that there is irresponsibility taking place. I don't know whether it's his, whether he inherited or whether he himself continued it or whether it's just an attitude of government that makes it rather pound-wise and penny-foolish, if that's the way they think they are operating, by discharging all sorts of people, but in this case, continuing to pay. So, I'm sorry to say that we have a little bit of a problem now, and I'm sure the Minister wouldn't want to try to avoid discussing the problem by saying that it's the Civil Service Commission and not his department, because he is a responsible minister, responsible not only to the government, but to the Legislature to report in connection with this budgetary item that's before us now. And, Mr. Chairman, I don't think I have for a moment departed from the subject before us and that is the handling of the Civil Service Commission and if I used that analogy, I think it was valid so to do.

**MR. MacMASTER:** Mr. Chairman, I look across and I see several members in the opposition who have held Cabinet positions in the former administration. I would suspect if they did some thinking, they may recall boards or groups of people, who were paid an annual retainer, a small fee to be a member of a board. They may recall that in addition to that you get extra moneys if you attend meetings and the philosophy of it was, I'm sure with them is the same as with myself at this particular moment, is that if you require three to do something, it isn't always necessary that that three would be available, so you normally have five. And that's a philosophy I think that the Member for St. Johns would agree with, that you have X number of people sitting on boards and you require X number to attend certain meetings.

In this particular case, there are numbers of people on the Commission and all of them are not required to attend a particular meeting, but if they do they get extra moneys. Mr. Duncan is receiving his yearly annual fee the same as other people and if he chooses to attend one meeting he would get the additional funds. If during the course of the last year of negotiations, if that's what you call it, that took place between his lawyers and ours, came to a satisfactory conclusion, he could have been resitting and drawing the additional moneys. Now, I don't know whether that

clears it up for the Member for St. Johns, but I hope that it partially clears up the situation here.

**MR. CHERNIACK:** Mr. Chairman, I know the Minister is trying to explain the position, but he is now telling us something I really was not aware of. I must tell him — I was a Minister of the Crown, and I can't remember any appointment to any board which carries with it both an annual remuneration plus extra per meeting. That may be, I just don't remember that, Mr. Chairman, and I don't know in any event about the Civil Service Commission, but according to this Minister, Mr. Duncan has failed to do anything as a Civil Service Commissioner for well over a year, and therefore, even the remuneration he received without the pay for the meetings, or the extra pay for meetings is money not earned.

Now, one other point — we all know what a quorum means. Sometimes we hesitate to count the number of members in this room, but we know that a quorum means that you cannot conduct business, unless you have at least a certain minimal number of people. But I don't believe that any government and again I say the government I was part of or the government he was part of, should have people on it who have responsibilities and not notify them of a meeting taking place and hoping they will come. You can have a board of 20 people, you may have a quorum of five, you don't call only six, you call all 20 and you would like all 20 to come. You want all 20 to participate — that's why they're there, but you're saying if for whatever reason you can't all come, then we need at least five to conduct our business. And in this case, you have six commissioners, you have a right to have seven and you expect that you can go on with three. As a matter of fact, the Act not only says three members constitute a quorum, but it says any three may sit simultaneously or at different times and at different places. So, that when you have six, as is now the case, they can have two concurrent meetings going consisting of three members each. They can have a meeting in Thompson and a meeting in Manitoba (sic) concurrent, because they have six people with three sitting on each. But surely, you have to recognize that they all must be notified of meetings, so they all may attend, otherwise, why have them at all? If it is suggested that Mr. Duncan is not being notified, because he refuses to accept notice, then of course, I say that's sloppy, irresponsible, incompetent, it's something wrong with the administration to let it happen. If, on the other hand, there's an attempt to give us the impression that that's okay, we wouldn't call him anyway, because we only need three, then that is — I won't even give it an adjective because that's much worse. But the Minister did not say they refused to give him notice, or they don't need to give him notice; he is saying that they were informed not to give him notice.

Well, as I say, the kindest thing one can say is that they never tied it down in writing and should have, and the less kind thing that must be said is that they appear to be paying taxpayers' money to a person, who according to their statement is not earning it. And since the only way they could act on it would be to come to this Legislature, I fault them for not doing that.

Now, the Member for Inkster stated it in a very simple statement, "If a member of the Legislature is informed that a person is without cause, without reason, refusing to participate in the ongoing work of a body," then he said, and these are my words, not his, but he said that he would support removing such a person from office. Well, I would too, if it was just that simple — if without reason, without justification that a person refuses to participate in the work of a board or a commission, then I don't see how we can do other but remove him. Lawyers don't have anything to do with that, you know, nobody can sue this Legislature for removing a person from office if the Act says they have a right so to do.

So, you know, I have to say that I feel that there is a cloud on the operation of the government in this respect, and I don't want to fix it on any individual, but it so happens that the Minister responsible is the one who usually gets it, and in this case the Minister responsible has suggested that I was trying to make him appear irresponsible. I think he has himself, made himself appear somewhat irresponsible in this regard.

**MR. CHAIRMAN:** (d)—pass — the Honourable Minister.

**MR. MacMASTER:** Well, Mr. Chairman, the only thing I can say to that is that the Member for St. Johns is entitled to his opinion — it's not my opinion.

**MR. CHERNIACK:** Mr. Chairman, I want to assure the Honourable Minister that he cannot, nor can anyone, take from someone else the entitlement for an opinion, but what he means is that he doesn't agree with my opinion and I didn't expect him to, but I'd like to think that the result of this discussion so far is going to be a rethinking by the Minister of what his responsibilities are, and possibly whether he admits it or not, that there be a correction. Again let me allude, give you an analogy of a colleague of his who said everything we did was correct, but we got the money

back in a hurry, and that is a point of view where the Minister first made it appear as if everything is fine, it's legal and proper but when he thought it over, he got the money back in a hurry. And that is an entitlement that he had to his opinion, but he at least thought it through and formulated an opinion.

**MR. MacMASTER:** Mr. Chairman, I said to the Member for Inkster last night; and I say to the Member for St. Johns today, that I think that I learn a great deal every day in this particular House. I probably learned something this morning, I don't think it labels me in a bad light. I can't be quoted as saying the things the Member for St. Johns said that somebody else — you know, whatever position that might have been. I can simply say that it's been extremely difficult and I'm doing everything that I think is responsible to clear up this particular matter and I hope it's cleared up. As I reported to the House this morning, in the absence of the Member for St. Johns, but I think I said it previously to him, that we think that we have the situation close to being finalized and I think we'll all be reasonably pleased, when it is finalized and reaches conclusion.

**MR. CHAIRMAN:** The Honourable Member for Logan.

**MR. JENKINS:** Thank you, Mr. Chairman. I'm not going to rehash too much of what has already gone on. I think the Minister has to bear a certain amount of the responsibility since he took over this department. I'm sure that the Minister in future will make sure that proper written notice goes out, not only just to Mr. Duncan but to all members of the Civil Service Commission. Because if Mr. Duncan has been one that has not been attending meetings through the lack of not being notified or just a phone call, there may be other members of the Commission who are not attending meetings. That is a distinct possibility, and that was one of the reasons why I asked the Minister when we started this debate to give us the notices of meetings and the attendance at meetings of members of the Civil Service Commission. And the Minister, I know, inherited this department from another minister, and he may have received some information second-hand or third-hand, but it was incumbent upon this Minister, upon assuming this portfolio, to make sure in his own mind that proper notification was and is being communicated — not only to Mr. Duncan, but to all members of the Commission. Because as has been stated, if all members of the Commission do not desire to come, then there is no quorum. How can you hold meetings when that sort of a lax procedure is allowed to continue? And I think that the Minister, now that it has been drawn to his attention, should be aware of his responsibility as a Minister who is responsible for the Civil Service Commission, and I don't think that a phone call is sufficient notice. Surely, a 17-cent letter isn't going to break this government. As it has been pointed out to the Minister by previous members on this side of the House, if the Minister had done that, he would have at least had something to back up the statement that he has been making in the House this morning.

Now, I want to deal with other members of the Civil Service Commission and I wanted to know what their present status is. According to the Civil Service Report on Page 5, Mr. Newton has retired but a Mr. Robert Brown was appointed acting full-time member of the Commission for the period ending December the 31st, 1978, and effective the 1st of January, 1979 a Mr. Paul Hart was appointed as Civil Service Commissioner full-time member of the Commission.

I would like now to ask the Minister what is the present status of Mr. Brown? Is Mr. Brown now refusing to attend meetings, since he has been removed as full-time member on the Commission, or is he employed elsewhere within the government at the present time? If Mr. Brown has been employed elsewhere, why was not that opportunity available for other employment to the former full-time member of the Commission, Mr. D.A. Duncan? If Mr. Hart has been transferred to another department or another branch of the Civil Service, then I would ask quite seriously, if that opportunity was available to Mr. Brown, why was not that same opportunity available to Mr. Duncan, who the present government saw fit to remove as full-time commissioner?

I can't argue with their right to do so, but if employment can be found for one full-time commissioner elsewhere in government, then why wasn't employment found for the other full-time Commissioner? Perhaps then the government wouldn't have been in the sticky situation that they are now, in a legal problem which the Minister says that at the present time they are hoping to resolve, and I do hope they do come to a resolve on this. But I think it is incumbent upon the Minister to inform us of the present status of Mr. Brown. Is he an employee elsewhere within the government?

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MacMASTER:** Mr. Chairman, Mr. Brown was Acting Commissioner, he is now reverted back to his position as Assistant to the Commissioner, where he was previously.

**MR. JENKINS:** Then what is Mr. Brown's present position? Is he Assistant to the Commissioner?

**MR. MacMASTER:** Yes.

**MR. JENKINS:** Full time. Is Mr. Brown being notified of meetings, I imagine he is, and is he being paid for meetings that he attends as a member of the Civil Service Commission over and above the honorarium, or whatever you call it, that he receives as a member of the Civil Service Commission?

**MR. MacMASTER:** Mr. Brown is not a member of the Commission. He is a Secretary to the Commission.

**MR. JENKINS:** Well then, Mr. Chairman, . . . oh I see, Mr. Brown has been removed, he is not a member of the Commission at the present time. I'm sorry. Has Mr. Brown resigned as a member of the Commission, because he was a member of the Commission? Does the Minister have a letter of resignation from Mr. Brown, because the only way that Mr. Brown can go off that Commission is either to retire, to resign, decess, or be removed by this Legislature? Now I don't see anything — and the Minister hasn't informed us that Mr. Brown has resigned. He was a member of the Commission, he's now reverted back to what he was before, but just how did Mr. Brown get off the Civil Service Commission? Perhaps the Minister can inform us of that. .

**MR. MacMASTER:** Mr. Brown was appointed by Order-in-Council to be an Acting Commissioner to December 31, 1978, where he reverted back to being Assistant to the Commissioner.

**A MEMBER:** Did he resign as a Commissioner?

**MR. MacMASTER:** He reverted back. He was appointed on a temporary basis.

**MR. CHAIRMAN:** The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Brown is shown as a member of the Civil Service Commission, that makes him a Commissioner. Was he a Commissioner, because the report would indicate that he was, and if so, how come he is no longer an Commissioner? What method was used to remove him as a Commissioner?

**MR. MacMASTER:** Mr. Chairman, he was appointed on a temporary basis. The book says that he is a member, but I read out the names of those who are members, and he is no longer a member. He was appointed on a temporary basis, and reverted back; he filled-in on a temporary basis.

**MR. CHERNIACK:** Mr. Chairman, by what mechanism could his appointment be temporary? I skimmed the Act — we can get a copy of it — and I do not see anything in the Act that gives the authority to anyone to make a temporary appointment.

**MR. MacMASTER:** It was done by Order-in-Council, Mr. Chairman.

**MR. CHERNIACK:** Is the Minister saying that a Commissioner, a member of the Civil Service Commission, appointed by Order-in-Council, can be appointed on a temporary basis?

**MR. MacMASTER:** That was the advice that we received, Mr. Chairman.

**MR. CHERNIACK:** Mr. Chairman, I read Section 4.(1) of The Civil Service Act which says, "There shall be a Commission to be called The Civil Service Commission, consisting of not less than three or more than seven members, appointed by the Lieutenant-Governor-in-Council, one of whom shall be designated as Chairman of the Commission. A Commissioner shall hold office . . . this is Sub-Section 4 . . . a Commissioner shall hold office during good behaviour, and the Lieutenant-Governor-in-Council may remove him only on an address of the Assembly carried by a vote of two-thirds of the members voting thereon, but the Lieutenant-Governor-in-Council may suspend him from office for cause" . . . and I stress the words "suspend for cause".

Now I go to No. 5, "Where a Commissioner is suspended, unless the suspension is sooner rescinded, the Minister shall before the end of the current session, if it is in-session at the time

of the suspension or before the close of the next session, bring the matter before the Assembly by way of Resolution."

Mr. Chairman, I think this is a very serious information that we have just learned, and I want to try not to exaggerate it. The Member for Logan was asking what is the present status, and we learned that Mr. Brown is not a member of the Commission. We look at the report of the Commission before us and it shows Mr. Brown as a member of the Commission. The Minister has left me with the impression that Mr. Brown was . . . had been . . . was a member of the Commission. I assumed, when he reported on who is a member and left out Mr. Brown's name that Mr. Brown must have resigned, because I said earlier how I felt one can become . . . and the Member for Logan just repeated, either there is a resignation, or he dies, or he retires because of age, or he is removed by the Legislature.

Now there can be a suspension, but there can't be a removal from office. Now the reason I say this is serious and I don't want to appear to be exaggerating how serious it is, but I am tempted to feel that it is very serious, is that if the government believes that it can appoint a Commissioner temporarily, then it's got a whip over that Commissioner if he wants to stay on that Board. Then it can dictate to the Commissioner, as government can dictate in most cases to various boards. Government can say to a member of the Hydro Board, we have "We have the right to terminate your appointment." Government can say to a Deputy Minister, "We have a right to terminate your appointment. You're fired." We've learned that. Government can say to a board, be it the Health Services, be it the Alcoholism Foundation, "You shall do something or other," and you will recall that the Minister of Health did say to Alcoholism Foundation Board, which he said was a free standing independent board, "I want you to stop promoting a certain bit of educational material."

But the whole reason for The Civil Service Act being drafted as it was to remove from government any power whatsoever to reprimand, to discharge, to instruct a member of the Civil Service Commission to act in any way, and that is why the government may appoint a member, but the government cannot terminate his employment, it can only suspend for cause and must come here and report.

And now, if I don't have the correct picture, then the Minister should stop me and correct me, but the picture I have without having seen the Order-in-Council, is that Mr. Brown was appointed a member of the board, on a temporary basis, and that by some subsequent decision of the government he was removed. —(Interjection)— He said he was taken off. Now I'm assuming he was not over age and therefore didn't retire, I'm assuming that. If he is no longer a member of the board because he became of retirement age, then of course I'm wrong in my indignation. If he resigned and we were not so told by the Minister, I am wrong in my indignation. If he's alive I'm happy for him. But then I'm right in my indignation, because the other means of terminating the employment has not come before this House.

So, Mr. Chairman, I am suggesting to you that if the facts are as I understand them, as I infer them from what the Minister said, then the facts are that the government made this person, Mr. Brown I — don't know him that's why I can't say what his age might be, I hope he's alive — but therefore it would appear that he could be put on and taken off the board at the will of government, and if he can be so can everyone else. In this case, it wasn't even necessary because they had to have a minimum of three on the board. Why did they have to have Mr. Brown on there at all? I'm pretty sure of this, at no time that he sat on the board was he a member of only three members; there must have been more than three members during all the time he was a member.

So, Mr. Chairman, I think it's terribly serious I think the same way that the Provincial Auditor can only be removed by this Legislature; the same way the Civil Service Commissioners can only be removed by this Legislature; and if the Minister was advised by some legal authority that they could make a temporary appointment and therefore have control over the term of his office, then that's a terribly serious contravention of the concept and the purpose of the Act. You see, I'm being careful not to disagree with that lawyer, whoever it was, that may have advised them, although I will strongly disagree with him when I meet him face-to-face, if I only learn who he is. But to suggest that that's possible, is a very serious thing, because it endangers the entire integrity and independence of a board such as the Civil Service Commission, and if this government is prepared to do this kind of a thing, then it can do an awful lot more.

And, Mr. Chairman, we only learned about it, I have to say by inadvertence. I didn't know anything about it. The Member for Logan, whose questions prompted this response, I doubt if he knew about it either. I think he was just being careful and cautious and making sure that he had a full picture; he was really concerned about full-time Commissioners, and there's no question that full-time commissioners, or part-time, is within the authority of the government, but not the revocation or the removal from office.

And the Minister has time to correct me if I'm wrong in any of the facts, and he has the right to point out where I am wrong in my interpretation of the facts as far as the integrity of the board

is concerned. But, Mr. Chairman, I think the Minister has to respond in some way and I hope he won't say, "Well, the member is entitled to his opinion," because, Mr. Chairman, this goes much further, much further to the roots of the entire Act and the purpose and motivation of the Act itself. And what I fear may be a lapse of not just responsibility, a lapse of respect for the legislation and the purpose of it in regards to the Commission, so, Mr. Chairman, I would like very much for the Minister to explain what has happened in connection with Mr. Brown, and how he could have been a member of the Commission for one day, and then cease to be a member unless it were through a means which he will no doubt want to explain to us?

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

**MR. MacMASTER:** Mr. Chairman, the advice received was that an Order-in-Council was appropriate to make a temporary appointment with an expiry date; that was the advice that we received. That Order-in-Council was passed; that was not a secret, it was public knowledge. I think the opposition is very adequate in their viewing of Orders-in-Council, so they are aware of what takes place. It is surprising really, not on this particular point, but on the image that the Member for St. Johns is trying to create, the holiness of the Civil Service Act and that it couldn't be circumvented because they were one of the greatest groups in circumventing the Civil Service Act in the history of this province.

**MR. CHAIRMAN:** The Honourable Member for Logan.

**MR. JENKINS:** Mr. Chairman, the Minister is not going to get off the hook that easily. I want the Minister now to inform this Chamber and this committee how many other members are there on a part-time basis. Because it puts the whole Civil Service Commission in suspect. And I don't know, I haven't perused the Act that carefully, but from what the Honourable Member for St. Johns read out to the committee here, there is no authority. There is no authority under the Act to appoint a part-time or a temporary commissioner. Now, the Minister has got to come up with some better answers than what he's coming up with now. He'd better start opening that third envelope. Because the answers that the Minister is giving us, and talk about politicization of the Civil Service, we are now seeing a politicization of the CIVRCommission where we have people being appointed for a pro tem term of office, subject to the whim — political whim, I'll be quite blunt about it — the political whim of the government of the day. That is a real politicization of the Civil Service.

And the Minister to sit here and throw back what he thinks are smart remarks, that you did certain things. We certainly didn't appoint part-time commissioners and contravene the Act, that's for darned sure, but this government has. And so I say to the Minister, we want to know how many other members of this board are there. Is Miss Shirley Bradshaw there on an Order-in-Council? How about other people that have been appointed to this board? How about Mr. Hunter? Is he there on a pro tem, waiting the axe, the Sword of Damocles to fall if he falls out of favour with the present government?

These are questions and answers that this government and this Minister in particular, because he can not ignore his responsibility. He talked about the Member for St. Johns, accusing him this morning of being irresponsible. Well, you're damn right, I will accuse him of being irresponsible, and that whole government and that whole Treasury Bench of being irresponsible. And the backbench too. Because you have circumvented the Act; you have appointed a person —(Interjections)— And you have the responsibility not only to this Legislative Assembly, but to the people of Manitoba to make sure that there is no politicization of the Civil Service Commission. This is supposed to be an independent commission, and your answer, you did certain things, but I'll tell you what, we never did that. Never. And the Minister has to come up with some far better answers than what he's coming up with at the present time.

**MR. CHAIRMAN:** The Honourable Member for St. Johns. —(Interjections)— The Honourable Member for Rock Lake.

**MR. HENRY J. EINARSON:** Mr. Chairman, I haven't had the opportunity to follow the debate from the time it began this morning, but I've been sitting here listening for about the last 15 minutes,

20 minutes, to the Member for St. Johns and now the Member for Logan. And when the Member for Logan talks about politicizing the Civil Service, I wonder what they were thinking about when they brought in legislation, all the years they were in power, to create a situation where anyone in the Civil Service could run for political office and so on.

Mr. Chairman, another matter I want to say, Sir, is that I am not familiar with the names that they are talking about. I'm not familiar with the names that they are talking about — they're bringing out Mr. Brown, Miss Shaw and so on — I can't help but wonder, you know, the Member for Logan, he is accusing us of politicizing the Civil Service. Well, Mr. Chairman, I'm wondering how many people — when the NDP were in power for eight years, they made their political appointments in the dying moments of the time that they were in office — how many of those political appointments were all of a sudden shoved into the Civil Service so that they could be protected? I'm wondering, Mr. Chairman, how many people were in that category. And the Member for Logan has got the audacity to stand up in this House and accuse us of politicizing the Civil Service. I would suggest, Mr. Chairman, they were the ones, on that side, through the legislation they brought in over the years that they were in power and then in the dying moments, and I repeat again, Mr. Chairman, in the dying moments that they were in power, of the number of people that they had made as political hacks on their behalf, shoved them into the Civil Service to protect them.

**A MEMBER:** We're talking about the commission.

**MR. EINARSON:** Oh, you're talking about the commission — I fully realize you are. But the comment the Member for Logan just made is the reason I'm rising.

**MR. CHAIRMAN:** The Honourable Member for Logan on a point of order.

**MR. JENKINS:** If the honourable member had been listening to what I said, they were politicizing the Civil Service Commission. That is what I said.

**MR. EINARSON:** Mr. Chairman, they were politicizing the Civil Service Commission, but I thought I understood him to say also the Civil Service. —(Interjection— I thought I understood him to say also the Civil Service, and I want to say, Mr. Chairman, and I still am not going to be detracted from my trend of thought here, Mr. Chairman. I want to make a point, that I don't think that the honourable gentlemen opposite — they think that holier than thou is the attitude that they're trying to impress upon the people of Manitoba in the debate that's going on here that I've been listening for the last 20 minutes. You know, Mr. Chairman, I can think of another situation where they had a certain individual — I won't mention his name — in Manitoba Hydro. Now I happen to have the Order-in-Council, Mr. Chairman, where this individual had spent two and a half years as an eloyee of the Manitoba Hydro, one who had to take a tremendous amount of responsibility for the real dilemma that the people of Manitoba find themselves in because of the actions of that individual, which was sanctioned by the then premier of the province of Manitoba, who took full responsibility for Manitoba Hydro because it was under his authority and they passed an Order-in-Council, after having served two and a half years, to grant this gentlemen or this man a pension for life. A pension for life. Mr. Chairman, let the fact — it's an Order-in-Council . . .

**MR. CHAIRMAN:** The Honourable Member for St. Johns on a point of order.

**MR. CHERNIACK:** Yes, isn't it obvious that the member is really going far afield now? But it's all right as long as you recognize that, Mr. Chairman. He's dealing with an appointment of the chairman of Hydro. —(Interjections)—

**MR. CHAIRMAN:** The Honourable Member for Rock Lake.

**MR. EINARSON:** Mr. Chairman, the Member for St. Johns has been on the other committee in 254; he has listened to his colleague, the Member for Burrows and the number of times that he has gone afield and gone afar from the particular resolution we're talking about. And the Member for St. Johns has got the audacity to stand up and bring it to attention of the chairman about whether we are in order or not. I suggest this is in the realm of whether it be Civil Service or people that are employed by government . . .

**MR. CHAIRMAN:** Order please. The hour being 12:30 I am now leaving the Chair and will return at 2:30.