

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 6 May, 1985.

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports By Standing and Special Committees . . .

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable First Minister Minister.

HON. H. PAWLEY: Mr. Speaker, I would ask leave to proceed with a statement, but copies of that statement will be in for distribution within the next minute or two. Do you want to wait?

MR. SPEAKER: Notices of Motion . . .

INTRODUCTION OF BILLS

HON. L. DESJARDINS introduced, by leave, Bill No. 39, An Act to amend The City of Winnipeg Act.

HON. A. ANSTETT introduced, by leave, on behalf of the Honourable Minister of Employment Services and Economic Security, Bill No. 40, The Workplace Innovation Centre Act; Loi sur le Centre d'innovation des lieux de travail. (Recommended by Her Honour the Lieutenant-Governor.)

INTRODUCTION OF GUESTS

MR. SPEAKER: Prior to Oral Questions, may I direct the attention of members to the gallery where we have 33 students of Grade 5 standing from the Collicutt Elementary School. They are under the direction of Mrs. Chick and the school is in the constituency of Kildonan.

There are 27 students of Grade 9 standing from the Murdock MacKay Collegiate under the direction of Mrs. Trush. The school is in the constituency of the Honourable Minister of Energy and Mines.

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

ORAL QUESTIONS

Communications Service Div.- jurisdiction of

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Mr. Speaker.

My question is for the Premier. Last week, in response to a question about a memo that was sent by the Premier's media secretary to directors of

communication, the Premier indicated that communications directors in the various departments report directly to the Deputy Ministers of those departments.

In view of the fact that the government has also appointed an Assistant Deputy Minister of Communications Services Division, Mr. Cohen, who I assume is responsible for communications people in the government, I wonder what is the reporting relationship with the jurisdiction of Mr. Cohen with respect to these people.

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, Mr. Cohen, the Deputy Minister responsible for Communications is responsible for co-ordinating the various communications, not just of the communicators in various departments, but communications involving all areas, including photography, all matters pertaining to the general coverage information services in regard to government, to co-ordinate the various communication necessities of government.

Cohen, Mr., ADM - Responsibilities re communications

MR. G. FILMON: Mr. Speaker, are we to take from that, that Mr. Cohen, who is being paid \$52,000 as an Assistant Deputy Minister, has no jurisdiction over the communications directors then?

HON. H. PAWLEY: Mr. Speaker, no. As I indicated, the responsibility of Mr. Cohen, is a matter that I think would be well dealt with during the Estimates process of discussing the overall responsibilities for Mr. Cohen. His responsibilities are co-ordination of communications, insofar as government is concerned, to ensure that there is no overlapping and no duplication, that there is a clear focus insofar as government communications.

Too frequently in the past there has been a great deal of overlapping, a lack of co-ordination insofar as communications is concerned. His responsibility is to co-ordinate the various communications of government, which is, I must say, a fundamental and extremely important responsibility of any government in today's modern society to ensure that there is communication of programs relating to government activities to the public at large.

MR. G. FILMON: So, if I'm to understand it then, the Assistant Deputy Minister of Communications Division only co-ordinates the efforts, but he doesn't have jurisdiction over these communicators. Is that right?

HON. H. PAWLEY: Mr. Speaker, yes, as I indicated, the communicators report to the various Deputy Ministers, unlike the previous situation of the previous administration where I believe - and I stand to be

corrected by the honourable member - the communicators reported to the Ministers in the various departments.

MR. G. FILMON: Mr. Speaker, in those days we didn't have the 132 extra people that have been hired by this Minister, so I'm not sure where all of these people report.

Mr. Speaker, I wonder if the Premier could indicate whether or not there is any jurisdiction whatsoever on the part of his media secretary, Mr. Cramer, over these various communications officers and directors.

HON. H. PAWLEY: Mr. Speaker, not any direct responsibility, except to ensure of course that in these programs, as in fact it is with any other program that is detailed by government, there must be co-ordination and information.

As I indicated last week to the honourable member, I have made no secret of my displeasure over the memo being forwarded to the Directors of Communication by the Communications representative of my own staff.

MR. G. FILMON: We have two people co-ordinating their efforts, both the Assistant Deputy Minister and the Premier's media secretary, but neither of them has jurisdiction. It's the Deputy Ministers who have jurisdiction over them. I think I understand it now, Mr. Speaker.

CGE, threatened closure - Protection of Limestone contract and tappayers

MR. G. FILMON: My question further for the Premier is, in view of the fact that there's been a recent report in Ottawa and in the eastern news media about the fact that CGE has been put on a "fix" list by its parent company, General Electric of the United States, they've been told that they are either in line to fix, close or sell CGE.

My question to the Premier is, is there anything within the contract that his administration has signed with CGE with respect to the purchase of turbine generators for Limestone that will protect Manitobans against the consequences of such a decision by the parent firm, General Electric, to close CGE in Manitoba, should that occur?

HON. H. PAWLEY: Mr. Speaker, the honourable member leads with a premise that is incorrect, relating to another question. The question with regard to communications was not answered in the way that the opposition leader knows. The responsibility of co-ordination is that of the Deputy Minister responsible for Communications and I did not, and the honourable member unfortunately misrepresented - and the honourable member is smarter than to suggest otherwise - my media representative has no responsibility for co-ordination insofar as the . . .

MR. G. FILMON: Who said he did?

HON. H. PAWLEY: Well, you did just a few moments ago.

Insofar as the matter pertaining to Canadian General Electric, the Acting Minister responsible for Energy will respond to that question.

MR. SPEAKER: The Honourable Minister of Culture.

HON. E. KOSTYRA: Thank you, Mr. Speaker.

I'll take that question as notice and provide the information at the appropriate time.

MR. G. FILMON: Mr. Speaker, I have placed that question on a couple of occasions now and it has been taken as notice on behalf of the Minister of Energy and Mines and I'm concerned that the Premier ought to know - when his administration has entered into \$100 million contract, without tender, with a company that is being threatened with closure by its parent company in the United States - whether or not there is any protection for the people of Manitoba and that contract.

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Indeed if that comment or that statement is in order, I would ask for the opportunity to respond by way of like statement. Mr. Speaker, I think it is regrettable when we have a statement such as this in the House.

We have no reason whatsoever to believe that there are any problems whatsoever in regard to the Canadian General Electric contract. The Minister who is responsible has indicated that he will check into the allegations that have been raised, Mr. Speaker.

But unfortunately this is another example of an opposition in this Chamber, that rather than wait for facts, rather than wait for information, would prefer to spread fear and gloom and concern throughout the Province of Manitoba. It is evidence of an irresponsible, opportunistic opposition that is prepared to spread that kind of gloom rather than wait for factual information.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please.

I will remind all members that question period is a time for asking questions and not for making statements.

MR. G. FILMON: Mr. Speaker, last week I placed the question and it was taken as notice by the Deputy Premier on behalf of the Premier and the Minister of Energy. Last week I quoted from an article in the Free Press on Tuesday, which had that story outlined. Later, on Wednesday, there was an article in the Brandon Sun, and the Premier was in Brandon, so I assume he was made aware of it.

All I ask is, is the Premier aware of anything in the contract that would protect Manitobans? I'm not trying to spread fear; I want to know if he has any information and whether or not Manitobans are protected. All I want is a straightforward answer, no rhetoric.

HON. H. PAWLEY: Mr. Speaker, we are not going to be driven to premature responses by an opposition that depends on newspaper clippings and anonymous phone calls.

Hudson Bay area - Oil and gas exploration

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

MR. H. ENNS: Mr. Speaker, I direct my question to the First Minister. It would appear that oil and gas exploration is imminent in the Hudson Bay area and I simply ask the Premier what his government is doing to protect Manitoba's interest with respect to jurisdiction in that potential area of exploration?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, so that we can provide a full and complete response, I'll accept that question as notice on behalf of the Minister.

MR. H. ENNS: Mr. Speaker, while the First Minister is taking that question as notice - and I appreciate that the Minister of Energy isn't here and I'm not asking specific questions relative to the oil exploration that has been announced principally from Calgary - but, Mr. Speaker, the First Minister was around in the late Sixties and early Seventies when the Government of the Day was involved in discussions with the provinces that share the border of Hudson Bay; namely, Ontario and Quebec, that negotiations were under way to draw jurisdictional lines into the Hudson Bay area; my question is, Mr. Speaker, is this government pursuing discussions at the moment with Ottawa to ensure that Manitobans' interests are protected?

HON. H. PAWLEY: Mr. Speaker, let me assure the Honourable Member for Lakeside, the Opposition House Leader, that this government will pursue a policy to ensure that the people of the Province of Manitoba realize just as good a deal from the Federal Government as the Federal Government is prepared to give to the Government of the Province of Newfoundland in respect to their offshore oil resources. We will pursue vigorously, if there are indeed offshore oil developments that can be utilized to the advantage of Manitobans - we will insist that Manitobans receive as good a deal as was handed to the Government of Newfoundland by the Federal Government.

MR. H. ENNS: Mr. Speaker, all I'm trying to do is ascertain what this government has done, not what they will do. A consortium of oil companies has indicated they are spending some \$40 million on exploration in the Hudson Bay area. I'd like to know from the Premier, have his representatives met with this group? Have they talked to them, and when?

While I'm asking this question, Mr. Speaker, what has our own oil company, ManOil, had to do in bringing about this exploration program?

HON. H. PAWLEY: Mr. Speaker, I would ask you when indeed a question is in order if it's repeated a second and a third time in this Chamber, when I have already indicated that I will be giving to the House a full report.

Hudson Bay area exploration - Impact on environment

MR. H. ENNS: Mr. Speaker, I direct a question to the Minister responsible for the Environment. As indicated, some \$40 million are going to be spent in exploration for oil and gas in the ecologically sensitive environment

of the Hudson Bay. Has the Minister of the Environment met and been fully informed by the group that is carrying on the exploration, and are his officials meeting with the companies that are going to be involved in this exploration?

MR. SPEAKER: The Honourable Minister for the Environment.

HON. G. LECUYER: Thank you, Mr. Speaker.

All that I can say at this time, Mr. Speaker, is that there have, indeed, been discussions between staff of my department and staff of my department have indicated to me that they were preparing a status paper on this particular issue. As well, the Compensation Board has asked for updated details in terms of the operation, so that the workers in that area can be protected by compensation.

MR. H. ENNS: Mr. Speaker, I can remember when a colleague of mine took considerable flak because of some interpretation involving the polar bears, but my more serious question to the Minister of the Environment is, has he, first of all, established that he and his department has any jurisdiction in Hudson Bay with respect to environmental matters?

HON. G. LECUYER: I have indicated that I've asked staff for a status paper on that particular issue and I expect that that is part of the information that I will be getting from staff.

DEW Line - Upgrading of

MR. SPEAKER: The Honourable Member for Swan River.

MR. D. GOURLAY: Mr. Speaker, a month or so ago, the Premier took as notice the question of requesting the Federal Government to consider Churchill as a major distribution centre for the supply of goods and services for the forthcoming upgrading of the DEW line, and I wonder if the Premier has communicated with the Federal Government, and what response has he received?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, that question is taken on behalf of the Minister of Transportation, who has been working on the entire question of the distribution centre from the Port of Churchill.

MR. SPEAKER: The Honourable Minister of Highways.

HON. J. PLOHMAN: Mr. Speaker, at the recent meeting that we did have with a number of Ministers of the Federal Government, we were assured that Churchill would get high priority in a number of areas, one being the season extension that we've been working on for some time, as well as the continued progress on the developments that were agreed to with the previous Federal Government under the sub-agreements.

We have received no specific assurances with regard to the re-supply activities that could be associated with revamping and upgrading of the DEW line, however, there have been assurances that Churchill would be retained as a major distribution centre in the North, and obviously this would be one area that would benefit Churchill. However, we don't have specific response to that particular area at the present time.

I feel confident, however, as a result of our meeting, that Churchill will be getting its share of consideration for any new developments, and we will continue to make representations in those areas.

MR. D. GOURLAY: Mr. Speaker, I wonder if the Minister can tell the House as to when actual on-site work will be commencing on those projects?

HON. J. PLOHMAN: Mr. Speaker, I don't have information as to when the actual work will begin; I can take that as notice and see if I can find out.

MR. D. GOURLAY: Another question to the same Minister. As I understand it, the sites of Beausejour and Gypsumville on the Pinetree line will be closed as a result of the upgrading of the DEW line. Will the province have any input into discussions with respect to the implications that will have for those communities?

HON. J. PLOHMAN: Mr. Speaker, without having had direct discussion on this particular matter, at the present time I can assure the member that we, on this side, the government, is very concerned about the closures of those areas, and we will be making every attempt.

The Federal Government, at this time, has not offered to consult with us regarding those closures. We will be making every attempt to ensure that before they are closed that we do have an opportunity to have input into what is happening there, Mr. Speaker.

At the present time, we've received no communications from the Federal Government, except to hear that they are intending to close those bases. It is a concern because that is the main industry in those areas, especially the one up at Gypsumville. Obviously, that's the reason for the townsites and there would have to be a massive change in the way of making a living for most of the people in that area.

CMHC - increasing of rents

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Mr. Speaker, my question is for the Minister of Housing.

Over the last few weeks, I received a number of reports that CMHC has been increasing rents in Manitoba by as much as 8 percent, nearly double the rent control guideline figure. In view of the fact that CMHC, which is not legally bound to follow rent controls, has voluntarily been following rent controls in the past, I'd like to ask the Minister if he's received any information from CMHC that indicates they are no longer following the rent control guidelines in Manitoba?

MR. SPEAKER: The Honourable Minister of Housing.

HON. J. BUCKLASCHUK: Yes, Mr. Speaker, I'd like to thank the Member for Thompson for that question.

I would confirm that, in fact, Canada Mortgage and Housing in its limited dividend housing projects has been increasing rents in excess of the 4.5 percent guideline that we have used in Manitoba.

My understanding is that Canada Mortgage and Housing is, as a matter of policy, trying to recoup some of the subsidies on these projects and will be increasing its rents in excess of our guidelines. I haven't seen the written policy, but staff is expecting something shortly from Ottawa. At that time, we will seriously consider the inclusion of limited dividend housing under our Rent Regulation Act.

MR. S. ASHTON: In view of the fact, Mr. Speaker, that CMHC in the case of non-limited dividend housing in the past followed rent controls to the point of refunding rents over and above the rent control guideline figure a number of years ago, and in view of the fact that this latest information indicates that there's a new policy of the Federal Government which indicates they're no longer following rent controls for any of their properties, I'd like to ask the Minister whether he can raise this with the Federal Minister of Housing on behalf of the tenants affected?

HON. J. BUCKLASCHUK: Yes, Mr. Speaker, as I've indicated, once we do get a written confirmation of this policy, we certainly will be discussing this with the Federal Minister of Housing and we will be giving consideration to amending our regulations to include limited dividend housing under The Rent Regulation Act.

INTRODUCTION OF GUESTS

MR. SPEAKER: Order please.

Prior to recognizing the Honourable Member for Sturgeon Creek, I wonder if I might direct the attention of members to the gallery where there are 40 students from Beliveau Junior High School and 35 exchange students from the Province of Quebec under the direction, all of them, of Mr. Trudeau. The school is in the Constituency of the Honourable Minister for the Environment. On behalf of all of the members, I welcome you here this afternoon.

ORAL QUESTIONS cont'd

Hudson Bay area exploration - Availability of business, Man. businessmen

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, my question is to the Minister of Business Development. We have seen a lot of advertising for Limestone and we've heard about the spin-off for building power plants, etc. Mr. Speaker, the announcement that there is going to be \$40 million spent in the Churchill area almost immediately, can I ask the Minister what he has done working with the businessmen of the Province of Manitoba to find out what business will be available to the businessmen of

Manitoba supplying that industry that is starting in Churchill?

MR. SPEAKER: The Honourable Minister of Business Development.

HON. J. STORIE: Thank you, Mr. Speaker.

I believe that question has essentially been taken as notice. I can assure the honourable member that my department, through the small business section, will be ensuring that whatever possibilities there are for supply and services that go to feeding an activity of this kind will be made known through a number of vehicles, including the Small Business Report that goes out from my department to small businesses in the province.

Mr. Speaker, we recognize that there's a considerable distance between those activities and many of the suppliers who may be interested, but all we can do at this point is ensure that small businesses understand what is taking place and that they have an opportunity to work with those particular investors to make sure that Manitobans benefit.

MR. F. JOHNSTON: Mr. Speaker, the Minister, in answering the question, told us what will be done and he told us also that he'd be sending out a bulletin which comes out about once a month or once every two months.

Can I ask the Minister, what has been done to service a \$40 million industry that's starting in Manitoba tomorrow or next week? And I also ask the Minister, did he know it was happening?

HON. J. STORIE: Mr. Speaker, I can only answer the member by saying that whatever needs to be done will be done and I can honestly say that the individuals who are making this investment did not confer personally with me. I think that it is unfortunate that there wasn't that kind of consultation.

Mr. Speaker, I can assure the member that I will be taking this up with staff and we will be using whatever is at the disposal of the department to assist small businesses in both Northern Manitoba and other parts of the province so that they can partake of the investment that is occurring in the Churchill area.

MR. F. JOHNSTON: Mr. Speaker, the announcement said that there would be a ship on the bay with staff. The ship will be supplying the drilling rigs with parts and materials. It also said that there will be a large number of people who will be living in hotels in Churchill.

I ask the Minister again - or maybe I should ask the Minister who has been up there to see who's going to get this business? Is it somebody from another province or has he had his people up there looking to find out who's getting the business, before now? Does he not know what's happening in business in the Province of Manitoba?

A MEMBER: No, he doesn't.

HON. J. STORIE: Mr. Speaker, I will confess to the honourable member that I have not had any personal information transmitted to me from the individuals who

are making this investment. Let me clear up for the individual that the major portion of this investment goes to the supplying of the drilling equipment and the ship that's going to be required for that particular enterprise.

To members opposite, I'm not denying the fact that this is a significant event and it fits in very nicely with what members on this side, in particular, have seen it being important for the community of Churchill and the Churchill area, in terms of expanding its base, but, Mr. Speaker, I again say that the individuals who are making this investment did not confer with me or to my knowledge, anyone in the department.

When we became aware of that happening, obviously, we will be making ourselves available and department personnel will be making themselves available to take advantage of whatever spinoffs there might be from that activity.

MR. F. JOHNSTON: Mr. Speaker, I would ask the Minister, has he had any communication with the Norman Development Committee? Has he had any communication with his development officers or do those people who answer to him as Minister not communicate with him?

HON. J. STORIE: Mr. Speaker, no, to my knowledge the Norman Regional Development Corporation has neither been in contact with my department or Mr. MacGuire, nor have the individuals making the investment been in contact with Norman to see what use and what value they might offer to support this project.

Abortion - Government's position

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

MR. G. MERCIER: Mr. Speaker, I have a question for the First Minister. I would ask him - I'm trying to locate his statement - I would ask him if he could not confirm that he indicated previously in this House in response to a question from Mr. Doern that he, as Premier, supported the provisions of the Criminal Code with respect to abortions.

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I indicated that I support the general parameters of the existing law.

MR. G. MERCIER: Mr. Speaker, on Thursday, May 2, 1985, I asked the Attorney-General in the Committee of Supply, whether he or through his department, made any representations to the Federal Government with respect to changing the existing provisions of the Criminal Code on abortion and the Attorney-General responded, "I personally have advised the Minister of Justice of the fact that I and my party in Manitoba, by resolution, are opposed to Section 251 of the code," which is the section with respect to abortion.

Would the Premier like to indicate, Mr. Speaker, if the Attorney-General will be resigning or will be asked to resign, or who is speaking on behalf of the New

Democratic Party and the Government of Manitoba, the Premier or the Attorney-General?

HON. H. PAWLEY: Unlike the opposition across the way that - obviously, whether or not they do prefer a monolithic position in respect to matters that pertain to issues of personal conscience, matters pertaining to . . .

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

HON. H. PAWLEY: Mr. Speaker, the issue that is at stake, and that is most important in dealing with this entire question, is not whether or not X's personal opinion is such, or Y's personal opinion is whatever, what is the point at stake is the responsibility of the Provincial Government - the responsibility of the Provincial Government is to enforce the laws as they are on the statute books of Canada.

Mr. Speaker, that indeed is what the Attorney-General is doing. I would like to commend the Attorney-General for proceeding to enforce the laws despite the attempts by honourable members across the way, again to create their usual attempts to generate uncertainty and fear and confusion, so that it becomes a daily diet in this Legislature from honourable members across the way.

MR. G. MERCIER: Mr. Speaker, it is the Premier and the Attorney-General who have created the uncertainty and the confusion. The Premier has indicated that he, as Premier, is supportive of the existing provisions of the Criminal Code on abortion. The Attorney-General has indicated that he and the NDP Party in Manitoba are opposed to the provisions of the Criminal Code on abortion.

My question to the Premier is this, Mr. Speaker. Does the Premier have one position with respect to the provisions on abortion in the Criminal Code and the NDP Party another position which is different from that?

HON. H. PAWLEY: I'm proud to say that in our party we tolerate differing points of view and there can be differing personal point of view, unlike obviously honourable members across the way and through their party that do not tolerate different points of view, Mr. Speaker.

I'm pleased to be a member of a political party that accepts a broad spectrum of points of view in respect to issues like this.

MR. SPEAKER: Order please. The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, does the Premier intend to request the Attorney-General then to advise the Minister of Justice that when the Attorney-General advised him that the NDP Party is opposed to the existing provisions of the Criminal Code, that he was not speaking as Attorney-General, he was not speaking as the MLA for Fort Rouge, he was speaking solely as a member of the New Democratic Party, and his comments are in no way to be construed as the opinion of the Premier and the Manitoba NDP Government?

HON. H. PAWLEY: Mr. Speaker, I don't know whether you would classify that as an argumentative question.

The Attorney-General is fulfilling a certain responsibility. In the Province of Manitoba, that responsibility is to enforce the laws of Canada.

The Attorney-General is doing that, Mr. Speaker, and whether or not the existing law is the personal view of the Attorney-General is irrelevant to what is an honest, forceful job of enforcing the laws as they exist in respect to Canada, in regard to this matter.

MR. G. MERCIER: Mr. Speaker, my question to the Premier is this: who should the government believe, the Premier of the Province of Manitoba, who says one thing; or the Attorney-General, who says another thing?

MR. SPEAKER: Order please. The question is argumentative. If the honourable member has a question seeking information, he should place it.

Jobs Fund - abuse of funds

MR. SPEAKER: The Honourable Member for Wolseley.

MS. M. PHILLIPS: Thank you, Mr. Speaker.

I have a question for the Minister responsible for the Jobs Fund. Can the Minister confirm recent reports that there have been some abuses of Jobs Fund programs?

MR. SPEAKER: The Honourable Minister of Culture.

HON. E. KOSTYRA: Thank you, Mr. Speaker, and I thank the member for that question.

Unfortunately there was a recent report in Saturday's Winnipeg Free Press that suggested that there was abuse of Jobs Fund programs and that there was no checks on dishonest employers.

Unfortunately, either the reporter or the newspaper failed to provide all the information that was provided to it. The report that has been mentioned in this article is not a Jobs Fund program. It was a previous program of the previous governments with respect to job creation.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please.

HON. E. KOSTYRA: The report that was public, Mr. Speaker, was going back to a program in 1982, alleged abuses during the summers of 1980 and 1981, which was not a Manitoba Jobs Fund program, but was a previous program of the previous government.

SOME HONOURABLE MEMBERS: Oh, oh!

Abortion - Government's position

MR. SPEAKER: Order please.

The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, I'd like to direct a question to the Attorney-General following on the questions of the Member for St. Norbert and the comments of the Premier. The Premier indicated it was the task of the Attorney-General to uphold the existing law . . .

MR. SPEAKER: Question.

MR. R. DOERN: . . . and I would ask the Attorney-General, rather than stalling and waiting another couple of years, as he has done on the Morgentaler case - presumably waiting for Ontario which could go on for months, if not years more - will the Attorney-General commence proceedings against Dr. Morgentaler now?

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Just two short responses. First of all, the proceedings against Dr. Morgentaler have been commenced. The Member for Elmwood is, as usual, wrong in his premises and I go no further with it than that.

Secondly, the way in which the issue has been raised fails to distinguish between the constitutional function of an Attorney-General who must operate without political fetters and the responsibilities which I have, as an individual, and I'm proud of the position I've been able to take in both respects.

MR. R. DOERN: Mr. Speaker, I would ask the Attorney-General whether he would be prepared - having blown a number of opportunities - to make it a condition of Dr. Morgentaler's next bail appearance to preclude him from operating his clinic?

MR. SPEAKER: Order please. The question is hypothetical and argumentative.

Teacher retirement age and pension reform - Cost to taxpayers

MR. SPEAKER: The Honourable Member for Morris.

MR. C. MANNESS: Thank you, Mr. Speaker.

I direct my question to the Minister of Education. I have in my hands a Manitoba News Service Release dated May 6th, today, titled, "Hemphill announces lowering of teacher retirement age."

My question to the Minister . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

MR. C. MANNESS: Mr. Speaker, I am shocked, first of all, that a ministerial statement was not made with respect to this. My question is, Mr. Speaker, does not this type of change require some type of debate within the Legislature?

We have had a bill that's been introduced in first reading. It has not been tabled. Does that bill bring into being some of these changes? What is the state and to what degree will those of us in the Legislature be able to debate these particular issues?

MR. SPEAKER: The Honourable Minister of Education.

HON. M. HEMPHILL: Mr. Speaker, the bill that I tabled in the Legislature a couple of weeks ago does have

some of these elements — (Interjection) — the one that I announced will be tabled - does have these and other matters that deal with compliance of the pension reform that was brought in by this government, so that we are introducing major changes in pension reform throughout our whole system and some of these changes apply to the teachers' pension.

I'm also happy to say that apart from that, we've been willing to successfully negotiate what is a tremendous deal for the people of Manitoba, the students of Manitoba and the taxpayers of Manitoba.

MR. C. MANNESS: Well, Mr. Speaker, I don't know how the Minister can announce these changes if they require legislative ratification before they can be brought forward.

Mr. Speaker, what will be the estimated cost of this new program - funded by the government after five years - what will be the cost of this new program to the government and the taxpayers of this province over the next 25 years?

HON. M. HEMPHILL: Mr. Speaker, I think what I attempted to say before is that those things that require legislation will be brought in the bill before legislation and the other elements have been handled through tough bargaining and negotiation with teachers. I'm glad to say that I really don't believe in the end there's going to be any cost to the taxpayers. In fact, I think there might be a savings to the taxpayers.

In the first place the teachers have agreed to pick up the entire cost of removing the penalty for early retirement for the first five years.

SOME HONOURABLE MEMBERS: Hear, hear!

HON. M. HEMPHILL: That's going to cost them \$5 million, Mr. Speaker, so they're picking up this full cost of the benefit themselves out of the pension fund. But apart from that, we were successfully able to negotiate another major clause - the removal of a major clause - in the plan that could ultimately and, in fact within the next couple of years, have cost the Government of Manitoba \$12 million and we have removed that clause completely.

That clause was a revenue guarantee, Mr. Speaker, and what it said is, if they didn't earn as much as was projected, that the Government of Manitoba would pick up the difference. In other words if they projected a 10 percent revenue and it was only 9 percent, that we would be required to pick that up. We have projected the cost to be in the range of \$12 million. The teachers have given up a revenue guarantee, so that \$12 million savings will accrue to the Province of Manitoba.

There is another savings, Mr. Speaker, that I'm sure they want to hear about, because it's for the taxpayers and it's through the local school boards. Teachers will be retiring at the top end of the salary scale and school boards will be able to hire new, young graduate teachers - which we need in the profession because we have an aging teaching population - and they will be hired at the low end of the scale, Mr. Speaker, and that means school boards will be able to save money.

SOME HONOURABLE MEMBERS: Hear, hear!

Early retirement, funding of - government policy

MR. C. MANNES: Mr. Speaker, a final supplementary, this time addressed to the Premier of the province.

Mr. Speaker, has it now become government policy to fund early retirement of all categories of public service?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, this is an instance where there has been a program worked out through negotiation and with the support of school divisions in the province, many school divisions have forwarded resolutions of support for this proposal. Teachers, MAST, the Manitoba Association of School Trustees, has indicated its support for this, Mr. Speaker.

In fact this is legislation that I think we can be pleased with, in the Province of Manitoba, that will provide . . .

A MEMBER: We haven't seen it yet.

MR. SPEAKER: Order please.

HON. H. PAWLEY: . . . for opportunity for early retirement of teachers, the opportunity for younger teachers to replace those that are retired, Mr. Speaker.

SOME HONOURABLE MEMBERS: Oh, oh!

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

HON. H. PAWLEY: Mr. Speaker, and more important, as has been clear from resolutions from the school division, easing tax pressures on the ratepayers in school divisions and that is indeed one of the points that has been raised by the Manitoba Association of School Trustees.

So, Mr. Speaker, if the honourable members want to dig in their heels against a progressive measure such as this, they can do so. I'm pleased that our Minister of Education was able to proceed with this type of pension reform that will contribute to improvement insofar as the overall pension program is concerned with teachers and contribute to other purposes at the same time.

MR. SPEAKER: Order please.
The time for Oral Questions has expired.

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, could I have leave to revert to my statement as per the earlier request?

MR. SPEAKER: Does the Honourable First Minister have leave? (Agreed).

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, earlier today in Winnipeg and in Minnedosa, young Manitobans gathered to kick off Manitoba Youth Week.

May 6th and 11th was established as Youth Week by a resolution of this House in recognition of the United Nations International Youth Year. Young Manitobans will be participating in a number of events focusing around the themes of peace and co-operation.

Across the province, young people will be involved in a range of activities involving peace ceremonies, films, live theatre presentations, workshops and a variety of entertainment. In conjunction with National Forestry Week, Manitoba youth will be planting trees in a demonstration of their commitment to the environment.

Sir, I would like to take this opportunity on behalf of the government to wish our young people well, to express our sincere hope that Youth Week is an exciting and a rewarding celebration. I would also like to pledge our support to the theme of peace and co-operation.

There is today, no nobler pursuit than that of world peace. That our young people have chosen peace as a theme for celebration is reason for all Manitobans to be proud of our young people and to be confident in our future. Our generations have a moral responsibility to work together to put an end to the threat of nuclear war.

I congratulate our young people for assuming their responsibility by adding their voices to the hundreds of thousands that are crying out for peace. Almost every human victory of justice over injustice, of dignity over shame, freedom over oppression has come as a result of ordinary, sometimes weak and powerless individuals uniting with a single voice.

There's no cause more just than world peace, and no voices louder than the voices of the youth. Our young people have skills, they have talents, hopes, dreams and aspirations. They have the inalienable right to develop those skills and those talents to realize those hopes, those dreams.

Let there be no mistake, the government and the people of Manitoba support you in the celebration of peace and co-operation. Our wish for you today is that this week and this year be exciting and rewarding. May your future be one of justice, dignity, co-operation and of peace.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Mr. Speaker.

We, on this side, are pleased to join with the Premier and members of the government in the celebration of the commencement of Youth Week in Manitoba. We, of course, are well aware of this being the United Nations International Year of the Youth and the many celebrations and activities that have commenced and are carrying on throughout this year in that theme.

We, of course, are pleased to recognize all of the goals and ambitions and desires of the youth of our province and our country today and we join in with all those who wish for them the desire that they have the opportunity to pursue their self-reliance and initiative in creating for themselves and for others to follow the kind of world that all of us want to participate in and all of us want to see for future generations.

We, most of all, Mr. Speaker, want to ensure that this province affords them the opportunity to the fullest extent to accomplish their goals and desires and ambitions in accordance with their God-given talents and capabilities and in accordance with all that they desire for the future.

Amongst those many things, of course, fundamental to that is a desire to live in a world of peace and freedom and to pursue their goals and objectives and have the ability to work in a democracy that allows for all of the many things that aren't permitted in other jurisdictions in this world of ours.

We're pleased to join with the Premier and others who have expressed, in the realm of the International Year of the Youth, the desire for our young people to join with those who have gone before them, those people, the mature and the others in society, all of whom have different goals and ambitions, but all of whom have enjoyed the opportunity to pursue their lives in Manitoba. We join with them in wishing for them the same opportunities to pursue their goals in an atmosphere of peace and freedom and democracy.

COMMITTEE CHANGE

MR. SPEAKER: The Honourable Member for Riel.

MS. D. DODICK: Mr. Speaker, I have a committee change on Public Utilities and Natural Resources: The Member for Wolseley substituting for The Pas, and the Member for Thompson for St. Johns.

MR. SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Thank you, Mr. Speaker.

I have changes on the Economic Development Committee: Gourlay for Blake and McKenzie for Enns.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker.

Mr. Speaker, would you please call the proposed resolution standing in the name of the Honourable First Minister on Page 3 of the Order Paper.

PROPOSED RESOLUTION - NUCLEAR WEAPONS FREE ZONE

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I beg to move, seconded by the Honourable Member for Inkster,

WHEREAS Manitobans continue to state their desire to end the nuclear arms race; and

WHEREAS Peace is one of the principal themes of the International Year of Youth' which the Manitoba Legislature unanimously accepted in a resolution on April 25, 1985; and

WHEREAS developing new weapons systems only serves to escalate the tension between the Superpowers; and

WHEREAS Manitobans continue to object to the world powers spending more than \$2 billion per day on armaments while millions of men and women live in poverty and starvation confronts much of the Third World; and

WHEREAS the concept of Nuclear Weapons Free Zones has been recognized by treaties in Antarctica (1959), Outer Space (1967), most of Latin America (1967), the Sea-bed and the Ocean Floor (1970); and

WHEREAS the United Nations in 1978 stated in its report from the Special Session on Disarmament that "The process of establishing such zones should be encouraged with the ultimate objective of achieving a world free of nuclear weapons."

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba declare Manitoba a Nuclear Weapons Free Zone to signal Manitobans' desire for world peace.

MR. SPEAKER: Order please, order please. Order please.

There can be no demonstrations from the gallery.

MOTION presented.

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I believe that this resolution speaks for itself. I'm calling upon the Legislature today to give unanimous support to this resolution which would declare Manitoba a nuclear weapons free zone.

It has been over 40 years since humanity discovered and first unleashed the terrible weapons of nuclear power. Now, decades later, the nations of the world possess literally tens of thousands of such weapons; weapons that could destroy every city and town and village several times over; weapons that could result in the death and destruction of every human life on Planet Earth.

A destructive capacity now exists to destroy all humanity, Mr. Speaker, but despite that there is no signal that we receive that there is a real conscious, substantive effort in order to abate the number of bombs. They continue to increase, they continue to be developed to a point that, indeed, the speed by which this weaponry is mushrooming is oblivious, I'm convinced, to the vast majority of people on the Planet Earth.

The people of Manitoba are not isolated from the situation, Mr. Speaker. We cannot, I acknowledge, single-handedly stop the madness of the nuclear arms race. But Mr. Speaker, what we can do is ensure that we put forth a strong and a unified voice; a voice that will clearly demonstrate the anger, the disapproval and the concern and the fears that exist insofar as the continuing arms buildup that is taking place.

Through this resolution we are able to state unequivocally that we believe it's time to stop. We can indicate through this resolution that the people of Manitoba cannot and will not participate in any way in the arms race or to the instability to world peace which the arms race has created.

Earlier today, Mr. Speaker, I had the opportunity to speak to a group of students in order to commemorate

1985 as International Year of Youth and to launch this particular week which has been specified as the week of peace insofar as the young people of the Province of Manitoba.

Mr. Speaker, I was pleased to see that one of the themes of this year, a theme, in fact, that has been agreed to by young people worldwide, is peace. A recognition Mr. Speaker, that although we can develop a better world and improve our health programs, educational programs, our economic programs, that we can do all of the material things, that if we're unable to use our moral sense of justice, if we're unable to speak to each other as individual-to-individual and family-to-family and nation-to-nation, that we will, indeed, set aside all that which the good work and efforts of human kind has put together.

In fact, what young people are asking today, Mr. Speaker, is will we have the opportunity to enjoy the abundance, the scientific discoveries and development that has occurred worldwide, that we'll be able to utilize those discoveries, that advancement in order to ensure that ourselves, our families, our communities, our country and the Planet Earth are, indeed, to benefit; or are we going to proceed down the other road at the fork which will result in the total annihilation and destruction of all that is good and beautiful in this world.

Mr. Speaker, what time better than now to express our solidarity with the young people, not just of Manitoba, but worldwide; to demonstrate our solidarity with their hopes and with their dreams and with their aspirations.

Mr. Speaker, today young people live too frequently in fear of the future. They want an end to the nuclear arms race. They want real progress toward worldwide nuclear disarmament. What better way to support this aspiration, I ask you, than that we ensure that from this Chamber there be immediate and speedy and unanimous support to the resolution that has been placed on the table today.

Mr. Speaker, we all have witnessed the suffering, the famine that is existing in different parts of the Third World. Many of us in the last few months have watched in horror as we've witnessed the scenes of famine in Ethiopia and Sudan and other countries of Africa. We have responded to the best that we are able to in regard to contending with those horrible demoralizing, destructive situations in the poverty-ridden Third World. Millions, billions are living in pain and hunger, despair and death, and many of them are able to make but little headway in alleviating those conditions.

If only a portion of the resources that we expend within the world community on armaments and nuclear buildup - hundreds of billions of dollars are being spent, Mr. Speaker, annually on these destructive nuclear weapons worldwide. If we were only able to expend a fraction of those monies in order to improve the quality of life, improve the lot of the needy and the suffering of this world, Mr. Speaker, would we, indeed, be not accomplishing much more to achieve world peace and to remove the root causes that agitate strife resulting in war?

I could go on, Mr. Speaker, and explain all the rational and good reasons why we ought to support this resolution. But the reasonableness and the soundness of the resolution, I believe, needs no defence, requires no advocate; surely, a statement which all peace-loving

peoples can and should support. All that is needed is the will and support of members in this Chamber, so that collectively we can send a strong and clear and decisive message of peace on behalf of the people of the Province of Manitoba to the rest of Canada and to the entire world. This is a resolution which I am convinced that Manitobans will wish to lend their support, for they share the same fears, the same hopes, the same dreams, the same aspirations for a safer nuclear free world.

Young people today, Mr. Speaker, and this has been my experience in every high school that I've spoken to in the last two or three months, are crying out more strongly and clearly on this issue than any other issue that is before young people today. They're calling out in no uncertain message in schools and any gathering that I have spoken to, for their political leadership to take a strong and a clear and a decisive position; they've urged political leadership of this province; they're urging the political leadership at the federal level; they're urging the political leadership in Moscow and in Washington to take firm and clear positions, unequivocal positions in support of nuclear disarmament.

Mr. Speaker, I ask you, can we do any less but to add our voice, as elected representatives of the people of the Province of Manitoba, including our young people, but to add our voice to their voice in a clear message from this Chamber.

I would ask, Mr. Speaker, that all members in this Chamber display true leadership and clearly and boldly demonstrate our solidarity for this resolution. Let us do our part, as little as it may be, and I acknowledge this is but a very small step. It's only a signal, a small signal, Mr. Speaker, to lift the cloud of uncertainty that has enveloped this province and has set this province, this planet, back because of 40 years of a destructive nuclear arms buildup.

I trust I speak for all honourable members in this Chamber, opposite as well, and I look forward to support of the Honourable Leader of the Opposition and all members of his caucus. Mr. Speaker, let us all show and tell where we stand on this, undoubtedly the most important issue confronting Manitobans.

Mr. Speaker, there are many expressions that are forthcoming from different organizations in the Province of Manitoba in regard to their support for this resolution, different organizations. In fact, over the weekend, it's my understanding the Inter-Faith Committee that was meeting in the City of Winnipeg lent its support to the concept of this resolution. Many other organizations throughout the province, people all throughout Manitoba, will speak out very clearly - and I think that will be demonstrated by the annual peace walk that many of us have the opportunity to look forward to and participate in each year.

In fact, I think this province by way of ratio of residents that participate in the peace walk on an annual basis, is higher than in any other province in Canada. Generally there are 25,000 to 30,000 men, women and children participating in the peace walk, compared to three or four or five thousand in the City of Toronto. I'm proud of the fact that Manitobans are prepared to walk for peace and participate and to speak out for peace in a way that I believe exceeds similar sentiment in other parts of Canada.

Mr. Speaker, I look forward to a quick and ready passage of this resolution, the support of this Legislature

in order to ensure that we speak out unanimously, each and every member in this Chamber, and declare Manitoba as a Nuclear Weapons Free Zone to signal the desire by Manitobans everywhere for world peace.

Thank you, Mr. Speaker.

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

MR. H. ENNS: Mr. Speaker, I move, seconded by the Honourable Member for Morris, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker.

Mr. Speaker, I believe there may be a predisposition to dispense with Private Members' Hour today. I would ask, Sir, before moving the Supply Motion, for permission to do so.

MR. SPEAKER: Is there leave to dispense with Private Members' Hour today? (Agreed)

HON. A. ANSTETT: Thank you, Mr. Speaker.

I move, seconded by the Honourable Attorney-General, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

Mr. Speaker, the Committee in Room 255 will continue with consideration of the Estimates to the Attorney-General, and the Estimates of the Department of Health will continue to be considered here in the House.

MOTION presented and carried and the House resolved itself into a Committee to consider of the Supply to be granted to Her Majesty with the Honourable Member for River East in the Chair for the Department of Health, and the Honourable Member for Burrows in the Chair for the Department of the Attorney-General.

CONCURRENT COMMITTEES OF SUPPLY SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN, C. Santos: Committee, please come to order.

We are considering Item No. 6.(a)(1) Protection of Individual and Property Rights, Manitoba Human Rights Commission - Salaries; 6.(a)(2) Other Expenditures.

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I believe it's required that the 1984 Human Rights Commission Report be filed within 15 days of the commencement of this Session. We have not yet received the Human Rights Commission Report.

MR. CHAIRMAN: Mr. Minister.

HON. R. PENNER: It's at the printer so that it will be forthcoming in a few days.

MR. G. MERCIER: Could we have a copy of the draft report then that we can use to deal with it? I raise it, Mr. Chairman, because it's required by statute to be here and it's not here and we're into Estimates now and there's just simply no excuse that I'm aware of. Perhaps the Attorney-General could indicate what possible excuse there is for not having it at this stage.

HON. R. PENNER: I apologize to the member. There have been some problems, staff changes and some staff shortages which we're hoping to rectify. There was a backlog of Human Rights cases that the staff was trying desperately to cope with because there were some criticisms and they were justified criticisms; and it had been hoped when the matter was sent to the printer that it would be out a little sooner than has been the case, but we will get the member a draft of the report. In fact, what I can give the member now to help him is the statistics section. In fact, as I will in a moment place them in his hand, he will be one step ahead of me. You don't have a duplicate or anything?

MR. G. MERCIER: Would the Attorney-General like to indicate what, if any, amendments he will be proposing to The Human Rights Act at this Session?

HON. R. PENNER: None.

MR. G. MERCIER: What about the reference to wage parity in the Throne Speech? That will not be done by legislation, but done by policy?

HON. R. PENNER: It will be done by legislation, but it will not be done as an amendment to The Human Rights Act. I'm not at liberty to say more than that, but that does answer the question. It will not be done as an amendment to The Human Rights Act.

MR. G. MERCIER: Mr. Chairman, in looking at the - this is all I did have to work with - the 1983 Provincial Human Rights Commission Report, I note on Page 6 of that - I know it says somewhere in this report, there is reference to at least three appeals by the Human Rights Commission, all of which they lost in court. Has the Human Rights Commission ever won a case in court?

HON. R. PENNER: Several.

MR. G. MERCIER: Does the Attorney-General have the actual statistics because I note there were at least three cases referred to.

HON. R. PENNER: Well, there was a case, in fact, just on that - while the member is looking - there was a case reported just in the last three days where an appeal had been taken from the decision of an adjudicator in Brandon relating to alleged discrimination on the ground of race in a Brandon motel. The decision of the adjudicator was upheld, although some fairly substantial procedural points had been raised.

MR. G. MERCIER: The cases I was referring to was the Finlayson case and the Ziprick case. There's also a reference to another McDonald versus Knit-Rite Mills. Has that matter been decided?

HON. R. PENNER: I'm just getting the information and I'll have it in a moment. I believe the Knit-Rite Mills case has been decided and was found in favour of the Human Rights Commission.

MR. G. MERCIER: Could the Attorney-General advise as to the status of the complaint of Mr. Herb Schulz which was filed with Mr. Gibson on October 4, 1983, alleging racial discrimination and using as the basis of his complaint, a memorandum from the Hon. J. Bucklaschuk dated June 27, 1983, to Cabinet Ministers and NDP MLAs on the subject of boards and commission in which numerous persons were identified by various ethnic origins, Franco, Native and other descriptions? Could the Attorney-General advise as to the status of that investigation?

HON. R. PENNER: Yes, it's under investigation, now, under more active process than had been the case for a few months. I know that in March - I'm responding on behalf of the government - I believe it was March 18th or thereabouts, or earlier, I received a request for certain information from the Human Rights Officer who has the carriage of the case, and I've recently responded to that, so I know that it is being actively pursued.

MR. G. MERCIER: Mr. Chairman, what would happen to a firm in the private sector if they identified their employees in the same manner as Mr. Bucklaschuk identified persons on boards and commissions?

HON. R. PENNER: The Manitoba Government is as subject to The Human Rights Act as anyone else in or out of the public sector and in due course the Commission will receive the results of the investigation conducted by the Human Rights Officer and will follow the normal course.

There will be no exception made whatsoever. Members, in fact, asking me to prejudge that which must be judged, in the first instance, by the Commission and also to be a judge, in effect, in my own case, since I speak for the government on that issue and I couldn't do that.

MR. G. MERCIER: Mr. Chairman, can a company in the private sector identify its employees as Native and Franco and handicapped?

HON. R. PENNER: That question could only be answered in context, that is, in what circumstances was the identification? There are circumstances in which they can and circumstances in which they can't, I would presume, but again the member is really seeking to lead me up the path - and I don't say this in a deliberate sense - by asking me to do indirectly that which I said I would not do directly, namely, prejudge that which the Commission, in the first instance, must judge.

The Commission must be at arm's length on this and on any other issue and it will act, I'm confident, without fear or favour, if I may use that cliché.

MR. G. MERCIER: Mr. Chairman, did the government apply for approval to the Human Rights Commission to conduct an Affirmative Action Program within The Human Rights Act?

HON. R. PENNER: In general?

MR. G. MERCIER: With respect to membership on boards and commissions.

HON. R. PENNER: Not to my knowledge.

MR. G. MERCIER: Can the Attorney-General explain the reason for the lengthy delay that has taken place? It is almost - well, it would be over a year and a half now, I guess approximately - exactly a year and a half - since this complaint was filed.

HON. R. PENNER: I'm advised that because there are a number of legal questions involved, that is, for example, whether or not an appointment by Order-in-Council to a board or commission is employment within the meaning of the act, that the outside legal counsel was retained for some legal opinions and that this is, in the main, what took the time. You know how it is with people in private practice.

MR. G. MERCIER: Mr. Chairman, would the Attorney-General be prepared to obtain an outside opinion as to whether there has been, in fact, discrimination against the applicant, Mr. Schulz, because he is a former member of the New Democratic Party?

HON. R. PENNER: What kind of discrimination are you talking about?

MR. G. MERCIER: That his application has been deliberately delayed because of the fact that he is no longer a member of the government, a member of the New Democratic Party, and that there has been an obvious reluctance or almost refusal to deal with his complaint because of his politics?

HON. R. PENNER: There has been neither reluctance nor refusal, nor anything of that kind. The member asked me a question and I gave him an answer as to the reason for the delay.

First of all, let's go back a bit. The second series of questions that the member directed to me was as to whether or not the matter was being investigated and was being actively pursued. My answer made it clear that it was. The following series of questions was directed to the question of why was there a delay, and there was a delay. I answered, and that is because of more than technical questions, fundamental questions, but questions requiring legal counsel, outside legal counsel was retained by the Commission and that was the reason for most of the delay.

MR. G. MERCIER: When does the Attorney-General anticipate that a decision will be made by the Human Rights Commission with respect to this complaint?

HON. R. PENNER: It's near the end of the investigation stage, I'm advised, so I expect it will not be long now.

MR. G. MERCIER: You're talking a matter of two months, three months?

HON. R. PENNER: Less.

MR. G. MERCIER: Mr. Chairman, I want to ask a question with respect to what seemed to be an interminable consideration of the Safeway policy with respect to beards. It, I think, began as appeals from a labour arbitration that went all the way to the Supreme Court and was ruled in favour of Safeway, and then a complaint was made to the Human Rights Commission and appeals went from that all the way again to the Supreme Court. Could the Attorney-General explain why the Human Rights Commission got itself involved in this issue after it had been decided in the Supreme Court?

HON. R. PENNER: I can't, of course, account for the proceedings which preceded the submission of the matter to the Human Rights Commission. Once the matter was submitted to the Human Rights Commission, there emerged a question which the Commission considered to be pretty fundamental on that; it wasn't a question of the beards or the particular policy - that was the occasion - but it was a question of whether or not a gender characteristic, the ability of males to grow a beard, that is, a policy with respect to it could be encompassed within the question of sex discrimination.

Subsequently, that issue was also tested with respect to pregnancy. Beards on the one hand - although there could be slight exceptions with beards, but not with pregnancy - and pregnancy on the other, are gender-related characteristics; the ability to grow a beard, the ability to become pregnant - it was important for the Commission to know so that it could know from what basis it would work in these cases, whether or not the prohibition against discrimination based on sex included - if I can use the term; I'm not sure it's the term that the Commission or the Commission's lawyer would use - secondary discrimination based on sex, that is, things that flow from gender-related characteristics.

MR. G. MERCIER: What were the costs to the Human Rights Commission in terms of retaining legal counsel for that series of appeals after the Supreme Court had already made one decision?

HON. R. PENNER: I'll take that as notice and get the information as soon as possible.

MR. G. MERCIER: What is the present remuneration for the Chairman and members of the Human Rights Commission and when was the last increase?

HON. R. PENNER: There hasn't been an increase since I assumed office. I regret to say, it indicates a meanness of character which will have to be rectified, but the chairperson receives 140 per diem, obviously, less for a half-day and so on, and the members 70.

MR. G. MERCIER: Mr. Chairman, the Manitoba Human Rights Commission last year dealt with certain facts, I think, in which the board alleged that the Wigwam Snack Bar was practicing discriminating by selling a hot dog named the "squaw" for less than one called the "chief." Could the Attorney-General indicate the facts as the Human Rights Commission saw them, in their opinion, and the outcome of that matter?

HON. R. PENNER: Will you repeat the question?

MR. G. MERCIER: The question is related to this instance of where the Human Rights Commission, I think, alleged discrimination against the Wigwam Snack Bar, which I believe is just north of Selkirk Avenue, on the basis that they were selling a hot dog named the "squaw" for less than one called the "chief".

HON. R. PENNER: As the member may be aware, and this emerged somewhat more sharply - indeed, a lot more sharply - in the case involving The Sun and Peter Warren. Section 2 of the act is rather unclear as to its scope and function when it deals with material likely to lead to race hatred or bringing a group into disrepute on the basis of race or racial characteristics. It was held ultimately in the Wigwam case that the courts didn't have jurisdiction, that Section 2 is not wide enough, or any other section of the act, to give the Commission, if it would follow the courts jurisdiction.

So, the Commission felt that the only way it could deal with matters that were the subject of the complaint as being offensive to one or more members of a particular group would be to deal with it, as it did, within the scope of its educational mandate.

MR. G. MERCIER: Was there a court decision involving that matter?

HON. R. PENNER: There was a legal opinion upon which the Commission, I think, operated in that case.

MR. G. MERCIER: I take it from the Attorney-General's remarks - I'm just trying to confirm what happened - the Commission, on the basis of that legal opinion, concluded that they couldn't act on this matter within Section 2 because it didn't come within the legislative jurisdiction there and so the chairman, I take it, decided to act under his so-called educational mandate to bring this matter to public attention.

HON. R. PENNER: Yes, it was felt that there was some doubt at that time and that doubt has being substantially removed by the subsequent Sun-Peter Warren case, some doubt about the extent of jurisdiction.

It was felt that, while the matter complained likely raised questions that might be offensive to a number of people, it didn't warrant going forward with a formal court case; that it was the kind of thing, with respect to which education and the fulfilling of its educational mandate would be more appropriate than attempting to use the full powers that the Commission would have to take the case to court, through adjudication to court.

MR. G. MERCIER: Mr. Chairman, is the Human Rights Commission going to, or considering investigating or making public statements about the A and W, which I understand have a papa burger and a mama burger which sell for different prices?

HON. R. PENNER: First of all, the member may find an analogy between papa burgers and mama burgers which aren't, at least to me, prima facie discriminatory. Generally, but not always, papas are bigger than mamas and sometimes too much so. I can tell you about one

papa and one mama where that is certainly true and the papa wishes he were about the same size as the mama and the mama wishes she were smaller than she was.

But it may be that the particular complaint didn't raise the greatest issues in the world but, nevertheless, we know, if you know anything - I'm sure the member knows something - about the history of the Aboriginal people in this country, that words like "chief" and "squaw" were used in a derogatory way.

The Indian people do not refer to their women as squaws. In fact, the reference to the Indian women as squaws, whether it was originally so, but in a way in which the Indian people of this country were exploited became, in context, a derogatory phrase and there were jokes in these tasteless kinds of joke books about squaws. One can see a basis for an offence or someone taking offence, which I doubt would be quite the same as between a papa burger and a mama burger.

MR. CHAIRMAN: The Member for Wolseley.

MS. M. PHILLIPS: I'd just like to clarify, Mr. Chairperson, that I think the Attorney-General has hit the issue on the head, as it were, that the issue was not whether one was charged more or was more highly priced than the other, but it was the fact that they were using what Native people who frequented that restaurant saw as derogatory terms and were terms that were not acceptable. It's not a question of which one was charged more for than the other. It was the other question, the question of race discrimination that was being tested.

MR. CHAIRMAN: The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I have to perhaps go back to another subject then. If the Human Rights Commission and the Attorney-General find this to be so blatantly discriminatory, then why is it taking a year and a half to deal with Mr. Schulz' complaint, when descriptions like "Franco" and "Native" and "New Ethnic" were used by the government by Mr. Bucklaschuk in his memo to all Cabinet Ministers and NDP MLAs.

HON. R. PENNER: First of all, the person who is a Native does not find it discriminatory to be called a Native. A person who is a Francophone does not consider it discriminatory to be called a Francophone. There can be no question about that. A Native woman finds it discriminatory, for very good reason, to be called a squaw.

Secondly, the act - and this is a point I tried to make earlier - talks about, in Section 6, discrimination prohibited in employment. Let us assume for a moment that the acts complained of amounted to discrimination, which is not admitted but denied. The legal question is whether or not an appointment by Order-in-Council to a board or commission for an honourarium is employment within the meaning of the act. That's a very important question that the Commission is bound to look at before it decides that it has jurisdiction.

MR. G. MERCIER: Does the Attorney-General believe that the government should rely on a technicality as

to whether or not persons appointed to boards and commissions come within the terms of employment in order to get off the hook?

HON. R. PENNER: First of all, the government is not relying on a technicality. There is nothing technical about the question of jurisdiction; there is no court in this land of which I'm aware, no judgment from courts in this land of which I'm aware, from the Supreme Court to Appellate Courts to Trial Courts, that have ever held that the question of jurisdiction is a technicality.

There is nothing more fundamental to the exercise of judicial power than the question of jurisdiction. If we recognize the rule of law, we could not permit a body that has the awesome power of judicial function, quasi or full judicial function, to enter into a sphere without having the legal right to do so.

MR. CHAIRMAN: The Member for Thompson.

MR. S. ASHTON: Thank you, Mr. Chairman. I would hope, with this line of questioning, that sight would not be lost of exactly what those terms are being used for. In fact, I find it somewhat surprising that the member opposite should even question the process of trying to have an affirmative action component to the appointment of boards and commissions because his federal leader, Brian Mulroney, has indicated support for that very process.

That process can only be achieved if records are kept of the success of that Affirmative Action Program. In the case of women, for example, it's been documented that this government has had more women on boards and commissions than ever before. I believe the percentage under the previous government was 12 percent. It's gone up to 30 percent. The only way in which that can be measured is if they determine how many women were appointed to boards and commissions. I think it's the same process that was followed in regard to the other groups which are identified and to suggest implicitly that there is somehow some form of discrimination involved, I think is very wrong.

Affirmative action is into making sure that groups which are otherwise discriminated against get their fair share of access to, whether it be jobs or, in this case, boards and commissions. I would hope the very technical line of questioning that the Member for St. Norbert is following would not lead one to lose sight of the fact that what was put in place was an Affirmative Action Program, that the terms which were used, as the Attorney-General points out, are accepted terms by the groups involved.

There's no discrimination, in terms of the terms itself, and what is being aimed at, through the boards and commission process I think is only fair, and something that I would have thought the Member for St. Norbert would have been asking about. I think he should be asking actually about the success of the Affirmative Action Program, how well it's doing, rather than implicitly criticizing it.

MR. G. MERCIER: Mr. Chairman, does the government establish quotas for these various areas in terms of its making appointments to boards and commissions?

HON. R. PENNER: No.

MR. CHAIRMAN: The Member for Wolseley.

MS. M. PHILLIPS: I have a question on something else. Is that appropriate?

According to one of the charts, I guess I'd just like an explanation of what the difference is between marital status and family status?

HON. R. PENNER: I'm sorry, would you repeat the question?

MS. M. PHILLIPS: There's a chart here - on the fourth page from the back and I presume it might be the same category on other ones. Yes it is. Most of the charts are broken down between marital status and family status.

HON. R. PENNER: There is, of course, an overlap. An example that might be used is, I'm married and the woman to whom I'm married is my wife, but I have a daughter who has family status but not marital status.

MS. M. PHILLIPS: Her marital status is single?

HON. R. PENNER: Yes, but her family status is daughter.

MS. M. PHILLIPS: I just wondered how it was broken down into these two columns. You know, employment, for instance - 17 cases on marital status and 44 on family status. What kind of cases would be in each category?

HON. R. PENNER: One of the most common kinds of cases or complaints on family status is the denial of accommodation because of having a child.

MR. CHAIRMAN: The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, has the Manitoba Human Rights Commission become involved or investigated, in any way, the restaurant known as Hunky Bill's, which was also, I believe, the subject of Human Rights Commission's proceedings and court proceedings in the Province of British Columbia?

HON. R. PENNER: No, it has not become involved in that question.

MR. G. MERCIER: Does the Attorney-General intend, or have any plans to appoint a full-time Chairman of the Human Rights Commission?

HON. R. PENNER: Not currently, no.

MR. G. MERCIER: Does the Attorney-General intend, in any way, to change the method of appointment to the Human Rights Commission?

HON. R. PENNER: Well, in fact, we did. On the recommendation of Mr. Gibson, when he was chairperson and backed by the Commission as a whole, subsequent appointments were made on a rota basis; that is, three years, two years, one year, so that there

are always approximately one-third of the members of the Commission whose appointment comes up for review annually. I think that that was very salutary.

In fact, one of the recommendations in the proposed new Human Rights Code, which has not been dealt with and will not be dealt with during this Session, is to make that a statutory requirement.

MR. G. MERCIER: Mr. Chairman, I don't have any further questions at this time on the Human Rights Commission, the real difficulty being that we don't have the 1984 Human Rights Commission Report which we were . . .

HON. R. PENNER: Didn't you get the . . .

MR. G. MERCIER: Well, I've got the statistics, but that's . . .

HON. R. PENNER: That tells the main story.

MR. G. MERCIER: Does the Human Rights Commission act on complaint only?

HON. R. PENNER: In almost all cases involving individuals, the Human Rights Commission is reactive rather than pro-active. I think that to some extent it would want to be more pro-active than it is. It simply doesn't have the resources.

MR. G. MERCIER: Mr. Chairman, the Attorney-General has said that the statistics that he's given us in the Appendix tell the whole story. We'll have to await the total report. I don't think we can dismiss the balance of the report as not providing any further information with respect to the Human Rights Commission and we'll have to review that when it comes forward.

I suppose we'll have to ask any further questions we have of the Minister in the House, but I would ask him to instruct the Human Rights Commission that the law is not there to be disobeyed. There are specific time limits set for the production of the Human Rights Commission Report, and I can tell him when we were in government and the reports weren't prepared within the time limits, there was a great fuss by his party as members of the opposition.

We have not done that and I think have tried to be realistic because in some cases, for whatever reason, it's simply not possible and it's not done intentionally to avert any questions about the operations of whatever board and commission is involved. But it is difficult not to have the report available when the department's Estimates are up for consideration.

HON. R. PENNER: The point is well taken and I'll be discussing it with the Commission. I assure the member that I will get him a copy of the report or, if necessary, if there's going to be any delay at all, a copy of the galley as soon as possible. I'll also want to find out when the report went to print and I'll provide members with that information.

MR. CHAIRMAN: 6.(a)(1)—pass; 6.(a)(2)—pass.
6.(b)(1) Canada-Manitoba Legal Aid, Salaries; 6.(b)(2) Other Expenditures - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, the estimate of revenues show an increase in revenue from \$790,000 to \$1 million. Is that a result of a new federal-provincial agreement?

HON. R. PENNER: No. That part which is listed under the Department of the Attorney-General is based on anticipated increases in the amount of interest from the solicitors' trust account.

MR. G. MERCIER: Okay, right.

Mr. Chairman, I note now that in the Estimates it shows Recoverable from Canada, \$3,135,000.00. What was the figure last year?

HON. R. PENNER: Yes, I'll just get that in a moment - \$2,949,700.00.

MR. G. MERCIER: That increase is based on a new federal-provincial agreement or based on a larger volume?

HON. R. PENNER: The latter. It includes - the major addition is the addition of young offenders, I believe, because the formula under Adult Criminal Legal Aid, unfortunately remains the same and we're projecting on that basis.

Negotiations are presently taking place with respect to the agreement and based in part on recommendations by the Canadian Bar Association which in effect is asking the Federal Government to get back to what some of us believe to be the original intention, that is, 50-50.

Manitoba, in this respect - the federal share has fallen from what was once 50-50 and indeed at one time marginally exceeded 50-50 to something in the neighbourhood of a present 37 to 63 proportion. We're looking for a better deal.

I'll just check for a moment, but I believe that when we look at the comparison of \$2,949,700 to \$3,669,200, part of that of course is growth - although we're not anticipating that madly much of a surge - but part of it is the inclusion of the young offenders, in about the order of 450,000.

MR. G. MERCIER: Can the Attorney-General indicate how many certificates were granted in cases involving juveniles under The Young Offenders Act during the last while?

HON. R. PENNER: We note that while the grand total of certificates issued in civil matters as compared to the year previous, it was just a difference of two. So there was virtually no growth in civil. But there were just over 1,700 additional certificates issued in criminal matters - this is to March 31, 1984 - and nearly all of those increases were attributed to juvenile matters, young offenders' matters.

Of the 1,700 additional certificates, 200 were issued to private bar while 1,500 were issued to staff solicitors. We set up a special unit of staff solicitors to deal with young offenders, utilizing the funding obtained from the Federal Government for young offenders. It's located in fact in the Tuxedo Centre and has been doing remarkably well. We think that indeed the

additional 1,500 certificates handled by staff in this area represents a cost saving to society and of course to the taxpayers of over \$500,000.00.

MR. G. MERCIER: Has there been any discussion of that concept with the private bar?

HON. R. PENNER: We haven't of course initiated one, nor have we had - at least, I haven't had - departmentally, any complaints about our functioning in this specialized way in the young offenders' area. I think it's realized that this is an area which ought to be approached with some specialization and skill which you do get in this way. As I say, departmentally, I haven't received any complaints.

MR. G. MERCIER: Mr. Chairman, as I understand it, juveniles, under The Young Offenders Act can request a lawyer and that Legal Aid will comply with any request. Lawyers can be appointed even though the parents can well afford to hire the services of a lawyer for the juvenile, but there's no sort of means tests the way there is for ordinary Legal Aid.

HON. R. PENNER: That is right. Under the act, there is a requirement that when a young person requests legal representation, then the presiding judge is bound to see that the young person gets it and the way in which different provinces operate under this new requirement varies.

For example, and I was just looking it up - I'll find it in a moment - they've set up what appears to me to be a peculiar system in Alberta. It was just reported in the last issue of the National, the newspaper of the Canadian Bar Association, pursuant to which a special way of handling these references and a special tariff was set up, which constitutes payments made to solicitors representing young offenders, about 50 percent more than is the case to those defending adults. The National, April 1985, "Defending young offenders lucrative in Alberta. Alberta court-appointed lawyers are being paid about . . ." - well, I misrepresented - ". . . about 25 percent more to represent young offenders than regular Legal Aid work." That's proving to be a great drain on the Treasury.

We, in fact, by the way in which we're doing it here within the Legal Aid system, and using staff lawyers, are paying something in the order of 25 percent to 75 percent less, rather than 25 percent or 50 percent more, but getting quality representation, because we've got a very good bunch. We put some of our experienced people there representing young offenders and the reading I have to date is that it's a successful system.

MR. G. MERCIER: Mr. Chairman, does the Attorney-General feel that Legal Aid is bound by The Young Offenders Act not to require any inquiry as to the means of the parents and as to whether or not they could afford their own lawyer?

HON. R. PENNER: We, government Legal Aid, do enquire as to whether or not the young person or his parents are able to obtain legal representation out in the marketplace and we try to encourage that kind of representation being sought where the means are

available, but the way in which the act is structured is such that if, in fact, the young person says, I can't or won't or what is unfortunately somewhat more common, the young person's parents in effect disown the young person, the court can appoint counsel, under its power to appoint, because the court will not, as a court, allow that to stand in the way of representation. So then we come full circle back to the court and instead of referring to Legal Aid, appointing.

Then that appointment would normally be directed to the Attorney-General, and the Attorney-General would normally have to then appoint someone out in the private sector at private sector tariff to represent. We don't do that. In fact I have delegated my power of appointment to Legal Aid, and we operate it then under the Legal Aid system, but not without first making an attempt to have the young person or the young person's parents pay the shot.

MR. G. MERCIER: Mr. Chairman, are there any statistics available that would indicate how many juveniles were rejected, the appointment of counsel on the basis that they or their parents should pay for it?

HON. R. PENNER: There are about 25 cases a month in which, under the character of the case, summary conviction, no chance of incarceration, or because of the means that Legal Aid finds are available to the young person - Legal Aid in effect refuses, and then it goes that circle through the judge and back to Legal Aid and now Legal Aid steps in to represent, as the surrogate for the Attorney-General appointing counsel. But we do, through our own system, first refuse in an attempt to have the young person or the young person's parents meet the duty to represent - or at least assist themselves in being represented.

MR. G. MERCIER: Mr. Chairman, are the usual Legal Aid requirements, income qualifications used in dealing with juvenile offenders and their parents as to deciding who has sufficient wherewithal to hire their own lawyer?

HON. R. PENNER: Yes.

MR. G. MERCIER: Mr. Chairman, when was this procedure of actually making inquiries into the financial circumstances of the juvenile and his family, because it was indicated, I think about a year ago, by Mr. Kee, Senior Crown Attorney for the Juvenile Court, that the new procedure might be exploited by parents who have enough money to pay for their child's lawyer.

HON. R. PENNER: Legal Aid has always operated the system with respect to young persons in the same way that it has operated the system for adults, that is, establishing financial eligibility criteria, obtaining the information necessary to make a decision, granting or refusing to grant representation. We've simply continued with that system.

MR. G. MERCIER: Mr. Chairman, could the Attorney-General indicate the specific or actual amount spent on Legal Aid last year?

HON. R. PENNER: The amount spent on Legal Aid?

MR. G. MERCIER: Yes.

HON. R. PENNER: Dealing, just at the moment, with the vote, the amount spent - this is of course, taking you right to March 31, 1985, so it's as current as we can get, but still subject to some fine-tuning when the accounting is done, but this is as close as you can get - on the grant, the grant voted was \$7,855,443.00. It's anticipated that budgetary expense would be \$7,893,400 so that there'd just be a difference of less than 40,000. In addition, of course, the system generates contributions from clients, judgment costs and settlements, cost recoveries from child caring agencies, certain revenues of that kind, which would bring the total amount available to the society for the year to an additional - about \$300,000, to \$8,166,125 and the budgetary expenses will be somewhat less than that by about 20,000; that's the current view from the Captain's bridge.

MR. G. MERCIER: Mr. Chairman, does the Attorney-General or, through him, Legal Aid, intend to adjust the tariff paid to lawyers in private bar for Legal Aid work in the forthcoming fiscal year?

HON. R. PENNER: We would like to. There are two areas of adjustment that we want to look at and with respect to which we would like to be able to move.

One that we're particularly concerned about and work is being done on it presently flows from this, that with the creation of the Family Division of the Court of Queen's Bench, there are a whole number of functions that lawyers must now carry out that were not encompassed within the tariff, not sort of thought of when the domestic tariff was structured. So, there is a persuasive argument that can be made - indeed, has been made - that the domestic tariff, all other things being equal, is not as fair as it should be. I think there's merit in that. We are determined that we want to see what we can do to make adjustments there.

The argument has also been made that overall the tariff having been only increased once since it was established in 1972, and that I believe was 1980, when it was changed from an hourly rate of 25 to 35, that, clearly, if one looks at the effect of inflation on the costs of operating a law office, there is an argument which can be made for some increase in the tariff overall. We are certainly going to look at that.

Whether or not we will be successful in finding the resources from within to deal with that in this fiscal year has not yet been determined.

MR. G. MERCIER: Mr. Chairman, has the Attorney-General met with the, I think, it's the Legal Aid Liaison Committee of the Bar Association?

HON. R. PENNER: The Liaison Committee was, until recently, with the Law Society. That is until about five, six months ago and then the Law Society, because of a perceived conflict of interest, and the Manitoba Bar Association agreed that the Liaison Committee should be with the Manitoba Bar.

Since that change, I have met, I think, with members of the bar, but I haven't met with the Committee. I met with the executive of the bar, Mr. Pappas and others

on a range of issues and that issue has been raised, that is the issue of the tariff.

MR. G. MERCIER: Mr. Chairman, does the Attorney-General have a list of previous years - I think the last two we've done - of applications to the public interest section that have been approved and those that have been disapproved?

HON. R. PENNER: I have a list of the major matters handled by the Public Interest Department in the past year. This list encompasses some 38 cases of a total of 75 files which had been opened. That's the list I have.

I don't have a list - this is just dated May 1st - of the refusals, but I can get that.

MR. G. MERCIER: Mr. Chairman, I wonder if I could have a copy of that to deal with now and ask the Attorney-General if he would agree to provide me with a list of all matters dealt with by the public interest section as well as a list of the applications that were turned down?

HON. R. PENNER: Certainly - but subject to any possible, and I can't see one, but I just have make the slight reservation any possible solicitor-client question that might arise.

MR. G. MERCIER: Mr. Chairman, I take it that list is coming.

Perhaps while that list is coming, I could ask the Attorney-General where it is the practice of Legal Aid to, before granting a certificate, seek an opinion from counsel as to the merits?

HON. R. PENNER: Whose counsel?

MR. G. MERCIER: From a counsel, a lawyer.

HON. R. PENNER: You mean someone outside of the department itself?

MR. G. MERCIER: Mr. Chairman, I suppose I'm thinking mainly in the areas of appeals where a certificate has already been granted and the proceeding may be under way or an appeal is being considered. I think opinions are, in some cases, asked on the merits or, in some cases, in civil matters, prior to issuing a certificate, an opinion will be asked for.

HON. R. PENNER: In the normal case, in the usual case, one of the preconditions to the granting of an appellate certificate is that the lawyer who has been acting in the case must furnish an opinion to the Society through the area director and ultimately could be for the purposes of the board as to the legal case to be argued and its merits.

In case of doubt, the Society through its officials, will operate in the following ways. Dealing with an application coming from the private sector, they may have staff counsel review the legal opinion and advise the board, but these steps are taken. Even in some cases where there is the wish of a staff lawyer handling a case to take it up the ladder, and there's some

question that may be referred to other staff lawyers and, of course, where the application is to go to the Supreme court, then the Society may use staff lawyers or it may use outside counsel.

MR. G. MERCIER: Mr. Chairman, I raise this issue because I had asked the Attorney-General questions about what appear to be a policy of funding in an unlimited way, applications to court based on the Charter of Rights and Freedoms.

The only thing that may stop a lawyer who has unlimited funding in making applications based on the Charter will be his imagination. Mr. Chairman, I think there is a danger that Legal Aid may become involved in funding some rather exotic applications and the Attorney-General, in his response, I think indicated that there would be no restrictions on counsel appointed under a Legal Aid certificate to make applications under the Charter. I was asking him whether or not it would be prudent to require - sometimes time doesn't require it and I appreciate that - some opinion on the merits of such applications. Otherwise, as I say, the only thing that would restrict the counsel with a Legal Aid certificate will be his imagination.

HON. R. PENNER: Well, in fact, there is yet another restriction and that is that the argument has been made very forcibly to us that you virtually lose money on a Legal Aid certificate, so I think that in itself acts as a barrier and certainly it appears to.

I'm looking at the figures for the 12 months ended March 31, 1985, and we can look back to see how it compares with 1984. Out of a total private bar, total criminal certificates that were issued to the private bar, is in excess of 8,900. The appeals, Crown and client appeals in total, were less than 150. It didn't even make it to the 2 percent mark, so there's no profligate use of the Legal Aid system to take unnecessary appeals.

The year ending March 31, 1985, was the end of the third year since the proclamation of the Charter and if after all of that there is in total - and many of these will not be Charter related appeals - and let me repeat the figures, 8,926, out of all of that there were - I said 150 - 152 appeals, 42 of which were Crown appeals, so defence appeals were only 110 and many of those would be not related to the Charter. So, as I read those figures, if I can use a colloquial expression, "We ain't got a problem."

MR. G. MERCIER: Mr. Chairman, the Attorney-General will acknowledge that many of these arguments may very well be made at the trial level and won't even show up in the appeal.

HON. R. PENNER: I would hope so. I would hope that any counsel worth his/her salt will, in defending a client faced with a criminal charge, carefully examine the Charter to see whether any of its provisions dealing with legal rights have been arguably offended and that where counsel thinks that to be the case, then counsel will in fact place that argument before the trial judge.

Now, what of course cannot be ascertained is whether or not, absent the Charter, counsel would have copped a plea. That, there is just no way of ascertaining.

MR. CHAIRMAN: The Member for Virden.

MR. H. GRAHAM: Thank you, Mr. Chairman. Without trying to be repetitious but at the same time trying to seek more information, does the Minister have a further breakdown on the stats that we have received in the field of appeals?

For instance, would there be any cases which the Crown has appealed where Legal Aid refused a certificate, where they had granted a certificate in the first case or do you have those kinds of statistics?

HON. R. PENNER: If it's a Crown appeal, then the only basis upon which a refusal to grant a certificate will be made is because the person is financially ineligible for Legal Aid, has sufficient resources of his/her own to hire outside counsel, non-Legal Aid counsel.

MR. H. GRAHAM: Would there be any statistics where Legal Aid refused to grant a certificate for an appeal which was a non-Crown appeal?

HON. R. PENNER: Yes, we could get that figure, the number of non-Crown applications for appeal turned down. I don't have them readily available, but we'll get that figure.

MR. H. GRAHAM: You do keep statistics on that.

HON. R. PENNER: We have a statistic with respect to applications refused, which is an aggregate figure, but just hold it for a moment and I'll check to what extent they may be broken down.

With our present record keeping system, refusals are not broken down; they're just aggregated.

MR. H. GRAHAM: I think it might be interesting to be able to get that type of information because I'm certainly interested in, say, in the statistics of cases where originally a Legal Aid certificate was issued, but when it comes to the appeal process it may not be issued. I'd like to know what percentage of cases that would be, whether it would be 1 percent or 10 percent.

The figures that we get in our annual report are fairly general figures and I think we need a further breakdown so we can more or less analyze the Legal Aid system.

HON. R. PENNER: I doubt whether the figures, if available, would be as instructive as the member would want them to be, in this sense, that an appeal . . . Let me put it this way - you know, I don't think I'm out; I'll defer to some of my learned colleagues with their backs to the wall, but I don't think - and Mr. Mercier, although he perhaps was not as extensively involved in the criminal bar as I was, will know this - somewhere between 90 and 95 percent of all cases are decided on facts. I mean that's what they're decided on, they're findings on fact. That's what judges in the provincial bar really do. The number of times they have to open a law book are relatively very few.

Appeals, that is, defence appeals and they normally aren't even applied for where really the only issue is a disputed finding of fact. The trial judge would have had to - sort of palpably - made an error of law that goes to jurisdiction, or an error of law with respect to the admissibility of evidence, or an error of law that goes with respect to the ingredients of the offence. So

the number of applications that you get for appeal are really not that many.

It's Mr. Freedman's estimates - and it's impressionistic but he does handle these - that's it's likely that the number of applications for appeal that we get outnumber the instances in which a certificate is granted by about 2 to 1; that is, we get double the number of applications; we grant about 50 percent.

MR. H. GRAHAM: About 50 percent?

HON. R. PENNER: So let's put that in perspective, okay? There would be - out of all of this number of 8,800 or 8,900, only the basis of that, but it has to be checked out - approximately 300 applications for an appeal altogether, because lawyers who are experienced at the bar and who know the Legal Aid system, don't come up and knock at the door generally with a frivolous appeal.

MR. H. GRAHAM: We're just using ballpark figures - approximately 50 percent of the applications for a certificate for appeal are turned down, is that what the Attorney-General is telling us?

HON. R. PENNER: That's our estimate. That's the estimate that I have to go on at the moment, yes.

MR. CHAIRMAN: The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, the Public Interest Department cases - in these cases, can he confirm there's no financial contribution by the groups involved?

HON. R. PENNER: There may be some.

MR. G. MERCIER: How much was the revenue then in this area?

HON. R. PENNER: \$17,750 was received by way of that kind of revenue by the Public Interest Department in fiscal year ending March 31, 1985.

MR. G. MERCIER: What was the cost, Mr. Chairman, of providing legal assistance with respect to No. 10, telephones, The Headingley Inmates Council intervention before Public Utility Boards and new inmate telephone system; and then items 31, 32, 33, 34 and 35 involving the Winnipeg Remand Centre; representing the Headingley Inmates Council at an inquest; Stony Mountain inmate's appeal against double-bunking; representing Headingley inmates on a committee negotiating new discipline and grievance policy for Corrections Department; and the right to counsel in prison and discipline in court?

HON. R. PENNER: Now that's an interesting question. Why would the member, out of 38 cases, zero in on those cases? What is the assumption?

MR. G. MERCIER: I have other questions about other areas.

HON. R. PENNER: Well, I'll answer you one question at a time. If the assumption is that these people don't

have rights, then I don't buy that. That is not an assumption which any self-respecting Legal Aid system can operate on, nor is there anything which - it appears to me in the list, at least at first glance - is somehow frivolous or vexatious or nonsensical or whatever.

I can't give you at first glance a case-by-case breakdown with respect of the cost. With respect to any one of these, other than I would suspect, the case that was referred to with respect to - which number was that on telephone? - No. 10. As the Member may know - I don't know if this is so in this particular case - as of now, in any event, the PUB, upon application made to it by counsel, may award costs to counsel including the Public Interest Department. Indeed the Public Interest Department was awarded fairly substantial costs by the PUB on its application on behalf of senior citizens with respect, I think, to the Brandon Transit issue. — (Interjection) — Oh yes, it was the gas rate issue, rather.

MR. G. MERCIER: Does the Attorney-General care to answer the question? What do those cost?

HON. R. PENNER: I told you, I don't have them on a case-by-case basis. I did say I would undertake to get them.

MR. G. MERCIER: Mr. Chairman, on No. 1, pollution. Is there any preliminary investigation as to whether the city, for example, on that particular matter which seems to deal with a zoning problem, whether the city or the city councillor are dealing with that particular issue?

HON. R. PENNER: I don't know. I would say this, that it's important, tremendously important to me, and I would hope to anyone else who holds this office, that Legal Aid Manitoba be an arm's length body. It's even more important, far more important that its Public Interest Department be at arm's length. How else would it have been possible for the Public Interest Department to take on government before the National Energy Board, if that wasn't the case?

That being so, and a matter of tremendous importance to me - I just can't emphasize how important that is to me - I make it a point not to - either here or with respect to any other case - ask that somebody send me up the file, so that I can have a look at it and I'll make some kind of a judgment as to whether or not . . . should have been represented or whether or not the case has merit. I want to say very frankly to the Member for St. Norbert, I'll never put myself in that position.

MR. G. MERCIER: Mr. Chairman, are there no guidelines for this section to become involved in any of these issues?

HON. R. PENNER: Yes, there are guidelines developed by the board and operated by the board. There are no departmental guidelines.

MR. G. MERCIER: Does the Minister approve those guidelines?

HON. R. PENNER: No, the Minister neither approved or disapproved.

MR. G. MERCIER: Is this area intending to commence any legal proceedings on behalf of the University of Winnipeg professor, relative to property taxes and assessment in the City of Winnipeg?

HON. R. PENNER: Not to my knowledge.

MR. G. MERCIER: But you don't know anything about what's happening.

HON. R. PENNER: That's why I said not to my knowledge.

MR. CHAIRMAN: The Member for Elmwood.

MR. R. DOERN: Mr. Chairman, I want to ask a couple of questions of the Attorney-General on Legal Aid.

I want to ask him whether there are any limitations, in terms of dollars or time, once a case has begun. For example, I'm interested in the Sophonow case and I gather that he has had a number of trials and a number of lawyers and there have been considerable expenditures on his account. I would ask the Attorney-General if he could indicate how much money has been spent to date on this case and whether there are any time or dollar limitations on this case or any other case, once they have commenced?

HON. R. PENNER: I'll try to get the figure of the amount of money that has been dispersed to date on the Sophonow case. It's substantial.

With respect to limits, no. We really couldn't run the Legal Aid system on that basis. Once it's been decided that the case is within the parameters of the society, that the criteria for financial eligibility have been met, then the representation of that person, in this instance, an accused person who is charged with second degree murder; faces conviction; sentence could range anywhere between 10-25 years, depending on the recommendation of the jury. We can't, sort of in midstream, say to the accused, sorry, but your little quota has been exhausted. I think the member will, if he thinks about it, will readily agree that you couldn't do that. There can be no rational basis for doing that.

If it is thought that someone is misusing the system by proposing to take frivolous or vexatious appeals, then we do have the right to refuse appeals, but that of course cannot be said in the Sophonow case. If we remember the history of the Sophonow case, it was, I believe, a mistrial. The first trial was a mistrial? They had a hung jury, and the Crown, I suppose, could have abandoned the matter at that time. I can read the headlines now if the Crown had abandoned the matter. It's very difficult for the Crown to abandon in the case of a hung jury, although the Crown can, and sometimes there are circumstances which warrant.

Then there was a conviction and at that point the accused appealed, and successfully, by a judgment of the highest court in the land, so it would not be possible to argue that there was anything frivolous or vexatious about that appeal. Now the matter comes back in increasingly difficult circumstances for all involved. There is another trial and now there's a conviction and what has to be the most unusual circumstances, where it looked like it was on the edge of another hung jury

and a juror was dismissed, raising questions which are almost novel in their scope.

So I think the member will appreciate it if we go over the history of this particular case that at no point can we say, well, that seems frivolous or vexatious or somebody's misusing the system.

MR. R. DOERN: Mr. Chairman, my numbers, which may or may not be accurate, as I recall from the paper, I have a figure jotted down of \$300,000.00. I don't know if that's right; I'm sure it must be at least \$100,000, but do we have any approximations here?

HON. R. PENNER: To date, I believe we may have paid out something in the neighbourhood of \$20,000.00. There's an exposure, to this point, of a potential of another \$55,000, but it seems likely that the amount finally agreed to that Legal Aid will agree to pay would be somewhat less than that, so those are the numbers we're presently talking about.

MR. R. DOERN: So we're talking about a possible maximum of \$75,000.00.

HON. R. PENNER: At the moment, yes.

MR. R. DOERN: Let me just make a general comment here, perhaps. I think there are a lot of people who are shocked and horrified at the fact that it is the public purse that is picking up the tab on this and possibly other cases wherein, I suppose, the public makes its own judgment as to the innocence or guilt of the party concerned. If you discuss this particular case with the man on the street, I suppose you would be told that it is indeed a crime that the government is picking up the tab, that that in itself is a crime and that people are very concerned about the fact that somebody has, in fact, committed a crime and then is able to appeal and appeal and appeal at the taxpayers' expense. So I'm simply trying to ascertain whether anybody has the right to Legal Aid and whether anybody has the right to access that Legal Aid all the way to the Supreme Court or for months and years, if necessary. Is that, in fact, where we're at?

HON. R. PENNER: Perhaps I don't speak to the man on the street - I speak to the men and women on the street when I do, as often as the Member for — (Interjection) — Elmwood.

MR. R. DOERN: Why don't you speak to the person in the street then?

HON. R. PENNER: I speak to men and women on the street, all of whom, collectively, are persons, and I do that a lot. I can tell you, in terms of that and the responses I get in the office, that there is no such thing as the collective judgment of informed personkind in the province on one side of the issue as to whether or not this accused is guilty, and I'm not going to make that judgment. Ultimately, a court is going to make that judgment. That's what the rule of law is. That's what the legal system is all about. One of the fundamentals of that legal system - and I'm going to stand by it, if the honourable member will not - is that an accused

person is entitled to be represented. That's one of the legal rights in the Charter; it's one of the strongest legal rights.

If that person cannot afford legal representation, then that person is not going to be denied legal representation though that person stands helpless, no matter who it is, before those who have charge of that prisoner in the box and maybe, ultimately, because the member proposes capital punishment, of that person's life. How dare anybody who wants to restore the death penalty raise questions about the right of people to be represented? That is savagery upon savagery. It exposes the member for a person who has no regard for the legal system or the humanity which has gone into the development of that legal system over the centuries.

Yes, the legal system, of which we are the inheritors, started out as a savage system of that kind, but thank God it isn't today.

MR. R. DOERN: Well, Mr. Chairman, I don't understand the point the Minister is making. He obviously doesn't know what the hell he's talking about.

There is no connection between my position on capital punishment and what I'm talking about right now. You can make any straw connections that you like. Maybe you can make some connection with the French language question and your position.

MR. CHAIRMAN: The member will address this Chair.

MR. R. DOERN: Mr. Chairman, maybe the Minister can make some connection between his pathetic, out-of-touch-with-reality position on the French language question and his pathetic out-of-touch reality with the question of Legal Aid. I'm sure that one could make some sort of rational connection, but I don't care to do so. So, I would ask him not to set up straw men and not to get indignant just so that he can exercise his rhetorical skills.

I'm telling him that I assume that he has a fixed budget. Is that the case? Do you have a fixed budget for Legal Aid?

HON. R. PENNER: Legal Aid, like any other appropriation with the Department of the Attorney-General and, indeed, I expect throughout government has at the beginning of the year a fixed appropriation. I don't think the member was here when we went over the performance within that appropriation for the fiscal year that has just ended, but Legal Aid has, in fact, lived within its budget.

MR. R. DOERN: Is that budget in the order of 5.2 million or 7.8 million depending on how you look at it?

HON. R. PENNER: I don't think there's any question of depending on how you look at it. It's not a matter of speculation or a guess.

MR. R. DOERN: Well, what is the amount?

HON. R. PENNER: Well, why don't you ask the question and I will give you the answer?

MR. R. DOERN: Well, I'm asking it.

HON. R. PENNER: Do you want to ask me the question?

MR. R. DOERN: I have.

HON. R. PENNER: Alright, then the answer to your question is that the budget that was voted for fiscal '84-'85 was 8.2 million.

MR. R. DOERN: Well, the other question I would ask the Minister, which is related to this, is how many hundreds or thousands of people access Legal Aid, or will access or may access that amount - or did access that amount last year?

HON. R. PENNER: Well, the total number of persons served by Legal Aid for the 12 months ending March 31, 1985 throughout its various offices and, in one way or another - approximately 60,000 people in the last fiscal year. It's one of the broadest social programs that the government has in terms of its reach.

MR. R. DOERN: I thought I heard the Minister say 16,000.

HON. R. PENNER: 60,000.

MR. R. DOERN: 60,000. Is there, in fact, another line or a list of people who cannot access it because of limitations or is everyone who comes to Legal Aid in Manitoba promptly serviced, or is there a waiting list or a backlog of cases?

HON. R. PENNER: No, there's no waiting list or backlog. Either you're eligible within the statutory scheme or you're not.

There are two kinds of eligibility. One is financial eligibility. If your income exceeds a certain amount, depending on family size, then you may not be granted Legal Aid; you may, in marginal cases, with some contribution on behalf of or by the client.

Again, if your case is of a certain kind, let's say, an action for breach of promise of marriage, then the regulations exclude the granting of a certificate in those cases.

So it is not a universal system. It is not "Legicare" or anything like that. It is a Legal Aid system with some parameters.

MR. R. DOERN: So, one might assume then in the next fiscal year that some 60,000-odd people will be serviced by Legal Aid?

HON. R. PENNER: I think that's a reasonable assumption. I don't know how odd they'll be, but some 60,000.

MR. R. DOERN: Nobody will be turned away?

HON. R. PENNER: Well, I didn't say that.

MR. R. DOERN: If they're within the general parameters and guidelines, there's no fiscal limitation on them getting access to Legal Aid?

HON. R. PENNER: There has never, in the history of Legal Aid Manitoba since I've been associated with it

one way or another - and that's now 13 years - a case where somebody has been turned down who is otherwise eligible because Legal Aid says we're out of money.

MR. R. DOERN: I think I now recall that when you are out of money, you simply get a Special Warrant and you get the additional money.

HON. R. PENNER: That's generally the case with the social safety net programs. Social Allowance would be another case in point where the department which runs the Social Allowance Program or a program similar to it, try to make an estimate at the beginning of the fiscal year as to what it will require and that's the amount that comes forward in the Estimates and ultimately is voted.

What happens is, the member probably recalls, that with all of the programs there's a certain amount of money that lapses in various allocations that isn't spent and there's a certain amount that is voted by way of Special Warrant.

MR. R. DOERN: Mr. Chairman, I guess the point that concerns me and concerns other people is the fact that there appear to be people who are, first of all, abusing the system, breaking the law, murdering, raping, and everything else and then they are, in spite of that, entitled to Legal Aid to make their defence. Maybe this doesn't always happen. Maybe some of these people have a lot of money and they're able to fund their own cases, and so on, but I'm just saying to the Minister.

He's telling me that he is unaware or unfamiliar with complaints of citizens that people who are charged with murder have unlimited access to Legal Aid and that their cases will be fully funded by the government to the Supreme Court - he is unaware of that complaint or has never heard of such a thing in his life.

HON. R. PENNER: I think that it would be helpful if the member didn't put words in my mouth. I never made that statement. Certainly, there are people who complain.

In any notorious case, particularly murder cases, people out there take sides. You know, the case of Colin Thatcher, we might reflect on that a bit. Here was a jury that was instructed very carefully that they could not find Colin Thatcher guilty unless they were satisfied to a moral certainty, beyond a reasonable doubt, that he was guilty. So they found Colin Thatcher guilty. People in this . . . believe it and have organized to pay for his appeal. Maybe they're right, I don't know. I wasn't a member of the jury and I'm not making any judgment in that case, but they strongly believe that to be the case, so too with the Sophonow case. — (Interjection) — I haven't finished my answer. So too with the Sophonow case. There are people who write many, not many, but one has to assume that they're reflecting some kind of opinion, who in effect say, why is the Crown proceeding to bring this person to trial? Clearly he is innocent. They strongly believe it. There are other people, like the member who seems to have some moral certainty about Mr. Sophonow's guilt. Maybe he's right; maybe he's wrong. But in our system

it's a jury that has to determine that - a properly instructed jury.

So are there people abusing the system? I don't know of a system in the whole wide world that isn't abused by some people and I don't know how you can prevent it when you start - particularly in this kind of a system - with the presumption of innocence.

The Member for Elmwood says we are providing defence for rapists, murderers, and so on. Maybe so; that is, maybe they are rapists, maybe they are murderers, but not until they are found guilty beyond a reasonable doubt by a jury of their peers or by a properly constituted court, and until that time they are not and you are never going to find out until in fact the case unfolds. And you're never going to find out fairly within our system and according to the guarantees of the Charter unless they're adequately represented by counsel.

As I said in very strong terms before - I don't have to repeat those terms or with that strength - that a legal system in which people who are accused of crimes and are to be judged, and, in some cases sentenced very severely, has a duty to make sure that there's adequate legal representation.

We do that fairly well in Manitoba and I'm happy to have been associated with the development of the Legal Aid Society of Manitoba and I know that the Member for St. Norbert - when he was Attorney-General - didn't change that system. He didn't change that system. He didn't say let's cut out this representation; let somebody in political office make a political judgment, let's set a quota system. He didn't do it.

I think that anyone who has any sensitivity about our legal system, about human values would feel the same way.

MR. R. DOERN: That's all I have for now, Mr. Chairman.

MR. CHAIRMAN: 6.(b)(1)—pass; 6.(b)(2)—pass.

6.(c)(1) Public Trustee: Salaries; 6.(c)(2) Other Expenditures—pass.

6.(d)(1) Land Titles Office: Salaries; 6.(d)(2) Other Expenditures.

HON. R. PENNER: Could we just have a moment while Mr. Colquhoun . . .

MR. G. MERCIER: Just dealing with revenues, first of all, the Land Titles Office fees were increased outrageously in about February of 1984, but the revenues show an increase in this coming fiscal year from 7.8 million to 10 million, which is a very very significant increase in fees. Is the Attorney-General contemplating further fee increases in the coming fiscal year?

HON. R. PENNER: No, the actual - which I now have for fiscal 1984-85 - while estimated in the fiscal 1984-85 budget at 7.8, was in fact 9,902,764, so that the estimate for fiscal year 1985-86, 10 million, is using virtually the identical figure. We're assuming, obviously, that the current state of real estate activity, the current level of real estate activity which is quite healthy will remain that way throughout the year.

MR. G. MERCIER: Mr. Chairman, could the Attorney-General - I know he's passed out some written material

which I appreciate - but I wonder if he could further explain what is going to happen to the Neepawa Land Titles Office? I think I'm wrong in this, but if he could confirm, is to be closed within the next few years?

HON. R. PENNER: There are no present plans for closing that or any other Land Titles Office.

MR. G. MERCIER: It's just that part of the district of the Neepawa Land Titles Office is going to be transferred to Portage la Prairie.

HON. R. PENNER: Yes, there was a merger there of some operations - the northern operations, which were located in Neepawa, were thought better in terms of efficiency and cost savings, that they would be better run out of the Portage Office.

MR. G. MERCIER: How many people will be left in Neepawa then?

HON. R. PENNER: Seven.

MR. CHAIRMAN: The Member for Turtle Mountain.

MR. B. RANSOM: Thank you, Mr. Chairman.

Unfortunately, Mr. Chairman, last Friday the Land Titles Office in Boissevain was closed after some 82 years of operation in that district and a great many people are wondering why. So I think that's the first question that I'd like to put directly to the Attorney-General. Why?

HON. R. PENNER: I'll start with a general answer and then move from the general to the specific and I hope that in answering the member, I'm specific enough.

The — (Interjection) — You'll let me know when there's order in the Committee Room please.

MR. CHAIRMAN: Order please, order please.

The Minister has the floor.

HON. R. PENNER: Yes, when we went through the Estimate process and had a look at the amount of money that would be available to the department, like every other department, and I think this is something that every department should do every year, even when they appear to be faced with a relative abundance of money. I doubt whether we'll ever see that again in my lifetime, but in any event you begin to reprioritize. You look with very careful eyes at where money is being spent and you have to justify virtually every penny of expenditures. And in doing so, incidentally, as the Member for Turtle Mountain knows, and the Member for St. Norbert, I'm sure, you have to do so in a sense independently of the revenues that might be available to the department in a way. Those revenues are not available to the department by the way in which government programs operate. The revenues generated by programs go into consolidated revenue; otherwise, you would have great disparity between the levels at which departments operate, based on what they were able to produce by way of revenue. So you have to look at the cost of programs to see whether or not they're justified and that examination took place throughout the system.

Within the context of the Land Titles system, a careful examination of how we were delivering that service through the different offices and the relative proximity of one office to another, relative business of one office to the other, it was found that a considerable year-over-year saving could be made by the steps that we're ultimately taking; that is the closure of Boissevain and the transfer of a function, the Northern Titles, from Neepawa to Portage.

We started out with an estimate that the current year savings of both of those would be somewhere around \$90,000 or \$95,000, but, in fact, as the move has now developed, the fiscal year net savings, '85-86, net savings are now projected to be 110,576, and the fiscal year '86-87 - because there are some one-time costs in '85-86 - are projected to be \$186,879.00. That's a very substantial amount of money.

Now it's true that not everything can be judged entirely in those terms, but since Boissevain represented something like - what was it? - 2 percent of the total activity of the Land Titles system and it was at the lower end of the activity list and it was reasonably proximate to Brandon and about 80 percent of its activity was mail-generated that this is a closure that should be made.

MR. B. RANSOM: Was this the only recommendation that staff made with respect to economies in the Land Title system?

HON. R. PENNER: No, we're also involved in an ongoing computerization program which in this fiscal year will result in a staff saving of four persons. Of the staff savings that we hope in the years till 1990, the total staff savings in that area by computerization will be 19, of which four are being effected now because we were able to put the general registry system into operation just a few days ago. The staff reduction there will be four.

MR. B. RANSOM: Was this the only office that was recommended for closure?

HON. R. PENNER: There was a plan that was forwarded at the beginning of fiscal '84-85 that looked at the possibility of closing all Land Titles systems outside of Winnipeg, but it just projected that as a possibility as one model that was not accepted by government.

MR. B. RANSOM: So, this closure then of the Boissevain office is the only one that was recommended by staff?

HON. R. PENNER: Yes. The two, the Boissevain, Neepawa are the only recommendations I had from staff.

MR. B. RANSOM: There were not similar opportunities for savings by closing the Dauphin office, for instance, or Neepawa office?

HON. R. PENNER: Not that were suggested to me at the beginning of the Estimate exercise.

MR. B. RANSOM: So then, the Minister is confirming that aside from the general recommendation made a

year or so ago that it would be possible for bureaucratic convenience to close the entire system outside of Winnipeg and since that time the only recommendation for closure, the only recommendation that has come forth from staff, is with respect to the Boissevain office?

HON. R. PENNER: I'm confirming that.

MR. B. RANSOM: On the savings figures that the Minister used, I think he said that for '85-86 there would be net savings of 110,576 and for the next year 186,879. I wasn't certain whether the Minister was indicating that those were savings associated only with the closing of the Boissevain office or whether those were savings associated with both of the changes, the closure of the Boissevain office and the moving of part of the function of the Neepawa office.

HON. R. PENNER: it's the whole ball of wax.

MR. B. RANSOM: Could the Minister give me an indication then of what's the saving then that would relate specifically to the Boissevain office as opposed to both of them?

HON. R. PENNER: I'll have that in a moment. The whole closure merger was, in a sense, an integrated operation, but I'll try to get that information of how it's broken down shortly.

Very roughly - the salary savings associated with Boissevain appear to be somewhat in excess of \$62,000.00. The operational savings associated with Boissevain would be about \$35,000.00.

I want to caution the member that I'm trying to deal with figures which are aggregated at the moment and as soon as staff can break that out, I'll provide the more detailed figures.

MR. B. RANSOM: Well, I would be interested in knowing some of the details on that operational figure. As I recall, and I don't have Public Accounts in front of me, from the last public accounts that \$35,000 exceeds the entire other expenditures for the Boissevain Land Titles Offices. I'll have an opportunity to check that over the supper hour.

How are these savings to be made? By what means will these savings be made?

HON. R. PENNER: The member will bear with me for a moment, I'm looking for an additional sheet.

I now have figures that are broken out. These, again, let me caution are subject to some revision based on current estimates which is what I sought to give the members in aggregate at the beginning of this discussion.

For fiscal 1985-86, in terms of staff savings and office overhead and supplies, the figures originally given to me by officials show that there were two positions that in effect were eliminated.

There are savings with respect to three staff positions that total \$61,000 and change, and that I think is very similar to the figure that I gave the member a few moments ago.

I now stand corrected on the office overhead and supplies figure, where I said \$35,000, the figure is

\$20,435.00. Then there's also a saving of approximately \$8,500 based on the microfilm reader-printer which had been scheduled for 1985 purchase.

MR. B. RANSOM: Was the Boissevain office overstaffed?

HON. R. PENNER: I wouldn't say that it was overstaffed.

MR. B. RANSOM: How then are we able to eliminate these three positions? The work is going to the Brandon office. Is that being accomplished by some mechanization or was the Brandon office overstaffed? How is it possible that you can take the work that five or six people were doing and move it to another office and eliminate three positions?

HON. R. PENNER: First of all, there's a general answer to that, and that is that when you merge - which in effect we're doing - two offices, Boissevain with Brandon, you have a basic infrastructure in Brandon that doesn't have to be duplicated - a managerial level infrastructure, for example, so that you don't need two district registrars, you only need one to be sort of the manager. In terms of the work of a district registrar, and you only need one ADR instead of two and this management work can in fact be done - the managers can encompass an increased workload and you're still in a sense of managing in the same way. The workload, that is, an increased workload is handled at the line level.

MR. CHAIRMAN: The hour is now 5:30 p.m. The committee will return at 8:00 p.m.

SUPPLY - HEALTH

MR. CHAIRMAN, P. EYLER: Committee, come to order. We are considering the Estimates of the Department of Health, Item 7. Manitoba Health Services Commission - Hospital Program.

The Minister of Health.

HON. L. DESJARDINS: Mr. Chairman, I have some answers to questions that were asked of me that I took as notice.

The Member for Pembina asked about the construction starting dates of the new Children's Hospital. The substructure and parking garage started in September, 1981; it was completed in August, 1982; and the Children's started in September, 1982; the Health Sciences Centre, main entry and medical support building started in June, 1983, and they expect the completion in June or July of this year.

Re the MONA contract, Mr. Chairman. If you remember, I was reluctant to reply immediately because the result of the ratification vote by the MONA members was not then returned.

These results were announced this past weekend, as members have read in newspaper reportings. Specifically, the terms of the settlement in cost to Manitoba Health Services Commission fiscal year 1984-85 and '85-86 are as follows: The previous two-year agreement - 6 percent, 5 percent expired December 31, 1984. The central table, which includes all health

facilities with the exception of those owned by the Grey Nuns, that is, St. Boniface Hospital and the Victoria Hospital, has reached an agreement as follows: 0 percent from January 1 to March 31, 1985; 2 percent from April 1 to December 31, 1985; 3 percent from January 1, 1986, and the COLA, January 1, 1987. The cost of living increase is to be the Winnipeg Consumer Price Index increase for the previous 12 months.

Also there were improved fringe benefits retroactive to January 1st, 1985 and they include shift differential pay from 45 cents to 70 cents per hour, evenings and night shifts, responsibility pay from 40 cents to 45 cents per hour; standby pay from \$8 to \$12.40 per shift; Easter Monday, effective April, 1986, additional statutory holiday; one-week holiday bonus for Nurse 4 and Nurse 5 categories.

It is anticipated that the St. Boniface Hospital, Victoria and other facilities not covered by the central table will conclude similar agreements in the very near future. Calculated on the basis of 8,080 nurses, that's both the number of nurses in MONA and non-unionized, but union related, for purposes of pay nurses, the estimated cost of the contract settlement is as follows: 1984-85, retroactivity of improved fringe benefits - \$500,000; 1985-86, rollover of retroactive fringe benefits, 1 percent - \$8,800,000 or 3.76 percent increase; stage-pay increase, that's also in that \$8 million, of 2.76 percent over 1984-85.

MR. CHAIRMAN: The Member for Pembina.

MR. D. ORCHARD: Would you run that last one by me again?

HON. L. DESJARDINS: What?

MR. D. ORCHARD: The last few . . .

HON. L. DESJARDINS: Okay. Calculated on the 8,080 nurses, 1984-85, retroactivity of improved fringe benefits - \$500,000; 1985-86, rollover of retroactive fringe benefits, 1 percent and stage-pay increase, 2.76 percent over 1984-85. For that year, \$8,800,000, or a total of 3.76 percent.

Again, last week the Member for Pembina asked about sick pay at our hospitals and other health facilities; in particular, I think he was interested in variations between hospitals and possibly comparing one hospital to its own record over several years to see if there has been a change in the utilization of sick pay.

I'm advised that this information is available to the hospitals themselves through payroll analysis they received through the Manitoba Health Organization incorporated. Almost all of our hospitals use the payroll service of MHO.

Mr. Chairman, I'm advised that this information is not ordinarily provided to Manitoba Health Services Commission, but is available on request. Under its global budget system, Manitoba Health Services Commission does not ordinarily dig this deep into hospital responsibility, however, we will be requesting information that I believe can be shared with the Member for Pembina on some future date.

I was also asked about administration cost comparison between Manitoba hospitals and hospitals

in other provinces. At that time I replied that administration costs in our teaching hospitals appeared high, but among our non-teaching hospitals, by comparison, they are generally more favourable, hence of less concern. I can now give the Member for Pembina a bit more specific information in this regard.

Hospital administration cost, patient day - this is the average - general, non-teaching - Canada, \$20.46; Ontario, \$19.19; Manitoba, \$19.48 and Alberta, \$25.52. Nursing administration costs, patient day - again, that's general, non-teaching, average of Canada, \$5.03; Ontario, \$4.94; Manitoba, \$4.87; Alberta, \$6.56.

Percentage administration cost to total hospital cost - average in Canada, 7.80 percent; Ontario, 7.10 percent; Manitoba, 7.60 percent; Alberta, 9.05 percent.

Now the teaching - hospital administration cost, patient days - average in Canada, \$29.51; Ontario, \$27.88; Manitoba, \$31.73; Alberta, \$24.55.

Nursing administration cost, patient day, again in teaching hospitals - average Canada, \$4.92; Ontario, \$4.30; Manitoba, \$7.08; and Alberta, \$5.25. The percentage administration costs, the total hospital costs, teaching hospitals again - Canada, average, 7.75 percent; Ontario, 6.68 percent; Manitoba, 6.92 percent, and Alberta 6.40 percent.

Now, some information on Deer Lodge. It is difficult to compare pharmacy staffing in hospitals on the basis of size alone. Staffing will more appropriately be a reflection of the type of patient service, the drug distribution system in place, the amount and method of handling of intravenous solution or cancer drugs, etc., the clinical programs in place, such as, drug information services or patient counselling programs. For example, an intensive care unit or a pediatric unit requires more pharmacy input because of the manipulation of drug dosages that is required.

Another example is the unit dosage system, although associated with a higher degree of control, an increased patient safety requires more staff to maintain. Deer Lodge Centre is sufficiently different from other facilities to preclude direct comparisons in staffing. Over half the patients are long stay and programming is unique to the geriatric population.

I'll give you the pharmacy staffing now in the hospitals in the city. Concordia, with a bed size of 132, the total staff, that's pharmacists and technicians, 4.4. The equivalent full time, the total for beds is .03; Grace, bed size of 302, 7.2 staff, equivalent full time .05; Health Sciences Centre with a bed size of 1,190, the total staff 53.8, and .04; Misericordia, 409 bed size, 12.3 staff, and .03; Seven Oaks, 336 bed size, 14.8, and .04; Victoria, 254 bed size, 5.9 total staff, and .02; Municipals, 401 bed size, 5.5 total, and .01; St. Boniface, 812 bed size, 35 staff, and .04; Deer Lodge, 290, 7 staff and .02.

Finally, Mr. Chairman, the Member for Pembina again asked about a conference on the management information systems being sponsored by the Manitoba Health Organizations Incorporated on May 16, 1985. I have some information on this.

"The purpose of the one-day seminar being sponsored by the Manitoba Health Organization on May 16, 1985 is to familiarize health facility administrations and other interested parties with basic concepts of the management information systems project.

"The management information system is a national co-operative effort by ministries of health, health

facilities and their associations to improve the national accounting process of the current Canadian hospital accounting manual.

"The MIS project will develop a framework for management information systems for use by all health institutions, hospitals in particular, in Canada. But this project is more than the development of new financial accounting standards. It will providentially accepted guidelines for the integration of all the information required by ministries of health and health institutions for more effective management.

"The Canadian hospital accounting system represents a set of financial accounting guidelines which have served the industry well for more than a quarter century. However, it has been overtaken by recent advances in computer technology and by the needs of health institutions and health ministries alike. Increased financial pressures require the use of more sophisticated management tools beyond the scope of ten.

"In response to these pressures many hospitals have begun to automate their statistical and clinical data basis. Provincial ministries have held a tour to explore and revise hospital reporting and funding systems. In other words, the MIS project will promote the development of more accurate, timely, reliable and comparable information.

"It is specifically designed to meet the information needs of hospitals but through standardization, would also meet the needs for increasingly sophisticated information at provincial and federal levels as well. Standards for the new system have been well researched over the past several years and are now set out in a publication entitled, Guidelines for Management Information Systems in Canadian Health Care Facilities.

"The Misericordia General Hospital in Winnipeg has been chosen as one of eight Canadian test site hospitals to field test the implementation phase of the project."

Thank you, Mr. Chairman.

MR. D. ORCHARD: Mr. Chairman, going back to the MONA settlement that the Minister spoke about, now I am not sure whether I got the numbers correct, but the retroactive adjustment for fiscal year '84-85, presumably, which covers January 1, 1985 to March 31, 1985, was .5 million in retroactive pay adjustment; and the total impact for fiscal year '85-86, in other words, these Estimates that we are approving, do I take from the Minister's answer that that is a total of \$8.8 million and a net percentage increase of 3.76, is that a correct assumption?

HON. L. DESJARDINS: Yes, that's correct, and also we will have to pick up the .5 million for last year.

MR. D. ORCHARD: Yes, but the basis on the fiscal year we're dealing with right now, the total impact is projected to be \$8.8 million. Okay. Now that is made up of 2 percent for the first nine months of this fiscal year and 3 percent increase for the last three months of this fiscal year, which presumably gets you somewhere above the 2 percent. But is the Minister indicating that the additional . . .

HON. L. DESJARDINS: 2.76.

MR. D. ORCHARD: That's 2.76 on salary and then the other 1 percent is the cost of the shift adjustments; and the Easter money is a statutory holiday, that amounts to a total of 3.76.

I thought we were toying with numbers last week which indicated that for every 1 percent of settlement there was roughly a \$5 million cost to the MHSC and the Provincial Treasury. We are talking in fiscal year '85-'86 approximately 3.76, very close to 4 percent, and . . .

HON. L. DESJARDINS: My honourable friend might remember that was the first statement I made and then I corrected it quite fast. I said that was for all the staff in the hospitals, not just the nurses, which was close to \$6 million, but that was everything, all salaries in the hospitals and in the institutions, I guess.

MR. D. ORCHARD: Then just let me get clarified in my mind then. The MONA contracts cover the nursing staff. Administration is covered by MGEA? Okay, let's start from square one.

The Minister's figure of 1 percent at \$5 million applies to what salary costs then, the entire salary budgets of hospitals? Of the institutions, okay.

Now, when we discussed how we got in the hospital line from last year's print Estimate to this year's print Estimate there was, as I recall, two components primarily. There was the supply cost increase; there was the increase in volume as reflected by carried over deficits or deficits being added to the base. But it was my understanding that only existing contracts were carried over in terms of salary increases, the known ones in other words.

What salary increases are the non-MONA staff experiencing this year and, if those weren't budgeted for within the \$592 million, then what is the impact of those on the institutional salary budgets?

HON. L. DESJARDINS: Mr. Chairman, we haven't made this calculation. We will if there is any other contract, but you can base yourself on the 1 percent being close to \$6 million for the total and they would have to be broken down into categories. It covers Victoria and St. Boniface but it doesn't cover the non-union people.

I think I explained that those who would be for a salary purpose follow the union, they would be covered, but there would be some that are not union, not related to MONA, that are not covered.

MR. D. ORCHARD: Well, now presumably the non-union or non-MONA staff within the institutions are not going to be working with no wage increase this year. My question to the Minister, it was my understanding last week when we discussed how we arrived at the \$592.575 million budget for this fiscal year, that it did not make allowances for any salaried increases unless they were known according to carry-over contracts.

Now that the MONA settlement is going to add approximately \$8.8 million, my question to the Minister is, how much will the non-union staff salary settlements add to the \$592 million then?

HON. L. DESJARDINS: Mr. Chairman, we don't know that and we can't know that until all the other contracts are negotiated. Let me give you an idea of those.

The Engineers and Trades, there's 280 - that's the approximate number. Now their contract expired December 31, 1984 also; they're in conciliation. The Engineers and Trade, Brandon - that's a different union - approximately 60, that's the same thing. CUPE support, there's 5,352 facilities and they expired in March of 1985 and there's a wage reopener. The St. Boniface support, 1,090, that also expired March 31st, wage reopener. The Urban support, MGEA, there are approximately 1,000, the same date, March 31st.

Lab and X-ray Tech, 1,100 on April 2, 1985, that's the date the contract expired. The Misericordia, IUOE Support, 360, May 30, 1985; MEGA rural support, 400; they expired June 30, 1984; and finally the City of Winnipeg CUPE support, December 31, 1985 and 400. So we would have to look at the whole total and then, as I say, the whole total of 1 percent would make close to \$6 million and we won't know until these contracts are negotiated.

MR. D. ORCHARD: I see where the Minister's coming from now. Then is it a fair statement making the assumption that all the other contracts are settled marginally within the MONA settlement, that that's where we could run into what - (Interjection) - Yes, but times \$5 million which would be close to 18.5 possibly within this fiscal year to settle.

Or a fairer question might be, given that salary costs are roughly I think three-quarters or 78 percent of facility budget costs, it - (Interjection) - 16? Okay, close to 16 million, that's fine.

Now in terms of the pharmacy comparisons the Minister indicated this afternoon, would it be a fair analysis that Deer Lodge primarily a personal care home, extended care facility, because of the variation in patient requirements, would a more comparable facility be the municipal hospitals in terms of the determining of pharmacy programs?

HON. L. DESJARDINS: Yes, Mr. Chairman, that would be the closest, and of course the next question, if I can anticipate why are they so much higher in staff than the municipal, we feel that's a fair question, that we're trying to get that information. Remember that we inherited that from the Federal Government, so we're looking at that now.

MR. D. ORCHARD: Mr. Chairman, that was the next question and I would look forward to that answer.

There was one other question that I posed to the Minister last week and I think maybe there was some confusion in the way it was posed because the Minister provided an answer to me in terms of administration costs, Manitoba compared to Canada.

I also was interested in knowing within our 78 percent salary budgets, say in the personal care homes on average, or 75 percent I believe within our hospital institutions, if there was a readily available percentage that could be designated administration versus nursing and support staff? I know the Minister indicated that there might be some difficulty in breaking that out but a rough approximation would be beneficial on that salary breakdown, administration to nursing and support staff, if it were possible.

HON. L. DESJARDINS: Mr. Chairman, if I hear correctly, I think that the one that we have specifically is the

nursing administration. Now we'd have to be more specific because there's so many different levels of administration at the top, dieticians, nurses, there's quite a few, so we'd have to be more specific, I guess, to get that kind of information.

MR. D. ORCHARD: Well, Mr. Chairman, I guess we can pursue that another time. It's not the kind of question that I want to delay the consideration of Estimates over.

Mr. Chairman, on May 1st the Minister announced in a press release, "Backlog in Eye Surgery to be Tackled." It was my understanding in discussion of this actually Throne Speech announcement that increased day surgery - or maybe it was in the Minister's opening remarks - about 1,000-a-day surgery procedures in the first year is a catch-up measure in terms of eye surgery.

It was my understanding that the government is currently finalizing a decision between Victoria and Seven Oaks and possibly Seven Oaks being the favourite hospital to undertake that. It was my understanding that any improvements, any facilities, any equipment that was needed was primarily going to be targeted to Seven Oaks.

The Minister has indicated in his press release and I'll read the first line to him. "Health Minister, Larry Desjardins, today announced increased funding for additional staff and new equipment in a number of facilities as a positive measure in bringing about a reduction in the backlog of elective eye surgery."

I was under the impression that the majority of the increase was taking place at either Seven Oaks or Victoria and that decision had yet to be made. Could the Minister indicate what number of facilities are receiving increased funding and additional staff and new equipment, based on his announcement on May 1st?

HON. L. DESJARDINS: Mr. Chairman, it's mostly as I announced before that we've asked all the hospitals in the Greater Winnipeg area to bid and it's as was stated, mostly between the Victoria and Seven Oaks. But the committee is meeting a little later this month or within a week or two and they are going to make recommendations as to what other hospitals should have improved equipment and renovation or whatever.

MR. D. ORCHARD: So then would it be fair to say that this press release is a little premature in being able to indicate what facilities? The Minister, if I understand from his answer, says the committee will meet in a couple of week's time to decide what hospitals, what equipment. Given that decision hasn't been made, how would the Minister answer the question that I posed to him today of which facilities? Obviously, that decision hasn't been made.

HON. L. DESJARDINS: Of course, I haven't got the advantage of having that press release in front of me. I would say, like the question of Seven Oaks is also premature. I think it was the proven principle and that the financial arrangement has been approved by Cabinet, also. The details, that will come later. In that sense, it might be premature.

I don't know if we talked about the name of the facilities, of what that decision of what to do has been

taken in principle to what hospitals. Then also, as I say, we asked all the hospitals to bid on the facilities. Now we're trying to decide between Victoria and Seven Oaks.

It's not the best worded press release that I've signed, but I think that the intention was to announce, because of the concern, that something would be done, that that decision was made already, and that we were still working with the committee, the same as I announced on construction of 250 beds. We're working with a committee, and I had the first meeting with that committee, by the way, at noon today.

Fine, I'll accept that might have been as if we're trying to give the impression that we had all the details ironed out, that it is premature, but the principle is accepted.

MR. D. ORCHARD: Well, Mr. Chairman, I appreciate the Minister's answer.

The impression from that press release would be fairly easy to get, that there would be as many as several hospitals in there that would be receiving additional staff, more funding, new equipment. It was my impression from our discussions that the choice was primarily either/or Seven Oaks or Victoria. It seemed to me that the government's intention was to attempt, possibly even to take up some of the capacity at Seven Oaks Hospital that was freed up with the loss of their obstetrical facilities and obstetrical services in Seven Oaks, and that the majority of these 1,000 new operations in the next year would be out of Seven Oaks and not out of a number of facilities.

Now, I take it the Minister is indicating that the original impression is correct, that there won't be a number of facilities involved in this expansion of day surgery, that it'll be primarily Seven Oaks when the committee makes the decision toward the end of this month.

HON. L. DESJARDINS: We'll need more than that. This is to provide the service, also, but we'll need more than that if we're going to keep the training here. As you know, there was an article today that is the concern at the university is to recruit the people and have the training. Then we definitely would need upgrading at the Health Sciences Centre, also, and that's pretty well the intent besides to beef up the service at either the Seven Oaks or the other hospital.

MR. D. ORCHARD: Mr. Chairman, that does bring to notion, we discussed - I believe it was last week - Dr. Krolman's imminent departure from the province and, in today's article in the newspaper it indicated that Dr. Krolman will be No. 4 of ophthalmologists and eye specialists who have resigned from Health Sciences Centre. Now we know that Dr. Krolman is leaving the province, does the Minister have any indication as to whether the other three eye specialists, likewise, will be leaving the province or are they just simply leaving the Health Sciences Centre to possibly set up their practices in Seven Oaks, or wherever this new program is going, or are we losing Dr. Krolman and three others as well?

HON. L. DESJARDINS: Well, Mr. Chairman, this is a statement made by somebody else; it's not made by me. It's obvious that Dr. Krolman is leaving to take an

appointment in Nova Scotia. He chose that for personal reasons and other reasons, and I can't comment. It's a possibility that others will be lost. There's a disappointment because of the teaching that's to be discontinued at the university. The same as the university, we'd be interested, of course, in changing that but, at least in that area, it's more the responsibility of the university. Fine, the facilities, as I said, we're ready to have the changes needed at the Health Sciences Centre and we're ready to make some changes, but I can't really comment on those others.

The statement was made by Dr. Krolman and I think Dr. Laxdal. They would have to comment on it.

MR. D. ORCHARD: Well, Mr. Chairman, I realize the statement is a third-party statement, that Dr. Laxdal, Acting Head of Ophthalmology has indicated that Dr. Krolman will be No. 4.

Mr. Chairman, if we take a quick look at the Health Services Commission, Table 12, Page 34, there are indicated in here that in 1983-84 we had a total of 29 specialists in ophthalmology in the Province of Manitoba. There is some indication that we may be losing up to four of them which, I think, the Minister of Health should have some serious concern about. Four out of 30, for rough figures is what? About 13 percent or so of our manpower and possibly, in terms of expertise, something higher than that. It centres around, Mr. Chairman, the loss of the Department of Ophthalmology as an accredited teaching facility at the Health Sciences Centre. One, I suppose, can go back a number of years, and I'm not even familiar with the circumstances from 1977-81 but, certainly over the past three-and-a-half years of this Minister's care and guidance of the Department of Health, the Ophthalmology Department has appeared not to have been able to even hold its own.

Now I have a very peripheral knowledge, and sometimes that's dangerous, rather than beneficial, but it would seem from discussions that equipment funding has been one of many problems that the Department of Ophthalmology has been frustrated with at the Health Sciences Centre, equipment from the standpoint of being able to undertake the most recent medical advances in eye surgery. It's further my understanding that, with the lack of attention or the lack of ability for the Health Sciences Centre to focus on the new programs in ophthalmology and eye surgery, that budgetary constraint led to the loss of accreditation.

Mr. Chairman, that was the nature of the discussion I had with the Minister the other night on, for instance, Dr. Krolman, because he took it upon himself, as I understand it, to become somewhat expert in out-patient eye surgery, and successfully for the last couple of years probably has operated from the Selkirk General Hospital. The equipment that was needed, in terms of providing that out-patient eye surgery was his own because apparently it was unable to be acquired or didn't become part of the budgetary priorities at Health Sciences Centre and indeed in any of the other major hospitals. That's been the problem with ophthalmology, to my understanding, in the province; and it is a loss of some considerable expertise that will do nothing but lower the level of service in Manitoba at least for several years.

My question to the Minister is whether the department is entertaining any proposals, undertaking any discussions, negotiations to see if possibly at Seven Oaks or Victoria, depending which hospital is chosen, whether the department and the government are entertaining any possibility that they may try to get their accreditation back by relocated and refinanced and a new equipment facility, presumably at Seven Oaks?

HON. L. DESJARDINS: Mr. Chairman, I can assure the members of this committee that we're very concerned and also that Dr. Wade at the university is also very concerned. At one time the university and Dr. Wade felt that maybe they should, if they knew this coming, let it go.

The main problem of all has been that they haven't been, for a number of years, not only in the last two or three years, able to get a full-time ophthalmologist teaching. Even Dr. Laxdal was part-time, that was the main thing. Over a year ago now, Manitoba Health Services Commission made a commitment to the Health Sciences Centre when there was talk about losing the accreditation, if they were ready, if there was a demand, they would bring all the new equipment and put it up to par as soon as possible and I don't think the Commission has heard from the Health Sciences Centre yet. Again, the main difficulty has been the recruiting of a full-time teacher. That hasn't been done. Now, I think that some of the statement and I don't want to start anything with Dr. Krolman and that - I think there's some personal reason why Dr. Krolman left also. There's nothing wrong with that. They have a chance; we can't force people to stay here and there is some concern. There was concern and we're trying to rectify it as fast as possible and we'll co-operate 100 percent. If we could come back to the teaching, we would like that very much and the Committee on Manpower is also looking at that very seriously. That wasn't done before and I think it was there that they suggested maybe we should try to re-establish it here instead of letting him go and train our doctors out-of-province.

MR. D. ORCHARD: Mr. Chairman, that's an interesting position to be in, that we are now going to presumably fight a rear-guard action. We're going to try to establish once again an accredited teaching facility for ophthalmology. Mr. Chairman, I make the comment to the Minister with all the due respect I can muster that the studies, the committee, the planning, the research, all of these concentrations of effort, to plan, to do a better job of delivery of service within the department has, in the course that it's been there, saw the demise of the accreditation of ophthalmology and certainly it was on the horizon. Don't deny that; it was probably a problem back when my colleague was the Minister of Health. But the Minister has constantly touted all of the planning that he has in place that is doing a better job than when we were government. Their planning now is to focus on re-establishment of something that was there and certainly an acting head has been instrumental probably in the demise, or at least one of the causes or the factors of the demise, of the School of Ophthalmology, but that once again could well be if one researched the thing completely, which I have

not done, it would probably come right down to funding problems again, where all of these problems seem to end up.

HON. L. DESJARDINS: Mr. Chairman, let's be fair. The situation, my honourable friend, and I'd like to discuss it in the same vein. I accept the way, the constructive nature of his argument, but my honourable friend also admitted that this was a concern during the term of the past government and it's true. These things don't just go in a year or so.

I made the statement that we had to build up the Research and Planning, that we had none, and I think it's pretty good, but my honourable friend forgot one thing though, a statement that I made that the Commission about a year ago made the offer and talked to the Health Sciences Centre and that's not bad. That's after two years; there was planning, the Manpower Program, but the most important thing is we can't just accept all the responsibility on that because that's the role of the university to decide what they're going to do.

Fine, we must assist them, but at one time it was thought of letting it go and the main reason was because of lack of a full-time teacher. That's nobody's fault; they've been very difficult to recruit and that has been - and my honourable friend admits it - the main reason. At one time, as I said earlier, it was the thought of the university and the dean to let it go and to train the ophthalmologists out-of-province. It was, I guess, this committee and the Manpower Committee that had made that recommendation and as soon as that was the concern, before they lost their accreditation, not since then - although, as my friend said, we could see it coming the same as the former Minister saw it coming - then we discussed it with the Health Sciences Centre and made the suggestion.

I think I should read a paragraph in the notes here: "The decision to close the Ophthalmology Residency Training Program is a separate issue and was made by the Accreditation Committee of the Royal College of Physicians and Surgeons in a report of the University of Manitoba's Medical School. This is a confidential report to which the Government of Manitoba is not privy. The major responsibility for the funding of this program rests with the University of Manitoba. The lack of out-patient facilities and equipment referred to in association with the closure of this program are not surgical out-patient facilities, but equipment and ambulatory care space for teaching purposes. The Manitoba Health Services Commission has made a clear commitment to the Health Sciences Centre for medical equipment purposes related to this program, but the Commission has not been notified of the hospital's final decision on this matter. The decision to close the program, however, does not rely solely on space and equipment. The teaching program, including highly motivated personnel, played a major role in this decision." So we accept our responsibility, but we feel that it is a major responsibility of the university and the dean, and I related the co-operation that was there and we're concerned. What else can I say? We're concerned to see doctors, any kind, especially the specialists who are needed, to see them leaving the province.

MR. D. ORCHARD: Mr. Chairman, a different topic, is the St. Boniface open-heart surgery target still approximately 350 per year, and have they been attaining that target of open-heart surgical procedures?

HON. L. DESJARDINS: My honourable friend knows that there is actually a consultative committee and there's only one. It is one group that utilized both teaching hospitals and that is chaired by Dr. Barwinsky, who is Director of the Provincial Cardiac Program. They have met on a monthly basis over the last year.

Now the Cardiac Surgery Program at the St. Boniface Hospital remains unchanged with 411 adult cases performed in 1984; 132 cases were done at the Health Sciences Centre; and 29 cases at the Children's Hospital, for a total of 566.

The waiting list as of November 1984 - which I think was much larger than that before we made these changes - was 24 at St. Boniface; 15 at Health Sciences Centre; 20 at the Children's Hospital. The projected caseload for 1985 is 425 at St. Boniface; 175 at the Health Sciences Centre; and 60 at the Children's Hospital, for a total of 660 cases. A proposal for the development for a more complete program at the Children's Hospital is forthcoming from the committee. They're still working on that. You note that also they were trying to recruit, I think that was covered last year.

MR. D. ORCHARD: Mr. Chairman, included in the total figures, the 566 and then projected 660 this year, those are actual open-heart surgery procedures. They're not the new process of the balloon and the pump, that this is actual open-heart surgical procedures that you're discussing here?

HON. L. DESJARDINS: That's correct, Mr. Chairman.

MR. CHAIRMAN: The Member for Roblin-Russell.

MR. W. MCKENZIE: Thank you, Mr. Chairman.

Mr. Chairman, I have two or three questions I'd like to address to the Minister regarding the directive that went out on March 29th, announcing that user fees had become effective on May 1st. I don't know, Mr. Chairman, how much previous consultation or notification was held with the local hospital boards in the various rural areas of the province, but the matter has raised some concerns in my constituency. The one that's been directed, it seems to be, who is going to determine what the patient's income is, if the user fee is implemented for patients that are hospitalized for long periods of time.

The other matter that came up, what would happen if there was a refusal to accept the fee; and then the other question that was directed to my attention, who will police these regulations in the event the patients don't pay the 15.25 or whatever the schedule is? Those matters have been brought to my attention.

The other one, of course, is related to the day care facilities that are to be set up in the rural hospitals for these patients of personal care home attention. They're wondering like - I think the one hospital that was referred to me said they were prepared to try it on a one a day basis, but I think the directive that's come out from the department, they insisted they take four a day and

move them back to their homes at night. They're wondering about transportation facilities in a car or are they going to use the ambulances or how they're going to deal with the subject matter. Maybe the Minister can give us some guidance on this matter?

MR. DEPUTY CHAIRMAN, D. Malinowski: Mr. Minister.

HON. L. DESJARDINS: Mr. Chairman, as far as the chronic patient, I think we've covered that quite extensively, if my honourable friend could refer to Hansard. Now he says who should police? That would never come up. Of course that's the responsibility of the hospitals.

As far as the discussion how they are collecting guidelines and all that, there has been two or three meetings already with the hospital, that will continue. As I stated before I don't expect - especially in the rural area - I don't think that will be very much of a factor. There will be very few.

Out of the \$1.8 million that we talked about for their revenue, the rural will be only about \$200,000, and that's also talking mostly in the rural area, people that are in acute beds that are using acute beds and there is quite a few in the rural area that have been panelled for a personal care home. That is not a real problem in that area. If it was then it would mean you would close a lot of those acute hospitals because the utilization is not heavy enough, so you might as well use the beds for personal care homes. It's not the same problem as you have in the city in that people can go ahead with elective surgery and so on.

Now what was the other question?

MR. W. MCKENZIE: The day care part of it.

HON. L. DESJARDINS: Oh, the day care. Well that has to be discussed with the Commission, but if the hospital wants to try a pilot project of one patient only, it's going to be very difficult. I would think that it would be very difficult for them to assume the responsibility for one and maybe have volunteers for the transport. We can't start programs with one patient only and have proper staff.

I would say if they want to try it with one to see how it works, that it should be their responsibility, and once they've tried it for a few months, if they feel they could live with it and see what staff they would need, we would discuss it with them again to see if the transportation would be subject to the same grant system that we would have for any other day care for seniors.

MR. DEPUTY CHAIRMAN: The Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Chairman.

HON. L. DESJARDINS: Could I just finish? I'm also receiving information that we don't know where they got this information that there has to be a minimum of four. There's been no direct decision or guidelines even that have been sent to these hospitals. This would have to be decided in discussion with the Commission.

MR. D. ORCHARD: Mr. Chairman, could the Minister indicate whether Brandon General Hospital ended the

fiscal year, 1984-85, in a break-even position in terms of their budget, or were they in a deficit or a surplus position?

HON. L. DESJARDINS: The amount of - let's call it unapproved it's not necessarily a deficit - I think some of this might be approved by the Commission, at the end of February was \$237.3 thousand - that's at the end of February, there'd be another month - and part of that could be approved and then I guess the other will be under appeal, if the hospital decides to appeal.

MR. D. ORCHARD: Mr. Chairman, there has been recently an expression of a certain amount of frustration from Brandon, not only from the physicians there, but mothers in terms of the ability for the Brandon General Hospital to serve as a regional tertiary care facility to serve the 180,000 plus Manitobans that are in the Westman Region.

Mr. Chairman, that came to a head in the press conference about two weeks ago and a number of things were laid out as problems unique to the Brandon General Hospital. For instance, the physicians at the press conference indicated that amongst other things, they were not necessarily ordering a CAT scan procedure because the waiting list of up to nine weeks discourages many Brandon doctors from ordering it and instead, they send patients south of the border for the CAT scan.

Now, Mr. Chairman, could the Minister indicate under the new billing procedures whether that CAT scan, if it takes up to nine weeks to have it done in either of the Winnipeg hospitals, and the physician indicates that procedure has to be done sooner than nine weeks, whether the Commission raises any objections if that procedure is sought south of the border? I believe for the Brandon area patients go to Minot, I believe, I'm not certain, but can the Minister indicate whether the Commission has any qualms about approving CAT scans when the waiting list is that long for residents of Westman seeking treatment at Brandon General Hospital and when those same physicians recommend and send their patients to North Dakota for the process?

HON. L. DESJARDINS: I wonder if we could hold that question for a minute or two and I'll come back to it.

MR. D. ORCHARD: Now, Mr. Chairman, another allegation that was made by the physicians at the press conference was that patients wait an average of six months for elective surgery, while urgent cases can be put off for more than two weeks and furthermore he indicates that staff shortages in the physiotherapy department are also delaying treatment. Some patients have to wait for more than three months for therapy, and I presume that means physiotherapy.

Now, Mr. Chairman, could the Minister indicate whether this is a longer period of waiting time for elective surgery and urgent cases being put off for more than two weeks; and even going back to the request for the CAT scans, are those waiting times higher than the provincial average, in other words, higher than those experienced by residents of Winnipeg and surrounding area being served by the major hospitals in Winnipeg.

HON. L. DESJARDINS: Mr. Chairman, the main concern in Brandon, there is no doubt that they have

a long waiting list. But the main concern until we find out why the utilization is so much larger than the Winnipeg beds, we can't do too much, that is being studied at this time as we stated before as my honourable friend said.

Now physiotherapy is something that at one time was covered only, I think it started with one hospital, and I think you will find that they're working full-time in all the hospitals, the physiotherapists. Now the physiotherapists, I don't know if the previous government - I shouldn't say that they were considering it - but I know that they had been requested to insure it as an insurance service, and I doubt if they were about to go ahead. But anyway, it was insured on fee for service, which I think certainly would be the one decision. We're trying to improve that as much as possible, but the coverage through the certain hospitals would have to be referred by doctors. That's the way it works now. But, no, I don't think we have the information as to why they have to wait longer in Brandon than in other areas.

Now I know in Brandon, some of the things that were done, a room on the second floor of the hospital will be renovated and will cost approximately \$35,000 including equipment, to provide increased recovery capacity, that is something that should help. And the operating costs for that will be \$58,000.00.

The Brandon General Hospital have submitted a growth study for the physical upgrading of their facilities, I think I mentioned that before when we were discussing these things - I think it's the third time we've talked about Brandon - and their proposal calls for an additional 50 psychiatric beds and 50 acute beds. But the additional bed requirement for Brandon has not been determined until we decide and we find out why there's so many more beds. Right now there's more beds in Brandon than anywhere, per population, per guidelines. They exceed the guidelines more than any part of the province.

The additional bed requirement for Brandon has not been determined, but the project also includes a major renovation of 150 square feet existing space and a major addition of 190,000 square feet to provide for the following improvements: expanded therapy services; co-ordinated expanded ambulatory care programs; total replacement of operating room facilities; total mechanical upgrading to include air handling; electrical water systems; reflect fire and safety standards; reallocation of maintenance facilities to expand and upgrade the vertical and horizontal movement system; and centralizing the expansion of a diagnostic imaging services. And I think I have announced that most of those things were proceeded with. I'm not talking about the beds now at this time.

So there's more study that is being done because I think some of the things that were mentioned by my honourable friend before, that we have a concern that we should look at, why so many more beds - I think he was comparing Manitoba to other areas - and suggested maybe there shouldn't be construction of more acute beds until we decide why and get back to the cost in other jurisdictions. We have to start by doing that in Manitoba, as I say, because the Brandon situation seems to be different than anywhere else. I'll have to wait on the CAT scan again to give you the definite answer.

MR. D. ORCHARD: Well, Mr. Chairman, the other day when we were discussing the newly imposed per diems, there was a total of 1,066 people, either panelled senior citizens or those who the government anticipated would be subject to the \$15.25 per day, per diem. Now, there was 298 panelled patients in rural Manitoba hospitals, if my figures are correct, if I've got them written down correctly, and there was in all of Manitoba an estimated additional 335 patients who weren't panelled but would be subject to the per diems for a total of 1,066.

Can the Minister provide an indication of the number of beds in Brandon General Hospital that are blocked, if you will, by either panelled or extended care patients? I believe they have a total of 232 beds in Brandon General Hospital, unless I have misread the chart, but can the Minister indicate whether he has got a number of the 1,066, in total for Manitoba, as to how many are in Brandon General Hospital?

HON. L. DESJARDINS: To give the information re the CAT scan, and that is under review, but so far it has been left up to the doctors. If the doctor felt that they had to have the CAT scan and sent them out of province, there has been no problem with the Commission picking up the bill. Now from June, '84 to April 1, 1985 there was a total of 122 out of province. There were 16 in Grand Forks, 14 in Rugby, 28 in Mayo Clinic and 64 elsewhere in the United States. That is being reviewed now to make sure that there is no abuse, and they would have to pass at least the same requirement as they would in the hospitals here in the city.

We haven't got Brandon; we have the Westman region and they were 124 people panelled that were occupying beds in hospitals.

MR. D. ORCHARD: For the region, well, that would make it probably a little difficult to determine . . .

HON. L. DESJARDINS: Yes, because in Westman region there are 708 active treatment beds in the total region for a ratio of 5.9 active treatment beds per 1,000 population. Taking 124 out of that slims the ratio considerably - 124 out of 708 beds. A quick figure would say that that's roughly one-sixth, I would think, a little better than one-sixth of the beds are tied up which would probably add to the waiting list problems.

Mr. Chairman, one of the proposals that was raised during the press conference outlining the problems that Brandon General Hospital is experiencing, in attempting to fulfill its mandate as a regional hospital, is the lack of a CAT scan machine. Now the Minister indicated earlier in the Estimates - I believe it was last week - that the department's goal at this stage of the game is four machines. Two of them are currently in Winnipeg; presumably, there may well be another one go into probably the Health Sciences Centre in Winnipeg to give it two and, of course, one at St. Boniface. Is there serious consideration being given by the department at this time to put the fourth CAT scan into the Brandon area to serve the Westman region?

HON. L. DESJARDINS: I think I covered that. Mr. Chairman. The situation is there are not actually four; there are provisions for three. The fourth one is the one that was in existence at the Health Sciences Centre

and when they get the new one, that one is practically obsolete and probably would have to be pulled out. So there would be one at the Health Sciences Centre, one at St. Boniface, and there is a request at both establishments for a second one, maybe one that would just do the head, which is approximately 75 percent of all cases.

But, as I mentioned at the time, there is a committee that is studying that and taking into consideration Brandon also, and other areas, to see how fast we can go. I think that it will take a few years, I guess, to catch up on that. Brandon is certainly one of the placement centres; it is between that and the second one at one of the hospitals. By then, it could be that next year there is provision for a fourth one.

Now I realize that the information that I gave earlier was not germane to what my friend wanted to discuss when he talked about the bed block in Brandon. I will try to see if we can get that information because I talked about the region and then he made the statement, I think, that that would provide one of the backups and all the surgery that could be done. I don't think that is necessarily correct. It would be correct in Brandon, but not necessarily in all the regions.

So that is why I think it's important to get the information that he wants, because in areas, as I explained to his colleague during his minute of absence, the situation is that in some of those areas there is not real concern to the government or to the Commission because they are maybe in smaller areas where the utilization would be very low and the beds would remain empty anyway. So they might as well use the beds and it helps to give the proper care in the hospitals to utilize the care. So I don't think that is a great big problem; it becomes a problem when there are no empty beds when the beds are needed.

But my honourable friend is right; I should try to get the information for Brandon because if we make these differences between Brandon and some of the other hospitals in the area, I think we would have to just look at Brandon and look at the beds that are blocked in Brandon.

MR. D. ORCHARD: Mr. Chairman, one last question for the Minister so that I have a better understanding of the current departmental goals on CAT scanners.

It was my understanding the last time I discussed this that the objective was to have four in Manitoba, after the first one at HSC is retired. Is that not correct, or is the Minister indicating that it would be three, and the fourth one would be the original one at Health Sciences Centre until it was retired?

HON. L. DESJARDINS: I am sure that decision was never made. I think that if there is any confusion it is the guidelines that we accepted would provide for four in Manitoba. I think that's probably where that fourth one came in. As I said, it's not a question of thinking we don't need it; it's a question of funds.

One was approved, the one here at St. Boniface; there is another one that was approved at the Health Sciences Centre, and now we are looking at the third one. I would imagine that probably next year, we have the authority now so we are two ahead, and then probably next year there would be another one also.

We are not going to provide three or four CAT scanners in the same year, we just can't afford that.

MR. D. ORCHARD: So then three is probably where we are going to be at after the expansion. I am not looking for a . . .

HON. L. DESJARDINS: Let's say that right now we have the approval for three new ones, and I would think that next year we certainly will recommend the approval of a fourth one. We just could not see our way clear to say we need all of them at once; we just can't do that.

MR. D. ORCHARD: Mr. Chairman, in changing lines for the next little while in dealing now with some questions on the Personal Care Home Program. Mr. Chairman, a global question first off, the budget for last year was \$147,609.3 million. The first question to the Minister is: in the closest approximation he has available, how close did the actual spending come to the budgeted for 1984-85?

Secondly, when you look at the budget for the Personal Care Home line this year, it is down in actual dollars. Now there may be a legitimate reason, but it would seem to me, I believe, the Minister is indicating that there will be at least some new beds added on the personal care home facilities this year, there are new beds being opened. How does the Minister account for a reduction in budget, given that these personal care homes have probably - and I'm making an assumption here and the Minister can correct me if I'm wrong - got themselves somewhere in the neighbourhood of a 2 percent or 4 percent supply increase similar to the hospital line? There are theoretically more beds to be funded this year compared to the last year's budget. New beds traditionally cost more per day to fund than some of the retiring beds. So how does the Minister expect to maintain the program in personal care homes with a reduction in budget this year over last year?

HON. L. DESJARDINS: The big difference will be in the increase in residential charges that I announced. I could give more details than that.

The answer to the first question is that we were pretty well dead on. Last year, there might be a very small deficit; if there is a deficit, it's very small. I think we were pretty well dead on.

Now the situation then is that the base line adjustment, there'll be an increase of \$1.410 million; the general cost increase, a total of \$1,830.8 million, and I'll break this down. The proprietary homes, rollover cost of salary contracts settled in 1984-85, \$28,000; supply cost at 4 percent, that's \$363,000 for a total of \$391,000 of the \$1.8 for proprietary homes. Non-proprietary homes, rollover cost of salary contracts settled in 1984-85, \$67,500; supply cost of 4 percent, \$938,000, for a total of \$1,005,500; community therapy service supply cost 5 percent, that's 25.1 thousand; the drug program, 8.3 percent, 356.2; and adult day care at 4.8 percent or \$52,200 for a total, as I said, of \$1,830,800.00.

The annualization of adult day care expansion approved, that's another \$150,000 increase. The

expansion of adult day care programs and implementation - annualization and then there is expansion at \$150 for each. Implementation of a government owned and operated pharmacy service for Winnipeg and Brandon personal care homes, that's a question mark as we know, we haven't made a final decision. The committee should report any time.

The increase in residential charges . . . That decision hasn't been made, that would be \$500,000.00. The increase in residential charges would be an increase of \$5,277.3. The new and renovated facilities, annualization of facilities, that was one of the questions, that will add \$2,249.5 million. New facilities opening in 1984 - of closure, that would be a reduction because of the closures of \$249,500.00. So that would be a total reduction, if you figure that, to \$235,800, and that's what you have in the Estimates.

MR. CHAIRMAN, P. EYLER: The Member for Pembina.

MR. D. ORCHARD: Mr. Chairman, I didn't get a lot of those figures, but it seemed to me that the base line was up 1.4 million; there was an expenditure line up 1.8 million; there was 150,000 on adult day care and expansion of other services for another 150,000; there were only two savings that the Minister has put into his budgets, one of them which is not decided yet being the takeover of the pharmacy program in Winnipeg and Brandon, and the closure of some personal care home beds, and the new facilities being 2.249 million.

Now it seems like there is a whole . . .

HON. L. DESJARDINS: And the increase in residential charges.

MR. D. ORCHARD: Okay, now the increase in residential charges was how much then?

HON. L. DESJARDINS: 5,277.3 million, and you also mentioned the .5 million if we go ahead with the pharmacy, and then 249.5, the closure of the facilities when the new ones are opened.

MR. D. ORCHARD: Two things, Mr. Chairman, first of all, could the Minister indicate the number of beds which were funded in the budget last year, and the number of beds that will be funded in this year's personal care home budget?

Secondly, I was of the impression that the per diems ended up in the Finance Minister's shop, but that's not the case? The per diems come directly to the Health Services Commission?

HON. L. DESJARDINS: As of March 31, 1985, there were 5,993 non-proprietary beds and 2,389 proprietary beds for a total of 8,382 beds. During 1985-86, it is estimated that 54 substandard proprietary beds will close, resulting in a total of 8,320 beds at March, 1986. It will be 2,335 proprietary and 5,993 non-proprietary.

The residential charges - well, of course, that is kept by the institution, and then less funding is needed. That is, it doesn't go into the Treasury at all, it's kept with the institution.

MR. D. ORCHARD: Mr. Chairman, the Minister's indication in terms of the 53, I believe it is, beds that

are being closed, non-proprietary beds, I believe that all of those are in the Brandon area, Convalescent, Sunset Haven, and I believe the loss of eight or so beds.

Now, Dinsdale Home was to theoretically take up a portion of those beds, but the net loss in Brandon, if my memory serves me correct, I believe it is 60 beds in personal care home facilities in the Brandon area.

Mr. Chairman, my question to the Minister is: what did the residents of those closed beds do when we have a net loss of beds in the Brandon area? What is to be the fate of the current residents in those personal care homes? Where do they go? What facility do they occupy? Where do they call home when the closing - and I believe the closing, if I'm not mistaken, is for this July - what do those 50-some-odd residents do in the interim? Because it's my understanding that some of them are going to be in the new Walter Dinsdale Home, but I believe that a majority of the beds are already committed from the closing of the other Salvation Army facility. So could the Minister indicate to me what those individuals will do in Brandon when their homes are closed, and when are the closing dates for Sunset Haven and Convalescent?

HON. L. DESJARDINS: The facilities should be closed, not July as was first projected, but more in October. The situation that there are some of these people who want to go into different communities; that is arranged. Then there is the list at that time, because of attrition and so on, will be greatly reduced. In the meantime, they are slowing down on the admittance in those areas. What actually will be done, though, that the new beds will offer much more flexibility than there is now. Actually what we're doing is, as I mentioned before, I think it was probably a mistake to ensure all the type of beds that we did when we first got in this program of personal care home, and we are gradually phasing out hostels. Of course, I say gradually because of the concern that my honourable friend has - what do we do with those patients? Also, changing from Levels 1 and 2 to 3 and 4, and this is what's going to happen in Brandon. I might say that, Brandon, we're over the quota of beds, again, compared to other areas in the province.

MR. D. ORCHARD: Mr. Chairman, one can talk about statistics and indicate that Brandon was an overserved area, but in October with the closing of those two homes there are going to be a number of residents who will probably not be placed in the new Dinsdale facility. — (Interjection) — Well, then, Mr. Chairman, the Minister indicates that not one of those patients will be left high and dry.

There is a reduction in bed capacity coming up in the Brandon area. I believe it's a net reduction of 60 beds between the two, Convalescent and Sunset, and the bed loss in the - the name just slips the top of my head right now, but I can find it - but basically there are a loss of 60 beds with the closing in October of Convalescent and Sunset and the phasing out of the other beds at the other facility.

Now, Mr. Chairman, is the Minister then saying that all of these beds are going to be emptied by attrition by October so that none of those people - how does he make a reduction of 60 beds and not displace anyone who is currently in one of the institutions?

HON. L. DESJARDINS: I said there would be three factors; one of them, some have already opted to go into different communities, and that's being arranged. In other words, they might be from that region, but not from Brandon, that's one. That will reduce some, I can't tell you the number. I also said that attrition, that the list will be reduced come October. It was supposed to be in July and we thought that this would make a difference. Now it's October, if anything it should make more of a difference. And thirdly, and don't forget that, I also said that there was a bit of slowdown in admitting new patients in personal care homes to bring them back to more of a guideline like the rest of the province. Also, I said that there would be more flexibility because the upgrading of the beds which could be used only for Level 1 and Level 2 care, now will be able to handle Level 3 and Level 4. So there are all these different factors that will make up for them.

As I say, they'll have these new beds and they'll be more in line with the guidelines of other regions, although they'll still be way over the guidelines that we have now. I also said that we're reviewing the guidelines for all the provinces because it seems to me the waiting list and so on, it might be that it's not realistic any longer, that we need to change it.

MR. D. ORCHARD: Mr. Chairman, how many beds are in the new Dinsdale Home?

HON. L. DESJARDINS: Oh, excuse me, I forgot, just the one thing. That home that was going to be closed in October, if there is still need for it at this time, well, then, we'll delay the closure of that home also, because we'll make sure that there is not one of those patients, as I say, who will be left without a bed, without a place to go.

MR. D. ORCHARD: Which one, Cornwallis or Sunset Haven? And secondly, Mr. Chairman, how many beds are in the new Dinsdale Home?

HON. L. DESJARDINS: There is some more information - in the approximately 75 beds that will be replaced, there will be 60 new beds in Dinsdale, but there are approximately 65 patients now for those 60 beds. The situation is I think that Cornwallis - it depends, I think the question was, which one will we keep open in October, if need be? That would depend where the patients are. There are 22 beds in both, the same in Cornwallis and in Sunset Haven. Cornwallis might be in a bit better shape, but it depends, if we have to extend the period or postpone the closure date, we would. It depends whether there are more patients or where the patients are.

Now, I think I was asked also - the beds in Fairview, will go from 264 to 248. We replaced 1954 bed time expired hostel section with 148 full-care beds under construction. Now there you go, as I say, we're phasing out the hostels, but they will actually get 148 full-care beds.

The Bollock-Booth will go from 31 to 60; Sunset, there's 22 and Cornwallis, 22. Those will be closed. The International is reducing by attrition 10 beds, and there are already nine of those that have been closed so we don't expect any problems there. Hillcrest remains

no change with 100, and Central Park Lodge remains the same at 89. Now there were total beds existing, 593, and planned, 552, but with this flexibility that I talked about.

MR. D. ORCHARD: Dinsdale is scheduled for opening later on this summer. I understand it will be 60 beds. That, in part, will replace 31 beds at Bollock-Booth, and there was a reduction last year of the 42 beds of Salvation Army Eventide which was on the same location that the new Dinsdale Home is. As well, we've seen a loss of 10 beds at the International home, 22 at each of two facilities, Sunset Haven and Cornwallis.

Now the Minister is saying that, in total, when Dinsdale comes on stream, that there are 31 beds of Salvation Army Booth, 22 at each of the other two facilities, for a total of 75 beds. Now do I take that from that, that at the present time, that there are 10 beds empty in the combination of those three facilities, so that now you've got some 65 patients for 60 beds presumably which are going to be opened.

HON. L. DESJARDINS: That's correct.

MR. D. ORCHARD: Could the Minister indicate what the panelled waiting list in Brandon is? Does he have that information at his disposal?

HON. L. DESJARDINS: We don't have it just for Brandon; we have it for the region, for Westman. It's 243 for the region.

MR. D. ORCHARD: Mr. Chairman, that makes for an interesting scenario, because it's my understanding that right now neither Cornwallis nor Sunset Haven could bring in any new resident, and they have to maintain their vacancy pending the opening of the Dinsdale Home. Now that is allowed through attrition, and I'm not sure whether any of the residents of either of those two facilities were able to move to other homes in the region. But we are now faced with a circumstance in the Westman region where the 243 panelled patient waiting list that exists today, with the loss of those net 60 beds or thereabouts, the waiting list certainly is going to continue at that high level in the Brandon region, because you don't reduce a waiting list of panelled patients by reducing, rather than increasing personal care home beds in the Westman region.

Now the Minister has indicated earlier on this afternoon that, for this fiscal year, we are going to see a net reduction in some - I have it here - 62 beds. Now, as near as I can make my figures work, there are going to be 10 in International Home and then, of course, the two other homes, one of which the Minister indicates he may well keep open for a slightly longer period of time. But what we are seeing, Mr. Chairman, is a reduction in beds for this coming fiscal year, and that reduction, I think, is entirely focused on the area of Brandon, in that, to my knowledge, the majority of the reduction of beds will be in Brandon.

Now, Mr. Chairman, this gets into a political argument and I wish the Member for Brandon East was here, because just recently the Member for Brandon East circulated a piece of literature, a copy of which I don't believe I have. One of his brags in his piece of literature,

comparing the glorious last three years of New Democratic administration with the previous four years of ours, was that his government built personal care homes, not cut them back. — (Interjection) — Mr. Chairman, the Minister of Finance just said exactly what this government has done is close personal care home beds in Brandon.

The Member for Brandon East can wiggle and squirm and put out all kinds of literature saying that they've done a good job, but the people of Manitoba will know that in, "A Clear Choice for Manitoba," within the Brandon area, this pledge solemnly signed by the now Premier has not been kept, that being that the desperately needed personal care homes would be built by an NDP Government. In Brandon, under the guidance and tutelage of the Member for Brandon East, a member for the last three-and-a-half years in Cabinet, we have seen a reduction in personal care home beds in Brandon.

Mr. Chairman, that doesn't sit well with the people in Brandon. There are major concerns as to what this loss of beds will do to the panelled waiting list now at 243. As important, Mr. Chairman, - and I visited both Sunset Haven and Cornwallis - certainly those facilities were of an older-style facility, but I believe that the residents there were receiving quite good care.

Now there are two problems when you close a personal care home. First of all, there are the residents and, through attrition and through other measures, it appears as if the Minister is indicating there are only five patients which will have to be shuffled around in the closing of the homes. He has indicated that he may well leave one of those homes open for an extra few months to take up the slack. But, Mr. Chairman, there is a concern that the staff have in those two homes.

First of all, where do they go? Will they be on a priority hiring list for the new Dinsdale facility? If so, how do they make the crossover to Dinsdale? Can they be hired today for Dinsdale, and still continue to work at the homes that will be closed when Dinsdale comes on stream, or do they have to basically leave their employment where they are now, either at Cornwallis or Haven, put in their application for Dinsdale and hope they get hired at Dinsdale? Mr. Chairman, these changes are never easy at the best of times, anytime you replace older facilities with new facilities.

But, Mr. Chairman, I would like the Minister to indicate to me this afternoon what sort of advance planning has been done? Any patient who is not able to find a bed in the new Dinsdale Home, where will that patient go, and what provision will be made for that patient? And secondly, what provision will be made for the staff at the homes that are going to be closed? Will they be given a priority in terms of the hiring at the new Dinsdale facility when it is opened? And if so, how will that priority be able to be exercised by the employees in that they obviously have the responsibility and, no doubt, the majority of them will feel a duty to stay where they are to care for the patients who are in those homes that will be closed? And that could put them at a disadvantage, I'm not saying will, but could put them at a disadvantage, in terms of being able to come on the staff complement of Dinsdale, when they feel obliged to stay put in the homes caring for the people who are already there, their residence and their patients. What sort of a transition for the staff is available as well as for the patients?

HON. L. DESJARDINS: Mr. Chairman, we were doing too well, I think my honourable friend could not resist the temptation of being a little more partisan. That document signed by the First Minister seems to bother very much members on the other side.

As far as the remarks made by my honourable friend from Brandon, I guess he's well able to defend himself. I wasn't there; I'm not aware of the statement that he made. But I want to say this, that while I'm a little disappointed in my honourable friend, because a couple of days ago, last week, the decision was fine. We must try to serve all the people of Manitoba and we must be very careful in any construction of new facilities and we must look at what's being done in other provinces. Why is it so costly here compared to other provinces? There is no doubt that there will be less beds in Brandon. There is no doubt and that is done for the simple reason that we are trying to look at the overall in Manitoba, and if we increase the guidelines it will have to be done all across Manitoba. As of a year ago or so, the percentage of beds, and I'll just give the percentage per thousand population, was this: in the Central region, was 8.2; Eastman 5; Interlake 7.5; Norman 2.1; Parkland 7.9; Winnipeg 7.5; and Westman 12.5, even with a closure of these beds. My honourable friend is correct, he gave us exactly what is going to happen and it's still at 11.8. Not a year ago, a year ago it was 12.5, now it's 11.8. But the situation, that's only part of it, many of these beds were getting to be obsolete. They had to be replaced. There'll be a total of approximately 300 new beds. Many of these will be replacements, but that still has to be done.

Now, the Sunset Haven and Cornwallis certainly did not meet the requirements or the standards anymore that we had; they were below standards. The living space was, for residents, below the regulated requirements and is not sufficient or appropriate to meet the residents' needs.

The care needs, in recent years, of the residents in all these personal care homes have increased and could not be safely managed; and buildings with steep staircases, small bathrooms, lack of wheelchair accesses and so on, so this had to be done. These buildings, it was just impossible to just upgrade these buildings, they had to be replaced. Well, I guess it was either impossible or more costly.

Now we have replaced also hostel beds by full-care beds in the Fairview project. The facility designated as hostels are limited to admitting residents who are in Level 1 care, which indicates a relatively high degree of independence and mobility. The number of Level 1 individuals requiring admission to personal care homes have decreased as their care needs are being met in the community by the home care program and supportive services. We talked about that also. We said we want the aim, and I don't think we have any different ideas on that. No matter what side of the House we are, we want to keep people out of institutions as long as possible and these services are being increased also. Now, whenever possible, these hostel facilities - and they will be phased out - but you've got to differentiate between these beds also. There were a lot of beds that were hostel beds and the thing is with the priority and so on, we need more beds for the highest care and we are not admitting any more new people in hostel beds. That will have to be taken care of in a different

way. Again, the upgrading in Fairview is impossible. All the new beds that are built will take care of all levels of care, so that's what I'm talking about, the flexibility.

Now, as far as the changes in jobs in Brandon, the staff is being currently interviewed for these jobs. The administrator at Dinsdale Home has confirmed that he will co-operate fully in ensuring that as many staff as possible are hired. The overall seems to be that there could be an increase, and it could be an increase in a number of jobs. The staff employed by Cornwallis and Sunset will certainly be given the opportunity to apply for positions at the new Dinsdale Personal Care Home. I'm not saying that there's a guarantee, but I can practically say that there's a guarantee for those who qualify. Now that will be left with the administrators. We're told that some of them wanted to be replaced. They don't qualify; they feel that they haven't got, whatever, the ability, and that is up to the administrator. We can't insist that they keep people who can't do the job.

Now, I'm told that the present staff at Cornwallis, there's 16.4, that would have to be placed, a decrease of 16.4. Sunset Haven, a decrease of 14.3; and the Bullock-Booth, the total was 18.6, there'll be an increase to 47.9 or an increase of 29.3; and Fairview Home, there is presently 150.4, and we're told the increase would be 165.2, for an increase of 14.8. So that represents an increase of 13.4, equivalent full-time positions overall.

There will be support services to seniors, programs aimed at supporting frail and adverse people in maintaining their independence or community living status. It is recognized that these persons, these elderly, are often unable to maintain that kind of a lifestyle that they would prefer, because of the inability to carry out certain functions, and this is in this area that we will try to assist. So, yes, I can't deny that there's going to be a reduction of beds and . . . (inaudible) . . . the reason for that. Also the question of the hostels that I've covered and then still that Brandon will be quite a higher proportion than any other area in the province and I've also stated that we are certainly looking at the guidelines.

Now, the advanced planning, we talked about planning, commenced in December of 1984 and is proceeding well, that is of the residents now, and we are working with the patient and the family to make sure that we can assist them and make sure that they get residents of their choice. As I said, some of them would sooner go closer to home and away from Brandon so they will be assisted in doing that also.

MR. D. ORCHARD: Mr. Chairman, that begs several questions. First of all, do residents who find themselves out of a bed in Brandon have a priority on vacancies outside of Brandon in the various personal care homes? Secondly, could the Minister indicate to me what the anticipated or what the budgeted expenditure for Dinsdale is on a full-year basis? Thirdly, the Minister made a rather, I think, key statement in terms of his answer in whether the staff at the two homes will have an opportunity to be hired on at Dinsdale, and he said if they're qualified. That was one point that was brought out in discussions I had in Brandon.

You see, if the new administration of Dinsdale can indicate, yes, they will provide a place for the staff in

the existing homes, providing they meet a reasonable or a set standard within the home, that by itself, Sir, can present a bit of a problem because these people who are currently employed, if they don't meet the new hiring standards at Dinsdale, that means they would probably have to take a several month upgrading course. Now, if they are employed and have to cease employment at their existing facility in order to take on that training, then that puts the existing facility, either Cornwallis or Sunset Haven, in a problem.

Now some of these people have been working for the various homes for a number of years and have considerable experience and considerable knowledge to offer and considerable employee knowledge that they can contribute. They may not have the formal training but, Mr. Chairman, it would be a relatively uneasy thing to do, and it would be unfortunate if it happened, that standards were set for employment in the Dinsdale Home which would require upgrading and training which the people of the necessity may not be able to undertake now because they are currently employed and committed to either Sunset or Cornwallis; and if they take that training after the closing of either Sunset or Cornwallis, then certainly they're not going to be there for the initial hiring process because Dinsdale will be full the moment that it's open. It's not a proposition that this is additional beds which would take a while to fill up. There are already 65 people to go into 60 beds in Dinsdale, so the moment the ribbon is cut, so to speak, Dinsdale is going to be full and must be staffed.

My concern, first off, is for the patients. But, secondly, we have to have some concern for those employees. A lot of them have put in many many years working in these homes and providing care to our senior citizens and it would be a travesty if those people, those employees, did not have an opportunity to retain their jobs at the new location of Dinsdale through a combination of new training needed, an obligation they feel they must maintain at their existing employment - either Convalescent or Sunset Haven - and secondly, that if they don't take the training they won't be employed.

So, Mr. Chairman, this is something that takes a little more than words, to say that yes, we're concerned, we're going to attempt to make sure these people have an opportunity to be re-employed at Dinsdale, this takes a plan of action, and I'm not certain that plan of action is in place, and I'm not certain that the government today knows whether adequate opportunity is available to those present employees to be rehired in Dinsdale.

You know, this government has gone to great pains passing labour laws to make sure that in plant closings - and they want a year's notice in this sort of thing - I think that within this changeover and closing of homes and relocation to a new home, that the government, I don't think has an adequate plan in place to assure that those people will be gainfully employed if they so desire in the new Dinsdale Home. I think it takes more planning, certainly more consultation with those people and with the homes than what has been done to date.

HON. L. DESJARDINS: Mr. Chairman, I don't know what my honourable friend based himself on for his last statement, and I was following closely. Now, my

honourable friend will have to tell me, do we improve the standards, or don't we? Very different facilities, different beds, different services. We have done and we are continuing to do every single thing that we can for these people who are now working.

I want to make a correction that I should have made earlier and I forgot. The statement by my friend brought it to my mind. I gave wrong information previously. I said there was a person who was fired and that person was not fired. That person wasn't satisfactory, apparently, and was advised that this person would not be hired in this new facility.

Now, we must close some beds that are substandard. I don't think there is any argument there. It's unfortunate. We displaced people. We displaced patients. We must work very closely with them to make it as smoothly as possible. It was the same thing at Deer Lodge. It was the same thing when we closed some of these personal care homes in the city. There is no way that we could have a full blanket coverage that every single person will be hired.

I've said that they will need more staff. I've said that they've had the priority, that we've had these discussions with the administrators, and after all, they have their responsibility. When I said if they qualified, it wasn't to find a way out. I was repeating that it was a concern of the Commission and of myself and I directed the Commission to go back and discuss with these people because of some of the rumours that I'd heard and probably my honourable friend. The administrator assured us that they will have all the co-operation, but that there are certain people who were not qualified. It might be one; it might be two; that's the one that I discussed and was the only one that I heard, and we still feel that the majority of people will be hired.

But I cannot give a guarantee, and I cannot say there won't be any displacement and there won't be any problems. There will be problems, but we have to do that. These places should be condemned, some of them, and I can just imagine if there was a fire in one of them, all hell would break loose in this House, the same as it did a few years ago in Portage with the school for the retarded.

So these are the things that we are doing now, and we're doing the best we can. We are co-operating. To say that it is not being done, there is no planning, I think is incorrect and unfair to the staff who has been working very close, and the administrators and the boards of these different facilities in Brandon.

Now, as far as those who want to upgrade themselves, they are encouraged to take the Nurses Aid Course sponsored by the Assiniboine College, and this is currently being followed up on. However, if it is impossible, the arrangement could be made that while they're working this could be done. They'll have as much flexibility as we can give on that, so I can assure my honourable friend that we are just as interested. He's right, I think this government brought in labour legislation and so on to protect the workers. We certainly haven't lost interest in them, but there is nothing else we could do. We must upgrade or change these places; we must improve the standards. Many of these homes are below the present standards, and we will do everything to co-operate and co-ordinate as smooth a changeover as possible. In all fairness to the administrators and the board, we have the full support

and promise of full co-operation. I don't know what else can be done.

MR. D. ORCHARD: Mr. Chairman, two points that the Minister made are rather interesting when he talks about standards in the new home, but I remind the Minister that these residents of the new Dinsdale Home are the same residents the staff are currently caring for, because they're going to go from one home to another home; they're the same people.

So, if they're the same people and the standards theoretically are the same between the homes, in terms of care. Oh yes, the nursing hours and everything are the same; we're talking the same people taking care of the same patients. That's why I'm pointing out to the Minister that it could be a circumstance where some of these employees who are desirous of going with the patients to the new place of employment could be prevented from doing so, and the argument of standards is not a legitimate one.

The Minister makes a point. He said, I cannot give a guarantee of complete hiring. You know, it's ironic that the government, a government like this one that has passed legislation that, in no small part, contributed to the loss of the bus plant in Morris because the new owners had to take up the new contract, this Minister is now saying that when he builds a facility in Brandon to replace several others, he can't guarantee the staff that they are going to have a job in the new facility. Yet, this government, if they pass their labour legislation, will expect that of the private sector.

Now that is a double standard, and the Minister, I suggest, is not following his party line when he's saying that he can't give a guarantee of complete hiring of these people. You know, talk to the Minister of Labour who is sitting in the back row there, and ask him if he would allow a manufacturing firm to take over, and buy out an existing manufacturing firm in this province; build a new facility and modernize the facility, and not honour the contract that was at the old facility and employ the people that were at the old facility. Ask your Minister of Labour if he would let the private sector away with that.

But yet you are saying that's what you're going to do in Brandon with these personal care home employees. That, Sir, is the kind of double standard that this government lives by; that is the kind of double standard that is pure pap and baffleleg, when you stand up on a public platform saying you're going to look after the employees' rights, but you don't practise what you preach; you don't live by your own words.

Because, in this circumstance, I don't think there is any question about it, some of those employees will not be able to go over to the Dinsdale Home. Your Minister of Labour won't allow that to happen, as I say, in the private sector; he'll insist that a contract is carried on, even if the person buys out a plant and builds a brand new modern facility. He's going to say, you have to honour the existing contract in that plant; the labour law says you must. The private sector has to abide by that labour law and you, Sir, should have to abide by it here. If those employees desire employment in the new Dinsdale Home, when their homes are being closed and hence their jobs are being terminated by the government, then this Minister, this department, this

government if it lives by its own law and its own dictum and decree, should be saying more than, well I can't guarantee that those people will get a job.

You see, Mr. Chairman, that is why from time to time we get slightly cynical on this side of the House with some of the pronouncements of this government, because they say one thing and quite often they do the exact opposite. I pointed out that the Member for Brandon East has just recently put out one of his mailers, his propaganda sheets, in which he said how bad things were under the Conservative Government, but he never mentioned, not one word, about a reduction in the number of personal care homes in Brandon.

The Minister can talk about his statistical averages and all of the facts and figures he can lay on the table, but the fact exists that, when we were government, there were more personal care home beds in Brandon than there will be after four years of New Democratic Government. That's a cutback, Sir; that isn't keeping the promise. I refer to it again, and we'll refer to it many times, because we intend to remind the people of Manitoba and ask the people of Manitoba in the next election campaign, given what was promised in 1981, can you believe these people when they say what they're going to do, because in Brandon they haven't built the desperately needed personal care homes; they've closed them.

That's the circumstance in Brandon, Sir, after four years of New Democratic Government, despite what the Member for Brandon East puts in his pre-election campaign literature. Despite what the Minister has said today, they are reducing the number of personal care homes in Brandon.

What makes it even worse, Sir, is that the Minister of Labour sits with his hands tied and his mouth gagged while this Minister can't guarantee employment to those people who are currently working in the personal care homes in Brandon; he can't guarantee them and won't guarantee them. He won't interfere with the Minister of Health in making sure that those employees get employment in the new Dinsdale Home. He's afraid to tackle this Minister of Health. He's not carrying out his responsibility as Minister of Labour in this province, and this is probably as good a proof as you're going to have of it right here in Brandon with this closing of personal care homes and the fact that the staff has no guarantees whatsoever that they will receive employment in the new Dinsdale home.

HON. L. DESJARDINS: Mr. Chairman, first of all, I can't guarantee it, because I don't control the personal care homes. They are not my personal care homes . . .

A MEMBER: First Minister of Labour.

HON. L. DESJARDINS: Well you ask him, that's in Labour. But you are saying it as if I own and operate the personal care homes; I don't. I am not going to make a statement that I can guarantee when I can't.

Talking about cynical, you're cynical also because, all of a sudden, there's great interest for the workers from that side. All of a sudden, we can play the game the same as you . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. CHAIRMAN: Order please.

HON. L. DESJARDINS: Would you mind letting me talk? I think I let you talk, I let you utter all your nonsense. If you want to play that game, two can play it as well as one. All of a sudden, the concern, you don't care about the standards.

I am saying, we know of one person that won't be rehired, I told you why. We've asked the Commission to make sure that the Sally Ann, if there's any others, would let us know every single individual. We are doing everything we can to facilitate that, to have these people hire them. It is not my personal care homes, I don't run the personal care homes. To say we have a double standard is completely wrong and erroneous, and my friend is going to play crass politics on this.

You tell me a little while ago, last week, you tell me we have to be careful. You were being responsible last week and, all of a sudden, you want to take advantage of a situation in Brandon and try. Well that's your privilege, but at least be factual. It is not my personal care home, and there is no way that I can make any guarantee. I'm willing to tell you that we've asked the Sally Ann to bring every single case to our attention. We only know of one person that won't be rehired; that person, from what we're told, would have been fired and discharged even if there hadn't been any changes. Now you're taking us to task for that and trying to make a big thing out of that, and say that we haven't planned, we haven't tried, and we're not interested. I resent that very much.

MR. CHAIRMAN: Order please. The hour is 5:30, time for the dinner recess. I am leaving the Chair, and will return at 8:00 p.m. tonight.