

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 29 April, 1980

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

PRESENTING PETITIONS

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): The Honourable Member for River Heights.

MR. GARY FILMON: Mr. Speaker, I beg to present the Petition of The Congregation Shaarey Zedek, Praying for the passing of An Act to amend An Act to amend, revise and consolidate An Act respecting the Congregation Shaarey Zedek.

READING AND RECEIVING PETITIONS

MR. ASS'T CLERK: Petition of Investors Syndicate Limited and Others, Praying for the passing of The Investors Syndicate Limited Act, 1980.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for Radisson.

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

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

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): Mr. Speaker, I wish to table the Annual Report of the Public Schools Finance Board for the year ending December 31, 1979.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. BRIAN RANSOM (Souris-Killarney): Mr. Speaker, I beg to table the report of the Manitoba Water Commission entitled Mercury in the Environment. This report was printed in February of this year and I apologize for the inadvertent delay in tabling, Mr. Speaker.

MR. SPEAKER: Notices of Motion . . .

INTRODUCTION OF BILLS

MR. FILMON introduced Bill No. 53, The Winnipeg Foundation Act.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, my question is to the Minister of Economic Development. Can the Minister of Economic Development advise when he first became aware that Beaver Lumber was intending to transfer its accounting office, involving some 50-plus employees, from Manitoba to Toronto?

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. J. FRANK JOHNSTON (Sturgeon Creek): I haven't been made aware of it by Beaver Lumber, I've had no communication with them at this time. I will make a point of having somebody in the department contact them to see if the statement is correct.

MR. PAWLEY: Mr. Speaker, I have in my hands a press release from Beaver Lumber issued 11:00 o'clock this morning. I'm rather taken aback that the Minister is still unaware of the fact Beaver Lumber is transferring 50-some of its employees from Winnipeg to Toronto. I wonder if the Minister could advise, and I will forward to him a copy of the Beaver Lumber press release of this morning, if the Minister could advise what steps he intends to undertake in order to attempt to dissuade the transfer of Beaver Lumber's accounting office from Manitoba to Toronto by the end of August of this year.

MR. JOHNSTON: Mr. Speaker, this morning at 11:00 o'clock I was at the Odeon Theatre as all the media well know and the Member for Kildonan knows, we were presenting to the Industry of Manitoba the Tourism Program for the province of Manitoba for 1980. Now Mr. Speaker, the Beaver Lumber Head Office for Canada has been in Toronto for a long time and I am not aware of anything the province of Manitoba can do to force them to stay but we certainly will be in contact with them this afternoon and discuss the possibility of them staying or the reasons why they are making the change.

MR. PAWLEY: Mr. Speaker, a further question to the Minister, I would ask the Minister if in his discussions with Beaver Lumber he could acquaint himself with whether or not the present economic climate created by three years of his government, with the drop insofar as economic growth in this province, the projected lack of job creation during 1980 and the depopulation which took place last year, has not contributed to the situation by which Beaver Lumber has announced its intention to transfer from Manitoba to Ontario.

MR. JOHNSTON: Mr. Speaker, the economic situation the Honourable Leader of the Opposition talks about is that the Conference Board of Canada says Manitoba will be the third largest economic increase in Canada this year, 1.83 times higher than the national average only behind Alberta and Saskatchewan. If he wants to read it his colleague the Member for from Brandon East had it yesterday, the figures he read out of six figures five of them were up and, as a matter of fact, the employment will be up also according to these figures. It will be up by one point . . .

MR. SPEAKER: Order, order please. May I suggest to the Honourable Minister that replies to questions should be as brief as the questions themselves.

The Honourable Minister of Economic Development.

MR. JOHNSTON: On the point of order, Mr. Speaker, my answer was only the same as the Leader of the Opposition, who was criticizing the province.

MR. SPEAKER: Order, order please. May I suggest to the Honourable Minister that he take the advice of the Chair quite wisely and use it.

The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, if the Honourable Minister has the information in front of him, I wonder if the Honourable Minister could confirm that if you averaged out for 1978, 1979, 1980, that Manitoba is the second lowest in Canada.

MR. SPEAKER: Order please, order please, order please. May I suggest to the honourable member that confirmation does not seek information in this House and the question is out of order.

The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, I would like to direct a question to the Minister for Natural Resources. I wonder whether the Minister has a report from the committee to set up plans for drought contingency in the province of Manitoba.

MR. SPEAKER: The Honourable Minister of Natural Resources.

MR. RANSOM: No, Mr. Speaker.

MR. GREEN: Mr. Speaker, I wonder when the committee to set up contingency plans for drought possibilities in the province of Manitoba was designated by the Minister.

MR. RANSOM: Mr. Speaker, the Member for Inkster is making an assumption which is perhaps not true at the moment.

MR. SPEAKER: The Honourable Member for Inkster with a final supplementary.

MR. GREEN: Mr. Speaker, am I to understand from this Minister that despite weather conditions that have existed in the past year and despite the existing situation that the government has not yet set up a committee to consider the contingencies of a

drought taking place in the province of Manitoba? Is that what I am to understand?

MR. RANSOM: Mr. Speaker, I think that the Honourable Member for Inkster is probably quite aware, having been the Minister responsible for Water Resources for some number of years, that the planning that takes place or needs to take place for drought conditions is the sort of thing that is basically in place and it simply only requires that the switch be turned on, as it were, Mr. Speaker, and that it's quite a similar situation to that of flood fighting or forest fire fighting.

MR. SPEAKER: The Honourable Member for Inkster with a further supplementary.

MR. GREEN: Mr. Speaker, on the same question and despite the assumption of the Minister, my recollection is, and I ask the Minister whether it is not so, that the last time this contingency prevailed the government set up a committee to discuss contingency of floods taking place in the province of Manitoba; it does not happen by itself and I gather from what the Minister is saying, is that he thinks it takes place by itself and there is no necessity for the government to deal with it.

MR. SPEAKER: Order, order please. I believe the question period is a time for asking questions rather than making statements. Has the honourable member a question?

MR. GREEN: Mr. Speaker, the Minister gave information to the House that a committee of that kind clicks into place naturally, and my question is: Is that his assumption and is it not the case that it there is required governmental action for the purpose of dealing with such a contingency committee? That is my question.

MR. SPEAKER: The Honourable Minister of Natural Resources.

MR. RANSOM: Mr. Speaker, it wasn't the same question he asked the first time but so be it, and he misinterprets the statement that I made. I did not say that it was something that clicked into place automatically. I said that the preparation, the sort of planning that has to go on, the framework is essentially in place and when it becomes a matter of implementing, of undertaking action, then of course it requires some action on the part of the Minister and of the Cabinet. His previous question, Mr. Speaker, was asking me to provide him with information of the events that took place when he was Minister of the Department. I think, Mr. Speaker, that he surely should be aware of the action that he took when he was Minister.

INTRODUCTION OF GUESTS

MR. SPEAKER: Order please. I wonder if I can ask the indulgence of the House to correct an oversight. Before we moved into the question period I should have introduced members to the guests we have in the gallery.

In the gallery on my left we have 35 students of Grades 7 and 8 standing from the Alsen Public

School in North Dakota under the direction of Mr. Selvig. In the gallery to my right we have 35 guests from the Manitoba Municipal Secretary-Treasurers Association.

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

QUESTION PERIOD (Cont'd)

MR. SPEAKER: The Honourable Member for Lac du Bonnet.

MR. SAMUEL USKIW: Mr. Speaker, I would like to ask the Minister of Agriculture whether he can confirm that while he was a participant on a radio talk show yesterday, he indicated to a caller that a woman in her own right could be a contract holder with the Manitoba Crop Insurance Corporation. Would he confirm that, Mr. Speaker?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Mr. Speaker, subject to further review of hearing what was actually the specifics of the tape, I don't believe that I indicated that she would, in that particular case, be eligible for crop insurance but referred it to getting the name of the individual and discussion with the Crop Insurance as to why or why not that particular individual would be eligible or not eligible.

MR. USKIW: Well, Mr. Speaker, could the Minister explain to the House just what the circumstances would be that would disallow any lady from participating in Manitoba Crop Insurance?

MR. DOWNEY: Mr. Speaker, I would suggest that there could be many reasons as he is well aware of the fact that certain people, whether they are man or woman, under certain circumstances because of the history of the individual within the contract or that particular program, there may be reasons why they may not; but as far as a person farming, there's no discrimination whether it is a man or a woman as far as being involved or insuring a crop if they're actually a producer.

MR. SPEAKER: The Honourable Member for Lac du Bonnet with a final supplementary.

MR. USKIW: Well, Mr. Speaker, I hope it's not a final one because the deadline date for Crop Insurance is tomorrow and this person wishes to insure her production for 1980 with the Manitoba Crop Insurance Corporation. I wonder whether the Minister could either indicate to the House why it is that this individual is not eligible because it is my understanding that she has never been in contract with the Crop Insurance Corporation before and this is a brand new transaction that she is being denied. I think the Minister owes us an explanation and indeed should move to make certain that the deadline tomorrow doesn't deny her a contract.

MR. DOWNEY: Mr. Speaker, as I said earlier, it came from a phone-in show yesterday in which I said I would get the specific details. That is taking place at this particular time. There still is the rest of today

and tomorrow for that individual to be let known whether they qualify and, in fact, I would be able to provide the details of the reasons why or why not that particular individual would not be insured. I don't think there is any reason why there shouldn't be public knowledge of that particular policy of the crop insurance, which in fact hasn't changed I am sure, who is eligible for insurance or who is not, over the past many years.

I would also like to add in reference to the member saying that the deadline is the 30th of April that I have last week, in reference to some of the questions from the Member for Inkster, I have in fact last week put out a press release advising farmers to consider crop insurance or in fact make any changes in crop insurance that would allow them coverage because of the need for an assurance of some income, whether it be from crop insurance or grain production this coming year.

MR. SPEAKER: The Honourable Member for Lac du Bonnet with a further supplementary.

MR. USKIW: Mr. Speaker, is the Minister aware that as of this morning the Crop Insurance Corporation continues to refuse, as of this moment as a matter of fact, to insure this lady, and certainly he ought to explain to the House why it is that it's the government's policy not to allow women to participate in the crop insurance program?

MR. DOWNEY: Mr. Speaker, if it is in fact — I don't accept the premise that it is — that they are refusing to insure people who are eligible whether they be a man or a woman that in fact that policy hasn't changed from the time when he was Minister, and if that policy is in place, was in place by him, I am sure it will be changed. As far as the specific case, I will say once again that it is under review and if there are reasons that are not satisfactory to me, that they should be changed, then I would take the proper procedures to do so.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID BLAKE: Mr. Speaker, my question is to the Minister of Agriculture too and normally at this particular time of year when we're still ice bound, I find it odd to be looking at crop failures, but I wonder if the Minister could inform the House what steps or what action his department has taken in connection with a possible drought this year.

MR. DOWNEY: Mr. Speaker, as I said earlier that we did put out a press release last week and giving broad provincial coverage as far as the media is concerned, to inform the farmers that the 30th of April was the deadline to participate in crop insurance, that serious consideration should be given as far as being involved so that they could allow some form of protection whether in fact they get that income from crops or whether they get it from the Crop Insurance Corporation.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. JUNE WESTBURY: On a point of privilege, Mr. Speaker, may I draw to your attention some errors in the Hansard of April 23rd. This was an occasion on which I spoke in French and the French reported — I admit that my French is imperfect but I don't think it's as bad as it seems here. The word *Français* is consistently spelled without a c; they seem to have abbreviated words by leaving out most of the es in the entire passage which leads to some interesting reading; they suggest that I suggested that the Yvettes of Quebec were assaulted when I suggested that they were insulted and where I describe myself as the only Liberal, they describe me probably quite accurately as the Liberation of this Chamber.

MR. SPEAKER: Order please. I find the interpretation that is given to Hansard to the wording that is spoken in this House; if the wording is rather unclear I would suggest that members should not really blame the Hansard staff, maybe its their own enunciation that may be at fault. If there are faults in spelling, then I apologize for it.

The Honourable Member for Ste. Rose.

MR. A. R. (Pete) ADAM: On the same point of privilege, I notice in the comments that I made in French, it's just horrible and I would also — (Interjection)— if that's what I said, Mr. Speaker, what's in the Hansard, I apologize because it's just terrible, the spelling and the whole works.

MR. SPEAKER: The Honourable Minister of Government Services.

RETURN TO AN ORDER — ORDER FOR RETURN NO. 2

HON. HARRY J. ENNS (Lakeside): Mr. Speaker, I wonder if, by leave, I'd be given permission to table with the House an Order for Return No. 2 dated March 10, 1980 on the Motion of the Honourable Member for Fort Rouge.

MR. SPEAKER: Has the member leave? (Agreed).

ORAL QUESTIONS (contd.)

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. HARVEY BOSTROM: Thank you, Mr. Speaker, my question is to the Minister of Labour and I would like to ask him, with respect to the Manitoba Hydro Project in Great Falls, why the rates of pay for workers on this Hydro project are less than that required under the regulations passed by authority of The Construction Industry Wages Act which he is responsible for; and as a specific, Mr. Speaker, I would ask him why the wages paid for labourers at 6.56 per hour on site are lower than that required under the Act, namely 8.82 1/2 per hour which is the latest rate approved by regulation of this Minister and this government?

MR. SPEAKER: The Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson): I'd like, Mr. Speaker, to have the member clarify which particular Act he's dealing with. There's three sets of wages that are established by the government: one rural, one the heavy construction outside the city and one the heavy construction inside. If he'd tell me which one he is referring to.

MR. BOSTROM: Mr. Speaker, I am referring to the aspect of the regulations which refers to major building projects and it is defined in the regulation as the construction of or any addition to a power generating station and Mr. Speaker, given that, in the case of the Great Falls plant they are adding to and constructing a dam which is attached to a power generating station, I would think this Act should apply, and I would ask the Minister, as I've already indicated, why the wages paid on site are lower than the ones required under the Act and under the regulations passed by this Minister and this government.

I would also ask the Minister, Mr. Speaker, since he has not answered the first question, why the workers on site are required to work 50 hours per week before overtime, rather than the 42 1/2 hours before overtime required by the regulations; and Mr. Speaker, I would ask the Minister not to consider as a possibility even that they would be able to get an exemption under the regulation where it indicates that where work camp is established that the employers and the employees may agree to have longer working hours because, Mr. Speaker, in this case there is no work camp established and there would be no way in my opinion that the Minister could give authority to the contractor on site to require the employees to work longer than that which is acceptable under the regulation.

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: Mr. Speaker, I certainly can't take the facts as presented by the Member for Rupertsland to be facts. He has quite a history for giving statements that are less than factual. I notice one of the . . .

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

MR. PETER FOX: I'd ask the Minister of Labour to retract. He's making a direct accusation that one of the members of this House is not telling the truth.

MR. SPEAKER: Order, order please. I suggest to the Honourable Minister that he choose his words rather wisely in this Chamber.

The Honourable Minister of Labour.

MR. MacMASTER: Mr. Speaker, the Member for Rupertsland posed a question the other day in relationship to the same operation where he was claiming that local people weren't being employed and it was out of province and, in fact, I think Hansard will say that he was talking about immigrant people, referring to people outside the country. I'm trying to get all the information for him and that will be established that his assumptions in that case

which he presented to the House and got good press coverage certainly weren't facts, and that's what I was trying to relate to him. In this particular case I know that the operation that he's talking about was not considered new construction, so technically, and I'll try and get him a technical legal opinion as to why the Act, the regulations, don't apply to that operation. But I remember, and it was some time ago, it was — I'm guessing — approximately 14 months ago or a year ago that contract was settled. The unions involved negotiated a contract with the project, with the Hydro. That's the same system, Mr. Speaker, as had in place in northern Manitoba many years ago when the Trades Council negotiated the — again, I'm guessing — it was an eight of ten year agreement with Manitoba Hydro in northern Manitoba. The same sort of agreement has been established in this project. Now why there is a variation with the wages, and what particular Act the members deal with, I will endeavour to read Hansard in a day or two when it comes out and establish, for his information, exactly what's taking place in that project and why the rates are what they are.

MR. SPEAKER: The Honourable Member for Rupertsland with a final supplementary.

MR. BOSTROM: Mr. Speaker, in reference to the Minister's comments about my question the other day, I might point out that I still have not received an answer and I asked for the Minister of Hydro to check it out and he still has not answered me. So, Mr. Speaker, with respect to that issue I know that my questions in this House . . .

MR. SPEAKER: Order, order please. We're dealing with question period. Does the honourable member have a question?

MR. BOSTROM: Mr. Speaker, on a point of order then, the Minister indicated to me that there was some answers to questions that I posed in the House and I have not yet received the answers. So what is he referring to?

MR. SPEAKER: The honourable member does not have a point of order; order deals only with procedure in the House.

The honourable member with a question.

MR. BOSTROM: Mr. Speaker, I know my actions in this House resulted in 10 more local people getting jobs this Monday on that project.

MR. SPEAKER: Order, order please.

The Honourable Member for Rupertsland with a final supplementary.

MR. BOSTROM: Thank you, Mr. Speaker. My supplementary question is, would the Minister in checking out the information which I have presented to the House with respect to wages on that project, in checking it out, explain why in this case the wages of the workers, by whatever agreement they may have come to through a union or whatever, could possibly be lower than that which is required in the regulations, since I believe the Act states that no agreement can be made which would result in the

employees getting paid a lower wage than that which is established by regulation, and the regulation is one which was passed by this Minister and this government and it requires the workers to be paid a certain amount and they are not being paid that.

MR. MacMASTER: Mr. Speaker, the Member for Rupertsland uses the appropriate words when he says, I suspect or I understand. That allows him the latitude to make the suggestions that he's making. I have said that I am trying to put together the answers to his question the other day. I'll endeavour to get the answer to this particular question and I'll also check out why 10 people were employed, supposedly because of his efforts last Monday.

MR. SPEAKER: The Honourable Member for Burrows.

MR. BEN HANUSCHAK: Mr. Speaker, I wish to direct my question the Honourable Minister of Economic Development and Tourism. The Minister who claims to be very concerned about tourism creating jobs for Manitobans. Could that Minister, who appears to have that concern, explain to the House why an attempt to promote tourism and to create jobs he had to go to the United States of America to buy these Made in USA buttons, rather than buying them made in Manitoba. And why, rather than buying local manufacturer stickers, Good to See You, Friendly Manitoba, again, they appear to be made in the United States of America and not in Manitoba.

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

MR. LAURENT L. DESJARDINS: Mr. Speaker, I have a question to the Minister of Tourism.

MR. SPEAKER: The Honourable Member for Burrows with a supplementary?

MR. HANUSCHAK: Yes, Mr. Speaker. A supplementary question to the Minister of Economic Development and Tourism. I'd like to ask the Minister whether there are or are not factories in Manitoba capable of manufacturing and printing metal or paper stuff such as he has.

MR. SPEAKER: The Honourable Minister of Economic Development.

MR. JOHNSTON: Mr. Speaker, the advertising agency asked for tenders on this material and they suggest —(Interjection)— no, the tenders were available to everybody. We don't have an iron curtain around this province and we accept tenders from everybody, Mr. Speaker. As a matter of fact we have made every effort to try and see if we can change it to the hopefully Manitoba or Canadian manufacturer, but at the present time the price was such that it couldn't be ignored.

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

MR. DESJARDINS: Mr. Speaker, I'd like to thank the Minister of Tourism for the packs of goodies that

he gave us and I'd like to ask him a question. On this indicator that we have, it's today's value of the U.S. dollar, I saw that the Minister of Finance had 1.16 for the day. The maximum that it goes to 1.23. I wonder, does the Minister have knowledge that this is the maximum that it's going to go to or is that wishful thinking at this time?

MR. JOHNSTON: Mr. Speaker, I'm not in any position to know why it goes to 1.23 and I have no idea whether it will or it won't, but what does really make me feel bad is the opposition of this government don't really seem to care if we encourage tourism in this province or not and, obviously, are trying to do everything to run it down.

MR. DESJARDINS: Mr. Speaker, I resent the answer of the Minister. If he wanted to answer to the previous member, that's his business. My question was a valid one; I think that if you give the information, it has to be proper information and I was just happy to know that it wasn't going to reach anything over 1.23 and I wanted to be sure, to be reassured of that. It doesn't mean I'm not interested.

MR. SPEAKER: The Honourable Member for Rossmere.

MR. VIC SCHROEDER: Thank you, Mr. Speaker. I have a question for the Minister in charge of Corrections. Could he advise as to the number, if any, of breakouts that have occurred in the last 12 months at Bannock Point and as to whether those breakouts have caused any difficulties at the cottages at Betula Lake and if so, what is he doing to prevent further breakouts?

MR. SPEAKER: The Honourable Minister of Community Services.

HON. GEORGE MINAKER (St. James): Mr. Speaker, I'll take the honourable member's question as notice.

MR. SCHROEDER: Thank you, Mr. Speaker. A question for the Acting First Minister. In view of the fact that the President of the Manitoba Progressive Conservative Party has now endorsed the federal New Democratic Party proposal of an electrified public transit system in Winnipeg, I am wondering whether he can confirm that this government will now assist the city of Winnipeg in the establishing of such a system.

MR. SPEAKER: The Honourable Minister of Finance.

HON. DONALD W. CRAIK (Riel): Mr. Speaker, I would remind the Member for Rossmere that we once had an electrified system for transportation in the city of Winnipeg and I presume the credit for that probably went to the city council of the day that put it in, perhaps about 1920, and I'd be more inclined to give the credit to the city council here, at the present time, for attempting to pursue greater measures in the interests of conservation that they are now attempting to pursue. We are supportive of their efforts and we'll give them every possible encouragement we can for their pursuit of it.

MR. SCHROEDER: Thank you, Mr. Speaker, a supplementary. Could the Minister advise as to whether, in addition to giving credit and encouragement to the city, it would provide funding for such a project?

MR. CRAIK: Mr. Speaker, I'd be very surprised if we didn't have an approach with regard to funding, and I suppose when we have that we'll deal with it in the course of its arrival.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Thank you, Mr. Speaker. I'd like to address a question to the Honourable Minister of Labour and ask the Minister whether he has seen a report that apparently was prepared late last year on the deplorably high rates of unemployment in the inner core of the city of Winnipeg. I believe the incredible figure shows an unemployment rate of 55 percent. I wonder if the Honourable Minister can advise whether he's had an opportunity to study the report and whether he agrees with this assessment of 55 percent unemployment.

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: Mr. Speaker, I have not had the opportunity to review the report, I've asked for a copy of it. I think the information has come to my attention possibly about the same time as it came to the school board in Winnipeg and the same time it came to the Member for Brandon East. I haven't had an opportunity to review it to see if there's any worsening of that particular situation. We all know that the problem in the inner core of the city of Winnipeg has been with us for a good period of time and once I've had an opportunity to review it I'll be able to comment further on it.

MR. EVANS: Well, Mr. Speaker, I'm pleased that the Honourable Minister will take time to review the report. Upon assessment of the report, would he be prepared to consider special employment programs, some type of program perhaps in co-operation with the city of Winnipeg, that at least to some extent will alleviate this deplorably high rate of unemployment, given, I think, the assumption that it's much better to be employed than to be at home twiddling your thumbs, watching T.V. and all the socially disastrous effects that may come from being unemployed?

MR. MacMASTER: Well, Mr. Speaker, I am aware and I think the member opposite should be aware that we do cost-share a particular program with the city of Winnipeg. I think the total costs of the program is in the neighbourhood of a third of a million dollars. That is one program we are involved in.

The member should be made aware, Mr. Speaker, that the type of Industrial Training and the opportunities for Institutional Training and Apprenticeship Training and Critical Training, those programs do not say in any way that people from the inner part of the city of Winnipeg can not apply,

they're certainly eligible to apply for them also. It's part of the whole education process. One of the reasons we're putting a lot of emphasis on Industrial Training, in-plant training, to upgrade people within the plants, is to create room for others to move in, Mr. Speaker. It's also one of the very major differences that I have with the Federal Minister of Immigration and Employment, where he feels that the answer to these type of job problems in Canada, is massive immigration to the tune of 300,000 or 400,000. I don't think that's the approach. I would think the Member for Brandon East would be more supportive of my approach, which is greater money and greater effort put into Industrial Training and trying to give our own people greater opportunity to get out of the problems that they find themselves in.

MR. SPEAKER: The Honourable Member for Brandon East with a final supplementary.

MR. EVANS: Well, Mr. Speaker, I would support the Minister on any efforts that he would undertake to improve training and to provide skills for people so they can become usefully occupied. There's no disagreement. But, Mr. Speaker, I believe this is a very drastic situation with very serious social consequences, not only for those people but for the whole community of Winnipeg and indeed the whole province of Manitoba. And given the fact that it is a very very serious situation with all the deplorable social consequences that might result, I would like to suggest to the Minister and indeed ask him, if he would be prepared to set up a special task force, in co-operation with the city of Winnipeg, to meet this situation head-on to do something now, to provide jobs for those thousands of people who are sitting at home idle and out of work?

MR. MacMASTER: Mr. Speaker, the objective of any responsible government is the endeavours of creating meaningful employment and I think that's an ongoing process with ourselves and with the city of Winnipeg and with all other agencies. But also I am led to believe that portions within the report indicates to the low level of education of those people and the opportunity has been made available so they can upgrade their education so they can get out of the system that they're in. There are jobs, there are a fair number of jobs that are available today. Why we have to review the report is to find out whether in fact the educational level of those particular people could qualify for some of those jobs. Is Canadian Manpower doing the best job they can to pair people off with jobs? There's a lot of things that have to be looked at in this particular situation, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Education.

MR. COSENS: Mr. Speaker, in response to a request from the Honourable Member for Inkster a few days ago regarding the teaching of second languages, specifically in the Winnipeg area, I have a survey for his perusal that I'll send over to him at this time.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Thank you, Mr. Speaker. To the Minister of Labour, in view of the fact that a number of non-Canadian people were fined for working without a permit, can the Minister inform us whether his department is reviewing the situation to see if any Manitoba labour laws were contravened?

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: Yes, Mr. Speaker, I have asked my very capable staff to have a review of the entire situation.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. DOUG GOURLAY (Swan River): Thank you, Mr. Speaker. I'd like to respond to a question I took as notice from the Leader of the Opposition yesterday and to confirm that the nursing station at Thicket Portage was in fact closed in January of 1980 upon the advice of the Department of Health because of inadequate sewage facilities. Subsequently the water was turned off and it has had some icing problems since then; but relative to the question, the problem is the responsibility of the Government Services and that department was notified of the problem and they are undertaking to correct the situation.

MR. PAWLEY: Mr. Speaker, I thank the Minister for his answer. I would like to know from the Minister when he was first advised as to the closing of the nursing station.

MR. GOURLAY: I can't be specific as to the exact time when I was notified. As a matter of fact, I was of the opinion that the problem is being looked after by the Department of Health and as I understand it, the nursing personnel are still in place there.

MR. PAWLEY: Mr. Speaker, I would like to ask the Minister of Health when he was first informed of the closure. But in answering, I would like the Minister of Health to indicate whether he has an answer to the question I posed to him on February 22nd of this year pertaining to the Neurosurgery Department at the Health Sciences Centre and the number of empty beds, if any, relating to that particular part of the department.

MR. SPEAKER: The Honourable Minister of Health.

HON. L.R. (BUD) SHERMAN (Fort Garry): Mr. Speaker, it is my understanding that I answered the honourable leader's question about neurosurgical beds and I described the particular ward, the particular unit, that is comprised of neurosurgical and neurological beds at the Health Sciences Centre. I explained to him that there are 36 beds in that unit and they are necessarily divided 50/50 among neurosurgery and neurology but are utilized as the need requires. The last time that I dealt with that question I pointed out to him that there were two beds in the unit that were not at that point in use,

they were not being occupied. I would have to check to see what the current situation is but that was just a few days ago.

On the other question, my information is that my department was notified in January of the situation at Thicket Portage. Instructions were given in the interests of public health and environmental health to take the steps that were taken. The nurse is still there, available and on duty, but the facility itself has had to have been temporarily closed in the interests of the protection of the environment.

MR. SPEAKER: Order please. The time for question period having expired, before we proceed with other affairs, I would like to thank the Honourable Member for Fort Rouge and the Honourable Member for Ste. Rose for bringing to my attention, and at the same time apologize them for not having caught it myself. Apparently we are having trouble with the computer in the printing of Hansard where those letters that have an accent are being dropped from the computer. A special program was set up yesterday to overcome this problem and we expect that it should be corrected and in operation properly today. I apologize to all members of the House though for the problems we had.

The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, I move, seconded by the Minister of Government Services 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 Majesty.

MR. SPEAKER: The Honourable Member for Inkster.

MATTER OF GRIEVANCE

MR. GREEN: Mr. Speaker, I rise at this time because I feel that there has been, on the part of certain elected people in the province of Manitoba, a rather unfair injustice been done, perhaps — and I'm being charitable — perhaps by inadvertence and, Mr. Speaker, perhaps by design.

I ask you to pose, Mr. Speaker, as to the situation that there was a rule in this House that you had to have, or that there was a rule of government which suggested, that you had to have a certain number to form a quorum; that there had to be seven Cabinet Ministers to form a quorum. And that if there were resignations which reduced the number to six, the Governor General could appoint an administrator and suspend the other Cabinet Ministers until the number had been redone; and that given this power, the Governor-General found that certain number of Cabinet Ministers had been . . . Mr. Speaker, I'm speaking on the motion. —(Interjection)— Yes, Mr. Speaker, I'm speaking on the motion, that the Governor-General found that the right number wasn't there and he exercised his power to suspend and he appointed the Leader of the Opposition to be the Premier and said then that he wouldn't call an election until the normal time for elections arose.

What would be, Mr. Speaker, the reaction of the members of the Conservative party or of the members of this House to how the elected

representatives of the people were treated? Because, Mr. Speaker, tantamount to that occurring is what the Minister of Municipal Affairs has done in the area of the Local Government District of Alexander, Mr. Speaker. What he has done — well, Mr. Speaker, I read to you, I read to you, Mr. Speaker, and I put this in all seriousness, that there is a provision of The Municipal Act, Mr. Speaker, which says, that where a membership of a council is reduced by reason of a number of not attending members or because there is a resignation, that the Minister is entitled, and only because there is not a quorum, Mr. Speaker, it has nothing to do with any problems; the quorum in the local government district of Alexander has five. The Minister received three resignations, and I will deal with how those resignations were obtained. He received three resignations which meant there were two, and only because of that legal technicality, for no other reason, The Municipal Act gives the Minister the power to say, that since the Council cannot act, I will appoint an administrator and suspend the Council until the Council comes back to size.

Now, Mr. Speaker, suppose that happened in the municipality of Selkirk; suppose that happened in the city of Winnipeg, and suppose that there was a big argument between the Mayor of Selkirk and the Secretary-Treasurer of Selkirk, and the council of Selkirk went down to below the quorum; who would the Minister appoint to be the administrator of the Council? It has nothing to do with any charges of wrong doing. Would he appoint the bureaucracy to be the administrator of Council, or would he say, I'm going to appoint the highest elected official, namely the mayor, to be the administrator until the Council receives its quorum.

Now, Mr. Speaker, instead of doing that, the Minister has given the impression, and it is a totally false impression, completely unfair to a publicly elected people, and we should be the ones who understand that — we should be the ones who understand that — that these people were suspended because of charges which were made against them. Mr. Speaker, that is totally misleading, totally illegal, and totally false. There is absolutely no basis in the law for that position. These people were not suspended on account of any charges. They were suspended, Mr. Speaker, because they couldn't act and an administrator had to be appointed; and what did the Minister do? He appointed the administrator, Mr. Speaker, who ran around and got the resignations.

Now just look at what has occurred here. We have an elected council; two people resigned, Mr. Speaker, and my information is that they resigned on the 14th to the knowledge of the administrator; that they then attended a meeting on the 18th. Then on the 18th, Mr. Speaker, and I ask you to cogitate this, the Administrator, who subsequently gets appointed to look after this council, runs to a sick councillor and asks him to resign. So they got three resignations and there is nobody to look after the council. The same person who runs to get this resignation is appointed by the Minister to administer the council and the two elected people, Mr. Speaker, are suspended; and worse than that, it is suggested they are suspended because of some type of wrongdoing. There is absolutely no basis in the Act

for the suspension of these people on the basis of wrongdoing, there is nothing they have done which would have resulted in any suspension, they have been suspended solely because there was not a quorum and the quorum was reduced by the action of the person who the Minister then appoints as the Administrator. Now why did the Minister, in the absence of a quorum, not appoint the Mayor? Why would he appoint the person who is the servant of the council rather than the elected Mayor of the Local Government District of Alexander?

Now, Mr. Speaker, not only is this what occurred but I am advised, and the Minister will have to answer for it, that Mr. George Fontaine who is the third member who resigned, at the instigation of the local government administrator, was in the Minister's office, told him what had happened and asked him whether he could withdraw his resignation and was told by the Minister he could not withdraw his resignation. Now, Mr. Speaker, I don't know whether legally he could or could not withdraw the resignation, that's something which I will let the courts argue about; what I do know is that when Mr. Fontaine and the Mayor and the third councillor came to the Minister's office, which is a majority of council, and told him what had happened the very least the Minister could have done is to say Well I'm not going to have that council administered by the secretary-treasurer, by the person who he has named, because that is the person who brought about the minority on council. And, Mr. Speaker, what we have is some suggestion in the newspapers, and I can't blame the Minister for the newspapers, but I can blame him for something, because he suggests, lead it to be believed and did not discount it, that this suspension had something to do with wrongdoing on the part of the councillors. That is absolutely false, absolutely false. He also lead it to believe, Mr. Speaker, and I have the resignations here, lead people to believe that these people resigned, and in one case it said that the allegations were detailed in letters of resignation of the other three Alexander council. The allegations were detailed in letters of resignation. I have the three letters of resignation, there is no allegation against any councillor. The fact, Mr. Speaker, that the Mayor's common-law husband was employed, did we make a fuss of it when the Minister's brother was employed on the Human Rights Commission? So what, is that a disqualification from employment; he was voted on by all of the members up in council; the fact that a contract was signed by the Mayor instead of by the Administrator, that's something for the lawyer of council, not something for the council, they all agreed to it. Has your government never come into contact with the fact that the lawyer will tell you this order-in-council, or this thing has to be signed in a different way, but we have, Mr. Speaker, is a suggestion that this suspension came as a result of some type of wrongdoing.

Wrongdoing there was, Mr. Speaker, a conspiracy there was, what I am surprised is that the Minister would give sustenance to that kind of conspiracy. What we have is local politics, Mr. Chairman, which is no different that higher politics. People argue with one another, there is a minority on council, there is a view of the bureaucracy and let us all protect ourselves from the bureaucracy, not appoint them

over the elected officials, which is what the Minister has done, probably on the advice of a bureaucrat of his. Probably on the advice of some bureaucrat in the Department of Municipal Affairs.

Mr. Speaker, the honourable member says, easy, there is no easy thing here. We have a woman who was elected as Reeve of the Local Government District of Alexander; the Minister has suspended her; he has not made clear as he should have, Mr. Speaker, as he should have, that this suspension has nothing to do with any charges, this suspension has to do with the fact that the council requires three people for a quorum, there's only two and the Act says I must create a quorum. The only way I can create a quorum is to call elections, in the meantime I appoint an administrator.

Who should he have appointed? He should have appointed the Mayor. Okay he didn't appoint the Mayor but knowing what he knew, should be have appointed the bureaucrat who was involved in securing these resignations in order to bring about the fact there would be a legal suspension and then to create the impression that suspension has something to do with some wrongdoing.

Mr. Speaker, it is a scandalous affair, scandalous, and the Minister had better clear it up, and the best way it can clear it up is to now appoint an administrator that had nothing to do with these activities. If he doesn't do that, Mr. Speaker, then I suggest to him I will not be as charitable the next time. The honourable member says, Take it easy, he ain't heard nothing yet.

There is no business for that person to be the administrator of this council, that person is in conflict with his council, he was the servant of the council, there is no business for him now to be. And let's just show you what he's done. Mr. Speaker, you would think these people resigned because they didn't wish to be councillors anymore, they didn't want to do their work anymore. They were a minority group, Mr. Speaker, one of them is named Yvonne Hunter, she resigned, she doesn't want to be on the council anymore. Isn't that right? The administrator has named Yvonne Hunter as Citizen member representing the District of Eastgate; has named Yvonne Hunter to the Alexander Advisory Planning Committee; has named Yvonne Hunter as a Citizen Member to represent the District of Eastgate Regional Development Corporation. This is the person who resigned; this is the person who resigned, they didn't want to serve on council anymore, but once you get the majority out and in the bureaucrats he names her to three committees. Is that what the Minister wanted? Mr. Speaker, it is the most astonishing tale of a usurpation of power, on the behalf of people who had an argument with the majority and a very skilled manoeuvre, Mr. Speaker. This resignation, the resignations of Hunter and Fontaine I am advised, and I charge and I ask the Minister to investigate, were dated March 14th or at least were signed March 14th and given to the local government administrator, the one who subsequently named as the trustee. They attended a meeting on the 18th. Do you know why, Mr. Speaker? Because they weren't satisfied yet. The resignations had not been sufficient, two resigning didn't create the law that there was no quorum. The administrator then went over to see Mr. Vincent and

spoke to Mr. Vincent and Mr. Vincent, after being spoken to on one day and then on another day, subsequently made a third resignation.

All of a sudden, there is no quorum. Now, Mr. Speaker, the Attorney-General will appreciate this, Councillor Ernst stands up and says I voted contrary to law. The Minister says, well I've got no complaints. I'm not going to make any investigation. The thing will sort of look after itself.

Reeve Thompson and the other councillor didn't vote contrary to law. There is an allegation that the living partner of one of them is higher. There is no doubt that the Council voted unanimously for the hiring of that person. All of a sudden, that person is subject to an investigation by the Minister; not the local government district administrator, not the man who ran around and got a third resignation. I ask the Minister, is it not a fact that Mr. Edgar Vincent was in his office telling them that he would like to withdraw the resignation, and the Minister said that he could not withdraw the resignation.

Well, Mr. Speaker, if that's a fact, and I suggest it is . . .

MR. SPEAKER: Order please. The Honourable Minister of Municipal Affairs on a point of order.

MR. GOURLAY: At least on a point of clarification, the Honourable Member for Inkster is mentioning, first of all, that it was Councillor George Fontaine that was in my office requesting that he be reinstated; now he's saying it's Vincent. Who is he meaning?

MR. SPEAKER: Order, order, order please. May I suggest to the honourable member that he wait and make his contribution. He will have time, if he so desires.

The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, the Minister should not quibble with me about such a matter. If I used the wrong name, he knows it. Fontaine and Hunter were the first two resignations. Vincent was the resignation which was approached by the local government district administrator and asked to resign, and he was in the Minister's office. He was there with Reeve Thompson. He was there with the other councillor. He asked whether he could withdraw his resignation; the Minister said no. Well, Mr. Speaker, that's what Reeve Thompson told me and she was in the Minister's office. — (Interjection)— Well, Mr. Speaker, that is what our duly elected Reeve told me; not a local government district administrator, who went and got . . . The Minister can ask Mr. Vincent whether what I am saying is not correct. Mr. Vincent is there. I am not able to misrepresent him. Mr. Vincent is there; has told Reeve Thompson that he did not know that this would happen, that he did not want to resign, Mr. Speaker, or at least was in the Minister's office and said he would like to withdraw his . . . — (Interjection)— He said it on television.

Mr. Speaker, why is the Minister quibbling with me? He's making himself worse than it is. I have given the Minister an opportunity to deal with this question. I say that the sensible thing to do is to appoint another administrator; really, he should

appoint the Reeve but I don't expect him to do that, but he cannot appoint the administrator who went . . . Mr. Speaker, the facts belie the imagination. If the Minister says that he did this and that he knew everything that I said, I would immediately demand his resignation, Mr. Speaker, because it is a scandalous affair. And if he doesn't, Mr. Speaker, either call an immediate election, immediate so that the third position can be filled, appoint another administrator so that we do not have the support of the Minister to an administrator who is fighting with the duly elected Council.

Then, Mr. Speaker, how does the Minister explain it? The local government administrator has now had minutes, Mr. Speaker, meeting of April 22nd, 1980. You know, he has minutes of the meeting he conducts by himself, and here are the appointments. Here, this woman resigned. The Reeve was still serving; the other councillor was still serving; Hunter resigned. Hunter was one of the people who was in the minority. — (Interjection)— Yes, well he is the Council; he is not a trustee.

Here are the minutes: Richard A. Andres, resident administrator; Bradley Robertson is the secretary; that's all there is; there is no council, it's a trustee. Who are the appointments? Yvonne Hunter, citizen member representing district on Eastgate lot; Yvonne Hunter, Alexander Advisory Committee. It doesn't name the Reeve who has been suspended for no reason. There is nothing in these resignations and if you want to suspend on the basis of name calling, Mr. Speaker, then I assure you that the Reeve and the other councillor can think of as many names to call the other councillors as they have thought of to call them. Is that the way we are going to suspend people and appoint a local government district bureaucrat as against the elected people on the basis of that type of tripe? Mr. Speaker, this is scandalous, scandalous in terms of the people who are affected, and scandalous in terms of leaving the impression that this legal right to suspend had anything whatsoever to do with misconduct, because, Mr. Speaker, I state my legal life on the fact that this suspension has nothing to do with any misconduct on the part of anybody. It is a suspension which the Minister has the authority to make, not because of any misconduct but because a quorum doesn't exist. And since you cannot operate without a quorum, Mr. Speaker, it's tantamount to saying that when we want to give Royal Assent and the Governor-General is not here, we use the administrator. But there's no reflection on the Governor-General. I give the Minister the Act, the Attorney-General.

Mr. Speaker, what difference does it make who is the member out there? The fact is that these councillors have brought this to my attention that, Mr. Speaker, there is an injustice; that the Minister is the witting or unwitting perpetrator of that misjustice; that he should not wait to clear up this misjustice; that he cannot continue to leave this municipality in the hands of the local government district administrator, in preference to the elected people, on the basis of name calling. You heard what the Attorney-General said about Ernst, who voted on his own company. There is absolutely no basis. The Minister would have had no basis for this suspension in the absence of the resignation. Is that not right?

The reason that he gives for the suspension order of the Minister is that where there is not a quorum, he may suspend. How was the quorum defeated? By the same guy who he named going out and asking a councillor to resign. That councillor subsequently goes to the Minister's office and says, I would like to withdraw. Okay, Mr. Speaker, I don't know whether he can withdraw it or not but I know what's right. And what is right is that that local government district administrator should not be the trustee who is running the Council, when two people have been suspended — not because they had done anything wrong and the basis of their suspension is not that they have done anything wrong; the basis of their suspension is that there is no quorum. And if you say that the details of the charges are in these letters, Mr. Speaker, I have each letter of resignation. There is not one allegation against any councillor in these letters of resignation. And what if there were? —(Interjection)— That's all.

Mr. Speaker, the matter could have been solved immediately by calling an election for next month. If an election was called for between the time that the resignations occurred, between March 18th and April 30th, there would be an elected council in that area now.

MR. DESJARDINS: They could have had a reduced quorum.

MR. GREEN: No, he couldn't reduce it to less than three. There are only five. —(Interjection)— Oh, if the third one came on, he would have had the quorum, and if he reinstated this man who said that he wants to withdraw his resignation, then he could not suspend.

Mr. Speaker, it is a black conspiracy and the Minister may not be a party to it, and I will be certain that he is not a party to it or at least it will make me feel much better if he says that I am no longer going to have Mr. Andres serve as the administrator, he is one of the people in the fight and I suspend them. This is the Conservative idea of politics. You suspend the elected person and you reinstate the bureaucrat who he's been fighting with. —(Interjection)— Well, Mr. Speaker, my friend, the Member for St. George says that he asked this last week and I certainly believed him. I just cannot, Mr. Speaker, understand how, in circumstances of this kind, the innocent people become the victims. There is no basis upon which the Minister could have made this suspension based on allegations against a councillor. It's like saying that if I'm making a charge against a Minister he could be suspended by somebody. Councillors have charges made against them every day and countercharges, that's the nature of politics; it happens all the time. The Minister says that if one councillor makes charges against another councillor he'll suspend the second councillor. So it'll be a race who will make the charges first, that's who will be left with the position because that's what's happened, Mr. Speaker.

Does the Minister countenance it? One of the resigned people has been named to three committees of this non-existent council. Does the Minister countenance it? Mr. Speaker, I ask, indeed I demand to the extent that I have the right to make any demands, that there be immediate action with

respect to this matter; that immediately we have the elected representatives of the people reinstated in that area by election or otherwise; and that in the meantime that the notion of keeping the Local Government District Administrator as the administrator of this area as against the elected people, be immediately reversed, Mr. Speaker. It is a situation that the people of Manitoba should not want to tolerate in any of their elected districts, including the Local Government District of Alexander.

MR. SPEAKER: The Honourable Minister of Northern Affairs.

MR. GOURLAY: Thank you very much, Mr. Speaker. I am very pleased to have the opportunity to clarify some of the misunderstandings that apparently have come up on the other side of the House. First of all, I'm surprised that the Honourable Member for Inkster would compare the LGD Council of Alexander with the RM Council of Selkirk. They're not in the same status; the LGD of Alexander is an Advisory Council to the Minister of Municipal Affairs. The Honourable Leader of the Opposition, I'm sure, is well aware of this fact. I'm surprised that the Member for Inkster would even use this sort of comparison in the first place.

First of all, the three members turned in their resignations — I'm not sure what the date on the form was, but I understand it was on the 18th of last month. So naturally the council did not have a quorum, there was only two members left. Subsequently it was brought to my attention there were serious allegations and accusations against the two remaining members of council. I had the opportunity of calling By-elections; that in view of the fact that three members of council had resigned, and in view of the fact that there were serious allegations and charges, I thought it was imperative on my part that the two remaining members of council should be suspended until such time as I could investigate some of these allegations. —(Interjection)—

MR. SPEAKER: Order. Order please. The Honourable Member for Inkster had his opportunity to speak. He can ask a question if he so desires.

The Honourable Member for Inkster.

MR. GREEN: I would like to know whether the Minister had power to suspend these councillors on the basis of those allegations and whether, if he did, did he use that power? Because the power that is used in the Act has nothing to do with the allegations.

MR. SPEAKER: Order please. I suggest to the honourable member that he is asking for a legal opinion and he knows full well that is not within his jurisdiction in this House.

The Honourable Minister of Municipal Affairs.

MR. GOURLAY: In any case the council didn't have a quorum and they couldn't operate as such and I felt that it was important that the allegations and accusations should be clarified before any by-elections should be held, because if these charges have any substance then it would result in some

investigations at some later time and probably disrupt the council. So the Member for Inkster mentioned that the Reeve and the Deputy Reeve and Councillor Vincent visited my office, which is true. I requested the Reeve to come in and discuss the situation and she chose to bring Oscar Papineau, the Deputy Reeve, upon my invitation, as well. However, the third council member, Edgar Vincent, came along unbeknown to me, which was fine. We had a conversation in my office. At no time did he ever ask to be reinstated. He said on many occasions he had second thoughts about resigning, but at no time did he ever say that he wanted to be reinstated. As a matter of fact, I'm surprised to hear that he was even interested in thinking this way. He didn't indicate it to me. He is a man of some . . . — (Interjection)— Do you want to hear the situation or not? Well, I think that I'm explaining it. As I mentioned earlier in the question period I have a very open mind on this situation. I'm not familiar with any of the councillors although I do know the Reeve from the fact that she lived in Swan River some many years ago and I have a lot of respect for her. I want to handle this the best way that I know how and I think that the opposition are trying to make it very difficult and they're bringing up a lot of garbage, to my way of thinking. And the Member for Inkster indicated about the fact that there was some concern about a common-law relationship. I never ever have brought up that situation; I've never mentioned it. It has been reported in the newspapers but it certainly didn't come from myself or my office.

So the situation, I hope that I can have a full report and have this clarified within the next 10 days or two weeks. I don't know what more I can add to those comments at this time.

MR. SPEAKER: The Honourable Member for St. Johns with a question?

MR. SAUL CHERNIACK: I wonder if the Honourable Minister would accede to a question. Does the Honourable Minister not have only one decision to make and that is when to call the by-election, not if to call it? Having already suspended two and having had resignations from three, what decision could he make, other than what could have been made a month ago, and that is to call a by-election to have the people's representatives make decisions? What other choice does he have?

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. GOURLAY: Well, I think the onus is on the Minister of Municipal Affairs to check out accusations and allegations and to decide whether or not there's any substance to this.

MR. CHERNIACK: Just a subsequent question. Regardless of whether the Minister decides that the accusations are well-founded or not, in the end does he have any authority to make any decision other than to call a by-election? And if so, why doesn't he do so and why didn't he do so?

MR. GOURLAY: Well, I think, Mr. Speaker, that in all fairness this situation could even be postponed

until this fall when elections are going to be held in all municipalities. I hoped that wouldn't be necessary. I hoped that we could fill the vacancies before that time.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. WESTBURY: With a question, please, Mr. Speaker, of the Minister. When I first raised this question in this House, Mr. Speaker, I asked the Minister if any charges are going to be laid in this connection and he didn't answer. I wonder if he can now answer that question as to whether any charges are going to be laid against any elected person from the Local Government District of Alexander.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. GOURLAY: Well, the same answer applies at this time. I'm having my Deputy Minister check out the various allegations and accusations, and it would be dependent on the substance, if there's any, from these allegations or accusations.

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

MR. BILLIE URUSKI: Thank you, Mr. Speaker. In speaking to this motion, it seems that the Minister of Municipal Affairs of the province of Manitoba, if he is to act responsibly rather than irresponsibly as it seems that he has thus far, he would now, Mr. Speaker, at the earliest possible chance that he's got, call an election in the LGD of Alexander immediately and have the vacancies on council filled so that council can operate at a full quorum.

Mr. Speaker, when I heard the Minister indicate that the resident administrator, who was appointed the administrator of the LGD of Alexander, appointed people who resigned from the original Council back as his Advisory Committee, Mr. Speaker, I was astounded, to say the least; that now we have elected people who, if charges are being made, and charges are being levelled here in this Chamber every day. I haven't seen any resignations in the Manitoba Legislature in the last few days except maybe, Mr. Speaker, possibly today. There may be charges that should be levelled at the Minister of Municipal Affairs and have already been done so, or at least the benefit of the doubt has been given him on this very issue.

Mr. Speaker, last week when I said I asked the Minister certain questions about charges and counter-charges, I asked the Minister as well whether there were any allegations against the resident administrator. Because I had heard, I had spoken to the Minister in the hall about what was going on; he told me that there were certain allegations made. There is no doubt about it that he gave the information to me as he, as he has given to this Chamber, that there were certain allegations made and that this was the reason for the suspension.

Then subsequently to that, Mr. Speaker, I asked him whether there were charges since he appointed the same resident administrator, who apparently the allegations have been made, had gone out to seek

the resignations or the resignations of one of the councillors to make sure — not to make sure but to have the end effect that council could not operate. Because had the third member not resigned, council had a quorum and could have operated. Will the Minister indicate or would he be prepared to indicate that he would have still suspended the council, had there been a quorum, had not the three councillors resigned? The Minister said, well, the third fellow said, you know, he was reconsidering; he really didn't take it back.

Mr. Speaker, I have had statements made to me to the effect, people in the Pine Falls' area who have followed this issue very closely and not members of council, who have said they saw the councillor in particular, the councillor that had just come out of an open-heart surgery, get up on television and state that if he had known the implications of what was going to happen, he would not have resigned.

Mr. Speaker, if that certainly doesn't make it clear that the councillor did not, at the time that he signed the request for the resignation papers that he was asked for, wasn't clear in what the implications were, he certainly had second thoughts about it after he had presented that letter saying that the elected officials could not operate in a fashion that they were duly elected to do within their local government district.

The Minister of Municipal Affairs gets up in the Chamber and says, you know, those elected councillors are only advisors to the administrator. Mr. Speaker, it has taken the province of Manitoba, the previous administration, ten long years when we were in office to bring about a change in this attitude of advisory, to bring these councils along to the point that we would give them the confidence that they deserved to operate on their own, to make the decisions that were rightly there so that they could be moved eventually to totally administer their own affairs within their own areas.

Today, the Minister of Municipal Affairs gets up and says, look, they're really only advisors to the administrator. Mr. Speaker, with that kind of an attitude on behalf of the government, LGD councils can only go backwards in terms of the paternalistic attitude that the provincial government has towards these elected people. Mr. Speaker, those people are elected by the same people that we are, that the Minister has been elected by, that I have, and all members in this Chamber, by the ballot box in that area. Certainly they should be given the right to operate. I believe that it's incumbent on the Minister of Municipal Affairs now to immediately call the by-elections in the three resignation areas that he has received and the other two seats, two councillors, one of whom is the Reeve, who have not resigned be reinstated and council be brought back to full operating standards. That is the least that he can do.

Mr. Speaker, the Minister really, by allowing the administrator to now pick the same people who were on council who caused the resignation, the Member for Inkster said it so well, it's a conspiracy. I mean, the same people who threw out the allegations are now back running council. Mr. Speaker, the Minister, if it happened in his own municipality, I can just imagine; he would be hoping 10 feet off the ground he would be so incensed at what has occurred in Alexander. Yet it seems that he says, look, I'm going

to investigate these people and the authority that he used — I believe the Act is over here, if I could have it — was Section 67 of the Municipal Act which primarily gives the Minister authority, and I'd like to read it. Where the membership of a council is reduced by reason of a member not attending meetings because of the requirements of Section 51 or by vacancies caused by any reason to less than the quorum required under any other provision of this or any other Act of the Legislature to conduct the business of the council, the Minister, if he is satisfied that elections will be held to fill the vacancies within four months of the time the membership was first reduced below the quorum, may, by written order, reduce the quorum of the council below the quorum otherwise required but not below three members, until the vacancies are filled or may by his order appoint a temporary administrator of the municipality to act and suspend the powers, duties, rights and authorities of the council and the remaining members of council until the vacancies are filled.

Mr. Speaker, the Minister of Municipal Affairs — I see he's talking to the Attorney-General — I would hope that the Attorney-General provides him with the legal opinion necessary and the advice that I hope the Minister of Municipal Affairs will take, Mr. Speaker, that the Minister of Municipal Affairs calls the by-elections immediately, reinstates the councillors that have not resigned and if, Mr. Speaker, there should be an investigation within the LGD . . . You know, I had some material sent to me just the other day from that council reacting to some of the charges that have been labelled. We may as well talk about some of those charges: the purchase or non-purchase of a grader, whether that was required. That was one of the issues, Mr. Speaker. I believe there may be minutes, if the Minister is really intent on dealing with those charges, whether the council itself was in support of examining the issue of whether they required a patrol or a grader, as is commonly known.

The other matter, I believe, was the charges that certain friends or relatives or accomplices, or people that were related or associated to some of the members of the council, or it was the reeve, were somehow given preferential treatment for the jobs that they received and/or the salaries that they had received from council. Mr. Speaker, if those are true, then certainly the members of council, of whom the reeve is only one — I think the charges were against the reeve — and the reeve, I believe, in a council, rarely votes unless there is a tie on the motion presented to council. If there was no tie, that the reeve may have broken a motion of council to do the kinds of things that they are alleged to have done, then what is the reason for the investigation, Mr. Speaker, if there was clear unanimity of council? Maybe some of the councillors had second thoughts after the fact, in terms of whether certain people should have been given the raises that they shouldn't have been given, because I think these are things that were brought out in the press — I don't have the clippings before me — and/or whether or not another patrol should be purchased by the municipality.

Mr. Speaker, those issues really should be dealt with by the council, if we are going to allow the

councillors to operate in a democratic fashion. But now, Mr. Speaker, we have the administrator, I'm sure who was involved in the charges and counter-charges — that's why I raised the question with the Minister because there have been allegations on both sides of the fence; I know that the issue is not black and white, but to a point — the very person. That's why I asked him whether he was going to suspend the resident administrator last week, as well, as he did suspend the councillor, since there were charges against the councillors and I'm sure that there were charges against the administrator, in order to have a clear deck if he was intent on having an investigation, that everybody be fresh in that area. But he didn't do that, Mr. Speaker; he appointed the very fellow, the very individual, to run council who then appointed previous members of council as his advisors. Mr. Speaker, it appears that the two members of council who did not resign were, to say the least, set up. That's the only conclusion that one could come to, is those two members were set up in one way or another.

Mr. Speaker, I believe that in order to lift the shroud of suspicion and accusations against all elected officials in that council that the least that the Minister can do is get up and say, I am calling by-elections. The municipal elections do not occur until next October, which is a number of months away. Certainly there is time for the Minister of Municipal Affairs to act in a rational manner, not to hide behind the fact that there is an investigation that has to be done; to allow the council, the elected council and not the administration, to subvert the powers of the elected council and to bring back a truly . . . If the Conservative government, and I've heard the Premier of this province talk so much saying the local government is really the heart of this province; they know what the problems of the people are and they deal with them in the most fundamental way at the grass-roots level. Mr. Speaker, if that is the belief of the Conservative government, and I don't doubt the Premier of this province one bit, then the Minister of Municipal Affairs should get up and say, we believe in that form of government and it is truly the elected officials who really should do the governing, and not the appointed officials, and call for a by-election and reinstate those members who did not resign on that council.

MR. SPEAKER: The Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Speaker, I did not intend to get into this debate but I am somewhat overwhelmed by the lack of appreciation of the subject matter on the part of the Minister of the Crown. The Minister obviously doesn't fully understand what has taken place.

Mr. Speaker, I don't know what the local arguments are as between the council members of the LGD of Alexander; I do know for, well, at least I recall, that it's been a fairly heavy debating society for some number of years, at least since they have become an elected council. I've had discussions from time to time with a number of people over the years, and I know that it's always a bit of a controversial arena. But Mr. Speaker, what we have here is a situation where the Minister obviously has decided to

take on one side of the argument as being gospel and denying the other side its rightful place in the debate; because what he has done is given the control of the operations of the LGD to one of the characters who was involved in the dispute, if you like, with the council, namely, the administrative officer who was involved in fact with the exercise of soliciting the demise of the council through solicitation for resignation. Mr. Speaker, no one denies that, it is factual evidence and I don't believe the Minister will deny that took place.

If you read the letters of resignation from the three people — and Mr. Speaker, it might be worthwhile to read them into the record — because that demonstrates fully why this Minister should not have done what he has done, but rather should have introduced someone neutral to administer the affairs of the LGD in the interim and should have called elections immediately to fill the positions that have become vacant. This is really the procedure he should have followed.

Mr. Speaker, I want to read into the record these letters of resignation. March 18, 1980. I hereby tender my resignation, effective immediately, as Councillor for Ward 1 of the LGD of Alexander. My position on council has become untenable since matters, resolutions which the Reeve and Deputy Reeve object to are not being allowed to be dealt with. Signed Yvonne Hunter. The other one dated March 18, 1980 I George Fontaine, of Stead, Manitoba, Councillor for Ward 2 of the LGD of Alexander, hereby tender my resignation as Councillor for the Local Government District of Alexander, effective immediately. Thank you. Yours truly, George Fontaine. No reasons are given on that one. The third one and this is the one brought about by pressure from the LGD Administrator, Mr. Speaker, and I think it's worthwhile knowing that this particular individual was and is a very sick man, Mr. Speaker. He was prevailed upon by the LGD Administrator in order to get his resignation. March 18, 1980. I, Edgar Vincent of St. George, Manitoba, Councillor for Ward 3 of the LGD of Alexander, I hereby tender my resignation as Councillor for the district as my health does not permit, at this time, to sit at the council under the present conditions. Now he gives health as his reason, he did not attribute any allegations to the remaining councillors, to the Reeve or to anyone who has been suspended by this Minister. As a matter of fact no one has attributed any wrongdoing, notwithstanding the fact, Mr. Chairman, that throughout the community there is an awful lot of discussions about whether a certain grader should or should not have been purchased; whether certain people should or should not have been employed; and the rates of pay at which they were employed and so on. Mr. Speaker, that has been ongoing in that LGD for at least, I don't know, several years if I can recollect. I've had discussions with all of them, well not all of them but a good number of these people and others over the years. Not because I am directly involved just because I happen to know these people, Mr. Speaker, from time to time we bump into each other.

It's a longstanding thing and the Minister got caught up in this thing and I believe that he got caught up with it quite innocently, not realizing what kind of traps were being laid, and for whom they

were being laid, Mr. Speaker. I believe he got caught, I believe he has an opportunity to undo it and to correct a wrong, Mr. Speaker. I think he should reinstate the people that have been suspended and he should call elections to rectify the problem of the quorum. He should fill those positions that are now vacant.

Now, Mr. Speaker, that is making our democratic process work and my point in standing up has nothing to do with taking sides on any of the arguments within the LGD because I don't know what all the arguments are; but I do, Mr. Speaker, feel there is a problem of this Minister setting an example of how not to let the democratic process work. I don't believe he wants to set this example, Mr. Speaker; I think he is caught in it and he doesn't want to lose some face in backing away from his present position. I think, Mr. Speaker, I would appeal to him that I think it would indicate a degree of strength on his part if he was able to examine his position and say, yes, I think I was misled, I think we can rectify this, and do the right thing to make sure that the decisions of the people in the LGD are the decisions that prevail, Mr. Speaker. Namely, that they have elected certain people to represent them in their local government and that should not be circumvented because of some dispute in the area and because one party to that dispute happened to get the ear of the Minister and convince him he should take certain steps.

Mr. Speaker, the election process a few years ago was one where the people that are involved here and who have been appointed to serve, since they have resigned, were competing with the people who have been suspended. Now that's a normal, democratic process. They did not win their day in the public court, Mr. Speaker, they weren't represented in the positions of Reeve and so that group feels that, at least that's the impression created by what has happened, Mr. Speaker, that through some means they have to undo the results of the last election. Now I don't think the Minister should be put in that position; I don't think he should cater to that position; and if he is doing so, Mr. Speaker, what he is really doing is setting the stage for the next election which is next October, Mr. Speaker. — (Interjection)— The Minister of Government Services is right it's going to be a humdinger I can appreciate the point he's making; but for heaven sakes let's not stack the deck, Mr. Speaker. Is the Minister prepared to suggest that, yes, I have appointed the Administrator who was involved in a conflict with his superiors, the elected officials; and I hope we can look at elected people as being the superiors, Mr. Speaker, that because there was a conflict, this Minister appoints him to administer the affairs, he suspends the council that was elected by the ratepayers and then the Administrator appoints the people who resigned into key positions to help him administer the LGD. It's a coup, Mr. Speaker, that's what it is.

Mr. Speaker, is the Minister now taking the position that he wants to enhance the electoral chances of these people who have now been appointed in the October elections that are just around the corner. Is really that his game, that he wants to enhance the chances of these people in the election campaign that is about to arrive, some time

at the end of the year? I don't believe that's his intention, I think he got caught. I believe, Mr. Speaker, he should rethink his position; I don't think he should allow his office to be used in this way. Regardless of the arguments, Mr. Speaker, the Minister has only been able to indicate to the House that he had a problem with respect to a quorum. I regret the fact he even made mention of the fact that there was certain allegations, I regret that, Mr. Speaker, unless he was able to also say, and we have checked them out and we have found them to be accurate and for those reasons we have suspended these locally-elected people. If he was able to complete that scenario and bring us that kind of conclusion, Mr. Speaker, we would not be in this debate today; but he has said there are certain allegations, by whom, towards which people, was it the Reeve or was it the group surrounding the Reeve, I don't know who the allegations are against, who is promoting them, Mr. Speaker? Heavens we hear allegations about my friends opposite every day, that's normal, Mr. Speaker, that's a normal process in our democratic system. There is a group in power and a group that wants to get into power. That is our system, Mr. Speaker, but surely we shouldn't use authoritarian measures to unseat a group that has been elected and to put in their place, in positions of power, that group which was not successful in controlling that council prior to this time. Indeed in so doing, Mr. Speaker, enhancing the position of certain people should they choose to run in the municipal elections next fall.

Now, Mr. Speaker, I don't know these people, quite frankly, and it doesn't bother me whether they run for office or don't run for office, get elected or don't get elected, that's of no consequence to me personally. What bothers me is the fact that the government of Manitoba should not be circumventing the democratic process in the LGD of Alexander; that should sort itself out within those boundaries, Mr. Speaker, and the Minister should not be party to one side of any argument taking place within that LGD, unless he can show there has been some wrongdoing done. I know he can show me there are personality clashes on that council, Mr. Speaker; I think he can show me that in abundance. That I am aware of but I don't know if he is in a position to show me there is something that the LGD people have done that is wrong, that is criminal, that is negligent if you like. My information, Mr. Speaker, has it that all the decisions to which these people in opposition have complained, or about which they have complained, were passed by council, some of them unanimously. My understanding, Mr. Speaker, is that the Reeve, and that is the political process, doesn't make a decision whatever, other than when there is a tie on council the Reeve breaks the tie. My understanding is that did not occur with respect to any of those allegations about hiring certain people or about purchasing equipment; that it did not require the vote of the Reeve to make those decisions.

So, Mr. Speaker, I am bewildered as to why this Minister chose to pre-empt a normal function of a local government and that he chose to put himself into the arena where there is a dispute between, it may be a legitimate dispute, between people elected to local government and has, by so doing, has lent his name and the name of the province towards a

declamation of certain people who were suspended; because Mr. Speaker, let's recognize it, when people are suspended automatically that connotes they were doing something wrong and therefore they were suspended for doing something wrong.

The Minister has not been able to say they did anything wrong, but he has now labelled them in one way or another through the suspension and, therefore, that in itself is going to handicap those people should they aspire to public office next October. He has enhanced the position of other people in this process. Now if that's what he wants to do, Mr. Speaker, I don't believe it, I just don't believe it, I don't believe the government really has an axe to grind. I think, Mr. Speaker, it's a bit of sloppiness. Well, Mr. Speaker, I am not going to be that unkind because I am pleading with this Minister to do the right thing for the right reasons and I don't want to take advantage of my opportunity here to call him names or anything of the sort. I merely suggest to him I think the world will appreciate him more if he rectifies a wrong rather than continuing to perpetuate the wrong to the point of the next municipal election in October, where these people will have been wronged because of the actions of this government, Mr. Speaker. I plead with him to reconsider and to reinstate those people whom he has suspended and to call immediate by-elections in order to fill those positions that are vacant. That is the only honourable way out of this dilemma, Mr. Speaker, regardless of the arguments within the LGD, regardless, and we should not get involved in those arguments, Mr. Speaker. Unless there is criminality involved, unless the Minister can tell the House there are very legitimate reasons why suspensions are required, we should not, this Assembly and the members of this Assembly should not get involved in the local arguments that are taking place and should not be taking sides with respect to those arguments. I think it is poor judgement and it's not going to be a credit to this government if the Minister does not rectify that, not a month from now, Mr. Speaker, not two or three months from now, but immediately, Mr. Speaker. I would suggest to him that he immediately call in his advisors, his staff and review the situation, Mr. Speaker, and rectify it so that we have restored the democratic process in the LGD of Lac du Bonnet.

MR. MERCIER: I move, seconded by the Minister of Government Services, 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 Majesty.

MOTION presented and carried, and the House resolved itself into a Committee of Supply with the Honourable Member for Radisson in the Chair for the Department of Health and the Honourable Member for Virden in the Chair for the Department of Urban Affairs.

CONCURRENT COMMITTEES OF SUPPLY

SUPPLY - URBAN AFFAIRS

MR. CHAIRMAN, Morris McGregor (Virden): I call the committee to order. We are on Resolution No. 119, 1.(c) — the Member for Wolseley.

MR. ROBERT G. WILSON: Mr. Chairman, yesterday I gave a great deal of thought, listening to the remarks by the Member for St. Johns and the Member for Inkster, and one of the things that I think the citizens of Winnipeg did is deliver the New Democratic Party a very clear message and that was they didn't want party politics at the municipal level. And to suggest that the ICEC is a political party, as one that used to be endorsed by them, I can assure you that my interests in Wolseley were so far removed from the St. James group that continually I fought a losing battle against the suburban councillors for a better share of the taxes for the core area of the city. And I don't think anything has changed and I think that you'll find that the interest of the ICEC downtown, former city of Winnipeg, and the suburban councillors are always at odds when it comes to divvying up the recreational pie or divvying up the grants and aspects for projects within their community. I found that the people did not want a political party at the municipal level and I take a great deal of delight in being able to compare the two systems because here, when I do not agree with my caucus and my party, I'm called a maverick. On City Council I was a man doing a good job. And it is that type of a difference, if the whip is on you have to adhere to a caucus decision or abstain from taking part in the particular decision. You become a minority within a particular party; whereas in the ICEC at City Council, I found that I was able to muster support. I remember the former Public Works Minister wanted a freeway under the Osborne Street Bridge; we were very very concerned and we had petitions and meetings, the former Bob Steen and myself, we stopped these traffic planners from pushing this traffic from St. Vital and St. Boniface, who were in a hurry to get to the football games who wanted to roar through Wolseley, and we stopped them down from coming through there. Many things I was able to trade, almost like a Monopoly game, where I was able to get a new Broadway Optimist Community Club, an addition to the budget in 1973, with the support of the New Democrats and the communist member against my own colleagues, and I won a narrow decision because Mr. Leech and others were out of the Chamber. And that is the type of thing that you could do because you were an independent member on City Council being able to carry the interests of your community paramount above those of the particular suburban area that may have something differ from yourselves. So what I'm trying to say to the Member for St. Johns, and the Member for Seven Oaks is another one, that their heavy hand in trying to impose a political system at the municipal level didn't wash with the public; they don't want it, and this is the type of thing that I took a great deal of delight in.

I also found that you pretty well had to live in the community as a councillor or you had no chance of getting elected; whereas I think I could probably buy a farm in one of the rural ridings and give some of the members a good run for their money because a lot of people do not live in the ridings of which they represent. I'm very pleased to say that in Wolseley

we have anywhere from four to five MLAs living in my community and yet they represent the North End because they have no new bridge to go over so they won't live in their own community that they represent. I wanted to also suggest that . . .

MR. DOERN: Are you saying that I should relocate?

MR. WILSON: Well, I'm suggesting that I welcome the MLAs. They can all live in Wolseley if they want, if they would possibly give me a few more of their complaints in a more private way rather than bringing them to the House. I wanted to say I think one of the things that we showed the Member for Inkster and others is that when the government said to us, we'll let you raise your own taxes, that I want to give the councillors a lot of common sense, and a lot of credit for common sense, because how in the world could we have the highest hotel bed tax almost in the world, because the generous former New Democratic government said, You city councillors can raise your own taxes. Now wouldn't that be nice for us to turn around and have a 10 percent bed tax. That's one of the ways they wanted us to pound the people. We're trying to compete in a market for tourists. I suggest that they should remove the sales tax from hotel beds altogether, and that would be the type of thing we need as a tourism incentive. I really took exception to the fact that they said to us, You can raise your own taxes. I would rather go along with the present Minister who has suggested that joint programs, future capital projects that are discussed in joint meetings will be given approval and be carried out with the major funding coming from the provincial government.

I think one of the cheapest bargains that was ever accomplished was the former provincial government became 50 percent owner, I believe, in the Convention Centre, for only 7-1/2 million dollars. I would suggest that if you look at the city of Winnipeg now, in the Seventies and Eighties, as compared to what it was in the Sixties, you will see a downtown that is becoming exciting. I was one of the leaders in the support of the Winnipeg Square Trizac Development and I remember the New Democratic members and former councillor Kaufman and all those other pessimists who said, don't trust the developers; they'll never build anything, they're only committed to doing this. Yet they'll all be there when the opening takes place, they'll all be there to cut a dozen roses off some of the plants they're going to have in there, or whatever. The point I'm getting at is that the New Democratic Party and certain members of City Council anti-development; I tell you that the corner of Portage and Main is going to be one of the exciting things; it's going to put this city on the map; it's going to have a global impact; it's going to be the type of thing that's going to attract people and make our citizens proud. And I can tell you that the parking and all that type of thing that is going in, all these parking facilities, are a plus to the downtown area. They will help the viability of businesses in that particular section. I would like to see, most definitely like to see, something take place on the north side of Portage Avenue.

I wanted to quickly say that I support the Minister in his block funding situation. I think that if I was on

City Council and the funding was not adequate, I might suggest some unpopular things that might happen if I didn't get additional funding, and I am sure that they would act as a means to get special grants. In other words, if the cost through inflation of operating Assiniboine Zoo went from 2 million to 3 million or from 3 million to 4 million, that I would be able, as a city councillor, to come to the province and say, Do you want us to start charging people to get into Assiniboine Park? And every politician, no matter whether he is New Democratic, myself included, wants to maintain the free entrance and admission to Assiniboine Park, which is a credit to our province and our city.

I do think that the present block funding system does bury, possibly for quite a while, some of the grandiose traffic patterns that were planned. I would like to see the city, who apparently has something like 6,000 serviced lots on the books, I'd like to see some in-fill housing in the city. I recognize that before very long we will go all the way to Headingley because there is pressure to open up the south side of Portage on the way to Headingley because of the easy drainage system into the Assiniboine, which would be a saving to the taxpayers rather than continue to developing out past Old Kildonan.

But in addition to that, we have the 6,000 lots. The city fathers should be selling them to get some revenue. They should be looking at all the huge real estate inventory they have on some of their plans of the Grant-Carriere Overpass and the southern freeway, and they should get on with building the Highland-Foley connection between West Kildonan and East Kildonan. I'm surprised they haven't come to the province for funds to build that bridge, along with some federal funds.

I would even go along as to say I hope to see the day that the Highland-Foley Bridge is built even before the McGregor Bridge, because of the lack of political interference.

I just wanted to comment that I think the public has said they don't want political parties at a municipal level. I think the people could be assured that no matter if they elect a person who is a known Conservative or Liberal to the ICEC, that they are getting a basically independent councillor who is a person who meets in discussion but who is not committed to a particular party whip system, and I am sure the Member for Fort Rouge would bear me out in that observation.

MR. CHAIRMAN: The Member for Elmwood.

MR. DOERN: Mr. Chairman, I just wanted to raise some smaller points, at this stage in the committee meeting, to clarify a number of points with the Minister. Again, when he went down to Ottawa recently he raised a number of issues in addition to rail relocation and one was the request for the city, in regard to some funding for the Convention Centre, and I wonder whether the Minister could recreate the argument in favour of obtaining federal funding for the Winnipeg Convention Centre. On what basis did the delegation request funding and was it also in relation to the future construction or present construction of other convention centres which will be competitive to the Winnipeg Convention Centre?

MR. MERCIER: Mr. Chairman, I'm sorry, I don't have that documentation with me, the letter that the Mayor brought with him and presented to Mr. Lapointe, the Small Business Minister, but the concern arose in the city of Winnipeg sometime ago that the federal government was contemplating, I believe last fall, a contribution towards the construction of new convention centres in some cities and the Mayor had written to the previous federal government. We met, as I say, with Mr. Lapointe; Mr. Lapointe indicated that it was highly unlikely that the federal government would be contributing any moneys towards the construction of any new convention centre facilities anywhere. There might be one exception that he was checking out to determine to what degree commitments had been entered into by the federal government.

MR. DOERN: Mr. Chairman, also it came out of that meeting that they had made a request to the city, to Energy Minister, Marc Lalonde, concerning the, what's called here, Proposed Resource Recovery Plan for Winnipeg. This would be to use the Amy Street steam plant, convert it into a facility that would burn garbage and consequently use it to heat buildings in the downtown area, some 200 buildings-plus. Now, this has been talked about for a long time; our administration was interested in it. I ask the Minister whether he is optimistic or not about that? The quote in the papers, the Free Press from Tom Goldstein in Ottawa, is that Lalonde was very supportive. So I ask the Minister whether he pushed this hard or whether he spoke on this particular matter in conjunction with the Mayor and the delegation; and whether he thinks that money will come as well as some encouraging words?

MR. MERCIER: Mr. Chairman, we met with Mr. McLaren, the parliamentary secretary to Mr. Lalonde. Mr. McLaren, I think, represents a riding in the city of Toronto. He was very taken by the proposal. We reviewed the history of this particular proposal and, as the Member for Elmwood will be aware, I believe it was back in 1976-77 when the city proposed the construction of such a facility to the previous provincial government. Mr. Miller, at that time, as Minister of Urban Affairs, suggested that in view of the construction costs of this kind of a facility and in view of the nationwide concern over energy conservation, that the federal government be approached to determine whether or not they would be prepared to make any contribution. We subsequently in late 1977 met with the late Mayor Steen and I met with federal government ministers to review that project with them and they indicated, at that time, that they had a number of programs under review and couldn't make a commitment.

Subsequently, the federal government did announce the community services program, which is of limited two-year duration, under which they included, as a knowledgeable project under that program, this kind of facility that was contemplated, the Amy Street Plant. We subsequently allocated to major urban centres 90 percent of the funds under that agreement. The city decided not to spend any money under that plan, under the Community Services program, on such a project. But having said that, Mr. Chairman, Mr. Lalonde's parliamentary

secretary did indicate interest in it, as did representatives of the department who were requested further information about the project and the city undertook to provide that further information to the federal government.

MR. DOERN: I'm just saying; Mr. Chairman, that the province in the Throne Speech and the Member for River Heights, among others, is interested in this area. He talked a great deal about new thrusts in the field of energy and alternatives to gas and oil and I would think that this is among the most logical areas in which to spend money. We have done some experimentation with solar energy and I hope more will be done. We were talking about developing hydro-electric power. There is talk of all sorts of other experiments from wind to methane, to all sorts of more exotic developments, tidal power in eastern Canada and so on. And this particular thing, I think, to people who are not familiar with it, may sound farfetched but the technology exists and, if my memory serves me correctly, I think they have it in Quebec City; they have it in Toronto I think; maybe in Montreal; they have it in a number of cities in the United States — I visited one such outside of Boston — and the technology is Canadian. I think it's the Dominion Bridge Company which has built plants both in Canada and in the United States, and the market is there.

One can easily get trapped here by building such a plant to burn off the garbage and then there's no market for the power or the heat or the steam. But here is a ready existing market, and there's a plant which has a limited life span; it's been extended time and time again and I suppose if it were a cat, this would be about its eighth or ninth life, because many people thought that plant should have been closed years ago because of its pollution of the environment. I am saying that I urge the Minister to not abandon this project but to push it as hard as he can both inside Cabinet and with the federal people because if it's lost then what will happen is that the 230-odd businesses will then each have to put in a great deal of money to buy presumably gas or oil furnaces, and then you'll have a greater use of those fuels when you could in fact dispose of your garbage, retain the same distribution network and use a portion of the old heating plant.

So I strongly encourage the Minister to pursue that, and I would like to ask him there, Mr. Chairman, in terms of the life span, they've had several extensions from the Clean Environment Commission and I gather they're on another one and I wonder if he could indicate whether this is so and when that particular one runs out.

MR. MERCIER: I'm sorry, Mr. Chairman, I have to take that question as notice and enquire from . . . or perhaps it can be put to the responsible Minister. I'm not sure when the present extension expires.

MR. DOERN: Mr. Chairman, I'll just deal with one other small item and then let somebody else raise some questions of interest.

I just understood a problem which I suppose would tend to fall more within Cultural Affairs, but I would ask the Minister whether he would attempt to use his offices as Minister of Urban Affairs to attempt to

recover some money for the Winnipeg Art Gallery, in the sense of work with the Minister of Urban Affairs, and I am referring to an exhibition that was planned for Winnipeg by the Winnipeg Art Gallery concerning Ukrainian culture and art.

Apparently they spent five years dealing with the Soviet government to bring in a selection of Ukrainian art from the fifteenth century religious icons to modern abstract, including some rare paintings by Taras Shevchenko, and, after all of that, they budgeted for a shortfall of some 70,000 and then they received a letter from the Secretary-General of the National Museum saying that they are suspending all cultural and sports exchanges with the Soviet Union. And the result is that all the work and all the effort to what would have been a very exciting exhibition has gone down the drain. Some people won't shed any tears for that; I think it's unfortunate, it was a follow-up to the show that brought here from The Hermitage which was the most successful import art show of all times in the city of Winnipeg. The members will recall the debate we had at that time.

I'm simply saying that aside from the aesthetic merits of the show and the interest there would have been in the Ukrainian community and at large, the Art Gallery is out 70,000 because of a federal decision to block cultural shows and sport exchanges in Canada; although they are clearly inconsistent in their policies since they're still letting in certain athletes and certain sports, like they had some skaters in just recently.

I'm saying, has the Minister looked at this or is he considering a request in support of the Art Gallery, in conjunction with the Minister of Cultural Affairs, to try to obtain some funding because otherwise I know exactly what will happen. The Gallery will go minus 70,000, then they'll come back to the province and they'll ask for a grant and then they'll go to city council and take a shellacking and try to get some money, then they'll come to the province etc. etc. I think the federal government should make a substantial contribution specifically to recover a portion of the 70,000 which has resulted because of Canadian national policy or international policy on this matter.

MR. MERCIER: Mr. Chairman, that matter does not come within the jurisdiction of my department. I've had no requests from the city certainly to consider that but I can see certain problems in that if the member is suggesting that the department try to obtain reimbursement from the federal government for those expenses, then there would certainly, at the same time, be a lot of people who, for example, let's talk about parents perhaps who have spent thousands and thousands of dollars on swimming lessons, or diving lessons or extra training for their children to prepare and train for the Olympics. What difference would there be in their position as compared to the Art Gallery. I frankly don't see any, but in any event, this matter has not been brought to my attention. Perhaps the Minister could pursue that with the Minister of Cultural Affairs.

MR. CHAIRMAN: The Member for River Heights.

MR. FILMON: Mr. Chairman, it occurred to me, following the Member for Elmwood's comments, that the reason why the Shevchenko paintings were so rare was because he was a poet.

MR. DOERN: Mr. Chairman, I am quite aware of the fact that he is a major poet but I have to tell you he also painted and you're displaying your ignorance there, it's not me who is displaying my ignorance, and I'll show you the article if you would like to see it.

MR. FILMON: Thank you, Mr. Chairman. I thought I ought to add some comments, perhaps some fuel to the fire that burns on the other side, regarding the block funding of the city of Winnipeg. And arguments aside . . .

MR. CHAIRMAN: I just wonder if I could attract the member, the next subject is the block funding, we're really in Other Expenditures, 1.(c). I suppose I wouldn't outrule it but the very next item is block funding to the Member for River Heights.

MR. FILMON: Sure.

MR. CHAIRMAN: The Member for Wellington.

MR. BRIAN CORRIN: I just had one item I wanted to raise on Other Expenditures. I wanted to deal with what I imagine must come into other expenditures and that's the question of what we're going to do to upgrade the city's Conflict of Interest legislation. It's absolutely superfluous and unnecessary for me to express or comment further on the situation that has arisen in the past few weeks with respect to Councillor Ernst. To say the least it's unfortunate, but in fairness Councillor Ernst has candidly indicated that he recognizes he was essentially in a position of conflict; that he breached the existing conditions of the City of Winnipeg Act. Mayor Norrie has made the same determination and finding and has made a public statement to that effect.

What I think we want to know on this side is whether or not the existing City of Winnipeg legislation is going to be upgraded in order to take appropriate action to clarify the law if it is deficient. I would also ask the Minister, but I don't think it is appropriate to do so during estimates, whether or not there's a case here for enforcement of the existing law. But I think what's really important is whether or not the long overdue reform and overhaul of the existing legislation is going to take place.

I needn't remind most of the members around the table that in 1976 the Chief Justice Rhodes-Smith was commissioned to do a report into conflict of interest; he submitted a report of some 106 pages, detailing numerous recommendations for revisions to The City of Winnipeg Act legislation. I think his most salient and pertinent points were with respect, Mr. Chairman, to the need for disclosure; he indicated that he felt that all land and stock-holdings, large debts, political contributions, gifts, should be the subject of disclosure by councillors; he called upon the government to impose penalties by way of legislation for violations ranging from forfeiture of office to five years imprisonment, I believe; he stressed the importance of mandatory disclosure as being the most effective tool for the prevention of

conflict of interest. The theory being that disclosure requirements would reduce the possibility of the city being put in those sorts of situations. He felt it would put people essentially at their best behaviour because their assets and obligations would be known by all.

Currently, Mr. Chairman, as I'm sure again most of the members at the table are aware, and I'll be very brief, the situation is such that there is no onus on a councillor to make a disclosure. A person, of course, if he or she feels they have a conflict of interest can abstain from either discussion or voting but it's with the exception of a few specific provisions in The City of Winnipeg Act; the whole question of what may constitute a conflict is still, I think, as Justice Rhodes-Smith found, very much up in the air.

Councillor Ernst, perhaps somewhat legitimately felt that he didn't have a conflict. I am not going to pass judgement, I think he breached the Act but he feels, I guess, that he didn't breach the spirit of the legislation and perhaps if he were here to argue his own case he would say the legislation should be more specific as to what constitutes a conflict, or less specific as to what constitutes a conflict, but in any event he would certainly, I think, argue that there should be some upgrading of the legislation so that people do not have to go through the sort of public censure as he well was exposed to. Currently the deficiencies inherent in the legislation are rather obvious; councillors who want to evade the provisions of the Act simply leave the meeting when an item comes up so they don't necessarily have to disclose a conflict of interest. That, of course, leaves the decision as to whether there is an interest worth declaring up to the councillor which is a rather unusual situation. A person in public office actually makes a decision very often as to whether or not he or she may have a conflict of interest. That doesn't seem fair to me; that's a burden that shouldn't be shouldered by the public representative and, worst of all, I think there's no onus on the councillor who does indicate that he is abstaining or does prefer to leave the room during a vote to disclose what the conflict of interest was. So the public doesn't really know what the nature of the conflict might have been. In the Ernst case, Councillor Ernst indicated that he had been leaving the room for many months, if not years, whenever a Martel-Stewart application was before council or committee. Nobody had taken note of that because he'd never thought it sufficiently important to indicate why he was doing that. So, of course, it was unknown to any member of the council that he had a special financial interest in the affected company.

Mr. Chairman, it's my submission that the Smith Report is the only viable alternative to the current situation. I think that Councillor Smith and the other commissioners that were appointed, I think there were four or five, Mr. Elswood Bowles; Hugh Saunderson, the former president of the University of Manitoba; Robert Lane, yes, I think Robert Lane was appointed as well. I think that those recommendations should now be taken out of mothballs, reviewed in the context of the Ernst situation. I needn't remind some of the members present, this has been with us for the past decade on a sustained basis. I can remember allegations brought against Councillor Leech by Councillor

Kaufman in 1976 which was every bit as controversial as the Ernst situation and affair. There were other allegations brought against Deputy Mayor Wolfe in 1976-77 which, as a matter of fact, caused the formation of the commission. No, those were in '76, excuse me. But, nevertheless, it seems to me that in order to protect councillors and elected representatives from the scourge of unjustified public condemnation, one of the things we can do is upgrade the law in order that everybody knows the perils and other people who have a concern are profited by the fact that elected representatives must disclose some of their holdings and debts prior to taking office and engaging in that process.

MR. CHAIRMAN: The hour being 4:30, I'm leaving the Chair for Private Members' Hour and will return at 8:00 (tonight).

SUPPLY — HEALTH

MR. CHAIRMAN, Abe Kovnats (Radisson): Committee will come to order. I direct the honourable members' attention to Page 61 of the Main Estimates, Department of Health, Resolution No. 79, Clause 5. Manitoba Health Services Commission, Item (e) Pharmacare Program—pass — the Honourable Member for Transcona.

MR. WILSON PARASIUK: Mr. Chairperson, if you look at the Annual Report of the Manitoba Health Services Commission, the description of the Pharmacare Program is probably the sparsest, and I'm wondering if the Minister wouldn't take a bit of time on this one and explain the program, as it's not explained anywhere in the material that I have of the annual reports. I think that it's one that people ask a lot about and I have some questions to raise on it later, especially regarding the user fee, but I think that an explanation is in order.

MR. CHAIRMAN: The Honourable Minister.

MR. SHERMAN: Yes, Mr. Chairman. The Pharmacare Program became effective on January 1st, 1975. The Manitoba Health Services Commission carries the responsibility for administration and funding of the program. The program was developed by a committee that included representatives of the Manitoba Pharmaceutical Association and the Manitoba government. It was implemented by that committee and it continues to be monitored by that committee.

Since the inception of the program in January, 1975, sir, there have been annual minor expansions to the program in the form of the list of insured drugs. These annual expansions result from new drug products entering the pharmaceutical market, being approved by the Drug Standards and Therapeutics Committee of the province of Manitoba; and that has been a regular and ongoing procedure annually. It occurred again as recently as a few weeks ago in this current calendar year of 1980 when a few more new drugs were added to the list of pharmacare benefits.

The program was launched with a deductible of 50, after which 80 percent of the balance of a party's

drug bills is reimbursed, refunded to that party on application to the Manitoba Health Services Commission, with the necessary drug purchase receipts attached. That deductible of 50 remained unchanged until January 1, 1979 when we increased the deductible to 75 from 50, for persons under the age of 65. A person 65 and over continued to face a deductible of only 50.00. Every resident of the province who is registered with the Manitoba Health Services Commission is eligible for coverage under Pharmacare. It's a prescription drug benefit program that I think has been exemplary in Canada and in North America.

I certainly acknowledge the initiative of the previous administration in developing the plan and putting it in place. I think the people of Manitoba and the province of Manitoba are the envy, to some extent, of North Americans for the Pharmacare plan that we have here. Tourists, transients, visitors and other persons temporarily in Manitoba are not eligible for coverage. I presume the Honourable Member for Transcona probably knows that anyway but I just make the point that it applies to persons who are residents of Manitoba and registered with MHSC.

Most drugs that are prescribed by a doctor or a dentist are covered under Pharmacare. There are, of course, some items that are not covered; they don't qualify as prescription drugs. For example, cough and cold remedies and food products like baby foods, other products like medicated soaps and patent medicines, contraceptive devices, products of that kind are not covered. But most drugs, as I said, that are prescribed by a doctor or a dentist are covered.

The benefit period, sir, is a calendar year and . . .

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

MR. DESJARDINS: I wonder if the Minister would permit me a question just as a clarification. The items mentioned by the Minister, isn't it a case that if it is prescribed — even though they are not prescribed drugs but if the doctor prescribes them for some reason — aren't they covered in certain instances?

MR. SHERMAN: If they are specifically prescribed by a doctor, I think in those instances they are covered, but normally the ones that I referred to are not prescription drugs.

The benefit period is a calendar year and the registration year and the claims year under Pharmacare is the calendar year, not the fiscal year. So that what is usually the course of action is that claimants collect their receipts, save their receipts for drugs, prescriptions, during the course of the year and then file for their refund early in the new calendar year. It's oftentimes a practice or procedure that's carried out complementary to the preparation of one's income tax return. And at that point in time the receipts are assembled; the claimant fills out a regular claim form available from the Commission and from drug stores, and applies for his or her refund which, as I say, is 80 percent of the total bill after subtracting the deductible. The final date for making applications for drug costs in a given benefit

period is April 30th of the following year. So that up to and including, for example, tomorrow, April 30, 1980, one can file for his refund for 1979. Official Pharmacare receipts are issued by one's pharmacist at the time the prescription drugs are purchased and the application forms, as I've said, are available either from the pharmacist or the Manitoba Health Services Commission.

The 1980-81 estimates in front of the committee, Mr. Chairman, include a provision of 9.118 million for this program and it represents an increase over last year of approximately 1.1 million. The program has produced a continuing increase in the volume of registrants or users in the years since its inception, rising from 65,330 in 1975, the first year of the program, to 89,847 estimated for 1979. Obviously, that's an estimated figure at this point because we're still a day or two away from the deadline for the filing of reimbursement claims. But it's estimated at 89,847 for 1979, reflecting an increasing and ongoing use of the program and an increasing number of registrants.

The other part of the medication and drug prescription picture in Manitoba, of course, is that part dealing with the dispensing fees for pharmacists, Mr. Chairman, and recently an increase in dispensing fees was announced by me, a three-stage increase which took effect in its first stage form on March 1st of this year and which will, between now and December 31, 1981, boost the dispensing fee for Manitoba pharmacists from its previous level of 3.50 to a level of 4.25. That, sir, is consistent with and competitive with experience across the country at the present time.

MR. PARASIUK: Well, I thank the Minister for that articulation of the Pharmacare Program. I think it is a tremendous expansion to the health care delivery system. I think one of the themes that comes back, when one talks about the estimates of the Department of Health, is indeed the submissions that were made by the Minister, by myself, by David Matas on behalf of the Liberal Party, by various professional organizations and other community organizations regarding health care, to the Hall Commission prior to when the session began.

I think that one of the things that was quite remarkable is that, although we've come some way since the Hall Commission first reported in 1964, that we've really got a long way to go before we achieve the objectives of the health charter of the Hall Commission put forward in 1964, calling for a universal comprehensive health care system. Among the number of items that we still haven't achieved as a country with respect to health care delivery, we certainly, I think in Manitoba, can point with pride to the fact that we have achieved a somewhat more comprehensiveness in our health care delivery system by bringing into the medicare system or the government program, Pharmacare. The cost of prescription drugs to the average person is high and to those people who require continuous use of prescribed medicine, this item really could break people. You can look at areas like people with diseases or illnesses like arthritis or epilepsy and these people require constant medication. As people get older, their reliance on medication increases. At this particular stage in the development of our

medical practices, there is a heavy reliance on drugs as well. I don't know whether in fact that's that healthy a thing over the long run, but certainly at this particular stage it is the primary alternative of health care. It's the primary form of health care to, in fact, have medicine prescribed by the doctor and if you want to follow the doctor's advice, one has to purchase that.

So the introduction of the Pharmacare program did relieve a tremendous financial burden for many Manitobans and it was a step in the right direction. I think that the introduction of the Pharmacare program with a deductible to it probably was necessary at that time. If anything, however, I would have hoped that if there was movement on the question of deductibility that the movement would have been to decrease the user charge, rather than increase it. The increase was a 50 percent increase, from 50 to 75, and I wasn't involved in the Health estimates last year to get the rationale of the Minister on this. Is he increasing the deductibility to indeed create more of a deterrent? Because I believe in his introductory statements he said that those don't act as deterrents, that in a sense, they do create a type of hardship. Did he increase the deductible in order to increase revenue? And if that's the case then it's a fair question to ask the Minister how much extra revenue or much money did he save by increasing the deductible from 50 to 75.00? How much more would it cost us if we lowered it from 75 to 50.00?

Indeed, I think the Manitoba Health Services Commission probably has figures that indicate how much it would cost the government to eliminate the deductible entirely. I'm hoping that the Minister does have those figures, and if he doesn't have possibly the latter figure that I'm raising, it may be possible for him to provide that figure to us before we discuss the Minister's Salary.

I'm not taking a final position with respect to whether in fact we should eliminate the deductible at this particular stage, but I personally believe that we should be moving to reduce the deductible, not to increase it. That we should move from 75 to 50; I would hope that we should be able to move from 50 to 25.00. I would hope that it would be eliminated for people over 65 years. I don't think that we have to start providing means tests for it.

I think we have weird anomalous situation right now where people go into hospitals; they don't have the ability to make quick budget-adjustment decisions. When they are in the hospital, they get drugs for free; they are then prescribed a course of medication. They are released from hospital and they find that they have to very quickly allocate 50 of their personal resources to that, to the purchase of the first 50 worth of drugs.

Again, one would ask, why do we just limit the amount paid for by the public to 80 percent of the drug charges? I know these are probably questions that had been discussed by the previous administration and certainly I think that, at this particular stage of inflation where people are having to face tremendous adjustments in their disposable income because of other pressures, that surely we should be trying to reduce the impact of drug charges on their disposable income because they have so many other things, so many other changes

that affect their disposable income: Increases in food costs; increases in the cost of bread; increases in the cost of milk; increases in the cost of rent; increases in the cost of mortgages. I think that at this particular stage it's necessary for the government to try and shelter people from the ravages of inflation and I would hope that moving more progressively with respect to the matter of publicly providing prescription drugs which are, after all, prescribed by doctors, who we are placing a lot of faith in; we place faith in their ability to prescribe correctly; we assume that they won't over-prescribe. We assume that if they are doing so, they are prescribing that for a purpose.

We have a situation where I think hospitals and doctors, in part rightly so, are probably asking patients to vacate hospital beds more quickly than they may have in the past. Again, we're asking patients to recuperate more at home than they may have in the hospital bed, where they would have their prescription drugs provided by hospitalization. That isn't the case then that that situation is changing when we're asking people to go home early, and I think that there are certain circumstances where the government surely should be changing its attitude with respect to the whole question of the deductibility. So I'm asking the Minister if he'll respond on that particular item.

I'd also ask the Minister if the Pharmacare program applies to Manitobans outside the province. I assume that it does and that Manitobans can in fact carry their benefits if they are visiting provinces and states outside Manitoba. I'm not sure of that. I think that one of the fundamental principles of a health care delivery system, as far as Hall saw it in 1964, is that health care benefits should in fact be portable. And this is why I feel that I assume that people going to other provinces in fact for visits have portability of Pharmacare benefits.

The Minister has indicated that there are some drugs that are not covered as prescription drugs and he mentioned contraceptive devices. I'm not sure whether in fact that means contraceptive pills are not covered. I'd like some clarification on that from the Minister as to whether contraceptive pills are covered.

He pointed out that the dispensing fee has increased and if he's saying that between now and December 31, 1981, the dispensing fee will increase from 3.50 to 4.25 and that increase will take place over three stages between now and December 31, 1981, that to me seems fair and logical. I would hope that indeed pharmacists find that they can make a sufficient return dispensing drugs rather than getting into the wholesale field of dispensing hula hoops and chocolate bars and everything else. If you go to pharmacies right now, it's more difficult trying to get at the prescription drug counter because there's a huge array of everything else that you have to get through, everything from soup to nuts. These places strike me as being the old types of confectionary stores, and I would think that the most important functions that a pharmacist within a pharmacy can do, in fact, is to dispense drugs and not be caught up in being the post office and not be caught up with being the place where one gets Mother's Day cards and chocolate bars and everything like that.

I think that our pharmacies have become really confectioneries and they shouldn't be. I much prefer that which exists in Britain where the pharmacies are, in fact, pharmacies, and we have that indeed in some of our clinics. If you go to the Winnipeg Clinic or the Manitoba Clinic, they have a pharmacy there and it just acts specifically and correctly as a pharmacy and you can get your prescription drugs filled. You can talk to the pharmacist about patent medicines and you can get some good information from him or her, information that often isn't that available in the type of drugstore as we have, because they're too busy catering to other needs. So I agree that providing for a fair remuneration for pharmacists is something that is of concern and should be of concern to us.

I won't get into the matter of the report of the University of Manitoba, researchers on the Pharmaceutical Association. I think that's been covered by my colleague, the Member for St. Johns, when we were discussing another item in the estimates. I believe it was pharmaceutical services and I believe the Minister answered that. I would like to look more closely at his answers in Hansard and, if I have any more points to raise on that matter, I certainly intend to take those points up when we get to the Minister's Salary.

Finally, I have some major concerns about the whole issue of drug costs. I believe that the large drug companies are in fact overcharging populations across the world with respect to drugs. The selling costs of drugs is incredibly high and it strikes me that the selling costs are quite unnecessary. You are talking about disseminating information to highly trained, supposedly intelligent people whose job it is to try and determine the best drugs for treatment that they are administering to patients. And I can't understand why, within that context, drug companies have to build in such excessive selling costs in terms of really saturating doctors with a lot of promotional material.

Frankly, I'd feel far better served if the doctors were really making intelligent decisions based on analysis and based on some research done by independent publicly-financed research bodies, who would assess the qualities of drugs. Perhaps you have that in the way of advisory committees or special research groups attached to the College of Physicians and Surgeons, for example, or even attached to the Manitoba Medical Association or even attached to the Canadian Medical Association, where the government could provide funding to these bodies to take a good look at the new drugs coming on stream, determine their usefulness and then make recommendations to doctors.

I think that would be a far less expensive way of doing it than, in fact, the process that seems to be followed right now, where doctors are wined and dined and sold drugs as consumers generally are sold soap. I think that's the wrong way of going about it; I think the selling costs in many instances are about 30 percent of the final costs of the drug and those costs ultimately are passed on to the consumer. It strikes me that they are a very inefficient way of financing the drug industry. I think that there are some similarities between the selling costs of drugs and possible selling costs that may arise if we start establishing plant readers' rights in a

whole other area. I think that the public has been well served with respect to plant research by the public research facilities, and I think that the public would be well served by at least establishing a public advisory group that would look at new drugs coming on stream and instruct doctors on the basis of the merits, not on the basis of the pizzazz of the particular company selling the drug or promoting the drug to the doctor.

So I'm wondering if the Minister has any comments on what he is doing to ensure that drug costs are held to a minimum and whether in fact he doesn't have concerns to selling costs of drug companies aren't excessive; because if you look at the profit margins of drug companies, of very large, and again they're multinational drug companies, whether in fact these profit margins aren't excessive.

MR. CHAIRMAN: (e)—pass — the Honourable Minister.

MR. SHERMAN: Mr. Chairman, on the subject of the deductible, I want to say that the Honourable Member for Transcona and I are not at all on different wave lengths and that I have, in fact, through my own office, undertaken an examination of the question that he raised with respect to the cost to the province of making downward adjustments in the deductible, either for certain categories of Manitobans or even ultimately eliminating the deductible, but I can't give him the answers on that at this point in time and I don't expect I'll be able to during my estimates. I will, however, be able to provide him with those answers during the course of, hopefully this year and certainly during the course of the life of this legislature because I want that information myself. It is not a simple matter though as simply looking at the 9.1 million appropriation and saying, well, if we eliminated the deductible it would cost the province 9.1 million. It has to be calculated on the basis of the individual claims and the age categories of the persons making those claims and other factors are also involved. So I just don't have that answer, but I would agree that it's a question worth pursuing and I had in fact begun that pursuit in my own office.

With respect to that question, I think it should be recognized that what he is saying and what I am saying, would represent a fundamental change in the principle of the Pharmacare Program. I am not saying that there should not be that change in principle but I think we should recognize that's what he's talking about and my pursuit of that same information in the House is precisely the same. It is an enquiry that has implicit within it the suggestion of a fundamental change in the principle of Pharmacare. Pharmacare, I insist, and I didn't conceive it obviously, and those who did can correct me if I'm wrong, but my understanding of Pharmacare was it was designed to free Manitobans from the worries, the anxiety, the emotional burden of excessive drug costs; it was not designed as a universal drug coverage program, an insured program, in the manner of other insured services such as those available under the Medicare Program or even the Premium-Free Hospital Program; it was designed to do essentially what I suggested, to relieve one of that crushing burden that can occur,

through circumstances over which individuals have no control, when unfair and excessive health costs and medical costs devolve upon one person or one household.

So now we're talking about going beyond that to a totally insured program and I presume the Honourable Member for Transcona would agree with me that when we talk about that we're talking about a fundamental change in the principle of the concept to Pharmacare. That doesn't say it's not worth considering though because it is worth considering. On the question of how much it would have cost the province of Manitoba under the present format had we not increased the deductible in 1979 for persons under 65 to 75 from 50? The answer, Mr. Chairman, is approximately 1 million, it made approximately 1 million difference in the 1979-80 appropriation for Pharmacare based on the calendar year 1979 to increase the deductible. Those figures were prepared for me by the Manitoba Health Services Commission at the time that we were developing the estimates. The Honourable Member for St. Boniface asks me how can I find that out? I can only tell him that is the information at the time that we were looking at the budgeting, looking at the available resources, looking at the increase in costs, and what the difference would be if we kept the deductible at 50 rather than going to 75.00. On the basis of the breakdown of age populations in the projected total number of registrants and users, the figure that was given to me at the time by officials of the Health Services Commission was approximately 1 million.

Overall, the situation that we're dealing with, in terms of the funding of Pharmacare and the costs of Pharmacare to the province, is one of steady increase and I think that should be noted for the record in response to the questions raised by the Member for Transcona, Mr. Chairman. In the initial year of Pharmacare the costs were 1.5 million, rising in 1974-75 to 3.8 million; by 1977-78, they were 5 million; 1978-79, 7.9 million; 1979-80, 8,070,000; and this year we're asking the Legislature for approval for 9,118,000.00. And that, Sir, is attributable to the increased use which is not without merit, obviously the program is there to be used, but it's due to the increased use — I gave the honourable member the figures in terms of the increase in volume of registrants — and also to the steadily increasing cost of drugs, the prescription costs that have increased each year with the cost of research and development and the costs of the ingredients that go into the medications.

Mr. Chairman, I don't know that I can answer all the honourable member's questions before 4:30. If I can't I'll deal with the others at 8:00 o'clock. On the issue of contraceptives and contraceptive pills, those are covered under Pharmacare because they are prescribed and certainly, for example, some devices like intra-uterine devices are covered. They are provided under the Medical Supplies and Home Care Equipment Program out of the Department of Health.

The other question that the honourable member asked me short of the question on the issue of drug costs and the costs and prices and profits of drug companies was a question having to do with whether Manitobans are covered under Pharmacare when they're out of province and the answer is, yes. All

they have to do is save their receipts and file for their reimbursement in the usual way.

I think, Mr. Chairman, that covers all the topics raised by the honourable member except the subject of the issue of drug costs and I obviously don't have time to deal with it at this moment.

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

MR. DESJARDINS: There's just a few seconds and I want to explain where I felt that it is quite difficult to know how much more it would cost and I'm not debating that, it's just an observation, if the amount was still 50 deductible, because I don't think you can just add 25 to those that are putting on that, but all those that are under . . .

MR. CHAIRMAN: It is now 4:30; I am interrupting the proceedings for Private Members' Hour and I will return to the Chair at 8:00 o'clock this evening in committee.

IN SESSION

PRIVATE MEMBERS' HOUR

MR. SPEAKER: Order please. We are now under Private Members' Hour, Tuesdays we deal with Public and Private Bills.

ADJOURNED DEBATE ON SECOND READING — PUBLIC BILLS

BILL NO. 14 — AN ACT TO AMEND THE LAW SOCIETY ACT

MR. SPEAKER: The first item on the agenda is Bill No. 14, An Act to Amend The Law Society Act, standing in the name of the Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I adjourned this bill for the Honourable Member for St. Johns.

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

MR. CHERNIACK: Mr. Speaker, the bill before us in itself involves a very important principle but even that is less than the general principle of professionalism and the granting by legislative authority to professional groups self-licensing powers. I think that in considering the very dramatic request by the Law Society one has to reflect on the history of self-regulating professions which dates back to some time in the Middle Ages when guilds were created with the intent of providing a highly skilled service to the public and regulating the provisions of the way in which the service would be provided and even regulating the access to the guilds by various individuals. Now that developed into the recognition of the, what do they call them? The three learned professions — the Divinity and Medicine and Law; and from that developed a proliferating number of professional groups, or groups claiming to be professionals and asking for a

professional status, to be given that self-regulating power.

The reason for that, to a large extent, Mr. Speaker, was the recognition by the public and by the various legislative bodies, of the fact that only people having special skills could judge whether others of their group would have those special skills to offer their service to the public. And it was recognized that only peers of the professionals could judge the qualifications and therefore it was felt that if a person was going to offer his skill, let's say as a doctor, only another doctor or a group of doctors would be able to judge the ability of that person, that applicant, for admission to the society to be able to deliver that service. And I think it has been recognized in our society that there is no other way in which a body of professionals can be licensed and regulated except by their own peers, which of course imposes on a self-regulating body the absolute responsibility of making sure that all its decisions, all of its decisions, are designed to aid the public good, to provide service to the public, to be acting in the best interests of the public and not in the self-interests of the professionals themselves. Because if there is a conflict between self-interest and the service to the public, then the service must over-ride any other other consideration. Otherwise we have no right, as a Legislature, to give powers to a self-serving group whose objectivity and dedication to service could be challenged in any way.

I think it is important that we recognize that, Mr. Speaker. I am not sure that we should recognize that the present situation is right. We have to recognize the present situation as it is and deal with it until society and governments review the entire process and possibly bring in certain changes.

That has been done, Mr. Speaker. At the end of the last session you may recall that I gave Notice of Motion of a resolution involving a professional study which I had completed, shortly after the 1977 election and I actually put in excerpts of that, hoping to stimulate some activity, some thought, some consideration for a complete review of the role of professionals in our society.

I must say, Mr. Speaker, I was motivated to do this kind of study way back in the early '60s when I brought a resolution of that kind into the Legislature and found that it evinced some interest but not enough interest in succeeding governments to really get involved in the study. I think it's necessary. It has been done to a large extent in Ontario, in Quebec and in Alberta, where they have set up regulatory legislation to deal with a number of professions: In Ontario, dealing with the healing professions, I think only five of them; in Quebec, dealing with all professions, as I recall it, at least 40 as of last count, and in Alberta I don't think they've gone much beyond the framework of legislation. I think it's necessary, I think it's coming and I think it's essential because of the powers given to a profession and the need to make sure that at all times that profession is there to serve the public, and not itself.

I might point out an example, Mr. Speaker, that in the legal profession as in the medical profession, there is a clear separation between the licensing body, whose dedication must be to serve the public, and the self-serving lobby groups, self-educated body, which is a voluntary group of each of these

professions. In law, we have the Law Society of Manitoba which is a compulsory to which all lawyers must belong and which has complete licensing powers, regulatory powers as compared with the Bar Association, the Canadian Bar and the Manitoba Bar, which are voluntary bodies and whose dedication is not to serve the public but rather to assist lawyers to better prepare themselves to cope with their professional position in society and, to some extent, as in the case of the medical profession where you have the College of Physicians and Surgeons which is the licensing body, compared with the Manitoba Medical Association which is voluntary, self-serving and actually negotiates with government for a fee structure. So to that extent they are completely self-serving and have a valid and proper role in the community, if it is clearly understood. Compare that with the Dental Society, which as far as I know, has the one organization which both licences and bargains, and I think that's wrong because there may well be, and I'm not saying there is but I think there is the great probability there would be a conflict of interest.

I only mention these as examples. There are many more which we could deal with on other occasions but certainly not in dealing with the bill itself, which of course deals with that very important principle of self-regulation.

Mr. Speaker, I was not present when the bill was dealt with in the House mainly on April 15th and again on the 17th but I read Hansard and that's one reason why I asked the Member for Kildonan to hold this matter for me. I read the Hansard and I must say that I believe the Member for St. Vital best expressed the position I would want to take and, if it were not that I were somewhat self-serving myself and wanting to state my opinion, I could have easily just subscribed to the statements of the Member for St. Vital and let it go at that.

But, Mr. Speaker, I would like to point out that some of the other speeches on this bill expressed a very very serious concern about the powers being given and asked for the Law Society are being so great as to create the possibility of abuse of the powers by giving extreme control over members of that profession. That's a valid concern, Mr. Speaker, and I must say that concern was expressed in our caucus itself in reviewing this bill because giving to a self-licensing body powers that control the service makes it possible for that body to actually control and direct the individual members to a degree that would be harmful to the public interest. They could cut down the numbers arbitrarily; they could set standards so high that the public will not have access to the service and that, Mr. Speaker, is why there has been a growth of para-professionals in the professional field, especially in the health field, because there it was found that control by one body over the entire service could, to a large extent, damage the service to the public.

I'll give you an example. The medical profession has fought the optometrical profession, and I believe still does, as feeling the optometrists are less capable of dealing with what they do, which is mainly refractions, than is an ophthalmologist. Well, Mr. Speaker, that's not correct. It is true an ophthalmologist can do surgery and other disease-related work with the eyes that an optometrist

cannot do, but it is necessary that we recognize the role of the optometrist in order to provide a broader field of service to the public itself.

By the same token, there is a fight going on always, maybe forever, between chiropractors and medical doctors. There was a fight which many members of this Legislature witnessed, and even became involved in, between dentists and dental mechanics as to the provision of artificial appliances to the mouth.

So there is no doubt there can be abuse and that is why members on this side have expressed openly in debate and privately in caucus — maybe that's a mirror of what happened on the government side — of concern about the powers being asked for in this bill.

Mr. Speaker, we must always be wary and alert to such dangers. That is why I welcome the fact that the Law Society, in its time, and other professions have also voluntarily asked the Legislature to provide for lay representation on their councils to make sure the public interest is not only served in principle but is present at deliberations. I think it is very important. I think the presence of lay people, even though they are so few — in the Law Society, for example, I think they're four out of thirty or forty members; I think there ought to be more, Mr. Speaker — but nevertheless, the presence of the four must put a burden on members of the Law Society benchers the knowledge that everything they're doing must be done in the interests of the public and the public is represented at the meeting, as a reminder to them.

So must there be an important provision for appeal procedures in the powers given, so that again there shall be adequate and proper review of decisions made, especially if decisions are made in the light of the request of the Law Society in this bill. Because there there is a tremendous power being requested, there must be proper appeal provisions and I think, myself, that it is not enough to just have an appeal to the court, as exists now in the Law Society. I think there ought to be some over-riding, superceding, supervisory group of people made up of lay people, made up of professionals, not necessarily of that profession itself but I think professionals with the dedication they have to have to be able to overview the powers being exercised by the Society.

The Member for Rock Lake says introduce farmers; I don't consider farmers different from other lay people and I would be surprised if anyone thought they did not have a contribution to make. Certainly, every member of every consumer group has to be involved in this. Unlike the Cattle Producers Act, which the Member for Rock Lake supported so much, which was given tremendous, unreasonable powers by his government, where there is no representation by anyone other than the members of that group themselves, self-serving without proper supervision, powers they ought not to have had. I will not go any further than to remind the member for Rock Lake he should not be so pure when it comes to suggesting farmers being used.

Mr. Speaker, along with the responsibility being asked for in this bill, the power to deny the continued service to the public of a professional on the basis of competence, because of that request there must be a greater responsibility imposed on

the organizations to make sure they use it properly. But, Mr. Speaker, the important point is this: By legislation over many years, we have given to members of a profession the power to decide the qualifications of those who wish admission to the Society. Once admitted then the power seems to lapse insofar as competence is concerned and now we deal with unprofessional conduct. It seems to me an organization given the power to set qualifications and to refuse to admit members should be continued with a corollary power of continuing to monitor competence; because after a number of years and under various circumstances a person who had the competence, had the qualifications, may lose it and I think the same organization which continues to licence them should have the authority to review their continuing competence and ensure continuing education or other controls. So that I think it's important.

Mr. Speaker, one other point, there has been some debate already on I think its the Mrs. Hawes case and that alone points out something that is important here. The fact that the Law Society is being called upon to measure up to a degree of responsibility to pay or compensate a person is a recognition by society that it is not enough for them to have some self co-insurance scheme but they have an obligation to provide. If their going to judge competence, then when they fail they should be responsible, certainly morally but I think also legally, to compensate a person for being a loser as the result of the incompetence of a member of that profession.

So I say if the Law Society wants the power to judge competence they'd better back it up with an indication that they are prepared to be responsible, as a group, for damages suffered as a result of incompetence that has not been stopped or held back. I would say the Law Society which has voluntarily . . . And I'm proud of the record of the Law Society having had an insurance scheme, an imposition of imposing on it's members the need to contribute to a fund for reimbursement of this kind. I honour them, and I'm proud of them, my profession, for doing it but point out to my profession that the more power you ask for the greater is your responsibility, the greater is the obligation on you not to slough it off, as apparently they have done so far in the Hawes case by saying, well, there was non-compliance with the limitation provisions in the insurance policy. I don't think they can have their cake and eat it. The power they want they have to be very concerned about getting. You know, you shouldn't just ask for power unless you're prepared to show responsibility and I think that we will generally support this bill going into committee, but I warn the Law Society that they should be prepared when they come to committee to show the extent to which they are prepared to be responsible for their powers, for exercising their powers, and responsible for the fact that the Legislature, having given them such powers, demands on behalf of the people they serve — they serve, not only the Legislature but the profession serves — that they are accountable for the results for the decisions they make under the powers they exercise.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, the Law Society and I am sure, as the Member for St. Johns points out, the Law Society in Manitoba, has been I think truly in the forefront of law societies across Canada with some of the programs which they have instituted, Mr. Speaker, and I can only think of things like the lawyer referral service they have introduced; the changes in rules and regulations with respect to advertising; this proposal in fact which is contained in this bill, Mr. Speaker, some of the examples of the steps being pursued by a very progressive Law Society in Manitoba.

Mr. Speaker, with respect to the bill itself during debate on second reading, there was some question raised with respect to the repeal of Section 37, which generally provides that where a lawyer takes an oath of allegiance or becomes a citizen of another country, he's thereby no longer qualified or entitled to practice law in Manitoba. This bill would repeal that particular section, Mr. Speaker, and it's being done because of some anomalies in other laws in this country. Under The Canadian Citizenship Act, for example, it is my understanding, that a Canadian citizen is in fact entitled to have dual citizenship. And I can say, Mr. Speaker, that this matter was brought to my attention and I believe the Member for St. Johns and a number of other members at a time a few years ago when a member of the Law Society of Manitoba moved to the State of Israel to take up citizenship there and practice law there for, I'm not sure whether it's a permanent move or whether he does intend to return, but he certainly wishes to retain the option of returning to Manitoba to practice law again in Manitoba. So I, Mr. Speaker, can wholeheartedly support that particular principle and I point that example out because the bill does indicate that particular section retroactively came into force I believe on January 1st of 1977 in order to specifically deal with the case of one individual involved.

Mr. Speaker, with respect to the debate on second reading, I would like to take this opportunity to comment on certain remarks made by the Member for Inkster because they should not go without comment.

In Hansard on page 2494, the Member for Inkster referred to the Law Society, and I quote, stated, The Law Society apparently decided that they would suspend Mr. Pilutik on the basis that he drank. Mr. Speaker, I don't want to get into the details of that particular instant but it must be pointed out that the person in question admitted to facts relating to an abuse of his position as provincial judge and that he was not suspended merely on the basis, Mr. Speaker, that he drank.

Mr. Speaker, the Member for Inkster further on, subsequent to that comment, indicated, appeared to indicate that such powers should not be given to the Law Society to rule on the question of competence because if a lawyer was incompetent and was negligent the laws governing negligence actions would apply and the lawyer could be sued and the client involved could recover damages. Mr. Speaker, I suggest that is a weak argument that the Member for St. Johns indicated, along with the powers that are given to the Law Society, I think are also responsibilities given to the Law Society to ensure

that a reasonable standard of competence exists in the members practising law in Manitoba.

The Member for Inkster further on suggested that, I do not know why somebody should have to be disbarred for driving while intoxicated. Mr. Speaker, if the Member for Inkster would read the bill in question, the definition of incompetence, and you have to recognize it is a difficult job to attempt to define incompetence because that will vary from circumstances to circumstances and from case to case. But the section does refer to wording that states, While his ability to perform legal services which he has undertaken to perform is impaired while he attempts to perform those legal services, so if the Member for Inkster's concern is that some member of the profession may be disbarred on the basis that he is incompetent because he is being convicted for driving while intoxicated, that is absolutely out of the question and ludicrous, Mr. Speaker, because the definition that we have in the Act refers specifically to an ability to perform legal services which the person has undertaken to perform, being in some way impaired by addiction or use or consumption of alcohol or drugs. So the example that he cites, the extreme example that he cites, in defence of his position, again is extreme and in no way, I suggest, could be justified under the legislation that is being proposed by the Member for River Heights.

He refers again to his concern that this is a very very subjective area. As I have indicated, Mr. Speaker, it is difficult to provide a definition of incompetence that would apply to all circumstances. But I point out, Mr. Speaker, to you and members that there have been numerous cases, for example, involving a question whether a lawyer has been negligent in a case or not; and in those cases, if there is any question or difficulty in proving negligence, it is quite usual to have called as witnesses in court members of the profession to give evidence as to what is an acceptable standard of competence and whether certain acts are negligent or not; and, Mr. Speaker, I have no doubt that any standards that are brought about will be brought about in full consultation with the profession. If there's any difficulty it would not be a subjective test but will be an objective test based on the standards of the profession.

Mr. Speaker, in one of his further comments he again refers to subjective authority to a peer group and I do point out, Mr. Speaker, and the Member for St. Johns made some reference to it, that the existing provisions of The Law Society Act provide for a barrister/solicitor or student who has been disbarred or suspended, struck from the rolls, may appeal the decision of the benchers of the Law Society to the Court of Appeal for a further hearing, Mr. Speaker, and I think that's an extremely important provision. I would very reluctant to give the powers in this bill to this profession or any profession if there were not available the right of appeal to a court. In fact, Mr. Speaker, on that point, I think what we should be looking at, if we are concerned as we should be from time to time with decisions of administrative bodies which are not subject to appeal, we should be more concerned in this Legislature to insure that decisions of administrative or governing bodies are indeed always

subject to appeal to the courts because they should be the protectors of decisions made by governing bodies and administrative bodies.

Mr. Speaker, there was one further comment by the Member for St. Vital, who appeared to indicate, and he can correct me if I am wrong, indicated that it was a surprise to him that it should be necessary to change a bill to give citizens the protection from lawyers on the grounds of competency. He assumed all along that the job of the Law Society was to improve the competency of lawyers and to see that people were protected. He appeared to indicate, Mr. Speaker, that the mere fact that someone was called to the bar at the beginning of his entrance into the profession that it was some sort of lifelong guarantee that person would remain competent throughout his practice as a lawyer — and he's shaking his head and he's saying that's not correct. I accept that, Mr. Speaker, because I simply wanted to make the point, as he probably did and I would agree with him, that there is a continuing obligation on any governing body within any profession to insure, as much as possible, that people who practice their respective professions continue to do so in a competent way. And I think we are seeing in a lot of professions steps taken in that area, in the area of continuing — one thing continuing legal education program that the Law Society follows — and I know in a lot of other professions they are introducing and have introduced in recent years continuing education programs for their members and they should be credited for that, Mr. Speaker.

Mr. Speaker, I think the main objection to the bill by the Member for Inkster was his concerns with respect to a subjective test. I am not concerned with that, Mr. Speaker, because I think the definition itself perhaps is being misinterpreted by him. I think the standards that are brought into play will be objective ones. There is an appeal to the Court of Appeal from any decision of the benchers of the Law Society with respect to these matters. There is a continuing concern with respect to their competence, continuing competence of the members of any profession and I am satisfied, Mr. Speaker, that the Law Society in Manitoba are attempting to act in a responsible way to deal with that problem. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. R. G. (Bob) WILSON: Thank you, Mr. Speaker. I have done some serious thinking on this subject and I had been warned by my lawyer that I must have a death wish to get up and speak on this bill, but at the same time, I feel that I have a lot of observation of about, let me see, 1958 to today, which would give me some experience in dealing with the Law Society. In an article on November 19, the Winnipeg Free Press spelled out I'm sure what the Law Society and I believe this bill is possibly trying to accomplish. They said, the Law Society is a legislative creative body responsible for ensuring proper qualified lawyers to serve the people of Manitoba. One of the Law Society's major duties is to discipline lawyers who have violated standards of professional conduct. I find that these motherhood articles in the paper are there to serve as an education to the general public because most

people, most of the voters out there, never come in contact with a member of the legal profession in an unpleasant way or in any way that would cause them any type of a problem. Those many people that are increasing in numbers as graduates of law school increase and as we have advertising by lawyers, as we have Legal Aid vans scurrying the province looking for customers, as we have court rooms that are involved in the delays and things that take place in the court system, all designed to create work for lawyers. Then we have to begin to recognize that at some point in time the numbers are going to grow in an assimilated way, that within the city of Winnipeg they'll become a political force and, that is, people who are not satisfied of the way the particular system is being self-policed.

I look at this bill as one which is going to talk about competence and I applauded the bill initially until I started to give it some serious thought. I don't think there is any way that the Law Society to date has been able to be anything but window dressing and completely incapable of dealing with its members who are not toeing the line. When you speak to the more capable members, the largest majority of the Society, they seem very reluctant to act as a peer group against their fellow members. They have a board of inquisition as part of the Law Society makeup which sits there to deal with lawyers who have been disbarred and claims against the Society. I call it a board of inquisition because their job is not to pay off; their job is never to pay any of the John Q Public who come before it with a claim, whether it has to do with the lady who lost 20,000 within the pizza chain of one more recent individual, or whether it's the 63,000 for Mrs. Hawes. We have to go back to some of the big plums, the over the million dollars that the former Mr. Gingera was involved in. We have to go back with a list of lawyers that been disbarred and the large forest of cut trees, namely citizens who have lost their life savings who have gone in front of this board of inquisition attempting to get justice because they have run afoul of a member of the society. I have a hard time grappling with the fact as if the good lawyers should pay for the bad lawyers, but then I go to the Consumers' estimates and I find my Minister of Consumer Affairs suggesting that all the honest tenants should pay for the dishonest tenants and so on and so forth down the line. That Eaton's should write off all their bad debts and pass it on to the good customers who pay their bills.

So then you have — you get back to the Society — you have a bill coming forward which in a sense is trying to assure the people once more that they are going to get a particular fair hearing. I suggest that the one thing this bill doesn't deal with, and which the Minister touched upon the other day in the paper, is the insurance industry. Because it would seem to me that if doctors can buy malpractice insurance down south of the line, why are these people called the Law Society of Manitoba so unbelievably tight that they don't want to pay premiums to an insurance company to protect their industry. How could some of the top wage earners of this province not want to carry proper insurance?

I have tried through my own personal experience to sue a lawyer for 68,000.00. I was told by French and Co. that I couldn't sue the gentleman because I

had to hire a lawyer to sue another lawyer. And here's the one thing this Bill 14 does not deal with. There should be a group set aside within the law society willing to take another lawyer to court. I challenge any citizen of this province to be able to find that rare stone within the Law Society that will take another lawyer to court. —(Interjection)— The Member for Inkster says there's lots of them. Well, I would suggest that he would possibly produce some citizens who have been able to find such a particular rare gem because I have knocked on many a conservative and liberal door, and so if there are lawyers within the NDP camp who are willing to take another lawyer to court, I would be more than willing to approach them.

I think one of the biggest drawbacks that we have is one of the things that I think the insurance industry should solve the problem, and I really sincerely mean that. Before I deal with the nuts and bolts I think the insurance industry — I have Western Weekly Reports here in which a judge in the British Columbia Supreme Court said on September 25, 1978, These proceedings cannot continue. It is apparent to me that the nature of this case is far beyond the ability of the council for the plaintiff. And I could read on, but what this says is that there has to be some responsibility on the judiciary in this province to spot the incompetence of a council for a particular individual. The judges should refer more cases back. Maybe it should be the judges that are referring the cases to the Law Society so that if Bill No. 14 should pass and is not hoisted, if we can't fine tune it, if we can't talk about our general objections and get the fine tuning put in there, then it has to be maybe the judges that say, I'm not satisfied that this is a fair trial due to the possible ability of the council for the plaintiff or the defendant. And they will argue that is not their job, that if the average citizen hasn't got the knowledge in the marketplace to know who is good and who is bad — it's like the old story, you can advertise a product to death and people will want it. Does that mean only the richest lawyers are given the great name that goes with the ability to advertise their abilities; where word of mouth indicates the ability?

We talked about this section of Bill 14 here that we're talking about competence. There's a certain age where we've all been accused of slipping into a bit of senility or forgetfulness, those that may have a problem with alcohol and I talked the other day about an institute that maybe the Law Society as part of their annual fees should be having their members report other members that have a drinking problem; to be that friend so that they could be sent to Hazelton or some institute to cure their drinking problem so that they give the general public a fair shot at having competence in the courtroom. And there's those that are considered spaced out or possibly under pressure, business pressure or otherwise. And one of the most sickening things that I have had to witness in the last two years, is two particularly lawyers, one liberal and one conservative, who have both been jumped on by the society. One was imprisoned and the other is still to come up before the courts and his picture appeared in the paper and I for one, even though he wasn't with my party I wrote him and phoned him and told him that

he had my moral support against the media and the Law Society and his problems with Folklorama.

I would think that we have to at some point in time offer a letter of support. Politicians are probably the most self-preserving group of individuals and I would hope the lawyers aren't heading that way, because I don't recall receiving one letter from anyone and I can say the same thing for the members of the Law Society. Their own group turns on them like jackals whenever they are in trouble, and that is one of the most sickening things that I see about the particular problem that I have in front of me. I applaud the fact that we are going to remove the citizenship requirement, but I also think the committee recommendations that he talked about at committee to self-govern the Law Society, I think self-policing in the 80s is uncalled for.

I know that my party probably doesn't believe in getting politicians involved but most of the major articles in the newspapers today and in the US news and World Report of March of 1980, the rise of the power brokers, the fact that lawyers control the US government now, they control Washington, they control the lobby group, and if it wasn't for the interesting difference between United States politics and Canadian politics that the entire Legislation and municipal office, not municipal but certainly federal and provincial governments would be controlled by members of the legal profession. But our system allows for the freedom of choice of individuals and a removal of a lot of the huge financial burdens. And one often said to me, why in the world would a lawyer want to sit in a Chamber for 12,000 a year when he can make 120,000 in private practice? I have often wondered that question myself. It obviously has to be a dedication above and beyond a person's calling.

But I would want to say that the makeup of that committee cannot be self-policing. There should be a citizen member on that committee and not just a window dressing colleague, drinking partner, whatever. There should be an MLA on that committee so we have a political input. If they Law Society has a political input into the laws of this province and this Chamber, then we should have a member of this particular Chamber sitting on that particular committee. I am talking about giving some of the backbenchers something to do and this is one of the things they could be doing, is sitting on this particular committee.

I did have a particular very interesting speech prepared on this bill. I had written some of my thoughts down to Mr. Tallin and Mr. Balkaran, but I didn't receive a reply and I thought I was going to get that reply before this came up. However, I am rather disturbed and I kind of agree with the Member for Inkster, I am kind of concerned about a particular group, a groupie situation, an elitist situation, being able to rule who is competent and who is incompetent, because we all know there is little cliques and little situations and I, somehow or other, would possibly like the members of this group that are going to rule on the competency of a particular lawyer — and I don't know why I am standing up here saving the lawyers from themselves — but this particular group who is going to rule on their brethren on the groupie situation —(Interjection)— Well, all right, then if they're not groupies and they're

not part of a particular situation, why don't they have this particular group possibly elected by the entire membership of the Law Society, a democratic way of electing members to this board . . .

MR. SPEAKER: The honourable member has five minutes.

MR. WILSON: . . . that is going to look at this. If you don't agree with me that there is a peer system, or an elitist system, why not abolish all the QCs? Why do we need this particular situation? Are we not all equal members of a pie, both in this House and members of the Law Society? If they graduate from school, as all competent members of the Law Society, they should be able to go through life and not be annointed at some point in time; they should be given certificates of merit occasionally by the Law Society and the very marketplace will determine whether they have done an excellent job or not.

I'm just saying that I think we should really really seriously look at this situation. I'm a little concerned because there are a lot of organizations out there. You know we have a Law Society Trust Fund now sitting with 1,341,818, of which we're going to pour in a certain amount of money every year for educational grants and what have you, and I would like to see the general public be given the assurance that they are going to have a group truly police their members; that they have proper insurance; that insurance companies are not going to be able to give them a type of policy that is the cheapest policy; that like the United States they should have to file malpractice, lack of performance, and we should also have the judiciary from time to time referring cases back like they did in British Columbia, because they question the ability of a member.

So I would hope, Mr. Speaker, that we in this Legislature show some leadership and become the shepherd over the Law Society, directing them as to how to handle their affairs by offering suggestions, by saving them from themselves, by saving them from their elitest attitude and the Law Society should be the sheepdog.

In other words, I'm suggesting the Law Society shouldn't be wagging the tail of this Legislature. We should be giving leadership and direction and examining this bill and giving it the general objections from everybody in this House, refining it and fine tuning it to protect somebody because he doesn't agree with the peer group, because he doesn't agree with the in-crowd, because he doesn't agree with the groupies, that he is hauled in front of a board of inquisition and threatened with his very livelihood because of competency. I say it is a very very serious matter to remove a man's livelihood and you know the strangest part that we have is that the victims out there are the citizens of Manitoba, who on one hand I'm asking the Law Society to make sure they are being fair with their members, but at the same time make sure they are being fair with the public. Let's have some kind a general inquiry to look at all the lawyers that have been disbarred and how much that fund has paid out. I guarantee you that Board of Inquisition's job is not to pay anybody and the pizza chain and all the people that fell victim, you walk into that office because it says Barrister and Solicitor, but that Inquisition Board won't pay off

because they say you are dealing with that lawyer as an individual. I say that the individual people on the street walked into his office because he was a member of the Law Society of Manitoba.

MR. CHAIRMAN: Are you ready for the question? The Honourable Member for River Heights will be closing debate.

The Honourable Member for River Heights.

MR. FILMON: Thank you, Mr. Speaker. The time is short and so I will be very brief.

Although there were some who in the Chamber spoke in what appeared to be opposition to the bill, it seems as though most are in favor of better regulation of the profession and, in turn, in better competence in the profession. I am sure that a great many of the answers to the questions that were raised will come forward in the discussion in committee.

Just on some of the points that were brought forward by the last few speakers, particularly that matter of control, it seems to me, Mr. Speaker, that if you are looking for regulation of a profession, who is better qualified to judge competence in the ability to perform a task than the peer group within the profession?

The Member for Inkster said that the public should judge, but the fact is that the public is not in a position to judge and not in a position to know. He suggested that the definition of competence was only limited to addiction to drugs and alcohol and that those were the only definitions that were contained in the Act. The fact of the matter is that when you open it up, Mr. Speaker, to attempt a definition that is more broadly based, that will have some relevance, it's almost impossible to try and come up with all of the various reasons and wherefors why somebody might or might not be incompetent.

As evidence of that, Mr. Speaker, I have the definition of competence that the Law Society and the committee on which I believe the Member for St. Johns sat eventually came up with. The definition is as follows: Competence is the demonstrated capacity to provide a quality of legal service at least equal to that which lawyers generally would reasonably expect of a lawyer providing the service in question.

Furthermore, a national conference made up of members of law societies attempted the same type of definition, getting their arms around the problem. They came up with as follows: The conference accepts the definition of competence as a state of having the ability or qualities which are requisite or adequate for performing legal services undertaken and it accepts the definition of incompetence as a state of lacking the ability or qualities which are requisite or adequate for performing legal services.

Well, if you were going to attempt to judge anybody's competence based on that kind of definition, Mr. Speaker, I suggest to you that it's a hopeless task. The fact is that this . . .

MR. SPEAKER: Order please. The Honourable Member for Inkster.

MR. GREEN: Yes, Mr. Speaker, I wonder if the honourable member would permit me a question?

MR. FILMON: Yes, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, the honourable member has indicated that it is impossible to judge somebody on the basis of the two very difficult definitions that he read, and I agree with him. If it's impossible to judge them on that definition, why does he think it is more possible to judge them when there is no definition?

MR. SPEAKER: The Honourable Member for River Heights.

MR. FILMON: Mr. Speaker, the fact of the matter is it's a very complex issue and it requires the total submission of many people who will be sitting in judgement. The benchers include lay members, which were appointed . . . I think the Member for Wolseley missed in the discussion, and I believe that it is something that will come out in the discussion in committee. It is my suggestion, Mr. Speaker, that we refer this to committee.

QUESTION put, MOTION passed.

MR. SPEAKER: The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, I move, seconded by the Minister of Government Services, that this House do now adjourn and resume in Committee of Supply at 8:00 o'clock.

MOTION presented and carried, and the House adjourned and stands adjourned until 2:00 o'clock tomorrow afternoon (Wednesday).