



Fourth Session — Thirty-First Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

29 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty - First Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA
Wednesday, June 18, 1980

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Presenting Petitions . . . Reading and Receiving Petitions . . .

**PRESENTING REPORTS BY STANDING
AND SPECIAL COMMITTEES**

MR. SPEAKER: The Honourable Member for Radisson.

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

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

MOTION presented and carried.

**MINISTERIAL STATEMENTS
AND TABLING OF REPORTS**

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. BRIAN RANSOM (Souris-Killarney): Mr. Speaker, the Canadian Embassy in Washington has alerted us to the fact that the United States Senate Appropriation Subcommittee has approved a supplementary appropriation of 9.7 million for use in further development of the Garrison Project. This supplementary appropriation was tacked on to an appropriation for relief of those affected by the Mount St. Helen's volcano disaster, at the instance of Senators Young and Burdick of North Dakota. Because of the urgency associated with the Mount St. Helen's relief appropriation, the resolution is expected to be considered by the Senate Appropriations Committee by tomorrow evening.

We are informed that the subcommittee resolution directs the appropriated funds to be used for the new Rockford Canal. There have been several plans for irrigation from the new Rockford Canal, some of which would involve drainage into the Cheyenne River, which is in the Hudson Bay drainage basin. The Canadian government is therefore taking steps to remind the Senate Committee of our firm objections to any plan which would bring Missouri water into the Hudson Bay drainage basin. It is expected that the Minister of External Affairs will make a statement in the House of Commons this afternoon, and that statement will be conveyed to the United States government without delay.

The Canadian Embassy will be distributing the statement to the United States Senators and Congressmen tomorrow morning and when the content of the Minister's statement is made known to us, we will inform the members and the public, and we will also consider whether any supplementary

representations on the part of the Manitoba government might be useful.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, I'm sure that all Manitobans cannot help but regret deeply the manoeuvre which appears to have taken place within the U.S. Congress to tack on this amendment on the St. Helen's volcano relief bill. The unfortunate part is that it commences what could be an irreversible trend towards final implementation of the Garrison Diversion project, and of course, the injurious effects that that might have for our waters and our fish, and other life.

Mr. Speaker, it appears that efforts that have been undertaken, both Canada and Manitoba to date, have not slowed up, unfortunately, a process which has been commenced towards undertaking the Garrison. Only some two, three weeks ago, we received a statement by the First Minister, distribution of pamphlets and letter to U.S. congressmen and others, asking them to hold off on any such action. It seems to me, Mr. Speaker, that we must consider, if we are to contribute further to resisting this process to continue, seriously give thought to the necessity of an all-party committee to make representations in Washington. It appears that pamphlets and letters and submissions by way of embassies have not been successful. It appears that we have reached the point when more direct representation must be undertaken. I believe that has now occurred, Mr. Speaker.

Thursday of this week is the critical day, it's my understanding; the Minister can confirm, check this out further as to precisely what may be the date with which further action will be too late. I believe by way of further representations, further letters, further pamphlets, further submissions, outside of direct personal contact, may not bring about the results that we seek.

MR. SPEAKER: Notices of Motion . . .

INTRODUCTION OF BILLS

MR. JAMES R. FERGUSON (Gladstone) introduced Bill No. 92, An Act to amend The Veterinary Medical Act.

INTRODUCTION OF GUESTS

MR. SPEAKER: At this time, I should like to introduce to honourable members, 58 students of Grade 6 standing from Lacerte School, under the direction of Ms Macotte. This school is in the constituency of the Honourable Member for Radisson.

We also have 24 students of Grade 6 standing from West Lynne Heights, under the direction of Mrs. Chand. This school is in the constituency of the Honourable Member for Churchill.

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

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, a question to the Minister of Agriculture, and I know the question should be directed to the First Minister as Chairman of the Drought Co-ordinating Committee. Can the Minister advise whether or not evaluation is presently under way in order to ascertain the impact of the drought upon businessmen and farmers in Manitoba, and the restrictive flow of funds which will take place by way of revenues to the municipalities of this province, in order to ascertain whether or not some immediate relief should be undertaken to prevent small businesses and farms from losing their lands and properties, and also to assist municipalities in cushioning what will be, obviously, severe restriction on the revenue flows?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Yes, Mr. Speaker, there has been considerable work done, both by the Department of Finance and by the Department of Agriculture, in assessing the condition of the agricultural community and the effects that it may have on the total economy. I can speak basically for the agricultural community that, first of all, the major impact, as far as cash flow, will be felt more next year than it will immediately, because of the grain stocks that have been on hand, and because of the selling off of some of the livestock; that in fact, the major impact is not expected on cash flow this year. However, the value of crop production will down considerably, and what I want to say is that the value of crop production will be down considerably because of the drought conditions, and there has been an estimate — I have seen estimates by both the private trade and the Crop Insurance Corporation have been doing some work in this particular area — and at this particular time an estimate of some 50 percent of the crop production is an estimated figure only for this particular year, and that is in the crop production side of the industry.

MR. PAWLEY: Mr. Speaker, further to the Minister, on May 23rd of this year the Minister made reference to the likelihood of loans being provided under The Municipal Act, the Municipal Loans Fund, in order to assist farmers in purchasing emergency feed supplies. Can the Minister indicate whether or not he is at a point where he can make an announcement in that regard?

MR. DOWNEY: Mr. Speaker, we have been making announcements as we have seen the drought conditions worsen. This particular one is part of one that is under review and part of what is being discussed by the Drought Committee, and I can assure you, Mr. Speaker, that there will be further announcements made very soon on such programs

as the Leader of the Opposition has suggested. There is some technical work that has to be put in place, but I can assure the agricultural community, as I can this House, that we as a government are addressing it, we understand the severity of it, and are quite prepared to deal with it, and will be making those announcements very shortly.

MR. PAWLEY: Mr. Speaker, further to the Minister. Over the past three or four weeks we have had many ad hoc and piecemeal announcements pertaining to drought relief. My question to the Minister is: When can Manitobans anticipate a comprehensive announcement in respect to the measures which the Manitoba Government is prepared to undertake pertaining to the drought situation, rather than a continuation of ad hoc piecemeal announcements which have been made ever since May 22nd of this year?

MR. DOWNEY: Mr. Speaker, as we have said from Day One, the problem has been one that has to be addressed on an ongoing basis, because I think that the agricultural community, as have most other individuals, have been hopeful that we would receive adequate amounts of rain to help the agricultural community and help the Manitoba economy. We have reached a particular stage in crop production and continuing on to maintain the basic livestock herds where further action has to be taken. The announcements that we have made have been helpful in the areas that we have been trying to address. We now are moving in other areas and, as I have indicated, will be making further announcements very shortly.

MR. PAWLEY: Mr. Speaker, in view of the severity of the drought situation and what appears to be a lack of a comprehensive policy on the part of the government in order to deal with that problem confronting particularly the rural areas of this province, is the Minister prepared to recommend the establishment of a special committee of this Legislature, namely, the Agricultural Committee, in order to appear in rural points of this province to receive submissions from those that are affected by the drought situation in Manitoba, to receive their recommendations as to possible action that can be undertaken on the part of the Manitoba Government in order to alleviate the serious impact of the drought upon the livelihood of small businessmen and farmers, particularly in rural areas? Is the Minister prepared to call the Agricultural Committee into a process in order to undertake the receipt of such submissions, to hear what Manitobans have to say, so that Manitobans can assist us in developing a comprehensive policy to deal with the drought situation in Manitoba?

MR. DOWNEY: Mr. Speaker, let me assure the member opposite that we have been communicating with the agricultural community and the total community by involving meetings with the Union of Municipalities, the Livestock Association, contact with the people who are affected, the Crop Insurance, boards of directors, ongoing during the past few weeks, that has been an ongoing process. Let me also assure the member that we have had

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input, as of this week, through the municipal meetings that my colleague, the Minister of Municipal Affairs, has been attending.

Let me also say, Mr. Speaker, that I have invited members from the opposition, the Member for Ste. Rose, the Member from the Interlake area, St. George, to make recommendations to me, to bring specific cases to me, or recommendations. I have not heard, Mr. Speaker, from either one of those members from their agricultural people. I have invited them publicly in this House to come forward with their ideas, to give me recommendations and, Mr. Speaker, I haven't heard a call to my office. Mr. Speaker, I have invited them, I will continue to invite them for their ideas. I will continue to invite them for their ideas to help the agricultural community during these difficult times.

As I have indicated, we have asked the agricultural community through the different representative bodies; we will continue to do that. We will continue to involve them in ongoing ideas, as we have. The Premier has invited the different universities, those people who are involved in the different programs or associated with them; that has been done, and will continue to be done.

MR. PAWLEY: Rather than the Minister grandstanding, I would appreciate response from the Minister as to whether the Minister, rather than dealing with this matter on an ad hoc basis, is prepared to receive submissions from Manitobans through a committee of this Chamber, the Agricultural Committee, so that a comprehensive policy might be developed, a comprehensive strategy federal and provincial, in order to deal with the drought situation in the province of Manitoba. Rather than grandstanding in this Chamber, is the Minister prepared to permit the development of a mechanism in order to insure there's a development of a proper strategy to deal with the drought situation in Manitoba?

MR. DOWNEY: Let me assure you, Mr. Speaker, that I, as the Minister, and the Premier and all the Drought Committee of Cabinet, plus the Cabinet and my colleagues, all the MLA's, have had a tremendous amount of input, as have the members opposite had the opportunity to, as have had the rural municipalities, the livestock associations and all those people who are affected by a severe situation, which I am very concerned about and have spent the majority of my time over the past few weeks to deal with it. And don't let, Mr. Speaker, the member opposite, the Leader of the Opposition, try to play what I would consider cheap politics in this House, to say that we haven't been doing what . . .

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

MR. J. WALLY McKENZIE: Mr. Speaker, I have a question for the Honourable Minister of Agriculture. I wonder can the Minister advise the House if the levels of water at the Saskeram marsh near The Pas have been firmed up or finalized so that the hay crop can be harvested.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Yes, Mr. Speaker, my colleague, the Minister of Natural Resources, and I have been continually keeping communications on this particular area. We have stressed the need for the hay, and we have worked out an agreement that the water levels will be lowered in that particular area, as we are working out a program to put in a transportation system and working with the local municipalities, or will be working with the local municipalities to allocate the hay that's in that particular area. It may be possible, Mr. Speaker, that my colleague, the Minister of Natural Resources, has something further to add on this particular subject.

MR. McKENZIE: I ask, Mr. Speaker, another question of the Honourable Minister. I wonder if the Minister could advise the House if it's the intent of himself or the government to turn over the distribution and the allocation and the management of the hay crop to the municipalities and the reeves and the councillors for the distribution amongst the farmers.

MR. DOWNEY: Mr. Speaker, I understand that was the system that was used some years ago, I believe in 1961. I strongly believe that local people, the local elected officials, can best distribute and handle those kinds of situations and it would be my intent at this particular time that we work closely with them and have them very much a part of the allocation and the distribution of hay in those particular areas that are now available for the agricultural community.

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

MR. McKENZIE: Mr. Speaker, yes, in response to several inquiries today, I wonder can the Minister advise the House is it possible for farmers to go into the Duck Mountain Provincial Park and cut some of the meadows that are located in that area?

MR. DOWNEY: Mr. Speaker, where there aren't leases being held by individuals or if it is open Crown land that is available or it has hay growing on it, let me assure the honourable member that kind of hay or that kind of a situation is available or will be available and, hopefully, the same kind of allocation system could be worked out in those particular areas.

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

MR. SAM USKIW: Mr. Speaker, I would like to further ask the Minister of Agriculture whether or not he doesn't consider it reasonable to have the Standing Committee on Agriculture meet and to evaluate the drought situation and to deal specifically with the question of the economics of the purchasing and transportation of hay that is now under way, and whether or not that particular program is going to meet the needs of our beef industry and our dairy industry for the coming year; and secondly, to evaluate whether or not there is a need for some

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intervention with respect to the debt load of our producers and whether or not we should be entertaining at least, some umbrella legislation with respect to debt moratorium should the need arise.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, the calling of the Agriculture Committee on agriculture to deal with the specifics of economics of moving hay in over large distances to feed beef cattle has already been demonstrated to me by the livestock producers of this province, that when you get into the costs of freight being greater than that of the actual cost of the hay, then it does put the farm community within severe restrictions. We have been dealing with that on an ongoing basis and are dealing with it, Mr. Speaker.

As far as the calling of a special committee is concerned, I would certainly think that consideration be given to that. The process could take longer than what the farm community could withstand, and I think the actions that we have taken and are planning to take in the near future will be more helpful to the agriculture community. For the longer term, as far as the posting of moratoriums on debt — the financial situations on a larger scale will be dealt with in the coming weeks. I think that the majority of the farm communities that I am associated with, the major commitment that they have to meet their debts or their capital debt load, comes later on in the year, probably towards the fall season when crop insurance payments will be flowing into the farm community, and we have a little more time to deal with the longer term, the larger debt situation of the farm community. The immediate ones of course are programs such as the Leader of the Opposition has suggested, and we have mentioned in some of our earlier statements that The Municipal Loan Act is available and is part of what we are looking at to assist the farm community in immediate terms.

MR. USKIW: Mr. Speaker, I believe that the Minister has misunderstood the question. I asked the Minister whether he is prepared to convene the Standing Committee on Agriculture, which is a committee now established by this Assembly, Mr. Speaker. It's not a matter of setting up a special committee. It exists. It's a matter of calling a meeting. If the Minister of Agriculture wants input, that is the proper procedure through which input can be made from members on this side to assist the Minister with respect to this problem. But certainly, Mr. Speaker, that committee can be a forum through which public representation can be made to satisfy the reasonable and just aspirations of those people who are caught in this dilemma.

MR. DOWNEY: Mr. Speaker, as I have indicated, there have been a lot of programs introduced and we are assessing and ready to announce some more as soon as some of the administrative details can be worked out. If the decision of the Drought Committee of Cabinet, which is chaired by the Premier of this province, if that is felt necessary by the Drought Committee then I'm sure we would proceed on that

basis. However, let me assure the member that it's action that the farm community wants. They have been getting some support. We are continuing to assess and introduce programs as we see necessary to alleviate the hardships or in some way alleviate the hardships that we can do at this particular time.

MR. SPEAKER: The Honourable Minister of Natural Resources.

MR. RANSOM: Mr. Speaker, further to the question raised by the Honourable Member for Roblin, I can advise the House that Ducks Unlimited have been directed to operate their control structures in such a way as to reduce the water level in the Saskeram area to 850.8 feet.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. JUNE WESTBURY: Thank you, Mr. Speaker. I have a question for the Minister of Natural Resources. Since I was unable, under the rules of the House, to make a statement earlier, I would put a question to him, and wonder if he would accept the suggestion, my urgent urging, that the government do make a personal visit to Washington to ensure — this is the question; if he would accept the suggestion is the question, Mr. Speaker, to whoever wasn't listening at the beginning — that his government make a visit to Washington in order to adequately and thoroughly represent the views of the people of Manitoba in this, perhaps one of the most vital matters that has come before this Assembly this session, Mr. Speaker. I would appreciate it if the Minister would assure the House that this is under serious consideration. I read, of course, his press release, including the last clause, but I would appreciate his assuring the House that it is under active consideration and as wide a representation as possible in order to have the utmost impact on the people in Washington.

MR. SPEAKER: The Honourable Minister of Natural Resources.

MR. RANSOM: Mr. Speaker, the Garrison issue is, of course, one that is of deep concern to the government and to all political parties and, I think, to all people in Manitoba. That we take for granted. How we attempt to deal with that situation is something that we evidently differ on because the Honourable Member for Fort Rouge is suggesting that it would be advisable for a member of the government to go down and stand around the halls of Congress, cap in hand, attempting to make her case to the United States congressman and senators.

Mr. Speaker, I don't think that approach would be constructive; I don't think that it would pay a positive part. I don't think that kind of approach would be approved of or recommended by the federal government, and I hear a great deal of comment coming from honourable members opposite as they respond from their seats, Mr. Speaker, concerning the representation that was made two weeks ago by the Premier directly to congressmen and to senators. That happened to be done, Mr. Speaker, with the

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approval of the federal government. That was an approach that they recommended that we follow and we must; I think, this government thinks, that we should be following those avenues of communication with the United States that our federal government approves of. We have placed a great deal of reliance on the initiatives and the support of the federal government in this situation, Mr. Speaker, and if the Honourable Member for Fort Rouge is suggesting that we depart from that course of action, I must say that I cannot accept her recommendation.

MRS. WESTBURY: Mr. Speaker, he didn't hear any criticism from me regarding the action of the First Minister a couple of weeks ago. I approve of that action. I would like to ask the Minister if he would not agree that any action that would be effective should be taken, even if it requires some humility on our part, and whether he would agree to go with representatives of the federal government, if they asked that we should do so, that we being Manitoba, the government of Manitoba, should send representations. I am not, Mr. Speaker — surely it is obvious — expecting, as one of the honourable members of the government suggested from his seat, seeking a trip. If I go, I would pay my own way, Mr. Speaker. Would they?

MR. RANSOM: Mr. Speaker, I think that perhaps the key to the question that the honourable member was asking was should not everything that is effective, that might be effective, should not all those actions be taken. I agree, Mr. Speaker, that those actions that are effective are the ones that should be taken, and we have been taking a series of actions ever since assuming responsibility for government in October of 1977. There will probably be other initiatives that we will be able to take with respect to this problem, but simply going as a representative of government to make a representation is not likely to be effective under the circumstances.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID BLAKE: Thank you, Mr. Speaker. I just want to direct a question to the Minister of Agriculture for clarification of the House. The drought conditions that prevail don't seem to be provincially restricted to the province of Manitoba. I wonder if he can inform the House what response he has had from the federal Agricultural Department in providing some assistance and relief to the drought-stricken areas of the prairie provinces, not Manitoba alone.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, several weeks ago, I communicated with the federal Minister of Agriculture requesting federal assistance to help us with the problems that were being incurred by the agricultural community. Let me say, Mr. Speaker, in certain areas, particularly in those developing water programs under the Regional Economic Expansion Minister, we had some fairly reasonable responses. We have very little response, in a direct way, from the Federal Minister of Agriculture, Mr. Speaker.

However, we did hear the announcement last weekend by Senator Argue that they were going to put some 7 million or help cost-share to the tune of 7 million to the provinces of Saskatchewan and Manitoba, to help us pay for the programs that we have already introduced.

Let me say, Mr. Speaker, the magnitude of the problem that we are facing, and in light of the importance of agriculture to not only western Canada but all of Canada, I think it is imperative that the federal government have to be prepared to put a lot more money in to assist the province of Manitoba and the province of Saskatchewan, to help us in times of need.

Let me assure you, Mr. Speaker, when you compare it to the money they put into the tire factories in Nova Scotia and the Chrysler Corporation of this country, the importance of the agricultural community, Mr. Speaker, let me say, is worth a lot more than that when it comes to the job creation and the total economic benefits that we have derived from agriculture.

Let me say, Mr. Speaker, I think it is imperative that they cost-share and help us in every program that we introduce in this province.

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

MR. A.R. (Pete) ADAM: Thank you, Mr. Speaker. I have a question to the Minister of Agriculture, who has been assessing the drought situation for three months but doing very little about it. The day before yesterday, Mr. Speaker, I posed a question to the Minister in regard to the availability of pumps and I was assured the day before yesterday that there were pumps available. I transmitted this information to farmers who are requesting pumps at the present time, to find that there were done. I ask the Minister if he could advise me today where those pumps are, because he indicated that if there were none that they would be purchased, Mr. Speaker. Farmers are not being able to find the pumps that they require. They were assured by the First Minister as far back as a month ago that they would be available for irrigating Crown lands and they are not available. I ask the Minister if he could advise me where we can get those pumps.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, let me assure the honourable member that, in introducing the programs, we were assured that there were pumps available. Those pumps are now out pumping water from water sources to supply the needs of the agricultural community. A recent move made by the Department of Agriculture and the government to remove any dugout filling charges for the farm community were announced last Friday. There has been a response to that particular announcement, plus the fact, Mr. Speaker, I have information that there is a very short waiting time for the pumps available, and I can also assure the honourable member, if more pumps are required, the department has been instructed to purchase those

pumps and make them available to the agricultural community.

Again, Mr. Speaker, if the member has a specific case that he is referring to, I would appreciate that direct communication to my office.

MR. ADAM: Yes, thank you. A supplementary to the Minister. The day before yesterday, in answer to another question I posed to the Minister, he indicated that they were assessing and reviewing the possibility of opening wildlife areas. Now, he has been assessing that for at least two months, and I am wondering now if he can give us an answer, if he is going to stop assessing and do something about that to provide space to move cattle into. Whether we have to hire cowboys or riders to follow those cattle or fencing, I ask the Minister if he is prepared to do that, or he still wants to review for another two months?

MR. DOWNEY: Mr. Speaker, I again want to reiterate what I have said. The wildlife management areas are available to those farmers who have identified the need for them; Crown lands, if the farmers want to use them, they are available. The procedure through the department takes no time at all. We've sped up whatever it takes to approve any particular pieces of land. Again, I have invited the member to bring any specific case to my attention. There is action. The decision has been made to use them. They are available and are being put into use at this particular time.

Again, I invite the member, if he has a specific case, to bring it to my attention, but he has been unable to do that, Mr. Speaker. But I want to assure the farm community that we, as a department and a government, have been doing everything possible to alleviate the difficulties to the best of our ability, Mr. Speaker, and I know that the Member for Gladstone, some time ago, suggested that a two inch rain would alleviate a lot of the problems. That is, Mr. Speaker, very much the case, and we haven't received that rain and we are continuing to make pasture lands available, to put programs in place to move hay into the province, and will be continuing to expand those programs on an ongoing basis.

MR. ADAM: I direct a question to the Minister of Resources, and ask him, on a point of clarification, when he mentioned the level of the water in The Pas area, can he advise the House how much the level was reduced from what it was, rather than give us the level above sea level?

MR. SPEAKER: The Honourable Minister of Natural Resources.

MR. RANSOM: Mr. Speaker, it hasn't yet been reduced from what it was, because the order has just been made now to reduce the level to 850.8. If the honourable member is asking how much of a reduction in the level will that bring about, it would be approximately a foot.

MR. SPEAKER: The Honourable Attorney-General.

HON. GERALD W. J. MERCIER (Osborne): Mr. Speaker, on Monday the Member for Fort Rouge

queried why a Justice of the Peace is on call continually at night and on week-ends for adults who are charged but no such Justice of the Peace is on call for juveniles, and it is the responsibility of the lawyer representing the juvenile to try to contact a judge. Mr. Speaker, I am advised by my department and the senior Crown Attorney at Juvenile Court that the Juvenile Delinquents Act basically provides that where a child is arrested, such child shall, instead of being taken before a Justice, be taken before the Juvenile Court.

Mr. Speaker, there are three limited jurisdiction magistrates who have authority to deal with applications for release for juveniles, and are on call 24 hours a day every day. In addition, the senior Family Court Judge is always on call, or alternately designates two judges to be on call.

In addition, he holds hearings on Sundays at the Youth Centre, which is something that does not take place in adult court.

Mr. Speaker, the Member for Brandon East also asked a question with respect to Jordan's Winery and whether the winery obtained special considerations from the Liquor Commission. Mr. Speaker, I can advise that 50 percent of the 180 Commission's domestic wine listings are made up from the two winery products located in Manitoba, which cover virtually every product manufactured by the winery, as listed with the Liquor Control Commission. I can tell him, Mr. Speaker, that the officers of the winery in question have advised Liquor Commission officials that they believe there was excellent co-operation between themselves and the Liquor Control Commission.

MR. SPEAKER: The Honourable Member for Churchill.

MR. JAY COWAN: Thank you, Mr. Speaker. I direct my question to the Minister responsible for providing lifeguards throughout the province, and I would ask the Minister if he has provided, this year, lifeguards for the Lynn Lake area, the beach that is in Lynn Lake, so that the persons using that beach may do so in relative safety. I know he's been approached on numerous occasions, and would ask if he has had opportunity now to find funding in order to make certain that beach is one of the safer beaches in the province?

MR. SPEAKER: The Honourable Minister of Natural Resources.

MR. RANSOM: I'm not sure, Mr. Speaker, whether the honourable member is referring to me or not, whether he's referring to a situation within a provincial park or a provincial recreation area. I have not had, to my knowledge, that situation or any request respecting that area brought to my attention.

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 Minister of Economic Development. Inasmuch as the Statistics Canada has today reported a drop in the gross national product in the first quarter of this

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year, can the Minister advise whether his department, or has the government any information on what has occurred in terms of gross provincial product in the first quarter of this year, 1980?

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. J. FRANK JOHNSTON (Sturgeon Creek): I'm sure we have, Mr. Speaker. I'll take it as notice and get back to the member.

MR. EVANS: Thank you, Mr. Speaker. I appreciate the fact that the Minister will take it as notice. I wonder if the Minister would also have his staff, whether he would be prepared to have his staff analyze the data and the general economic situation in Manitoba, and recommend to the Cabinet any necessary counter-cyclical action to offset a possible pending economic recession.

MR. JOHNSTON: We will analyze it, Mr. Speaker, as we do all the figures that come from Stats. Canada. As a matter of fact, that's the reason why we have had very good progress in the manufacturing industry, Mr. Speaker, because we do analyze it and try to solve the problems. There will be recommendations made if, after analyzing them, we recognize that there should be a problem solved a certain way.

MR. EVANS: Well, for clarification then, Mr. Speaker, is the Minister telling the House categorically that the government of Manitoba, if the circumstances should warrant, if the data shows a lagging and a dropping situation in the level of economic activity in Manitoba, a pending recession in Manitoba, is the Minister telling us that his government is prepared to take positive definite counter-cyclical action to offset any pending recession that may hit the province of Manitoba?

MR. JOHNSTON: Mr. Speaker, I clearly said to the member, but he always comes back with the same question or an assumption of some kind, but I clearly said to the member that we would analyse it and make recommendations, and I am sure the Minister of Finance will be doing the same thing.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, my question is to the Minister of Education. Can the Minister of Education confirm the advice which he rendered to the eastern district meeting of the Union of Manitoba Municipalities yesterday to the effect that school divisions may, if they so desire, bill directly the ratepayers for education costs, rather than channeling it through the municipality?

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH COSENS (Gimli): Mr. Speaker, the honourable member misquotes me. Someone in the audience suggested or asked if this was a possibility; I said, of course it is a possibility, nothing more, Mr. Speaker.

MR. PAWLEY: Mr. Speaker, then I would ask the Minister of Education if he has received legal advice as to whether or not it is a possibility on the basis of the present Act?

MR. COSENS: Mr. Speaker, I wasn't speaking on the basis of the present Act at all, I was merely speaking on the basis of talking about something that is a possibility, that possibly could take place, that is all.

MR. PAWLEY: Mr. Speaker, in view of the fact that the Minister led his questioner to believe that it was a possibility, can the Minister indicate whether or not it is his intention to introduce legislation this Session in order to permit for the intent of the question which was directed to him at the convention?

MR. COSENS: Not at this time, Mr. Speaker, it is not my intention.

MR. SPEAKER: The Honourable Member for Transcona.

MR. WILSON PARASIUK: Thank you, Mr. Speaker. My question is directed to the Minister of Agriculture. Will the government bring in debt moratorium legislation right now to be considered and passed by this Legislature, to be given Royal Assent and proclaimed as required in the fall, so that we can avoid the necessity of calling back the Legislature in August or September to give the government the proper instrument to deal with the whole problem of farm debt foreclosures?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: The short answer, Mr. Speaker, is no.

MR. PARASIUK: Would the Minister reconsider that position in view of the fact that the drought situation is worsening and in view of the fact that there have been reports indicating that the farm and rural community is collapsing somewhat badly? Would the Minister please reconsider that decision to provide for contingency plans in the event that the drought continues and is worse, or is he just going to sit there and do nothing?

MR. DOWNEY: Mr. Speaker, the short answer to that is yes.

MR. SPEAKER: The Honourable Member for The Pas.

MR. RONALD McBRYPDE: Mr. Speaker, I would like to direct a question to the Minister who reports to the House for the Manitoba Telephone System, and I would like to get from him some clarification in terms of the Manitoba Telephone System's policy and program in assisting with Cable TV linkage in northern Manitoba. During the Legislative Committee hearings, Mr. Speaker, Mr. Holland indicated that the reason that MTS was providing cable linkage in northern Manitoba was because they had a contract with Norlite, and Mr. Backhouse, in his interview, says that they are moving into northern Manitoba

because they want to beat out those people that would just be rebroadcasting dish-antenna received signals, and I wonder if the Minister could stand up and indicate the real reason for their extension into northern Manitoba in this field.

MR. SPEAKER: The Honourable Minister of Government Services.

HON. HARRY ENNS (Lakeside): Mr. Speaker, I believe Mr. Holland, the General Manager of MTS, indicated fairly clearly at the time the Telephones was under review by the Public Utilities Committee that they would be certainly adhering to any certification or allocation of programming rights by the successful applicant and abide by the ruling that the CRTC Commission in Ottawa would make. I believe he also indicated that at the present time there was one application for such delivery of service before CRTC. I am not familiar with whether or not there have been additional applications made since that hearing. That is all that MTS is involved with in northern Manitoba in preparation to be able to serve a successful applicant for this kind of cablevision service.

MR. McBRYDE: Mr. Speaker, I wonder if the Minister could indicate to us, even though the fact that people appreciate having an on-the-air signal at this time, whether or not the system that the MTS is involved in is legal. Is it operating within CRTC regulations or are they broadcasting illegally? Is the Minister using this MTS vehicle to stage a public protest about CRTC regulations, as the Minister of Communications in British Columbia by receiving and broadcasting a signal at the Legislative Buildings there?

MR. ENNS: Mr. Speaker, I am looking forward to a meeting of Communications Ministers, and my first opportunity of meeting Mr. Fox, the Federal Minister responsible for Communications, on a matter that has caused problems between the provincial jurisdictions and Ottawa. Technically, I suppose the provision of signal to northern communities is not legal inasmuch that CRTC has not provided and granted an actual licence. However, we have given every indication to CRTC that we would abide by whatever ruling they make and I believe that, within that spirit and our indication to live by the spirit of the law, that certainly does not make it an intended illegal act.

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

MR. McBRYDE: Mr. Speaker, for further clarification, I wonder if the Minister could indicate which is correct: Mr. Holland indicated before committee that MTS would not be directly involved in taking sides before the CRTC; Mr. Backhouse in his interview of June 5th is indicating that they are strongly taking sides with one company against the others when he criticized them for broadcasting illegally, when he says they have not yet made application, only have their Letter of Intent to make application before the committee. I wonder if the Minister could indicate whether MTS will be taking

an active role in the CRTC hearings or whether they will be letting the companies fight it out themselves, or whether the MTS, in fact, have to take an active role because they have invested over 1 million of the people's money in that operation and, if the company doesn't get approval, the people of Manitoba will be out a million dollars.

MR. ENNS: Mr. Speaker, I obviously can't accept the many assumptions that the Honourable Member for The Pas makes. The question of the people of Manitoba being out of money, one would assume — and that is an assumption, I think, that he and I could both make — that one thing that we can assume is that the people of northern Manitoba want some additional TV viewing opportunities, so that whatever company successfully is licensed by CRTC will require the equipment, the same installation of the equipment at public cost that is currently under way.

On the other question, Mr. Speaker, let me assure the honourable members that the Manitoba Telephone System does not deal at any time directly with the federal regulatory body, CRTC. Any representations made on or behalf of the company, MTS, are made through the offices of the Associate Deputy Minister of Communications, Mr. Smith, who works with the Minister of Corporate and Consumer Affairs. In this instance, when it involves telephone systems, he also works very closely with my own officers.

MR. SPEAKER: Order please. The time for question period having expired, the Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, would you call Second Readings as they appear on Pages 4 and 5 of the Order Paper.

SECOND READING — GOVERNMENT BILLS

BILL No. 32 — AN ACT TO AMEND THE REAL ESTATE BROKERS ACT

MR. SPEAKER: Second Reading of Bill No. 32 — an Act to amend The Real Estate Brokers Act. The Honourable Minister of Consumer and Corporate Affairs.

MR. JORGENSEN presented Bill No. 32, an Act to amend The Real Estate Brokers Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs.

MR. JORGENSEN: Mr. Speaker, the changes proposed in this bill fall into three basic categories. First, there are provisions designed to narrow the application of certain definitions now in use in the Act. Secondly, a portion of the Act simply parallels an existing requirement regarding notification of termination of employment, but in this case it makes it applicable to the termination of employment of an authorized official and requires that the reason for

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the termination be given. Thirdly, the maximum penalties under the Act are being doubled, and the minimum penalty is being set at 100.00 in all cases. At present, the minimum penalty is 50.00 on the first offence and 100.00 on a subsequent offence, and minimum will now be 100.00 for any offence.

If I may just elaborate a bit on those provisions, Mr. Speaker. With regard to the first one, one reason for our move to narrow certain definitions, is that in the last three years, we have seen an increase in the number of national brokerage firms, that is, firms which have offices all across the country. One of the definitions to be narrowed at present simply refers to branch managers. We feel that it is now prudent to make it clear that we are only talking about branch managers in the province of Manitoba.

Another change in definition makes it clear that only an individual can be licensed as a salesman. A salesman is an employee of a broker and therefore a corporation cannot be an employee. Nevertheless, from time to time, some salesmen have tried to devise ways of incorporating themselves, and I presume for tax reasons. As we say, this is legally impossible. This amendment does not actually make any change, we just feel that it will be simpler for all concerned if the position was made clear in the Act.

Our law presently requires that we be informed of any change of the address of a partner or officials of the partnership, and of every director or official of the company. This is too broad a requirement. It is being pruned down so that it extends only to partners and authorized officials of a partnership and to authorized officials of a company. I might say that the practical difference between an official and an authorized official is that any official of a company can be registered to take part in the company's real estate business, and the authorized officials are those who have in fact been so registered. Since they are the only ones active in the business, they are the only ones we are interested in.

The Act has long required that when a salesman's employment is terminated, the required notice to the registrar of that termination must specify the reason for it. One of the amendments proposed in this bill would require the same information, where the services of an authorized official had been terminated, so that if he has been fired because of some impropriety, which might be of prejudicial consequences to the public, the registrar, under the Act, will be alerted to that fact.

There is a practical reason, too, for proposing the doubling of the fines under the Act. As a result of the declining value of our money over the years, the existing maximums now specified in the Act are substantially less than the average commission. Thus, if a broker commits a breach of the Act and receives a commission improperly, it is not possible for the judge, should he so desire, to levy a fine against the broker commensurate with the commission the broker has received. In one recent case, a judge relied upon this fact as evidence, that the Legislature did not intend that fines should be assessed at that basis, and wound up by imposing only a 50.00 fine. It seems that to be realistic, we shall have to increase the potential penalties considerably, and that is one of the proposals that is being made in this particular bill.

I commend it, Mr. Speaker, to the consideration of the House.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker. I beg to move, seconded by the Honourable Member for Flin Flon, that debate be adjourned.

MOTION presented and carried.

**BILL NO. 61
AN ACT TO AMEND THE DAIRY ACT**

MR. SPEAKER: Bill No. 61, An Act to amend The Dairy Act — the Honourable Minister of Agriculture.

MR. DOWNEY presented Bill No. 61, An Act to amend The Dairy Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, in introducing this bill, I would like to say that the changes that have occurred over the past years in the dairy industry have made it necessary to amend The Dairy Act to bring it up to date with a number of mostly housekeeping changes.

In the past, the dairy industry was regulated by a number of Acts, notably The Public Health Act, The Municipal Act, and The Dairy Act. The proposed amendments will consolidate all of the regulatory functions from these various Acts under the amended Dairy Act. This will give the Manitoba Department of Agriculture both the responsibility and the authority to administer all of the regulations pertaining to the dairy industry.

In order to accomplish this consolidation, and to improve the Act and regulations to assure consumers have an abundant supply of high-quality milk at all times, the proposed amendments improve and update the various definitions pertaining to the modern dairy industry: The role of the director of the Animal Industry Branch as it pertains to the administration of the Act is clarified. Aggrieved persons can appeal decisions or actions of the director. All dairy products sold in sealed containers will now have to carry on the label a statement of the percentage of butter fat or other milk components designated by the Lieutenant-Government-in-Council as a protection for the consumers. The section in the Act dealing with dairy substitutes remains intact, and is strengthened to include all known dairy products. Adulterated milk has been more clearly defined, and this will assist both the farmers and the processors to more adequately deal with this issue, again, for the benefit of the consuming public.

Both dairy producers and processors are aware of the changes proposed, and I believe are in agreement with them.

Mr. Speaker, I recommend the proposed amendments to the House, and would ask members opposite to give this bill their consideration and

support to assure that the standards of the dairy industry in Manitoba remain high. Thank you.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Burrows, that debate be adjourned.

MOTION presented and carried.

**BILL NO. 73 — AN ACT TO AMEND
THE CIVIL SERVICE SUPERANNUATION
ACT**

MR. SPEAKER: Bill No. 73, an Act to amend The Civil Service Superannuation Act — the Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson) presented Bill No. 73, an Act to amend The Civil Service Superannuation Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: Mr. Speaker, the amendments in this bill fall into four categories; those which are housekeeping in nature; those which clarify existing sections of the act; and those which extend the time limits for applying to contribute while on education leave; and those which allow persons receiving Workmen's Compensation to contribute to the pension plan.

An amendment to sub-section 2(3) allows the government to classify or designate employees of an agency of the government as being employees under the Civil Service Superannuation Act retroactively to a maximum of one year. This will ensure that existing employees who are transferred to new boards or commissions without the superannuation board being immediately notified, will have the continuity of their pensionable service assured from the date the agency commences operation.

An amendment to sub-section 5 gives the board the right to settle administrative matters not specifically covered by legislation. This amendment was recommended by legal counsel to grant the board the ability to negotiate suitable arrangements for settlement of claims where, for example, an error in calculation has been made.

Amendments to sub-section 6(3) and 6(4) add the Manitoba Research Council to the list of employers under the act, and allows civil servants who are elected to office in an national union of provincial government employees to continue to contribute to the civil service pension plan while on leave of absence.

A number of new subsections have been added to section 21, in order to extend the time limits during which an employee may elect to contribute to the civil service pension plan while on education leave. At present, Mr. Speaker, an employee must apply within two months of going on leave. Recognizing that most employees on education leave are on

reduced income, we propose to make it possible for such employees to apply within 18 months after returning from education leave.

A number of subsections have also been added to section 37 of the act to allow employees receiving Workers Compensation to continue to contribute to the civil service pension plan while on compensation and to receive credit for pensionable service for the time spent on compensation.

Another series of amendments are concerned with the employees who die before they have ten years service and retired employees who die before their equity in the fund, that is, their total contribution plus interest, has been used up. In such cases the board is presently authorized to pay to the estate or to the spouse of the deceased, not more than 2,500 without probate of the will or letter of administration. It is proposed to increase this amount up to 10,000, provided that the value of the deceased equity itself does not exceed 10,000, and provided that the board is satisfied no one other than the deceased spouse will benefit from the payment. This provision has not been amended since 1976 and the revised amount is considered to be more appropriate to present day costs.

Amendments are also proposed which will allow the civil service superannuation board to enter into standard reciprocal agreements without the necessity of order-in-council. A standard reciprocal agreement is defined as one in which not more than twice the employees contributions plus interest are involved in the transfer of the funds. Any agreements which do not meet this requirement will still require an order-in-council. The board presently has 15 reciprocal agreements with employers in Manitoba and across Canada.

We have also found it necessary to add an amendment to protect the pension benefits of persons who have credits in more than one public sector pension plan. The proposed amendment will ensure that if such a person leaves employment in Manitoba and goes to a reciprocating employer elsewhere in Canada, funds to his or her credit in all plans will be forwarded to his or her new pension plan. A similar amendment will be introduced into The Teacher's Pension Act to complement this amendment.

Finally, Mr. Speaker, an amendment is included to extend for a further year the payment of 3 percent interest on pension contributions refunded to employees who terminate and withdraw their contributions. The recommendation for the continuance of this payment comes from the employees' liaison committee, as it is the employees contributions which pay the interest on any refund where an employee has resigned. The point to be emphasized, Mr. Speaker, here, is that a pension plan is not necessarily a savings plan, nor is it intended to be, and there is no obligation to pay any interest whatsoever when an employee resigns and takes his money out of the plan.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker. I beg to move, seconded by the Honourable Member for Kildonan, that debate be adjourned.

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MOTION presented and carried.

**BILL NO. 76 — AN ACT TO AMEND
THE CONSUMER PROTECTION ACT**

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs.

MR. JORGENSEN presented Bill No. 76, An Act to amend The Consumer Protection Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

MR. JORGENSEN: Mr. Speaker, the bill has several provisions in it. The first one is dealing with the question of upper limits on the value of commodities that can be dealt with by the Consumers Bureau. When the act was originally passed in 1971, that upper limit was placed at 7,500.00. It has now been increased to 25,000 for several reasons. The majority of the complaints that are dealt with by the Consumers Bureau deal with automobiles and automotive parts, and since the price of automobiles has risen considerably in the last few years, it is intended that it should be able to cover the price of all automobiles. In addition to that, there has been a tremendous upsurge in the sale of recreational vehicles, caravan homes and prefabricated moveable cottages, and it is intended that these items also be covered under The Consumers Protection Act. In order to do so, it would be necessary to raise the upper limits that are presently contained in the act, and that is the purpose of that particular provision. In addition, the definition of cash price is broadened to include the amount of the sales tax.

At the present time — the second provision, Mr. Speaker — the Consumers Bureau have been actively engaged in mediating disputes between buyers and sellers and lenders and borrowers. That has proven to be a very successful method of resolving disputes, and since there is no statutory provision contained in the Act to enable the bureau to deal in that particular fashion, we thought it would be advisable to provide a provision of the Act so that Consumer Bureau officers will be able to carry on the process of mediation.

The third provision is: The content of the notice of right of cancellation required to be given by a direct selling vendor to a purchaser, is very rigid, and we're suggesting that this rigidity be eased somewhat by permitting the director to authorize alternate wording, provided the buyer is given a clear understanding of his right of cancellation.

Another provision is a new one, Mr. Speaker. Honourable members opposite have been drawing to my attention from time to time, the number of consumer complaints that have existed with respect to item pricing under the use of the universal product code. The provision that is contained in the legislation is to enable the Lieutenant-Governor-in-Council, through resolution, to be able to deal with this particular matter by regulation. The establishment of item pricing would be a somewhat complicated procedure in order to ensure that it

would not apply to goods that do not necessarily come under their universal product code, or goods that are currently being priced in a different manner. We would not want to impose a hardship on present operators who have not, and do not intend to use the universal product code, so it would be far better to be able to deal with this particular matter by regulation rather than by a provision contained firmly in the act.

I might also add, Sir, that since there are only three such stores operating in the city of Winnipeg at the present time, there is still considerable option provided for customers if they are unhappy or dissatisfied with item pricing as in the stores that do have the scanning equipment. But I suppose that ultimately, it will be the intention of major supermarkets to extend the universal product code and scanning to their operations. We'd like to be in a position to be able to deal with that matter if the occasion does arise.

I would hope, Mr. Speaker, that the supermarkets, those who will be using the universal product code, will be able to successfully deal with this consumer complaint, that I'm sure honourable members opposite received, and I know that I have received, in such a way that it may not even be necessary to implement this particular provision. Discussions that I have had seem to indicate that there is a desire on the part of those who are currently using it to meet the particular objection. I hope that can be successfully done.

In any case, Sir, before a regulation would be introduced, it would be my intention to ensure that full consultation will be held with the consumer groups as well as the retailers to ensure that if a provision was introduced, that it would be one that would meet with the approval of both consumers and the retailers.

Mr. Speaker, the remainder of the provisions of the Act are mainly clarification and updating, and I recommend the bill to the House.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker. I beg to move, seconded by the Honourable Member for Burrows, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, on adjourned debates on second reading, could you call them in this order, 38, 42, 50, 49, 70, and then all those that I haven't referred to.

**ADJOURNED DEBATES ON SECOND
READING**

**BILL NO. 38 — AN ACT TO AMEND
THE HIGHWAY TRAFFIC ACT**

MR. SPEAKER: The Honourable Member for Logan.

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MR. JENKINS: Thank you, Mr. Speaker. In the main, Mr. Speaker, we find no great objections to this act. There are two or three sections in the act that we do have some objection to, or want some clarification on. I'm glad that the Minister is here and I hope that he will take note. I know, Mr. Speaker, that I can't deal with the items by clause, but there is a section in the bill dealing with hauling of vehicles, and I just wonder why the hauling of a vehicle on one set of wheels — it states that rear wheels only will be allowed to be used on the vehicle that is being towed, or towed in that position. Due to the fact that some of the vehicles we have nowadays are front wheel drive, and others, I wonder why it should be just only rear wheels, and if the Minister has an explanation to that. Perhaps when he is closing debate he could elucidate to the House.

The Minister, when he was introducing this bill the other day, stated that they had had a lot of trouble with registration of used vehicles, especially the vehicles that were sold privately from one person to another, and while I agree that is a problem, what the Minister has done, instead of taking a flyswatter to kill a fly, he has taken a sledge hammer. What he has done is now put the total onus for the registration of a vehicle and its safety and road worthiness, now will totally be upon the purchaser of that vehicle. I would suggest to the Minister that, while that loophole that he suggested was there, it has now become a case of "buyer beware" when you are buying a used vehicle.

There also is non-application of this section, and one in particular that I suggest to the Minister that he take a look at. There is exemptions for vehicles of a current vintage year that will not require this certificate of road worthiness. Vehicles can have accidents of a current year, can be involved in highway accidents, and can be subsequently resold, so I think that the Minister and his officials should maybe take a look at that section and that maybe that portion should be the three months prior from the date of sale, or something, because a vehicle can be bought in January, be it in an accident in March, and subsequently sold in September, and if it's of a current vintage year, the chassis of the vehicle could be damaged and making it not roadworthy. So I suggest that the Minister, when we get to committee, that we would be asking questions on that. There are a couple of others that we will be asking in committee on a couple of further sections.

I might say to the Minister that we are proposing to maybe bring in an amendment to deal with the certification of vehicles as to roadworthiness. As I said before, I realize that there was a weakness in the Act in the way it has been set out, but I think, as I said before, for the Minister to now take the onus off of people who are in the trade of selling used vehicles and not, as the present Act says, that they shall issue a certificate of roadworthiness to the purchaser, it now becomes the responsibility of the purchaser and I think —(Interjection)— Buyer beware.

He could have made the amendments to the Act and not bring it to the point that, as I say, if you try to kill a fly with a sledgehammer instead of a fly swatter.

With those few remarks, Mr. Speaker, we are prepared to see the bill go to committee.

MR. SPEAKER: The Honourable Minister of Highways will be closing debate.

The Honourable Minister of Highways.

HON. DON ORCHARD (Pembina): Mr. Speaker, I appreciate the comments made by the Member for Logan. In reference to some of his concerns, I might be able to alleviate some of them now. The reference to the rear wheels, in terms of the amendment that was made, that amendment, Mr. Speaker, is aimed at one class of vehicle only, that being the highway transport units, the highway tractor semi-trailer combinations. They are the only vehicles which can comply with that kind of length of 23 metres. The current series of vehicles to which he made reference, which are primarily front-wheel drives, I think he will find by and large are half-ton truck — some of them newer half-ton — truck models, and that legislation is designed specifically for the trucking industry per se.

In terms of his comments, and I appreciate them, on the change that we are proposing for the vehicle safety inspection certificates, if memory serves me correct, Mr. Speaker, not only does the current Act indicate that used vehicles should be sold with a safety certificate or, Mr. Speaker — and here's where the problem was — a list of work that has to be done to bring a vehicle up to the safety certificate. In other words, the present Act indicated that you could sell a used vehicle with one of two things, either the safety inspection certificate saying it was all right, or a report to the buyer saying what was wrong, leaving the onus on him to have it fixed. Mr. Speaker, unfortunately in a lot of cases, those repairs were not completed and the ability of a person, as I used in my example in introducing the bill, the purchaser then turning around and selling the car to his wife so it became a private sale, could circumvent the requirement in the Act right now, and that was a problem, Mr. Speaker.

We believe that this is the only effective way of coming at the proposition of having the sale of vehicles which are not in safe condition; we believe this is the only direct way to come about solving the problem of unsafe vehicles being sold and put on the road.

Mr. Speaker, this in no way, I believe, and I have had discussions with the Manitoba Motor Dealers Association, this in no way, Mr. Speaker, will lessen their provision, as they have by and large to date provided in used cars a safety certificate saying that the vehicle is in fact safe, that certain repairs are done. It will not stop the provision by the reputable dealer who is in the used car business on a long-term approach. It won't stop him from providing that safety certificate. What it will do, Mr. Speaker, we believe, is alert the buying public that if someone who is prepared to sell him a vehicle is not also prepared to undertake the repair work and provide a safety certificate for that vehicle, then, Mr. Speaker, we believe that the customer, the potential customer should then take a second look at that vehicle and, in fact, do some serious questioning of the seller as to why he will not or cannot provide the required safety certificate. We think that this is affirmative action, shall we say, in protecting the car-buying public.

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Mr. Speaker, we know that almost 10 percent of the accidents today on our roads are caused by unsafe vehicles; some 8 to 10 percent of the accidents are attributed to unsafe vehicles. We want to address that problem as directly as we can. We are not, Mr. Speaker, going to institute this program immediately. There is going to be a considerable advertising campaign undertaken by the Motor Vehicle Branch to assure the buying public, to make them aware of what the new conditions of registration of a used vehicle will be, so that there will be very very minimal incidents, Mr. Speaker, where the buyer of a used vehicle is faced with some undue costs.

In terms of the exemption to new vehicles, Mr. Speaker, the member brings up a valid point and, on initial inspection, it may well be one we have to address, but at this time the first reaction to that I have is that any new vehicle that was involved in an accident which is serious enough to cause potential problems to, let's take for instance the frame and the steering components of that vehicle, will be repaired by a licensed autobody shop under the auspices of the Manitoba Public Insurance Corporation. As an Autopac repair facility, I believe that that vehicle will not leave that Autopac shop in an unsafe condition. So that I think, Mr. Speaker, that the point is very valid, that that exemption may have caused some problems, but on first reflection on it, I believe that our Autopac bodyshop repair service will allay any fears that the Member for Logan may well have had in that regard.

I want to thank the Member for Logan for his comments. Thank you, Mr. Speaker.

QUESTION put, MOTION carried.

BILL NO. 42 — AN ACT TO AMEND THE CREDIT UNIONS AND CAISSES POPULAIRES ACT

MR. SPEAKER: Bill No. 42, An Act to amend The Credit Unions and Caisses Populaires Act.
The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker. We find no serious objection to this bill and we are prepared to have the bill go to committee at this time.

QUESTION put, MOTION carried.

BILL NO. 50 THE MANITOBA-SASKATCHEWAN BOUNDARY ACT (1980)

MR. SPEAKER: Bill No. 50, The Manitoba-Saskatchewan Boundary Act (1980).
The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker. We have no objection to this bill going to committee. I would only make one request of the House Leader, and he can pass it on to the Minister of Resources, that when we get to committee that a copy of the land survey maps, as they deal with the new proposed boundaries of Manitoba and Saskatchewan, if they would be there for the members to have a look at

With that caveat, Mr. Speaker, we are prepared to have the bill go to committee.

QUESTION put, MOTION carried

BILL NO. 49 — AN ACT TO AMEND THE OMBUDSMAN ACT

MR. SPEAKER: Bill No. 49, An Act to amend The Ombudsman Act, standing in the name of the Honourable Member for Wellington. The honourable member has 36 minutes.

MR. BRIAN CORRIN: Mr. Speaker, I have no intention but to use a very small portion of my allotted time remaining. —(Interjection)— It's of interest, Mr. Speaker, to note that there still is some vitality and vigor on the part of members opposite. We on this side had viewed the government membership as having become completely burnt out and moribund.

Mr. Speaker, this bill deals with a provision that will allow the Ombudsman of this province to sit beyond his 65th year, which is normally the statutory retirement time for all civil servants in this province. Last time this bill was before the House, I was indicating to you, Mr. Speaker, that I thought that the provision that was being made for the Ombudsman should be made for all employees. We noted that The Civil Service Superannuation Act seemed to be restrictive of employees' rights in this respect, in that it required them to retire at age 65. We felt that such a compulsion was unfair, as we believed that it was a basic human right that an individual be allowed to continue gainful and useful employment until such time as they were no longer capable of doing that.

Since I have last had the opportunity to address the Assembly, Mr. Speaker, there has been a landmark decision in the Manitoba courts that has indeed determined that such a right is fundamental and is essentially a cornerstone of our law.

Mr. Speaker, I would indicate on that basis that I have serious reservations now about whether The Civil Service Superannuation Act is within the jurisdiction of this House to enact and implement. I would, at this point, now withdraw some of my remarks pertaining to that Act and suggest that rather we should look at whether or not we have the power to continue to implement its provisions. It well may be, and I know this matter, Mr. Speaker, is before the Attorney-General's Department, that such is not the case and that the provisions of the Act which require compulsory and mandatory retirement are simply ultra vires or unconstitutional and beyond our jurisdiction to enforce.

Having said that, Mr. Speaker, I have little else to add, so I thank you for your attention and sit down.

MR. SPEAKER: The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Speaker. Well, I hate to disappoint those on the other side who greeted the Member for Wellington's announcement that he would be brief on the subject with such enthusiasm. At the time, I had indicated from my seat that I would be speaking. I'll be speaking at a little more

length to the subject, Mr. Speaker, but don't intend to drag the debate out but merely want to speak to some of the concepts within the bill, for the record, because I believe that the matter to which the Member for Wellington just addressed his remarks and that of mandatory retirement, is a matter that is worthy of our consideration at this time and it indeed is a timely matter. Therefore, I am appreciative that this bill has contained within it provision to allow those on this side, and also on the government side, to speak to that.

I would like to begin my remarks by quoting from a report of a special committee on retirement age policies, a committee which was chaired by David Krol, and the report is entitled "Retirement without Tears." It's a Senate Committee that found, Mr. Speaker, that, and I quote, "Retirement policies and the treatment of the aged are inadequate, often discriminatory, and sometimes cruel. It is intolerable that today thousands of old people, feeling useless and restricted by society, and are unnecessarily bored, ill, lonely, poor, and often living in conditions of severe privation."

Now, it should be noted that David Krol, at the time of the publication of this report, which is very recent, was 79 years old, and should know of which he spoke in the report, first-hand. Those conditions are the conditions that this particular bill is intended to spare the Ombudsman, and just as an aside, Mr. Speaker, I have to not allow myself to totally use non-sexist language in this regard and say the Ombudsperson. Although I would want to in certain aspects it just does not roll off my tongue, as does "Chairperson" or other non-sexist terminology. But I do want to make the point that it could be an ombudswoman and it could be an ombudsman, so it probably should be an ombudsperson, but that is off the entire subject and an aside, and I don't want to spend too much time with it.

These are the type of conditions, this lonely, poor, ill, bored existence is the type of existence that would be spared the ombudsman because of the provisions in this particular act.

During the Second Reading the Attorney-General stated, and I quote from his presentation: "The second principle that is dealt with in this bill, Mr. Speaker, will cover the situation where it would deem the Ombudsman, where he has reached 65 years of age, to have retired in accordance with the retirement provisions of The Civil Service Superannuation Act, and to have been re-employed in a non-contributory category. That is apparently the course followed when ordinary civil servants are continued in an position after age 65. It is also consistent, Mr. Speaker, with arrangements made by the present Ombudsman with the Civil Service Superannuation Board."

The fact is that this bill was propagating a double standard, and that is the standard by which some people will be allowed to work beyond 65 and special provisions will be made for those persons, and on the other hand there will be people who will not be allowed to work beyond 65 because of the contents of The Superannuation Act and because of the terms of The Superannuation Act to which the Member for Wellington spoke in more legal terms that I can, but I believe the case that he stated is to be fairly accurate.

The fact is that the Ombudsman does not stand alone. In 1978, the over-65 population in the country was 2.1 million persons. In 1981, Mr. Speaker, that will have increased to 2.6 million persons. By 1996, there will be 3 million aged, or persons in Canada over age 65, and by the year 2031, there will be 6.8 million persons over the age of 65. So what we have before us is a problem of growing magnitude and growing importance.

I did a bit of quick figuring, and I won't be held exactly to the figure, but by the time I reach 65, I would imagine that there will be approximately 4 million Canadians over that particular age. Most of those reaching 65 face mandatory retirement, and nothing in this act will spare them as the Ombudsman is spared, so the bill does in fact promote that double standard. I believe, Mr. Speaker, that what is good enough for the Ombudsman should be good enough for all Manitobans and for all Canadians of sound mind and of good health.

The fact is that mandatory retirement promises to be one of the most controversial issues of the 1980s, and I believe that the recent court case in Manitoba indicates quite clearly the changes that are necessary in order to deal with what I believe to be a discriminatory law or a discriminatory practice. Presently in the United States and as of January 1st, 1979, their age discrimination law was revised, and the revision that took place over a year ago prohibits mandatory retirement before age 70, that is with firms employing 20 or more people in the States, and abolishes it altogether for federal civil servants, with a number of small exceptions.

But even closer to home, and more important, of course, to us in this House and to the people of Manitoba, a number of days ago the Court of Queen's Bench, Justice A.C. Hamilton ruled in favour of Emma Jean McIntyre, a University of Manitoba professor, who, due to the provisions of her contract or collective agreement, was being forced into mandatory retirement against her wishes. By doing so, the court did rule against mandatory retirement in law, in practice, in collective agreements, in, I would expect, The Civil Service Superannuation Act. The court had made a far-reaching confirmation of The Human Rights Act, because that is the basis upon which Mr. Justice Hamilton made his decision.

I would like to read very briefly from that decision to point out the significance of that decision on The Human Rights Act. In his decision, Mr. Justice Hamilton stated, and I quote, "I interpret Section 6, Subsection (1) of The Human Rights Act" and in the this case The Manitoba Human Rights Act "to mean that no employer may refuse to continue to employ a person solely on the basis of his age, no matter what that age may be. I agree with Professor Letterman, where he said at Page 24 of his decision, that parties may not contract out of the provisions of the human rights' legislation. If that were done, it would swallow up any remedial effect that such a statute was meant to have. In conclusion, pursuant to Queen's Bench Rule 536, I declare that Section 6, Subsection (1) of The Human Rights Act does apply to the position of the application." — that was Emma Jean McIntyre — "The University of Manitoba may not refuse to employ her or continue to employ her because of her age."

If we follow that decision through to its logical conclusion, Mr. Speaker, we would find that, in my opinion, and I know that it is before the Attorney-General's office for review and interpretation, but that this part of the Ombudsman's Bill, which does provide special dispensation for the Ombudsman, is not necessary, because the whole concept of mandatory retirement has been stricken according to that decision. That decision may be appealed; the Minister is shaking his head, yes, it may be appealed. I just wonder if he is saying, yes, there is an intention to appeal that decision, or is he saying in general terms that such a decision may be appealed, because that is important? —(Interjection)— I have been corrected by the Member for St. Johns. He says the Human Rights Commission is studying it. I am not certain where the appeal would come from, but I am certain that in my own mind I support that decision, and very strongly so. I support it for the benefit of the Ombudsman, and I support it also for the benefit of all Canadians and Manitobans and workers, who are approaching the age 65 and may be forced into mandatory retirement against their will.

By the way, that decision, which is a provincial decision, of course, could only be made in Manitoba and New Brunswick, because they are the only two human rights acts that have provisions calling out against age discrimination over age 65. I believe, and I might stand corrected, I believe that the federal government also does protect workers over 65 for mandatory retirement provisions, the federal government Human Rights Act, but as I said, I would have to have that confirmed.

The court decision would then appear to affect this Ombudsman Act amendment that is before us, would appear to make the provisions of it redundant. But the court decision not only affects the Ombudsman, it also affects all Manitobans approaching 65. Mandatory retirement, Mr. Speaker, has a basis in law as well as a basis in practice, and in order to determine the extent of the impact of mandatory retirement policies, I believe that we must examine the circumstances of those, who like the Ombudsman, may be approaching or may be over age 65.

Previous to the court decision, which I just read from, those individuals coming under the provisions of the Civil Service Superannuation Act faced mandatory retirement. Now they, to my understanding, were the only ones who faced legal mandatory retirement in the province of Manitoba. There may have been provisions of pension acts, there may have been provisions of collective agreements, such as the case that was before the court that imposed mandatory retirement, but the legal imposition of that policy only came into effect on those who were under The Civil Service Superannuation Act. I believe that was in contravention of The Human Rights Act, and there have been a number of cases that have been brought to the Human Rights Commission in that regard.

Unless, Mr. Speaker, an act such as this, or other special procedures were implemented, they were the only ones that faced legislative mandatory retirement, but many others within our society suffer the same thing as a result of their collective

agreements, or the provisions of their pensions plans, and the general practice of society.

Statistically in any given year, 23,000 workers in Canada, or .2 percent of the total labour force, could possibly be compelled to retire, and that translates very roughly — and these are crude figures, I admit, Mr. Speaker, into a figure of nearly 1,000 Manitobans in a given year. We also know from studies that have been done, including David Krol's study, as well as a Canadian Conference Board Study, that one-half of those workers have no financial motivation to continue working. Those are the workers that are in a low-wage situation, and they are not making as part of their job what we would consider to be high wages, so the Old Age Security provisions as well as the Canada Pension Plan, the Quebec Pension Plan benefits, would approach their wages levels. So they would have a financial encouragement to retire; they would have no financial encouragement to continue working, because the money that they would receive after retirement would be very close to the money they were receiving before retirement. So if they, in fact, did decide not to retire, they would do so not on financial grounds, but on personal grounds.

Some of the other half might well wish, for different reasons, to continue working. They might consider that to be a productive use of their time, but not all would choose to do so. As a matter of fact, according to the Conference Board of Canada Study entitled Mandatory Retirement Policy, A Human Rights Dilemma, a study that, by the way, is quite recent, dated January 1980, according to that particular study, Mr. Speaker, and I quote from it: "Of all employees currently aged 55 and working for an employer with a pension plan, the following will probably occur:" — I will just for one moment explain why it is necessary to look at those workers working for a pension plan, because pension plans most often are the ones that have the requirements for the mandatory retirement at 65, plans that are similar in fact to The Superannuation Act.

MR. SPEAKER: Order. Order please. I have allowed the honourable member a great deal of latitude. We are really dealing with The Ombudsman Act and not the entire Civil Service.

The Honourable Member for Churchill.

MR. COWAN: I appreciate the latitude, Mr. Speaker, that you have allowed, but I think it was latitude, if I might go back to my original statement, that was in fact appropriate when I had mentioned — and it was the Minister who had first brought it forward to this House in his presentation — that the second principle — and I am quoting from the Minister's statements of Wednesday, May 7th, in this House, Mr. Speaker: "The second principle dealt with in this bill, Mr. Speaker, will cover the situation where it would deem the Ombudsman, where he has reached 65 years of age, to have retired in accordance with The Superannuation Act."

The point I am trying to make is that the Ombudsman, Mr. Speaker, does not stand alone, that there are many others who face that particular situation, and that that particular section of this act is, in fact, redundant. But in order to make that case, I think I have to follow the argument, or I would at

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least appreciate the opportunity to pursue the argument to show that, in fact, this particular provision of this act is not only redundant due to the court case, but it is also in contravention of The Human Rights Act, in that there are many others within this province who will come under what I consider to be the positive benefits of that court decision, as well as the Ombudsman.

I would hope that I am not out of order in pursuing that line of logic, and I fully intend to bring it back. As a matter of fact, I fully believe that it does apply directly to the concept that the Minister or the Attorney-General spoke to in his opening remarks. I think it is important to understand the magnitude of the problem that the Ombudsman faced, as well as the magnitude of the problem that faces all workers who are approaching age 65.

I look forward to your advice, Mr. Speaker, and I am certain that if you do believe that I am not following the normal course of action for speaking to a bill on Second Reading, you will again advise me of the same and I will, of course, follow your advice as well as I can.

To go back to what I was speaking on about the Conference Board plan and to quote it: "The following will probably occur" — all employees currently age 55 and working for an employer with a pension plan — "15 percent will die before age 65" — that is a tragedy in itself, but it is a fact — "6 percent will be laid off and will not find another job" — that indeed is a tragedy in itself, but it is a fact — "50 percent will retire before age 65 under early retirement provisions and/or ill health forcing them to retire; 25 percent will retire at 65; and 4 percent will work beyond their 65th birthday." So if those individuals wish to continue working, as does the Ombudsman, according to the information that has been provided to us, out of 100 percent, a maximum of 29 percent would consider working past the age 65, and the actual number of those wishing to do so would probably be much less. 54 percent of employees under pension plans, similar to The Superannuation Act which the ombudsman finds himself under, are affected by mandatory retirement policies, so it is not — I said before that only those civil servants that come under The Superannuation Act are in fact legally required into a position of mandatory retirement. The policy of private pension plans also forces many other individuals like the ombudsman into mandatory retirement, so in any given year, if we follow the statistics through, 23,000 workers or .2 percent of the labour force could be compelled to retire against their wishes; one-half would have no financial motivation to continue working, and approximately 12,000 or .1 percent would be likely retired because of mandatory retirement policies.

The main impact of a change in mandatory retirement, Mr. Speaker, would be on the freedom of management to enforce retirement in the very small numbers of cases in which individuals who are not competent, wish to continue their employment. This has always been an argument that has been used against the abolition of mandatory retirement, and that is, that management uses mandatory retirement as a weeding-out process. We have to look at that, because that does in fact cut a broad swath across all those who might wish to continue working after

age 65. According to the Conference Board, they did survey of a number of employers, and they found that employers surveyed indicated that they would tighten existing employee appraisal systems for managerial and professional employees, if mandatory retirement was abolished. In other words, they would take a tougher attitude towards below-standard work, and they indicated in that survey that they consider themselves now to be rather paternalistic. In other words, they will allow a worker to continue on working at that work, or say age 55, 57 or 60; they will allow that person to continue on working to age 65, because they know at age 65 they are going to be spared the distasteful task of telling that person they are no longer performing their job adequately, and they will, because of mandatory retirement provisions, force them out.

It has to be said at this point that mandatory retirement policies in many cases enable them to get rid of an employee who is not performing his or her job up to par, but to do so, allowing that employee some dignity. And that is a very positive aspect of mandatory retirement. But the fact is, for every employee they allow that dignity, they also perpetrate an indignity on a number of employees who would have wished to continue working and who in fact were competent, and in fact were able to continue working.

The 1979 Conference Board survey found that 88 percent of respondents, these are employers, Mr. Speaker, through their survey found older workers as efficient and as reliable as younger workers. So the fact is, that the large majority of employers do in fact find that their older workers are as efficient and are as capable workers as our younger employees. As a matter of fact to read a statement from Retirement Without Tears, the Senate report, and I quote, "every reliable survey has shown that older workers are more dedicated, more dependable, more conscientious, and have less absenteeism than younger employees. They require less supervision, take their jobs more seriously and have a greater sense of responsibility and loyalty to their employers. Their experience, more acute judgement and maturity, make them more efficient. They get along better with fellow workers. They are capable of greater concentration, because they are distracted by fewer outside matters such as domestic and personal problems. They have come to terms with themselves."

Now that is a very positive statement made on behalf of older workers. Let us look at the concept of mandatory retirement in the perspective of that statement. What we are saying is, one of the positive aspects of mandatory retirement is that it allows an employer to get rid of a worker who is not capable because of age, or because of health, is not capable of performing their job adequately. But what it also does, is it forces that employer to get rid of the large number of employees who would be able to perform quite adequately, who probably bring to their job many positive beneficial aspects, and yet because of mandatory retirement provisions, they are forced to retire. This is something that I think the Minister or the Attorney-General has substantiated in his own bill. He has said that the ombudsman is doing an adequate job; as an older person, he is doing a fine job and we want to continue him on in that job.

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There are many others like the ombudsman who would wish to continue on, and because of mandatory retirement provisions, if those provisions are upheld — and that would have to quash the court decision that has just recently been made — if they are, then they will not be able to do so.

Like the ombudsman, approximately 29 percent, or a maximum of 29 percent of those approaching age 65, might wish to continue working in a full-time permanent capacity. As much as 50 percent, according to a 1975 statistics Canada retirement survey, might wish to continue working, but they may wish to do so on either a full or a part-time basis. Not all of that 50 percent would want to continue working on a full-time basis, many might wish to continue working part-time. But even if the full 50 percent did continue working, statistically employees who continue working past 65 do so for only approximately three years.

So for those that fear banning mandatory retirement because they believe it will profoundly and detrimentally affect the paths of entry into the labour force for younger workers, and some are also concerned that it might affect promotional opportunities for younger workers, we have to point out to them the statistical fact is that older workers stay on the job past 65 for only three years. So for those three years they are not freeing-up job positions which would otherwise be vacated, but the fact is, that while there would be a three-year anomaly in regards to right now dropping mandatory retirement provisions, an equilibrium would be reached within three years without a profound impact on the demographic makeup of the labour force, and without a profound impact on the ability of younger people to enter the labour force or the promotional opportunities for those younger people.

The Attorney-General also remarked during second reading, that from time to time special procedures were followed for some civil servants who retired at age 65 and then were re-employed in a non-contributory category, and I think that that procedure needs to be looked at also. Are we discriminating against those persons by not allowing them to contribute? Are we in fact compounding the original discrimination of mandatory retirement?

I believe, that while the Minister has brought before us a bill dealing specifically with the ombudsman, it does open the door to a number of very serious questions and concerns to which the Attorney-General must direct his attention now, and specifically must do so in light of the recent Queen's Bench Court decision that has in fact upheld The Human Rights Act and has in fact made part of this act redundant, and also has allowed those persons who wish to continue working past 65 to do so. We are going to have to develop mechanisms within our pension plans to deal with that, but I believe that it can be done. I believe that the actuarial tables can be altered so as to allow and encourage persons such as the ombudsman to work on past 65, and I believe that it is extremely necessary to do so.

Not every individual, Mr. Speaker, is the same, as you well know and I well know. Some at 65 are unable to carry on their jobs. Some at 55 are unable to carry on their jobs. As a matter of fact, I've worked with a few at 30 whom I suspect were unable to carry on their jobs, and I know that allegation has

been thrown at me from time to time on my lazier days. But the fact is, that age discrimination is discrimination nonetheless, and while there may be some who are unable to carry on their jobs because they have reached the age 65, because the aging process has disabled them to the extent that they would be unable to perform their duties, there are many more who are capable, such as the ombudsman.

I would like to conclude my remarks, Mr. Speaker, with a statement from the Conference Board study on mandatory retirement, and that is: "In conclusion, your committee has found that retirement policies and the treatment of the aged are inadequate, often discriminatory, and sometimes cruel. It is intolerable that today, thousands of old people feeling useless and rejected by society, and are unnecessarily bored, ill, lonely, poor, and often living in conditions of severe privation." That was the remark with which I began my speech, that is the remark with which I wish to end my speech. I think it is a situation that demands our attention as legislators. I think it is a situation worth repeating. I hope that the Attorney-General when reviewing this act, in light of the recent court decision, will also review that court decision and be supportive of that court decision, because I believe that it in fact opens up broad new avenues for older workers. I believe that it opens doors that have closed to them for far too long, and as a modern society that is undergoing changes, we must direct our attention to opening those doors as wide as we can. I hope the Minister directs his attention to that particular subject, and I look forward to hearing from him that he does in fact support the court decision, that he does in fact support the right of all workers, regardless of their ceiling age, to work in a productive and in a positive fashion to build a better society, to do what they can. Thank you.

MR. SPEAKER: The Honourable Attorney-General will be closing debate. The Honourable Attorney-General.

MR. MERCIER: Thank you, Mr. Speaker. I would like to thank the members for Churchill and Wellington and Burrows who have spoken with respect to this matter. The recent court decision, which I believe involves the university and a member of the union at the university is, I understand, subject to appeal and I suspect, Mr. Speaker, that it is such an important decision that it may very well be appealed. I have no personal knowledge that it will be, I just suspect that it will be. In any event we will have to await the termination of the time for appeal before that matter is completed. Mr. Speaker, that decision is being looked at by my department, is being reviewed by the Human Rights Commission and, Mr. Speaker, although the Commission on Aging comes under the responsibility of the Minister for Health, it is, I am sure, a subject that would be considered by the recently appointed Commission on Aging.

I can indicate, Mr. Speaker, to the Member for Churchill, that personally I support the proposition that a person should not be discriminated against on the grounds of age in terms of employment. Mr. Speaker, that however has not been the policy under

which the Human Rights Commission has involved itself over the past number of years. I believe that they have operated under the assumption and legal advice that The Civil Service Act has taken precedence over its legislation. In any event, that matter is obviously going to be determined very shortly in the courts, Mr. Speaker.

Perhaps, Mr. Speaker, it may very well be that by the time this matter reaches Law Amendments Committee, there will be further information available with respect to the court decision, or I may in fact have received further information from legal counsel within the department or the Human Rights Commission who've been examining the decision.

Mr. Speaker, the Member for Burrows spoke some time ago with respect to the bill, and indicated that he was not in favour of the provisions whereby the president of the Executive Council could appoint a Standing Committee on Privileges and Elections to consider persons suitable to be appointed as ombudsman. I want to point out, Mr. Speaker, to the Member for Burrows and to the members opposite, as I did when I introduced this bill, that this bill was very much the subject of consultation with members opposite, and members opposite through their House Leader indicated to me that these were in fact the contents of the bill that were satisfactory to them, when I submitted to him a number of alternatives that were available. I want to place that clearly on the record, Mr. Speaker, that because the appointment of the Ombudsman is one which is deemed to be necessary, and I whole heartedly agree should be a joint appointment of whoever is in government and whoever is in opposition, in the same way I felt that the amendment to the legislation should be subject to the approval of both sides of this House, Mr. Speaker, so I was surprised when the Member for Burrows spoke against the first part of this bill, when his House Leader had indicated that the alternative we had included in the bill was satisfactory with his caucus. Mr. Speaker, hopefully members opposite will clear that matter up themselves, before this matter reaches Law Amendments Committee.

QUESTION put, MOTION carried.

BILL NO. 70 THE BLOOD TEST ACT

MR. SPEAKER: Bill No. 70, The Blood Test Act, on the proposed motion of the Attorney-General.
The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker. I adjourned this debate on behalf of the Honourable Member for Transcona.

MR. PARASIUK: Mr. Speaker, we on this side of the House have looked at this matter and we have discussed it with some representatives of the College of Physicians and Surgeons. We are in favour of the bill in principle and would like to have it go on to Law Amendments Committee. Not all of us; there are some people there who do not believe in blood being tested but that may be for religious reasons and I give them that opportunity to express their beliefs.

The great majority of members in the caucus, however, do agree with this bill in principle and we do pass it on to Law Amendments Committee for detailed discussion, Mr. Speaker.

MR. SPEAKER: The Honourable Attorney-General will be closing debate.

The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I have to say, on this bill as on the past bill, as on a number of other bills, it is very difficult to deal in a parliamentary sitting with members opposite who can't agree on anything, it would appear, Mr. Speaker. They don't agree on this bill; they didn't agree on the last bill that we just discussed. They disagreed on a number of issues. Some sided with the Member for Inkster; some sided with the Member for Selkirk, Mr. Speaker. I just want to point out the real difficulty in attempting to deal with these issues when the opposition are so divided on so many of them, Mr. Speaker.

QUESTION put, MOTION carried.

MR. SPEAKER: Bill No. 12, The Law Fees Act, standing in the name of the Honourable Member for Gladstone (stand).

MR. SPEAKER: Bill No. 19, The Education Administration Act, the Honourable Member for Logan.

MR. JENKINS: Stand, Mr. Speaker.

MR. SPEAKER: Bill No. 31, The Public Schools Act, the Honourable Member for Logan.

MR. JENKINS: Stand, Mr. Speaker.

BILL NO. 39 — AN ACT TO AMEND THE SOCIAL ALLOWANCES ACT

MR. SPEAKER: The Honourable Member for Wellington.

MR. CORRIN: Mr. Speaker, I spoke at some length in this regard at the last sitting, dealing with this bill. I have nothing further to add except that this bill will be the subject of further critical review at Law Amendments Committee. I am aware, I have received phone calls from people who wish to come down and speak in this regard at the time committee convenes for that purpose. I would only ask, and I do so publicly, Mr. Speaker, that the Minister responsible for this piece of legislation provides some public advertisement — and I have received complaints in this regard previously, Mr. Speaker, not only with respect to this Minister — but some public advertisement in order that people are aware that the bill is before committee and members of the public are indeed invited to participate, by way of delegations or submissions, to the business of the committee.

MR. SPEAKER: The Honourable Minister will be closing debate.

The Honourable Minister of Community Services.

HON. GEORGE MINAKER (St. James): Mr. Speaker, I had an opportunity to talk to the official critic for the NDP Party, the Honourable Member for St. Boniface, two nights ago, to see if in fact he had planned to make any comments with regard to this particular bill, and he indicated at that time that he was not going to, so I presume that that is still the case so I will close debate on Bill 39.

Firstly, Mr. Speaker, I had not intended to speak to any length of time but I believe, Mr. Speaker, that it is necessary to do so because of the record as it stands now, after the Honourable Member for Wellington gave his participation in the debate. What I would like to suggest to you, Mr. Speaker, that either the Honourable Member for Wellington has not done his homework or he has intently tried to misinform the public with regard to the amendments to this particular Act, because I know he is not the official critic for the party on the opposite side, Mr. Speaker, so then I have to assume he did not do his homework, did not read the existing Act, or he decided to get up on a soapbox and try and misinform the people of Manitoba what in fact is presently happening with the policies of this government and the policies of their government.

Mr. Speaker, in answer to the Honourable Member for Wellington why I did not speak at length when I introduced the bill, if the honourable member is aware of the rules of the House when we deal with Second Reading, we deal with principles and changes in principles and, as I indicated to the honourable members opposite, there were no changes in principles in this bill and that the policies that were presently being carried out would continue to be carried out, and in fact the areas where he raised questions on, some of these particular areas were amended by the former NDP government and were instituted by the government of that day.

In particular, Mr. Speaker, I would suggest to the honourable members opposite that I believe the honourable member indicated that there appeared to be benefits being taken away from the people who are on social assistance at this time. In actual fact, Mr. Speaker, we are now adding a benefit in regard to putting in another category of separation. At the present time, we consider a mother who is separated from her husband as one who qualifies for social assistance, when in fact the law does not state that, so that we are clarifying that situation and adding the category of separation.

In regard to the authorization to make deductions because of an over-payment, Mr. Speaker, that, I might add, has existed since 1959. That particular clause in the Act has existed since 1959, and the members opposite had some eight years if they wished to amend that particular section.

I might just, for the information of the members opposite, Mr. Speaker, advise them our department uses discretion when we're dealing with this particular subject, in the same way that when they were government the department also used discretion, in that I would think it would be wrong that if the computer makes an error of, say, 1,000 or 500 and prints out a cheque, that we should have the right to collect that money back. And I might indicate to the honourable member opposite when an over-payment does occur, that in a majority of cases we don't ask that particular individual to pay back

more than approximately 5 percent of what they are receiving monthly. When, in fact, it does create a burden on that particular individual, as the honourable member indicated would be taking the food out of the mouths of babes, we do not take the money. I can assure the honourable member of that fact. So that to try and imply that we are instituting something new in this Act that has been going on since 1959, then I suggest the honourable member has not done his homework or he is trying to impress the public that this is a new change, trying to mislead the public.

Mr. Speaker, with regard to the supply of documents to the Appeal Board, I would just like to again refer the Honourable Member for Wellington to the existing Act, that this is no change in policy. Under their administration the particular section of that Act or that principle existed and, Mr. Speaker, if anything, we are now limiting it in the Act, and I won't go into the exact phrases but if he would read that Act that exists today, that it has a wider range in the amount of information that can be taken to the Appeal Committee than what we're suggesting. We're only suggesting that that is relevant to the appeal. There is says any matter that may apply. So, Mr. Speaker, that is not a new policy, as was tried to be indicated by the Honourable Member for Wellington.

Mr. Speaker, the question of common-law relationship. This was brought up by the honourable member and he said that, my goodness, how come we're doing this, how come we're allowing the director to make an interpretation. Well, Mr. Speaker, I would like to advise you that I think it was in 1975 the then government of the day, the opposition over there, they brought in this definition of common-law relationship, so that they could deal with the matter, and I compliment them on it. Because I don't think that anybody who is living with another person of the opposite sex should take advantage of the welfare system and get a free ride. If the person lives with a man, then I would think it's the responsibility of that man to look after those children and family. Furthermore, Mr. Speaker, under the definition of mother allowance, they do not qualify, so that is why that particular clause, which was in there, that is being amended so that, hopefully, we can give a clarification of what common-law relationship is, is still included in the Act. So that nothing new has been included in this Act, Mr. Speaker, in regard to common-law relationship, and it was the Attorney-General's office who requested a more clear definition.

Now, with regard to the director or the individual who might be designated as the director, I would say that is nothing new, Mr. Speaker, that that has been going on not only under our administration but their administration, and they know that it is physically impossible for the director to deal with some 19,000, 20,000-plus cases, and that because of cases that have come up in court, more definition had to be made on who, in actual fact, represents the director. I would suggest, Mr. Speaker, that it will be done through an Order-in-Council and that the people that are named that can also have the authority, as well as the director, will be carefully selected and will be the regional directors of income security in the various regional offices. This is nothing new, really,

only now it is now being done legally interpreted and legally shown. So, Mr. Speaker, there is nothing new that relates to this particular area at all, but again the Member for Wellington was trying to imply that there was something new and trying to create an issue where there wasn't an issue.

Mr. Speaker, the Honourable Member for Wellington even went further and said that why do we not advise those that are appealing a decision of either reduction in welfare or being cut off, why do we not advise them that they can have legal counsel, that it's wrong we don't advise them. Well, Mr. Speaker, here is what is called Form 5, which deals with the notice of hearing for appeal. This is when an appellant receives this when they know they can go before the committee. I would just like to advise the honourable member opposite that, "Notice of Hearing: The Social Services Advisory Committee will convene on — " and then it's blank, for the date — "the appellant must appear or be represented at the hearing by any person or his or her own choosing or by counsel." There it is, Mr. Speaker, there it is.

So that his comments are not correct, Mr. Speaker, again trying to raise an issue that isn't there.

Mr. Speaker, with regard to the question of one-time gifts, the Honourable Member for Inkster asked, was this amendment coming in to plug a loophole? I would say to the Honourable Member for Inkster that, yes it is, if you call plugging a loophole that could occur now because of a decision of the courts, what could happen now, is that somebody with, maybe, we'll say, 10,000 could give it to their children and say, "Give me a gift of 2,000 once a year." That's what they could do, if we don't correct the present problem with the act. That's a possibility.

But I want to assure the honourable members opposite that I asked our staff, have we ever given consideration to when, say, like the Honourable Member for St. Johns would like to send one of the children to camp, we don't count that as a gift; we never have and never will. But when it gets into a situation where someone might go to the Bahamas and sun themselves on the beach and in the meantime still be on welfare, then we have to obviously have a look at it.

If you look at the way the act is being amended, it says, "a significant gift," and discretion will be used. It always has been.

Mr. Speaker, just to make it a little more clear with regard to that particular case that the Honourable Member for Wellington said had gone before the Court of Appeal, actually the counsel went before the Court of Appeal to have leave to appeal. I'll read exactly what the one judge read, or his decision on that particular part of the case. He said, "A gift of 400, or additional income of 400, even in a lump sum, is not a casual gift of small value. Even at today's rate of inflation, it is abnormal and contrary to common sense to find recipients of social assistance therefore, at the taxpayers' expense, basking in the suns of the Bahamas. There is no point of law which need detain this court."

He goes on to say, "Further . . ." which I think gives an indication of the Social Services Advisory Committee, "a Court of Appeal should be slow to interfere and tell an autonomous committee, fully

clothed with powers, how to conduct its cases. Counsel for the appellant refused to produce his client at the hearing and ought not now be heard to complain that the committee did not allow the tendering of her affidavit. There is no question of jurisdiction to go to the Court of Appeal."

Mr. Speaker, the final, in the Court of Appeal, and I'll read what His Honour O'Sullivan said in his decision: "I may say that much of this rancorous and unfortunate dispute, which has cost the taxpayers far more than the 400 in issue, appears to have arisen in part, at least, by reason of the failure of Mrs. Wuziuk to be forthcoming and frank in answers to questions put to her as to her financial resources in the course of the departmental investigation into them. We were left at the end of the day with an uneasy feeling that by no means all of the facts were placed before the Social Services Advisory Committee, or before us. In fairness, I might also say that some of this dispute is due to a failure to recognize that public servants must operate within the legislation and regulations validly enacted for them."

Mr. Speaker, that is why we have the amendment before you at the present time relating to one-time gifts. I can assure the honourable members opposite that as long as I am the Minister responsible, that discretion, and fair discretion, will be used when it comes to this particular area.

Mr. Speaker, I wanted to bring that out just to clear the air on that particular case.

Mr. Speaker, also, the Member for Wellington talked about how a colleague of his was tearing holes in the legislation. He seemed to be gleeful about that fact, and I could not quite understand how a member who represents the taxpayers in Wellington was so happy that somebody was out there tearing apart our laws and costing the taxpayers money and so forth. Because, Mr. Speaker, in my opinion, the gentleman that the honourable member was referring to, I don't think is helping out the people who receive social assistance. He is making a name for himself. He is costing the taxpayers money in the courts, but I don't think he is really helping out the clients. Because, Mr. Speaker, what happens is we now have to put insertions into the act so that our particular administrators involved in the administration of this act will have more clear definitions, but what happens when we do that, Mr. Speaker, is we start to remove some of that discretionability.

This is what happens: As the act gets tightened, there is less discretion that can be applied, because the administrator will say, "Well, I can't do that, because it very clearly says I can't." So, in that regard, I don't think that the gentleman is helping out the cause. I would prefer to have the discretion left, to some degree, because it is common sense discretion and, really, when loopholes are plugged, it's not to plug the loopholes of the needy, because the needy people have a legitimate cause and a legitimate claim, it is when those people who decide to try and beat the system become greedy and try and take taxpayers' money, then obviously we have to look at those particular individuals.

So I can assure the members opposite that our objective is to provide for the needy, Mr. Speaker. I have confidence in our staff that they are doing that,

in the same way that I'm sure the Honourable Member for St. Boniface had confidence in his staff when he was the Minister.

Mr. Speaker, I just wanted to bring these points out, to indicate and put on record that what is happening in this particular act is not new policy, not at all, and that is why there was a brief description and explanation at the start when we introduced this particular bill. I would hope that the honourable members opposite will reconsider, and realize that the Honourable Member for Wellington either had not done his homework, or was misleading his own party on basic principles that had been carried out by his party, carried out by his Ministers when they were government.

Mr. Speaker, I would hope that the opposition would reconsider and would support these changes, because in our view they are changes that we feel are necessary. The people who need assistance will get assistance fairly, and those that are trying to rip off the system will not be able to rip off the system.

Thank you very much for your attention and we hope that the opposition will reconsider their position on this particular bill.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, I move, seconded by the Member for Kildonan, that this House do now adjourn.

MOTION presented and carried, and the House accordingly adjourned and stands adjourned until 2:00 p.m. tomorrow (Thursday).