

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
10:00 a.m., Friday, May 28, 1976

Opening Prayer by Mr. Speaker.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the Honourable Members to the gallery where we have 37 students, Grade Six standing of the J.W. Walker School from Fort Frances, Ontario under the direction of Miss K. Pipila.

We also have 45 students Grade Four standing of the Deerwood School, from Selkirk, Manitoba under the direction of Mrs. Kulak. This school is located in the constituency of the Honourable Member for Selkirk, the Honourable Attorney-General. On behalf of all the Honourable Members I welcome you here this morning.

Presenting Petitions; Reading and Receiving Petitions, Presenting Reports by Standing and Special Committees, Ministerial Statements and Tabling of Reports. The Honourable Minister of Health.

MINISTERIAL STATEMENTS - NON-POLITICAL

HON. LAURENT L. DESJARDINS (Minister of Health and Social Development) (St. Boniface): Mr. Speaker, I wonder if I could ask leave to make a non-political statement, although I have no prepared written statement.

MR. SPEAKER: The Honourable Minister have leave?

MR. DESJARDINS: Mr. Chairman, I'd like to congratulate the Jets in the name of the Party for winning the championship, and I chose this occasion, this Order, because I'm sure that others will want to join me. I think that we are particularly proud of the Jets because they have shown the old victim that they could win as a team and also they have proved that the saying "Good guys finish last" is certainly not true.

It would be quite dangerous to start singling out too many people because they actually did play as a team. The coach was the All Star Coach, and two or three other players made All Star. It certainly was nice also, as far as I'm concerned to see some of the old boys to come back to Winnipeg, such as Ted Green who had played for me years ago, but I think that we should single out Bobby Hull. A lot of people have talked about the large salary he gets, but I think that he's gone over and above the call of duty. I think that he's been a real find for my friend the Minister of Tourism because he certainly has been selling Winnipeg and Manitoba during his stay, and he's showed that he had the guts, and I think it takes guts to go on a strike to try and get away from some of this violence that we have, and this is why I think that this year it was wonderful that the teams in both Leagues, the Montreal Canadians and the Jets, who played good clean hockey, have won. I think that this will help our National game. The province have been discussing with the City, this had to be done very fast, and will participate at the ceremony that we will have today, and the Honourable Minister of Tourism, Recreation and Cultural Affairs will be representing the Province, will be hosting the players, management and their wives at noon today. Thank you very much, Mr. Chairman.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): Well, Mr. Chairman, I thank the Honourable Minister for his comments and the joy that prevails amongst the sport fans across Manitoba with the Jets coming through as we all expected they would, with flying colors, and now are the champions of the World Hockey Association.

I regret very much that the Minister is only speaking for the New Democratic Party on his resolution. I would be, in my sentiments, expressing the wishes of all the members of this House and all the citizens of this province. I think not only the New Democratic Party but every citizen at least that's a hockey fan is very happy today the way the Jets have conducted themselves and the calibre of sport and fair play that they have exemplified all the year when there has been so much violence in hockey, I think is another example of the fine sportsmen they are and the credit and the honour that they've brought to our province today.

MR. SPEAKER: Any other Ministerial Statements or Tabling of Reports? Notices of Motion; Introduction of Bills, The Honourable Minister of Renewable Resources have a motion?

HON. HARVEY BOSTROM (Minister of Renewable Resources): Mr. Speaker, I had a Return to an Order for Address. Do I have leave of the House? (Agreed)

MR. SPEAKER: The Honourable Minister.

#### ADDRESS FOR PAPERS

MR. BOSTROM: This is a return to an Order for Address No. 38 on the motion of the Honourable Member for Birtle-Russell.

#### INTRODUCTION OF GUESTS

MR. SPEAKER: Introduction of Bills. Before we proceed, I should like to direct the attention of the honourable members that we are getting some more visitors. This is 50 students of the St. Pauls Collegiate from Elie, Manitoba of Grade XI standing under the direction of Mrs. Linda Starkell. This group is from the constituency of the Honourable Member for Morris. On behalf of the honourable members I welcome you here this morning.

Questions. The Honourable Leader of the Opposition.

#### ORAL QUESTIONS

MR. DONALD W. CRAIK (Riel): Mr. Speaker, my question was going to be directed to the Minister of Public Works who has just escaped so I perhaps will direct it to the First Minister or others and ask if on this auspicious occasion of the Jets winning the WHA whether we might not arrange fireworks tonight on the Legislative Building grounds.

MR. SPEAKER: The Honourable Member for Virden.

MR. MORRIS McGREGOR (Virden): I would like to direct this question to the Minister of Mines and Natural Resources knowing full well we might get into his Estimates today, but the question would be in the event we don't: what is the reason for the sudden rise of the water in the Assiniboine, to be specific at Miniota, and a great concern of farmers whose land is further downstream and are just about ready to float equipment in to get at it, one farm of 1,400 acres, and has shown great concern. Is there a reason for this sudden one inch rise in two successive nights? It did stabilize last night. Maybe the Minister has. . .

MR. SPEAKER: Order please. The Honourable Minister of Mines.

HON. SIDNEY GREEN Q.C. (Minister of Mines, Resources and Environmental Management)(Inkster): Mr. Speaker, I want to acknowledge to the honourable member that the Member for Brandon West also gave me notice that he wanted to put this question. The gentleman who would be giving me the information was on his way to the Legislature because of us being on our departmental Estimates. My staff is upstairs and I'm going to ask that as soon as Mr. Weber arrives if they could give me a written answer down, I would even interrupt the Premier when he's on his Estimates to give the answer to the honourable member.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, on the same subject to the same Minister. In view of the fact that the river waters in the Assiniboine Valley west of Brandon at least are not receding, and in fact as the Member for Virden indicated, have in fact increased. I would like to know specifically and I'm sure the members of the House would like to know what procedures are being used at the Shellmouth Dam which would bring this about. It's causing a very great difficulty for farmers in that region who have been prevented from getting on to the land and would normally expect that the waters would be receding at this time. So if the Minister could advise us as soon as possible we'd appreciate that information.

MR. GREEN: Yes, Mr. Speaker, I certainly will get the information. I can tell the honourable member that I know of no difference in the operating objectives or procedures of the Shellmouth Dam. Sometimes those procedures with water control works

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(MR. GREEN cont'd) . . . .have effects which certain people do not favour. For instance, we've had numerous occasions people south of the Floodway who feel that the operation of the Floodway is causing them a problem. The engineers tell me it's not but the people don't accept that. However, rather than prejudging whether the complaints are justified or otherwise, I am going to get the information.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BOB BANMAN (La Verendrye): Thank you, Mr. Speaker. I direct my question to the Minister of Tourism, Recreation and Cultural Affairs. Would ask him if he could confirm that 60 RCMP officers from Winnipeg and surrounding were asked to restore order with regards to a motorcycle gang near Falcon Lake this past weekend?

MR. SPEAKER: The Honourable Minister of Tourism.

HON. RENE E. TOUPIN (Minister of Tourism, Recreation and Cultural Affairs) (Springfield): No, Mr. Speaker, that is not the facts. In regards to an action taken by the RCMP themselves, not on the request of the Parks Branch, there was an investigation that did take place at the Pinawa Wayside Park Dam but not involving Falcon Lake, and the report regarding same was given to my office yesterday.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BANMAN: Mr. Speaker, just for clarification. There was an incident at Falcon Lake as well as at Pinawa and apparently there were . . .

MR. SPEAKER: Question please.

MR. BANMAN: I wonder, in light of the incidents with the motorcycle groups in the past weekend at the Whiteshell Area, will the government be taking any steps to ensure the safety of the camping and travelling public in the Provincial Parks.

MR. SPEAKER: The Honourable Minister of Tourism.

MR. TOUPIN: Well again, Mr. Speaker, the Parks Branch will be dealing with infractions caused in provincial parks by individuals, not by groups. If individuals are causing the disturbance within the provincial parks, they will be dealt with, either directly by our own officials within the park system, or by peace officers; but that doesn't mean that the Parks Branch will curtail the possibility of any group to attend and use park services.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. LLOYD AXWORTHY (Fort Rouge): Mr. Speaker, I have a question for the Minister of Urban Affairs. In view of the statement made last night by the Chairman of Flyer Coach that the Flyer Industries has not undertaken . . .

MR. SPEAKER: Order, please. Question, please.

MR. AXWORTHY: In view of the statement by the Chairman of Flyer that they have not scheduled any buses for the City of Winnipeg, is the Provincial Government prepared to alter its condition for financial assistance for the purchase of buses so the city may procure transportation facilities elsewhere?

MR. SPEAKER: The Honourable Minister of Urban Affairs.

HON. SAUL A. MILLER (Minister of Urban Affairs)(Seven Oaks): Mr. Speaker, the city has ample opportunity to discuss with the province, it has been discussed, they were quite aware of the situation.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: A supplementary, Mr. Speaker, Could the Minister indicate what the state of negotiations are. Has the province been prepared to alter its financial condition so that the city may seek alternative forms of transportation assistance?

MR. MILLER: No.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q. C.(River Heights): My question is to the Minister of Education. I wonder if he can indicate whether the Red River Community College has curtailed its program of English language instruction during the summer months for immigrants and those who are new Canadians in Manitoba.

MR. SPEAKER: The Honourable Minister of Education.

HON. BEN HANUSCHAK (Minister of Education)(Burrows): Mr. Speaker, I'll take the question as notice. I know that the staffing level for various programs offered

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(MR. HANUSCHAK cont'd) . . . .at Red River Community College are in direct proportion to the demand, so if there has been any change in the staffing for that particular program I would assume that it would be in response to whatever indication we have of the demand for the summer months. But I will take the question as notice.

MR. SPIVAK: I wonder then if the Minister can indicate as well, and take this as notice, so that it can be indicated in his answer, the exact numbers of potential students that were considered for the summer, and the staffing that was required then for that number.

MR. HANUSCHAK: Yes, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Speaker, I direct a question to the Honourable Minister of Agriculture. Some time ago the Milk Control Board announced the refunding of the five cent check-off for the proposed facilities at Selkirk that would be returned to the dairy farmers. My understanding is this hasn't happened to date, and my question to the Minister is, can he confirm this and if so, will he undertake to check with the Milk Control Board as to when that refund in fact is being planned to be returned.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture)(Lac du Bonnet): Mr. Speaker, I believe I did answer a similar question put to me a week or two ago. At that time I indicated to the person asking the question that it was really possible for anyone to inquire of the Milk Producers Marketing Board, that is their particular decision and does not have anything to do with the Government of Manitoba.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): Mr. Speaker, I should like to direct my question to the Government House Leader and ask him if he could give us some indication when he intends to schedule the remaining Committee meetings outside the House.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, we have the Committee on Economic Development on Monday, and if the Chairman of Hydro is back we will try to schedule a meeting some time next week for the Committee on Public Utilities, perhaps Tuesday morning, and we have a meeting of the Committee on Economic Development for the Mineral Resources Limited, and of course we haven't concluded all meetings of all other committees and we will proceed normally with those.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. ROBERT G. WILSON (Wolseley): Thank you, Mr. Speaker. To the Minister of Health, can the Minister give the approximate balance today of the special account of the Manitoba Lotteries Commission for Sports and Cultural Organization?

MR. SPEAKER: The Honourable Minister of Health.

MR. DESJARDINS: Mr. Speaker, first of all I think my honourable friend is mixing a few things, I think he said the balance for the Cultural Association, this is the revenue from a Corporation that does the selling. The share that goes to the province, the project has to be approved, and any new money, there are new projects that are submitted by the Minister responsible to Cabinet. Now this is at the auditor now and as soon as the auditor is finished it will be released to the House.

MR. WILSON: A supplementary then. If that balance is \$2 million, why does it take so long . . . proceeds of the lottery?

MR. SPEAKER: Order please. That's hypothetical. The Honourable Member for Morris.

MR. JORGENSEN: . . . the House Leader is in a somewhat expensive mood, I wonder if he could tell us how many more bills are yet to arrive.

MR. SPEAKER: The Honourable House Leader

MR. GREEN: Mr. Speaker, I believe that almost all bills have been given first reading, almost all, there may be a couple --(Interjection)-- Well we might not introduce them. But there are the Finance Bills that have not been given first reading but otherwise I think that almost all bills have been given first reading.

MR. SPEAKER: The Honourable Member for Rock Lake.

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MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, I direct this question to the Minister of Agriculture, and my question pertains to the Commission of Inquiry Report on Meats and Meat Marketing. Can the Minister inform the House as to whether a committee has been established to further investigate this matter?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, we have been working on that particular question for a period of weeks, and there will be an announcement soon.

MR. EINARSON: Mr. Speaker, I then ask a second question to the Minister of Agriculture. Can we expect an announcement before the House prorogues?

MR. USKIW: Mr. Speaker, I don't think it has anything to do with the affairs of the House, it's quite possible however.

MR. EINARSON: Mr. Speaker, I pose a third question and ask the Minister and hope he appreciates that second question, and this is because it concerns us while we are in session where we can deal more favourably with that problem. That's why I'm asking the question as to whether we will be informed as to whether that committees been set up and what will be their function?

MR. USKIW: Well, again Mr. Speaker, I want to point out as I did on numerous occasions, that that is something outside the purvue of this Assembly. It is something that is a discretionary part of the department, and we have indicated a willingness to involve the producers, and that is what is going to take place.

ORDERS OF THE DAY - ORDERS FOR RETURN

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

MR. WILSON: I move, Mr. Speaker, seconded by the Member for La Verendrye, that an Order of the House to issue for a return showing the following information:

1. The number of relatives (wives, sons, daughters, cousins, nieces, nephews, in-laws or parents) of each of the members of the Cabinet who have been or are employed with the Provincial Government since 1969.

2. The relationship of each to the member of the Cabinet.

3. The nature of the employment.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier)(Rossmere): Mr. Speaker, I'm not sure as to whether the honourable member moves this Order for Return really seriously and genuinely or whether he is spoofing, but I would suggest that he could ask certain of his colleagues and he would be advised that these are the kinds of records that are not available simply because they are not kept. From time to time it is possible to glean this kind of information just by casual perception of the world around. For example, we do not keep these records, although I could indicate, for example, that in the entire Public Service I have one relative that is working in the Public Service and that is a brother-in-law. Now if I had my way I would sooner that it were my mother-in-law, but the fact of the matter is that it is one relative of Cabinet rank. When the Leader of the Opposition, former leader of the Opposition, which is a Cabinet rank position, now the Member for River Heights, his cousin, works in the Department of Finance, she is very competent. We don't hold it against her. The other point is that in the former Liberal Administration there was a rather peculiar arrangement, which I suggest may well have been perfectly proper, in fact I'm sure it was, but the Minister of Agriculture in the Cabinet was Minister and at the same time his brother was Deputy Minister, etc., etc. so I would suggest, Sir, that . . .

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: . . . that when an Order is submitted of this nature the Minister either has the opportunity of accepting it or rejecting it. This is neither the occasion for a reminiscing of past history or debate or excuses. He either accepts it or rejects it.

MR. SPEAKER: Order please. Order please. The Honourable House Leader on the same point of order.

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MR. GREEN: Mr. Speaker, the Honourable Member for Morris is presuming that we wish to debate this order. The First Minister has the perfect right to state on a point of order that this order is not an acceptable motion and ask the Speaker to rule it out of order. The First Minister has indicated that these are not records that are kept by the government and on that basis this motion is not in order. That is perfectly admissible when --(Interjection)-- No, Mr. Speaker, it only goes to debate if it is a motion which is in order. You are at all times permitted to raise the propriety of the motion at any time.

MR. JORGENSON: It lost its way with the House Leader. In the first instance the First Minister did not indicate that he was rising on a point of order. He simply rose and proceeded his lecture on past history.

Now the First Minister either accepts or rejects the motion and we have then the determination as to whether or not we want to transfer it for debate.

MR. SPEAKER: The Honourable First Minister on the same point of order.

MR. SCHREYER: Mr. Speaker, I suspect that there is a substantive point of order here which the Honourable the House Leader may wish to check. But in the meantime I can save time for this Assembly by indicating that we cannot accept the Order for the reason that we do not have those records, we do not keep those kinds of records, therefore we are unable to comply with the request, therefore we reject it.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, perhaps this may become academic, but I really believe that there is a difference of opinion here, as to whether you will now put it over for debate or whether you will rule the motion out of order. I am suggesting that the motion should be ruled out of order. However, I'm looking towards getting out of the impasse. It probably could not be debated in any event because we are not going to be having that much Private Members' time. I wonder if the honourable members would just leave this perhaps undecided and that we can discuss it in Rules Committee. I am of the opinion that you can have the right to rule the motion out of order as not being an acceptable motion.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, I'll save the House Leader some anxious moments and anguish by telling him that it is not our intention to transfer it for debate because we know that with the limited time that there's left in the session there will be not an opportunity to debate it in any case.

MR. SPEAKER: Since we have arrived at a solution --(Interjection)-- Order please. If we had a free vote I'd probably have to cast the deciding one. We shall proceed to the other - oh, that's a question. The Honourable House Leader wish to proceed with Second Readings?

MR. GREEN: Yes, Mr. Speaker, I'd like to proceed with the bills in the order in which they appear. Oh, there's another Order for Return.

MR. SPEAKER: Oh, I'm sorry, I thought it was a question. The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Speaker, I move, seconded by the Honourable Member for Lakeside, That an Order of the House do issue for a Return showing the following information:

1. The names of those farmers who made application under the Feed Assistance Program in Roblin Constituency in the years 1975-1976.
2. The names of those applicants for feed assistance which were approved in 1975-1976 under the Feed Assistance Program.
3. The various tonnage of those feeds distributed under this program in Roblin Constituency in 1975 and 1976.
4. The names and varieties of all feeds distributed under this program in Roblin Constituency in 1975-1976.
5. The names of all persons, boards, commissions or civil servants who checked out these applications for Feed Assistance.
6. The terms of reference, the guidelines, the formulae, Government policy-

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(MR. McKENZIE cont'd). . . .or research utilized to determine or ascertain if each and every applicant was in fact in need of feed assistance under the Feed Assistance Program in 1975-1976.

7. The names and addresses of all suppliers of feeds under the Feed Assistance Program in 1975-1976.

8. The cost per ton paid to all those who supplied the various feeds under the Feed Assistance Program in Roblin Constituency in the years 1975 and 1976.

9. The numbers of civil servants employed in the offices of the Department of Agriculture located in Roblin Constituency for the years 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975.

10. The numbers of civil servants employed by the Department of Agriculture on a contract basis in Roblin Constituency in the years 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975.

MR. SPEAKER: Order please. It's been agreed that we dispense and that it be entered in the record. Does the Honourable Minister of Agriculture agree or disagree?

MR. USKIW: Well, Mr. Speaker, I too have a problem with this particular order in that the member requests that we file this Order on the basis of Constituency Boundaries and those records are also not available, nor are they kept. We don't break down our statistics on constituency boundaries. If it's acceptable to the honourable member that we give him a regional statistic, which we do keep, then that is acceptable to us.

ADJOURNED DEBATES ON SECOND READINGS

MR. SPEAKER: Is that agreed? (Agreed) So ordered. Bill No. 54. The Honourable Member for Fort Garry.

MR. L. R. (Bud) SHERMAN (Fort Garry): Stand please, Mr. Speaker.

MR. SPEAKER: Bill No. 56. The Honourable Member for Thompson.

BILL NO. 56 - THE FOREIGN CULTURAL OBJECTS IMMUNITY FROM SEIZURE ACT

MR. KEN DILLEN (Thompson): Mr. Speaker, I rise to speak on this resolution. I'd do it again with some hesitation because I feel that I'm taking part in some kind of a public opinion poll that will determine if a person rises in support of this resolution that he is a Russian sympathizer, and if he doesn't rise then he is not. The same would apply to the members of the opposition.

I think that the impression that is attempted to be left here, that if a person does not vote in favour of this resolution that somehow he is anti-art gallery, anti-culture and anti-Russian.

I don't want to take that much time on this resolution except to say that I think all parties in this House believe in the concept of freedom of choice, and it is more so on that side of the House that they seem to espouse this great feature about the freedom of choice of people, the freedom to choose, the freedom to do what you like. Yet by those who are speaking against this resolution, and who have indicated that they will vote against this resolution, are actually curtailing the freedom of those people who want to observe the art objects that will be put on display here in the City of Winnipeg.

How on one hand can a person say that they believe in the concept of the freedom of choice and at the same time rise in his place in this House and say that the art objects should not be brought to Winnipeg denying those people who enjoy looking at art objects. I wouldn't know art if I saw it. If I passed it on the street I would probably knock it over. I know beauty and workmanship. I know craftsmanship but not art. To me workmanship and craftsmanship is art. I suppose that those who admire art get the same satisfaction that I do out of admiring good craftsmanship.

While this gives an opportunity for Winnipeg to observe pieces of art, one must remember that while half of the population is in the City of Winnipeg and they will have ready access to whatever is brought on display here, that the other half of the population of Manitoba live in areas beyond the City of Winnipeg do not have the same

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(MR. DILLEN cont'd) . . . .opportunities but I'm sure speaking from the constituency that I come from, that those people in that constituency will not deny the right of the City of Winnipeg and the residents of the City of Winnipeg to have the opportunity to view this art.

MR. SPEAKER: The Honourable Minister for Corrections.

HON. J.R. (Bud) BOYCE (Minister responsible for Corrections and Rehabilitation) (Winnipeg Centre): Mr. Chairman, if the members in the House can hear me over the din around me I would just like to make a brief contribution to this debate. I empathize with the Member for Lakeside in his position because people really can't divorce their emotionality from their judgment. Some of the things in history, in recent history are emotional events and I don't understand even in myself why I still react to such things as a chap by the name of Boyce being shot in northern Ireland.

Mr. Speaker, in rising to make a brief contribution to this debate I would just make briefly two points. One I believe that in our society that we are better protected if we deal with rights as a matter of judgment in equity as determined by case law, that we shouldn't rely on bills of rights or even rather broad generalities of what rights are. Each time that we talk about rights we should consider if there is a right and if it is admitted, as admitted by the Member for Lakeside, that in this case there would not be an action and therefore if there is not an action, there is not a right. That is one of the reasons why I'm voting for the bill.

Another reason that I'm voting for the bill is some 35 years ago, 33 - 34 years ago, I was in Russia. At that time the German Armies were 40 miles away from the fort which we ran out of in Romance and I had the occasion to associate with many Russian people and I found that they laughed and cried and wept and bled like I did. As a small contribution to perhaps the harmony of the world I think we should pass this bill.

Being of Irish ancestry I said earlier that I still react but I can understand the reaction in Northern Ireland when people continually fight the battle of the Boyne for 300 years it is predictable that people will eventually react to such re-enactments.

So Mr. Speaker, the two reasons that I will vote for the bill - I am really responding to the Member for Fort Garry who said last that we are going to stand up in . . . vote for the bill. The main point is that there is no action, there is no case so therefore there is not a right so we're depriving no one of a right and perhaps this is but a small step forward in the affairs of mankind.

#### INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 30 students from the Warren Collegiate of Grade 11 standing under the direction of Mrs. Wiebe. This school is from the constituency of the Honourable Member for Lakeside. On behalf of the honourable members I welcome you here.

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MR. SPEAKER: Are you ready for the question? All those in favour please say Aye. Does the Honourable Member for St. Johns wish to speak on the question?

MR. SAUL CHERNIACK Q.C. (St. Johns): Yes, Mr. Speaker, I did. I'm sorry that you didn't see me just before you called for the vote.

But I did want to, if I may, Mr. Speaker, say a few words. I was just talking to the House Leader saying that if the matter was coming to a vote possibly I should just let it go to a vote without speaking but on the other hand as he confirmed our joint impression that it has been a most interesting debate. I sat through almost all of it yesterday and I found it very interesting to listen to the different members' points of view, to understand what they were saying and to feel that everyone who spoke spoke with sincerity and with conviction. Now I think that that is the kind of debate that is healthy and valuable and therefore I do want to comment on it.



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(MR. CHERNIACK cont'd)

I must say, Mr. Speaker, that I have a feeling of empathy with the speech of the Member for Lakeside. I think it was a bit histrionic but then that is his style. It was one of his better speeches in that sense, which doesn't mean it was more logical but it was certainly emotional and evoked, as I say, an empathy which I felt and for the reason which I think he referred to, that there are many people in this country who stem from roots that are not that far removed from Russia as his are. My roots are a little older and more tenuous and I must admit that neither my parents nor my grandparents ever had any property taken from them in Russia because the fact is they never had any property in Russia. Their reason for leaving really had nothing to do with losing anything material. What they were in danger of losing was their own independence and their body and soul. In 1905 and preceding that the Jews of Russia were subjected to pogroms, to killing action, aside from the fact that they never were allowed to own land, work on land, live in the cities and were always relegated to towns and hamlets in a service industry approach. Of course those were the Czars. Those were the people who were busily accumulating the art objects that we are or are not going to see. So that under the Czarist regime of Russia my parents found it impossible to continue to live there and did leave. That doesn't mean that Jewish relationship with Russia ended with those years.

The fact is that under the Communist Regime the Jews didn't fare very well either in an atmosphere that was unfriendly to them. Stalin did very well with his power to eliminate many people, including many Jews, and many Jews on the basis of the fact that they were Jews and even today the Jewish people of the world are pleading with Russia to let those people go out of Russia who wish to leave to try other places, especially Israel, which was the only place for some period of time that would take in Jews after the massacre in Europe. So that there is a great deal of sentimental - "sentimental" is too mild a word - emotional feeling that could become involved.

Mr. Speaker, I think we have to measure our emotions with some degree of logic and rationality. We are here for that reason, to measure objectively the matters before us. I might say en passant that one of the difficult occasions that I had as Minister of Finance for this province was going to Germany and spending my first day in Germany meeting with bankers with whom we were negotiating a loan, and noticing that a number of them were older than I and obviously therefore lived through the Hitler Regime at a time when concentration camps were created. And I have to admit that I found it very difficult to talk about exchange rates and interest rates and term, length of term of loans, and what the province could negotiate, without at the same time in the back of my mind having the unanswered question, the unasked question of where were they at a time when the world was looking from afar at what was going on in Germany to people of my own and other ethnic groups. It's not an easy thing but nevertheless it did not prevent the need to communicate with the people that I felt so uncomfortable with. I can only say that my following negotiations with German banks, happily for me, were with people who were younger than I and who were not part of the age group that related to what to me was a very hard and difficult time.

Having said that, I still feel that you cannot . . . if you are allowed to go overboard with your emotions, you are unlikely to do justice and to build for the future. And one of the reasons that I hesitated to speak was that I felt that the Member for Assiniboia last night expressed himself so well, stated the pros and cons so well in my mind that really I shouldn't, I shouldn't have been provoked into speaking, but I guess all of us have that little bit of conceit to feel that we should be on record especially when there is a free vote. Just standing up and voting I think is not quite enough. On a free vote especially, I think that it helps more if one expresses the concerns and point of view.

I must say and I do compare the Member for Morris and the Member for Sturgeon Creek with the Member for Lakeside because I think that the latter, the gentlemen from Morris and from Sturgeon Creek spoke simply on an issue which they considered one of civil rights, one of the rights of the individual in our "free society", and I could relate better to their discussion than I could to an emotional one. I must say that

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(MR. CHERNIACK cont'd) . . . .listening to them and recognizing the sincerity with which they spoke, I came to a conclusion which I hadn't had before but which has been discussed since, and that is that it would have been better if this bill were so framed to relate specifically to the Hermitage paintings that are coming here for a period of time, at the end of which the bill would - the term used was "self destruct it" - the purpose of the bill would have ended and therefore we would have dealt with one situation and been able to discuss it as we have up to now and made a decision. And I do think that the basic principle that motivates the members I've mentioned who spoke in opposition is an important one and therefore I feel that every time it is in any way abrogated, it should be discussed again in the Legislature in relation to the situation as it will exist at the time. And that's why I think the Member for Sturgeon Creek was a little bit wrong when he said that if he votes in favour of this then he would be bound at future times to vote in favour of another similar situation. I think that that is not necessarily so. There are always different factors and they should be explored. So I do think and I do support those members who have suggested that at committee stage we ought to make the necessary amendment that would in effect - what is the term? - "self destruct" the bill after the showing will have been completed.

I also feel that for the same reason, that the decision should be made by the elected representatives of the people and not by Cabinet, and the Premier pointed out that he didn't think Cabinet was that competent to decide as to what is cultural. I do feel that there are people that they could consult in the various fields of culture that would advise. But I do think that there is reason to suggest that a decision of this nature should be made in this House and not by the Lieutenant-Governor-in-Council.

Now we know and it's recognized that the paintings that are being proposed to be sent here are not now available to anyone to take over and away from the present custodians. I won't even talk about ownership. I say that they are now in a country, in a place where no one in Canada can get at them. Whether they be in Mexico, which I believe they are now, whether as they were in the States or whether they would be back in Russia, no Canadian could get control, could get access to those paintings. There is no one who has a right - and this has already been mentioned just earlier - no one has a right to get it because it's not there to get.

And we also know, and I think that's clear in spite of what the Member for Sturgeon Creek said yesterday, we know very well that the custodians, the ones who have the paintings in their control, will not bring them here unless they know they will remain in their control and not be subject to someone else grabbing them. We know that. And the reasons are obvious and there's no reason in the world why they should take a chance. They are taking a chance, as was pointed out by the House Leader, that the paintings could be damaged and that is a terrible chance.

I heard one of the members opposite say yesterday, "Well they could insure." But you can't replace paintings like that with money. You could put a money value on them but in the end if you end up with dollars or ruble or whatever, you'll never replace those paintings. They are unique. Each is unique. So that there is a risk which is being taken by the owners and custodians that they may be lost through some mishandling or by some deliberate act of violence by someone, and they are taking that risk, I presume, because of the agreement that they had arrived at that was referred to by the First Minister yesterday.

Now the only possibility of anyone being able to seize these paintings would be if we could somehow trick the people who have them in their custody to bringing them here under the illusion that nothing will happen. We could say, as the Member for Sturgeon Creek said, "Come in, trust us." - and you know, you really don't have much risk after all we million Manitobans would not be mean about it - but it seems to me that is a very naive position to take. It's clear that they don't have to, they don't have any special purpose in sending them, no special desire to send them other than to carry out the inter-cultural exchange they agreed to. And one really can't expect that of them, because the fact is, and we should get this clear, I know to my own satisfaction that it is the Art Gallery that has asked us to pass the legislation, it was not Brezhnev, it was

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(MR. CHERNIACK cont'd) . . . .the Art Gallery, the Winnipeg Art Gallery of Manitoba. They asked us to pass this legislation. They asked us to pass the legislation because they were informed that unless there was this kind of legislation the paintings couldn't come. Who told them, Mr. Speaker? As I understand it, it was Mr. MacEachen, the Minister for External Affairs, who entered into some kind of an agreement, and said to the Art Gallery, you can get this unique once in a lifetime opportunity to exhibit these world known paintings in Winnipeg, but only on condition that you guarantee that they won't be trapped here and caught by someone. And on that basis, Mr. MacEachen said, if you want them, and I want you to have them as part of our inter-cultural exchange, then you the Art Gallery have to approach the government and the people's representatives to make it possible to bring them here in security.

Now, I listened to the Member for Fort Garry; I found it most interesting to hear his logical reasonable rational approach, he started by telling us, he listened to his various colleagues, he listened to everybody, and I believe that he agreed with everybody - as a matter of fact I had a picture of him hovering in limbo over this room, listening to the various sides and having heard them he then made a decision that was warily made, that was clearly made, emphatically made to come down on both sides of the fence, and therefore support both sides, because that's what he said. --(Interjection)-- Pardon? An unswerving. Yes, unswervingly on both sides of the question, because he said, that we shouldn't take away a person's right to resort to the courts. But it's true that they won't come here, the paintings won't come here unless Mr. MacEachen's pledge is honoured, and Mr. MacEachen should therefore give a pledge, and he said, "I am a Manitoban, do you mean that they don't trust me?" - I think I'm quoting him verbatim - "do you think that they don't trust me, or should they not trust me? Why, we million Manitobans should be trusted to carry out the pledge of Mr. MacEachen." But let me tell you, Mr. Speaker, I don't believe Mr. MacEachen would take that kind of a chance. For Mr. MacEachen to give a pledge, and I think again the Member for Fort Garry said, "I know it won't be in writing" - which of course brings the obvious response, that it's as good as the paper it's written on when it's verbal - that Mr. MacEachen should make a pledge and then rely on a million Manitobans not to do anything about it.

Well, Mr. Speaker, let's understand what we're being asked to do, and the Minister of Mines after I showed him the bill did agree that his first interpretation was correct, not his second one, when he thought that all actions are being prohibited, that is not correct. I will just read only those relevant portions of the bill which says, "any work of art or other object of cultural significance which comes here pursuant to an agreement, then no proceedings or action shall be taken or permitted for the purpose of depriving the government, or the institution, of the custody or control, thereof." That's all that would be prevented. Anybody can sue for money, for damages, even for an order that the goods shall be turned over. There's nothing to prohibit that kind of a suit. What is prohibited is the right to send in the bailiff or the sheriff to take physical possession of the paintings and lodge it somewhere until a decision is arrived at.

Well, let me tell the honourable members, I haven't had a replevin action for some years, but as I recall it, if I claimed that a certain object in the possession of another belonged to me, I have the right to go to the court, I issue a statement of claim for the return to me of that article, and I post a bond, and I say, I want that article seized and it is seized and it is turned over to me, or into my control, or sometimes into the control of a neutral body, which then holds it until the court adjudicates on the true ownership of it. And that holding could, and any lawyer, he doesn't have to be terribly astute, could see to it that it'll take three to six to eight months to a year before there is a decision made, and during that time that article is kept in Manitoba. Now, that could be done in a way where anyone can come along and say, I am a descendant of King Tut, or something or other, and let's say, King Alexander, or Queen Alexandria, I am a descendant and I am therefore entitled by law, the Russian law of my time and Canadian law, to ownership of this article. I will post a bond - and let me tell honourable members there's not much risk with a bond, because that painting will not be destroyed, it'll be there, so that the bond is posted only to secure that the

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(MR. CHERNIACK cont'd) . . . . painting will not be destroyed or removed from the jurisdiction, then the bond is a safe bond. And therefore, they can get a bond even for \$1 million, it's not difficult to conceive of that, and tie it up. But tying up is the thing that is feared, obviously. It's not the adjudication, because all members seem to feel that there is no likelihood of somebody getting a judgment in the end that will give them that painting. All they can do is obstruct and defeat the purpose of the present owners, the present custodians of being able to exhibit the paintings wherever they are. That being the case, how could the Member for Fort Garry say, that Mr. MacEachen gave his pledge. Why of course he would give his pledge, but don't we have an obligation to see to it that his pledge would be honoured?

The Member from Fort Garry - I'm sorry is not here - did argue that he believed the paintings should come here and he believed that there should be a pledge given, and all I'm saying is, the way to do that is to see to it that he could honour such a pledge by our making it possible for the paintings to come here inviolate. That means that the paintings will not be touched. There could be all sorts of action; there could be an adjudication, but not the control of the paintings.

So, Mr. Speaker, to me it is the question of our saying to someone that we are denying you the rights to seize the paintings - and we must recognize that they don't have that opportunity because the paintings aren't here - and we are also saying to him, if the paintings come here, and they come here only under the circumstances where you can't take them away, then we're really not denying them anything that they have or could have under any other circumstance. What we are denying is the opportunity for people who want to see paintings, and those paintings are not paintings that relate to the regime which I reject and which others reject, they are pretty innocuous paintings in terms of political message, and if they were, I would still say that we are entitled to see them. The only outstanding thing I know of that, happened when people attacked culture, was when Hitler burnt books and said, you can't read those books. I would not like to think that people are saying, you may not look at paintings, because they happen to belong now to the Russian Regime, because those paintings were painted without anybody thinking ahead. I think the youngest of these paintings was painted in 1911, as I recall.

So we are denying to many people, the opportunity to see it, and we are denying something else. We are denying the anti-Russian, the anti-Communist organizations of this province a real good opportunity for some real good propaganda. I would say that probably if this bill goes to Committee that there will be protestations from various anti-Communist groups, about bringing it down. That in itself will give them a pretty good media by which they can --(Interjection)-- Yes, by which they can carry out their program, and they can boycott, and they can picket, and if to the Member for Lakeside that's convoluted reasoning, let me tell him that the speech he made yesterday . . .

MR. SPEAKER: Order please. ORDER!

MR. CHERNIACK: . . . was a speech made in order to inquire and to involve . . .

MR. SPEAKER: Order please.

MR. CHERNIACK . . . other people to think in the emotional way he was doing. I would expect him if this painting comes, that he will then stand in front of the Art Gallery and say to people, you're going in now, you're going to see something that belongs to the people about whom he has all kinds of legitimate reasons to complain, and that is really what should be his purpose, and that of others. The purpose would be, I believe, the frank honest purpose should be to expose the disagreeable, the unacceptable regime of which he is aware, and I'm aware, to more and more review by Manitobans. That really should be his objective, because his objective as he told us, was to preserve the rights of individuals and it was to condemn what he found unacceptable.

So we'll give him that other opportunity if we get the paintings here, and I would think that probably he would or should see to it that there is a proper boycott. Of course, he should wait and make sure his family comes back from Russia so that there are no . . . just in case, because, Mr. Speaker, I must say, I have no faith in the Russian Government. I would not like to submit my own future to the Government

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(MR. CHERNIACK cont'd). . . . of Russia. As the Minister of Mines said yesterday, he can understand their reluctance to submit their possessions to Canadian review. But be that as it may, I'm not saying that they should or should not submit them to Canadian judicial review, I just say that I understand their reasons for not doing so. I don't blame them. I understand them, and I still want the paintings to be here. And, Mr. Speaker, may I say that I may be the only person in this room and amongst the few people of Manitoba who has already seen the exhibit, because I happened to be in that Red Radical City of Los Angeles where it was being shown by the Los Angeles County Art Museum or Gallery. My wife and I went to see the paintings, so that the two of us have already had the opportunity which may be denied to a million other Manitobans to be able to view what is art of a high level, which is internationally recognized, which is unique, as I've said before, and which should be available to us on the basis that we are only suggesting to remove the right to grant something which isn't here. Not to deny people the right to see, and to limit it only to this one occasion, which I think will be proposed in Committee and from what I hear around this room would probably pass.

. . . . continued next page.

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MR. SPEAKER: The Honourable Member for Roblin.

MR. McKENZIE: Thank you, Mr. Speaker. Mr. Speaker, we are facing an issue that has brought some of the finest debate that I have heard in this Chamber. I don't think that maybe in my lifetime I'll hear two better orations than I heard yesterday from my deskmate here and from the Mines Minister, two speeches that I will remember for a long time, on a very, what looked like a minor issue, Mr. Speaker.

Mr. Speaker, we see a government who again, through manipulation of our laws, and the hundreds and hundreds of times that they have changed our legislation in this province over the years of office, think you can almost do anything by law, and some-times, Mr. Speaker, I become very unhappy to see the hundreds and hundreds of times that the laws in this province are being tinkered with and manoeuvred and manipulated by this government. Mr. Speaker, now we are caught on another occasion of an impasse where it's going to be very very difficult for us to show the people of this province that we are sincere, that we're honest, and that we're dedicated politicians, and that we are not meddling with the laws in a way that they shouldn't be tampered with. And Mr. Speaker, let us understand once and for all, the Art Gallery is not the issue. The Art Gallery is not issue in this debate at all, and I hope the record will show that straight. At least as far as our caucus is concerned. That is not the issue. Everyone of us on our bench supports the Art Gallery to the fullest, and will in every possible way.

But, Mr. Speaker, when we are asked to come in and watch what a government is doing, trust that government, the way they've handled this bill, we become very very uneasy, and I'll spell out the reason. First of all the way this bill's been handled, has been atrocious, atrocious, poorly drafted, poorly prepared, without any backroom study being done on it at all, and so we hear it, it's on our table, and it is poorly drafted, and it's poorly handled. I suspect what they've done, they took that American Draft Bill and told somebody, write it into this bill, and as I can gather, that's the way it is, because there are so many hangups in this legislation, that's before us, not only the one of rights, but there's carriers mixed up in here as well. How are we going to guarantee the carriers are not going to run away with this art, or there's going to be Russian carriers that's going to carry the art around the province. It's spelt out in the bill. I don't see how we can possibly guarantee to the Russians that the carriers, or supposing there's a holdup when this art is being transported. How can we today guarantee that? But that's another problem that we have with the legislation. And then it goes on, and I would hope that that bill in the first sentence it says, "any foreign country." Now if we want to be sincere and honest with the people of this province, it should have been spelled out, the USSR, because we are eroding a lot of rights in this province with this legislation, but it's not, it says, "any foreign country." So, I would think, and the people in my constituency we're telling, we're setting a precedent here not only for the Russian art but any foreign country can come in and get those rights in this province. --(Interjection)-- Well, we're not so sure of that.

MR. SPEAKER: Order, please.

MR. McKENZIE: Mr. Speaker, the next thing that I come up with, the Member for Morris raised it yesterday, is the bad handling of this issue by the Art Gallery, where they said, asking us to suspend the rights of our citizens. Suspend the rights of our citizens. That should never have been documented, that letter that was sent out by the Art Gallery. --(Interjection)-- No, it's not, but the rights are.

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

MR. McKENZIE: Well, Mr. Speaker, let me further try and spell out to the government some of the problems that have been created by this bill that is before us today, and I represent a people who are mosaic, I daresay, from almost all the lands of Europe, and over the years they have seen the rights of their grandfathers eroded from time to time, by simple pieces of legislation, by revolution, by otherwise. Naturally they're uptight at the present time, and they're not happy with this bill, they're not happy with the way it's drafted, they're not happy because there is no way we know exactly how far this government is going to go ahead, they told it was going to be a free vote, who can believe that over here, there hasn't been one dissenting member stand up over there. --(Interjection)-- Maybe they have, but we were led into it's a free vote, so

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(MR. McKENZIE cont'd). . . .therefore, Mr. Speaker, I was under the impression that they were split over there, otherwise why would you bring it in a free vote. They're not split, they're not split, Mr. Speaker, they're not split, at least I haven't heard one dissenting member, so why is it a free vote? Are you trying to put us on the hook? --(Interjection)-- Well I wonder, Mr. Speaker, and we wonder, why did you do it, and that's another reason that people are concerned about why did the government say it's a free vote when you don't need a free vote over there, you have sufficient votes to pass it. So why a free vote?

Mr. Speaker, as I say, there's a lot of people concerned about what we're doing here in this bill. I would hope the bill could be taken back, redrafted, put in its proper form, whereby it's spelled out that the USSR piece of art is the only one we're dealing with. It will only be for two weeks, the bill will then be suspended and the whole thing can be put in a nutshell, and we'll guarantee beyond any shadow of a doubt that the rights of the people in this province are going to be protected for all times.

MR. GREEN: You'll vote for it. . .

MR. McKENZIE: Certainly.

MR. GREEN: Then you can do that in committee.

MR. McKENZIE: Why in committee, why wasn't it done before it was brought in. Mr. Speaker, I'll just tell you some of the literature that's been sent to me. And here's the one from the great Aleksandr I. Solzhenitsyn, and the address that he made in New York when he was introduced by George Meany, the well-known AFL CIO leader. But in that address said to the people in New York, he said, speaking of the USSR, "It's a system, for forty years there hasn't been a genuine election but simply a comedy of farce. A system that has no legislative organs, it's a system without an independent crest, a system without an independent judiciary, where the people have no influence either . . ."

MR. SPEAKER: Order, please, order, please, I have been very lenient in how far members digress from the subject, but the subject is this particular bill and not any particular country. The Honourable Member for Roblin please proceed.

MR. McKENZIE: Mr. Speaker, I think we are dealing with USSR art in this bill and I'm just giving some opinions of what we feel the problem is in getting this legislation either passed or defeated and surely the country where the collection came from should be used in the debate. And I don't think anybody opposes the remarks of the Great Aleksandr Solzhenitsyn in his address, where he said "where any thought which is different from that what the State thinks is crushed and let me tell you about electric bugging," and it goes on, and he says "it's a system where en masse butchers of millions of people like Molotov and others have never been tried in their courts, it's a system where the show goes on today and to which every foreigner is introduced surrounded by a couple of planted agents, working according to a set scenario, it's a system where the very constitution has been never carried out for one single day, where all the decisions are made secretly," and so on and so on. And Mr. Speaker, naturally the people that. . .

MR. SPEAKER: Order, please.

MR. McKENZIE: Mr. Speaker, the people of my constituency are very unhappy about the fact that we are dealing with that government, or that kind of a government in this legislation, and what guarantee have we got when you're dealing with that type of a government, that the document actually has any meaning. Mr. Speaker, it is a most difficult decision and as it stands in its present form there is no way that I can support it.

MR. SPEAKER: All those in favour of the motion. . . The Honourable Member for Brandon West.

MR. McGILL: Mr. Speaker, I don't know that there's much more to be said on this bill, it's a difficult decision to make. I enjoy very much the displays and the opportunities to visit the Winnipeg Art Gallery, and from my little understanding of art and culture, I think it would be just a wonderful opportunity, a once-in-a-lifetime kind of thing to be able to view the paintings that are available to us if we are prepared to accept this bill. It's a difficult decision because so many people in Manitoba would like to have that opportunity to go to the Art Gallery.

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(MR. MCGILL cont'd)

The other practical concern is that the Winnipeg Art Gallery, like many other institutions of that type, suffers from a chronic financial difficulty and that if they are able to bring this display to Winnipeg I'm sure that financially it will be of great benefit to them; so we have two benefits that will accrue, the people of Manitoba, many of them, will be able to go and see paintings that they would not otherwise be able to see, and the Winnipeg Art Gallery will be able to achieve some revenues that will help them significantly in the operation of that institution. Both of these points are ones which impress me very much and certainly we would need to consider them very seriously when we deal with this bill. Those are the practical matters which relate to Bill 56. However, Mr. Speaker, in order to achieve those benefits, we're being asked to pass a bill, that in my view and certainly in the view of many of the people who have spoken, is not good legislation. It seems to me that even the Member for St. Johns when he was reading the language of the bill was displaying some difficulty with it and reading the preamble rather selectively and indicating what the bill had to offer.

Mr. Speaker, I think we should read it carefully, it says, "that when any work of art or other object of cultural significance from a foreign country. . ." This would suggest to me that we are covering in this bill perhaps an antique from the United States, and it doesn't have to be brought into Manitoba by the Government of Manitoba, it can be brought in by anyone providing it's related to an education or cultural institution.

So what this bill might be doing unwittingly is provide free passage to the removal by fair means or otherwise of antiques or other cultural objects from our neighbours to the South and provided they could be safely housed in some institution which displayed other articles of that type they would be free from any possible action in law. This might appeal to certain individuals who would see in this some coverage for actions that were never intended I'm sure by the people who designed this piece of legislation.

Mr. Speaker, in spite of my desire to enjoy these works of art from Russia, in spite of my concern for the future of the Winnipeg Art Gallery, I don't think I should be put in the position of having to vote for a bad bill because certainly the bill has in mind, I suppose, this immediate objective of bringing the Russian art to Manitoba, but it opens the door to all kinds of other activities which we would be very embarrassed indeed if we simply ignored and permitted, in our enthusiasm for the affairs of the moment, permitted a statute of this type to be enacted by the Legislature of Manitoba and to go on our books. I think we would in retrospect be regarded as rather careless individuals in the law if we voted in favor of this bill, allowing ourselves to be influenced by those desires which we all have to observe these treasures of art from Russia. Mr. Speaker, I think it's the principle involved here that we must go with and not be too influenced by the price which we feel is involved in our passage of this bill.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID BLAKE (Minnedosa): Thank you, Mr. Speaker, I had not intended to rise and speak on this bill because my feelings were not that strong one way or the other, I have contended all along that maybe we were making a mountain out of a molehill in this particular bill, but the more debate I hear, the more I become concerned on the way that maybe I should vote on it.

I would like an opportunity to hear the briefs that may be presented when the bill goes into Law Amendments, and the only way to do that of course is to pass the bill on to that committee and then make a final decision. But I do not object to displays of paintings or other objects being brought into the country although the fears expressed by some of my colleagues and some of the people that have spoken on the bill certainly raise doubts in my mind as to whether the bill is just as simple as it first appeared to me when it was presented in the House. But like so many other of the people that have risen to express their opinions, Mr. Speaker, whether it be to just be on record or not before we vote, this is one of the reasons that I just wanted to take a minute to express my views that I have not felt very strongly one way or the other on this particular bill. I would like to hear representations that might be made by the various people that appear before the committee and for that reason I could support the bill to move it on to committee and reserve the right to oppose it finally after I have heard those arguments presented.



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QUESTION put MOTION carried.

MR. ENNS: Ayes and Nays, Mr. Speaker, please.

MR. SPEAKER: Call in the Members. Order please. The motion before the House is second reading of Bill 56.

A STANDING VOTE was taken, the result being as follows:

AYES

MESSRS.	Adam	Johnston (Portage la Prairie)
	Axworthy	McBryde
	Blake	McGregor
	Bostrom	Miller
	Boyce	Patrick
	Burtniak	Paulley
	Cherniack	Petursson
	Craik	Schreyer
	Derewianchuk	Shafransky
	Desjardins	Spivak
	Dillen	Steen
	Doern	Toupin
	Evans	Turnbull
	Gottfried	Uskiw
	Green	Walding
	Hanuschak	Watt
	Jenkins	Wilson
	Johannson	

NAYS

MESSRS.	Banman	Henderson
	Bilton	Johnston (Sturgeon Creek)
	Brown	Jorgenson
	Einarson	McGill
	Enns	McKenzie
	Ferguson	Minaker
	Graham	Sherman

MR. SPEAKER: Order please, we haven't finished it yet.

MR. GREEN: Mr. Speaker, I believe that in the course of the vote the Member for Crescentwood was not counted.

MR. SPEAKER: Steen was called.

MR. CLERK: Yeas 35; Nays 14.

MR. SPEAKER: In my opinion the Ayes have it, declare the motion carried.

BILL 62 - AN ACT TO AMEND THE HUMAN RIGHTS ACT

MR. SPEAKER: Bill No. 62. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, it's rather appropriate that the debate on the Human Rights Act should in fact follow the vote that has just taken place, and I guess there would be a sense that in some way it's anti-climatic to the debate that has taken place already in which there have been such expressions on the part of some that the civil liberties of individuals should not in any way be jeopardized or tampered with.

Mr. Speaker, in dealing with the Human Rights Commission and the amendments that are proposed I think that becomes the overriding concern. The effect that must be given by the organ that the government has set up, or the instrument that was set up, to ensure that the civil liberties and the freedoms of individuals are in fact protected to their maximum, that in addition the very necessary educational feature that has to be undertaken to continually remind people of their obligations to ensure that fundamental freedoms will be maintained are things that we have to be concerned of very appropriately in this House.

Mr. Speaker, with respect to the amendments that are proposed, may I simply say that the comments of the Honourable Member for Fort Rouge have to be examined very carefully, and that without repetition of his remarks I would have to suggest that in committee when The Human Rights Act is discussed and the amendments are discussed that there be given the opportunity for a very wide-ranging discussion on whether the proposed amendments will in fact possibly be injurious to individuals and in fact will be more of a threat to their civil liberty than was realized and certainly was never intended.

So, Mr. Speaker, unlike The Corporation Act where I feel the government does not understand the Act, has not read the Act, and therefore should not ask this Legislature to approve it even in the second reading, here I believe that the proposals in The Human Rights Act should in fact be approved for second reading, and an opportunity given for answers to a series of questions, many of which have been asked by the Honourable Member for Fort Rouge, with respect to the operation of the Human Rights Commission and its direct effect on the rights of individuals. I think on the basis of that discussion and debate and the information furnished, it may very well be that they will be in agreement for certain amendments to be proposed to ensure that the objectives that I think everyone on both sides want to achieve, will in fact be achieved.

So I believe that the bill should be approved for second reading. But I put the caveat that there are serious concerns that have to be asked in committee.

Having said that, I want to if I can, deal very briefly in a general way with the Act and with some changes that I think should be considered by the government, and although they're not embraced in the amendments that are proposed, some of the elements of it are in fact contained, because we're dealing with the question of civil liberties and it's a sensitive area.

Mr. Speaker, I believe if one reads the Annual Report of the Human Rights Commission one can sense that a fair amount of what was intended is being accomplished by the publication of the report itself, and by the actions of the Commission. I have heard comments that are favourable and comments that are unfavourable about the manner in which the Commission has operated, and it's very hard to judge whether those comments are justified or not. One can only judge on the basis of the report and I think the report itself indicates that the objectives are - the achievement indicates obviously in the sample cases, that many situations have been corrected by just the initial action, by the awareness that developed to people who were involved, awareness of the fact that they were infringing on people's rights; and I think that this is part and parcel of the action that's to be undertaken.

Mr. Speaker, I believe that the Human Rights Commission should in fact be an instrument of this Legislature and not of the government. I believe that it should be answering to the Legislature and not to the government. I believe it should be an agency of the Legislature and not of the government. What I'm suggesting, Mr. Speaker, is that the Human Rights Commission should be put in the same position as the Provincial Auditor, and that there really should be an ability for the Human Rights Commission personnel, that is the chairman and the directors, to be able to appear before a committee to explain what has taken place, and to be in a position to review what they have done. It would be an addition to the report; it would complement the report, and it would have, I think, the

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(MR. SPIVAK cont'd) . . . . added educational feature that is really required to strengthen its operation. While the report is presented and the Minister can talk about it, it is not the same thing as having the Commission appear annually, nor is it the same thing as having the Commission basically examined by the Legislature so that some of the criticisms that have been raised, some of the comments can be asked, asked in a way in which they can be answered and satisfied.

Mr. Speaker, I think that that would facilitate and enhance the working of the Human Rights Commission and would be a project that should be undertaken. Along with that, Mr. Speaker, I come back to the basic point that's been raised before, that the appointment of the commission should be an appointment - that is the members of the Commission, should be an appointment that should follow the precedent we have set with respect to the appointment of the Ombudsman. Because I consider that the Commission should be part of the Legislature, and in a sense responsible to the Legislature, it would seem to me that the appointments of the Commission should be made on the same basis that we have in the Ombudsman with the agreement of all parties having to come annually before the Legislature to review its report, and in the course of reviewing its report deal with the problems that have arisen, be in a position to then publicize the areas of concern that they feel are important to them; and further to be in a position, Mr. Speaker, to provide the basis for assistance and strengthening of the program that's been undertaken.

So with these few words, Mr. Speaker, I would indicate that I would support the amendments, recognizing that there are concerns that have legitimately been raised as to the intent of some of the amendments, particularly with the question of confidentiality of documentation and information, and I would hope that we would have the opportunity for answers and probably some amendments that will, in effect, eliminate the risk and concerns that some have already expressed. In the course of that, Mr. Speaker, I would hope the government would give consideration to the proposals that I have indicated.

MR. DEPUTY SPEAKER: The Honourable Minister of Corrections.

MR. BOYCE: Mr. Speaker, of course I completely reject the suggestion by the Member for River Heights that we dilute the concept of responsible government any further than it has already been diluted. If responsible governments are to be responsible they have to act in such a manner.

But, Mr. Speaker, I just briefly wanted to put something on the record that I have some slight concern about relative to this particular piece of legislation. As I said earlier this morning, relative to another matter, I personally have very little faith in statute law. If law was an instrument to move mankind ahead then all we perhaps would need would be the original ten.

But one of the things that concerns me is the expansion of the idea that you can put in statute law the idea of rights. It's almost getting to the point where we should have parallel legislation. If we put a piece up as a matter of right, we should put up another piece in another Act that says about a bill of responsibilities. It is in this regard that I just wanted to put on the record, Mr. Chairman, that in my constituency there are many people who rent premises, and most of them are very responsible. There are people in my constituency who are landlords, and most of them are responsible people. There is a possibility in some of the recommendations that are being proposed which might be led to abuse. Now I just want it to be known that I hope that the people in my constituency whom I represent will behave responsibly. I don't intend to put myself forth as being an Ombudsman in this regard because that office is available to anybody who feels they are aggrieved by bureaucracy. But nevertheless there is a possibility that some abuses may have been prevented because of some of the things that are being suggested as a matter of right; and I intend personally to monitor this bill in the next year or so to see just exactly what occurs, but I intend to support the motion in the second reading.

MR. DEPUTY SPEAKER: The proposed motion before the House, Bill No. 62, An Act to amend The Human Rights Act. The Honourable Member for Fort Garry.

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MR. SHERMAN: Mr. Speaker, I move, seconded by the Honourable Member for Roblin, that debate be adjourned.

MOTION presented and carried.

BILL NO. 75 - AN ACT TO AMEND THE PUBLIC HEALTH ACT

MR. DEPUTY SPEAKER: Second reading, Bill No. 75, an Act to amend The Public Health Act. The Honourable Minister of Health.

HON. LAURENT L. DESJARDINS (Minister of Health and Social Development) (St. Boniface) presented Bill 75, an Act to amend The Public Health Act, for second reading.

MOTION presented.

MR. DEPUTY SPEAKER: The Honourable Minister of Health.

MR. DESJARDINS: Mr. Chairman, I face a dilemma here. If you're as strict as the regular Chairman, and if you want me to speak only on the question of policy and not go into any details, I can't do it because it's not that kind of a bill. Now, if I'm allowed, as I think I should be allowed, to say a word or two on these different sections it would clarify the bill to the members of the House.

The first clause is designed to tighten the format for reporting communicable diseases by specifying the time for reporting the disease and the nature of the information to be reported. In order to effectively prevent the spread of communicable disease timing and correct information are particularly important.

The next section is to delete the word "school" and would permit the department to do public health inspections of pre-school as well as school-aged children.

Then the next clause authorizes the government to develop under regulations, forms related to public health areas.

And finally, will permit the giving of routine public health notices to violators of the Act in a more flexible way. I think that at present they have to serve this personally, and now they will be able to use the mails. So it is certainly not a contentious bill, and I hope that this will be passed.

MR. DEPUTY SPEAKER: Bill No. 75. The Honourable Member for Rhineland.

MR. ARNOLD BROWN (Rhineland): I'd like to move, seconded by the Member for Roblin, that debate be adjourned.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded by the Minister for Health and Social Development that Mr. Speaker do now leave the Chair and that the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee of Supply with the Honourable Member for St. Vital in the Chair.

MR. DEPUTY SPEAKER: The Honourable Member for St. Vital.

COMMITTEE OF SUPPLY - LEGISLATION

MR. CHAIRMAN: The Honourable Mines Minister.

MR. GREEN: Mr. Chairman, we intend to move with the items that are left within those Portfolios that are supervised by the First Minister and he'll be here in a couple of minutes.

MR. CHAIRMAN: Order please. Would the Honourable the First Minister indicate to the committee which department he wishes to proceed with?

MR. SCHREYER: Yes, Mr. Chairman. There are only two Estimates to deal with insofar as I am reporting for here and that is the Legislature or the Assembly, which I would propose that we deal with now and then Executive Council.

With respect to Legislature, Mr. Chairman, I have no introductory statement. The Estimates are in a format which honourable members are well familiar with. No change in format and no substantive change in the amounts requested. They are merely

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(MR. SCHREYER cont'd) . . . . . in the nature of adjustment from preceding years.

MR. CHAIRMAN: Resolution No. 1 - Other Assembly Expenditures (a) Leader of the Official Opposition--pass; Resolution (1)(b) The Honourable Leader of the Opposition.

MR. CRAIK: Is that in fact the case (1)(b)?

MR. CHAIRMAN: Sorry?

MR. CRAIK: Is (1)(b) in fact the case? Doesn't it take four members for that to actually be a qualifying number? This allowance for the Leader of the Second Opposition Party as designated by the Speaker, \$6,000, isn't that only a fact unless there's four members in the House? I mean, I'm not objecting to it. But it seems to me the Statute says there has to be four members though.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Yes, Mr. Chairman. The only point I would make here is that while the authority is being requested to be voted it will not be in fact disbursed since it does not meet the rules of this Assembly in terms of recognition. So these funds will lapse. But we were advised that it is prudent to have it in the contingency event that during the course of the year that were to change, then we would be in a pickle if we did not have the authority.

MR. CHAIRMAN: Resolution (1)(b)--pass; Resolution (1)(c) Salaries--pass; Resolution (1)(d) Other Expenditures--pass. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Under Other Expenditures I would like to refer the First Minister to the Public Accounts, Page 200, dealing with - and there seems to be a wide variation in the various expenses allocated to, well, for instance, Members of the Cabinet, and I understand that expenses of a Minister in the operation of his department is usually covered by his department.

MR. CHAIRMAN: The Honourable the First Minister.

MR. SCHREYER: Mr. Chairman, nothing is lost by the honourable member having raised it. It gives me fore-notice to get the information. But I must point out that that question properly is dealt with under Executive Council not the Legislation Department.

MR. CHAIRMAN: Resolution (1)(d)--pass; Resolution (1)(e) Operation of Recording Equipment--pass; Resolution (1)(f) Legislative Printing and Binding--pass; Resolution 1 - Resolves that there be granted to Her Majesty a sum not exceeding \$460,700 for Legislation--pass.

Resolution 2, Provincial Auditor's Office (a) Salaries. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I believe at this point there is certainly a debate that should ensue with respect to the operation of the Provincial Auditor. We, I believe, have had two committee meetings with the Provincial Auditor, that is the Public Accounts committee, if I'm correct, this year and it may be that we'll be fortunate to have three.

The Provincial Auditor indicated that in his opinion - and this was at the last meeting - that the Public Accounts Committee should be a Standing Committee of the Legislature and should be in a position to sit in between sessions and should be a committee that should be meeting on a regular basis. I think we accept the fact that the Estimates of this particular year are substantially higher than the Estimates of last year and next year's Estimates will be substantially higher than this year. We accept the fact that there is growth in government's involvement in our lives and in government activities and in the complexity of government. The procedures we have in this House and in the committee system are not static, they have been changing and they are changing to provide proper accountability.

One of the checks and balances for the public and for the members of the opposition with respect to government spending is the information supplied by the Provincial Auditor. So, Mr. Chairman, when we are met with a request by him that there be a Standing Committee of the Legislature, continuing committee, that would be continually meeting in between sessions, I would believe that that is one matter that should be seriously considered by this Legislature and considered by the government. I think it would give us an opportunity to review in detail those issues that are current

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(MR. SPIVAK cont'd) . . . . and to be in a position to establish accurately the information that's required.

There are a number of other suggestions that the Provincial Auditor provided in his report and I think consideration should be given to them. I think we should have the opportunity before this session is finished to have him appear before Public Accounts and for the government to acquiesce to some of the requests that are being made or have been asked to be considered. Mr. Chairman, it would seem to me that the members opposite have to consider the time that they themselves will be in opposition and have to consider the problems that they will face as an opposition party, possibly in the seventies. It would seem to me that they have to recognize that what is required now is the ability to turn the legislative procedures around so that accountability is there no matter who is in power, so that there are the checks and balances and that there is accuracy of information that is furnished and can be furnished. There is really a need to improve our procedures.

The Provincial Auditor has indicated that individuals who were involved in different committee meetings should be present with him at the time that the various items are being discussed so that he's not in a position to deal with matters other than the accounting matters. But because they're inter-related in trying to provide information that it can accurately be given by those who are involved in the particular function that is being examined. I do not think that that's an unreasonable request and again, I believe that it is something that has to be considered if we are going to become contemporary in the way in which we examine the accounts of government.

Mr. Chairman, I say this: the Provincial Auditor has thrown the ball into the court of the government. He has indicated what he believes should be undertaken and has done that both in his report to the Legislature and has done that in his testimony before the committee. I believe now it is incumbent upon the government to consider and, I believe, accept most of his recommendations and to provide the ability for us to examine in ways that are better than we had in the past, the information that is available to him in the accounts that the government is responsible for so that there will be better information. By better information I mean more accurate information furnished at times when it will be more appropriate for the discussions that will take place and will give the opportunity for a proper discussion.

Now this will put an onus on the government or a responsibility on the government. It also puts the government in a more vulnerable position particularly if there are some things that are embarrassing. Having said that, whatever political party forms the government that isn't the consideration at this time. The consideration is that that in itself will be the best check to ensure that things are corrected if errors have been made immediately, and further to ensure that the government handles its administration in the best way possible.

I would recommend to the First Minister that consideration be given, that these proposals be adopted and they be adopted soon and not be left for years to come. I believe that we have had demonstrated, and we had it demonstrated last night so far as I'm concerned, with respect to Flyer Industries, demonstrated the need for this kind of approach. Because I believe if the Provincial Auditor had been present and had been in a position to express himself what he had said in the preliminary report given to the First Minister rather than have the First Minister give parts of it, the former Minister of Finance give parts of it in Public Accounts and the Minister of Mines and Natural Resources give parts of it as well last night. Then finally, Mr. Chairman, the Chairman of the Manitoba Development Corporation also gave parts of it and then indicate the action, that a great deal of confusion would not have occurred and that in effect it would have given us a more intelligent way in which to deal with a specific issue.

I believe that that is certainly an example of the kind of thing that could be avoided. I think in terms of the checks and balances that government must be subject to, that this Legislature must provide, that is necessary for the kinds of money that is being handled by governments now, that those checks and balances will be of great benefit in the long run for a more substantial and a more worthwhile debate on issues in which there have been serious questions asked with respect to the government operation.

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(MR. SPIVAK cont'd)

Mr. Chairman, you know, having said all of this I can sit down and it's now 12:00 o'clock and we're within maybe ten days or eleven days of the end of the session, depending on how fast the Opposition goes; I'm not unaware of the fact that there can be sort of an acceptance in principle and an acknowledgment that in the future this will happen. I think that that to a certain extent is a standard approach that governments take. It's worthwhile; it's something we'll consider; it's something that we can think about and certainly we're not against it. Then, Mr. Chairman, what will happen, it'll take many years before it will be implemented. I don't think that should be the case. I think we've had enough examples for pretty forthright action. I think we have a Provincial Auditor who in many respects in his testimony has been as forthright as anyone can in indicating his concerns and his positions and at the same time walking the line that one has to of fulfilling the responsibilities of being an officer of the Legislature and at the same time not being a person who himself or his office is subject to the political debate or enters the political debate or is part of the political debate by his actions, by his statements, by his course of action. In that respect I think he has been as responsible as anyone could have been in the position that he is in. But having said that, I think the fact that he has entered into this area of advice and has in fact indicated his position to the committee and to the government and to the Legislature with respect to his report, indicates that he should be taken seriously and these recommendations should be acted on pretty forthwith.

MR. SCHREYER: Mr. Chairman, it is not as though we on this side are unsympathetic entirely to what the honourable member is saying. Need it be pointed out that many of us on this side have served in opposition at least as long as we have in the administrative side of government, and therefore we would be taking a very shortsighted view and fundamentally an irresponsible view if we did not have a concern for the proper and adequate functioning of certain of the instruments of this Assembly, and that includes the office of the Auditor.

Indeed in the four years that I was in the Federal House of Commons in the opposition I had the rare opportunity to become for some reasons not entirely clear to me, one of those members who was taken into confidence in a sense by the then Auditor-General of Canada in terms of private discussion and talk as to the role of the office of Auditor-General in the context of parliamentary democracy and so on. Therefore I feel that I understand the role and the importance of the office of Auditor. And these Estimates demonstrate it, we have made extra provision for the adequate functioning of the office of the Auditor. There is an increase of \$65,000 with respect to the office proper of Auditor, and then pursuant to some of the Auditor's recommendations we have, as I explained the other day on Finance Estimates, we have increased appropriations to have more adequate financial administration capability by some \$300,000. And then in addition to that, we have strengthened both in terms of manpower and in terms of systems and equipment the Provincial Accounting Office, which is in the Department of Finance but which is sort of the most direct liaison in terms of accounting with the Auditor's office. And there we have increased appropriations by some \$700,000, so that it is not as though we are not moving to adopt some of the recommendations of the Auditor on which he put particular emphasis and importance and which upon perusal of his advice and recommendations we have seen fit to proceed to do.

Having said that, I want to however quarrel frankly with some of the latent assumptions, or the unexpressed assumptions I believe I should say, of the Honourable Member for River Heights. He seems to be saying that the Auditor, the Auditor-General, or the Auditor in our case, need only make the recommendation and his mere ipse dixit must become adopted by the government. I'm sure that he will on reflection agree that that becomes a conundrum, an impasse in logic. We do not feel - and I don't apologize for it - we do not feel under automatic obligation to implement every one of the recommendations of the Auditor. As I see it, the function of the office of Auditor is to report to this Legislature in a way that is accountable to this Legislature primarily and only incidentally to the Executive Council with respect to his overview of the nature and flow of provincial accounts, receipts and disbursements, primarily disbursements. It is

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(MR. SCHREYER cont'd). . . his function and indeed solemn obligation to ensure that disbursements are made in a way that accord with ethics, with law, and that there is no disbursement or expenditure made that is not in accordance with either statutory law or our administrative manual of administrative procedures.

Having said that, I do not agree with the Member for River Heights that an Auditor's recommendation or suggestion - and sometimes we enter into the realm of tentative suggestion with respect to a certain operation being done in a different way. I do not apologize for my view and it is not intended as a matter of personal disrespect nor even disrespect for the office; that with respect to matters outside the realm of law, ethics, administrative propriety, when it comes to questions of whether or not a given program is having, might one say, a cost benefit impact, there I do not feel that the Provincial Auditor's advice is any different than that of any well intentioned layman if government sees fit as a matter of policy to enter into, or to use an example, a relatively high risk area, let us say in a remote community with a thin resource base, not much natural resources to work with, and it is intended to try to strain, indeed to bring into being some work activity project that is semi-viable, if there is such a word, a project that is admittedly not economically viable in conventional accounting terms. Frankly, I would be mildly curious as to the views of anyone, including the office of Auditor, but that is not the function of the office of Auditor. It's never been my understanding that it is, and therefore my honourable friend is saying that even those kinds of observations must somehow be regarded as obligatory to implement or adopt, I say quite bluntly and unabashedly that that is not our view.

MR. SPIVAK: Mr. Chairman, I think that this debate is rather important, although it may not appear to be so to many. There's a fair amount of what the First Minister said that I am in agreement with. But one has to recognize that if we examine the history of the last three or four years in this Legislature and the matters that have been the subject of controversy, and the review that has had to be undertaken in those matters in which the Provincial Auditor has been asked to do certain things or has on his own been involved, one has to recognize that he has not at this point in any way dealt with the cost benefit of any program. And as a matter of fact, he has specifically stated over and over again that that's not his function. All he has been concerned about is the financial accountability. I think it's fair to say that as a result of the issues that have taken place with the Department of Co-operative Development, the Communities Economic Development Fund, that he himself has assumed additional responsibilities as a result of what has happened and has made recommendations in areas that he was not involved in.

Let me try and follow this through. He traced the moneys that were spent from the departments and were in fact paid over to Co-op, to a particular enterprise, and it was not his responsibility to be concerned about the distribution of the money once the money had been paid over, other than to see that the money that had been forwarded was consistent with that which has been voted in the Legislature, that was his responsibility. How the money flowed from there was really an internal responsibility for the group, or the enterprise that was receiving the money, and the manner in which they set up their accounts was really not his responsibility, but as a result of all that has taken place in the last period of time with I think a substantial loss, that I can document, to the people of Manitoba, he has now assumed and has become involved in trying to set up accounting procedures, and to try and create systems that will ensure that the money will be forwarded to where it should be forwarded, and that in effect in those areas of Manitoba, and particularly north where they lack the sophistication, or they do not have the sophistication to be able to undertake the proper kind of procedures . . . enterprises, that in effect there will be schemes set up that will accomplish the objective.

Now, this came about as a result of debate in this Legislature, and it came about as a result of debate over a period of years. It seemed to me, Mr. Chairman, if we were to take those examples and had we had the personnel involved together with the Provincial Auditor before the Legislative Committee, that that would have been corrected far sooner, and that way would have identified far quicker, and there would



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(MR. SPIVAK cont'd) . . . . have been a very different kind of reaction than what has occurred. I'm not sure at this point, because there's no way that we can be sure of this, that it really has even been corrected. We have an assurance that the Provincial Auditor's office is doing all that they can, and has indicated the difficulty of dealing in the remote areas, and in the north particularly, with the variety of different programs and the lack of sophistication on the part of some in getting themselves organized and maintaining the records that were required.

But having said that, it would seem that . . . --(Interjection)-- Yes, but that again, but that additional money that's being spent for accounting to a large extent takes into consideration the increased programs of government, not just the recognition of what had happened in the past, and what I'm suggesting, Mr. Chairman, is that it would be far better to listen to his recommendation - of course, Mr. Chairman, not everything the Provincial Auditor suggests should be considered, not everything that every civil servant suggests to the government should be considered, not every program brought forward to Cabinet --(Interjection)-- Well, considered or adopted. It follows, Mr. Chairman, that many recommendations that will come to government for one reason or the other, we'll want to reject, and because it's the Provincial Auditor recommending it, it does not follow that it should be accepted. But having said that, --(Interjection)-- Yes. But having said that, I place on the record the experience of the last three years with respect to the Department of Co-operative Development, the Manitoba Development Corporation, and the Communities Economic Development Fund, and I think that sustains without question. --(Interjection)-- Oh, yes, without question, it supports the position, it supports the position of the Provincial Auditor, very much so, and it supports the need to adopt the kind of recommendation. It will be of advantage not just to the Legislature but to the members opposite. It's impossible for the government to know everything that is happening internally, and it is impossible as well for the Provincial Auditor to know everything that is happening internally.

I am not coming to the question of whether he is to provide the cost benefit analysis, or whether he is to debate whether a program is worthwhile or not. I accept the principle that the determination of policy is that of government, and that his responsibility is that as an auditor, but I think it is very necessary in terms that the checks and balances with respect to the Estimates, its presentation, and the way in which the money flows, so that it achieves the objective, that he and the others who are responsible for the carrying out of the programs that are approved by the Legislature through these Estimates, are in fact accountable directly, and are accountable in such a way that there is no way in which the review cannot take place. At times it may embarrass the Minister, but that's, you know, a very minor part of what, and as a matter of fact at times it may embarrass the people in the opposition, because their statements may have no validity whatsoever, they'll be met with that almost immediately in that kind of a Committee. --(Interjection)-- Yes that does happen, I have to admit to the First Minister, from time to time, but nevertheless it would seem to me that in the long run his recommendations should not be denied and these are recommendations that have to be considered by government. The Minister of Mines and Natural Resources can quarrel, but I would put on the record the Department of Co-operative Development, the MDC, and the Communities Economic Development Fund, and I would say to you that those experienced in the last three years, the information that has been supplied in his report, the debates that have taken place in this House, the questions that have been asked, the information that has been given that, you know, was not complete because the knowledge is not complete on the part of the members opposite because they were not really aware of all that was happening, just simply adds testimony to the need for the kinds of changes that he has suggested. And while the government may be reluctant to do it because there is without question an area of embarrassment that can occur in these kind of changes and in this kind of setup, nevertheless for proper accountability it should be undertaken.

MR. CHAIRMAN: Resolution 2(a). The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Chairman, on this item, I want to just say that we've debated before the role of the Provincial Auditor and I want to say that first of all, No. 1,

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(MR. CRAIK cont'd) . . . the Provincial Auditor as a person is not being questioned in this debate, that he's personally doing what I consider to be a good job. We have had a lot of debate though on his role, and we have in the last year had tabled, federally, a very thorough review of the role of the Auditor-General for Canada, and we've had an analysis done by the Provincial Auditor now in his last statement of some of the major items in that study, and I think it will be worthwhile if we could go at it in the in-between sessions committee, to more thoroughly examine, with that background, more thoroughly examine as to whether or not there were some changes that could be made in the role of the Provincial Auditor in Manitoba. We're not going to get that done at this session, because we've already approved the Auditor's report, and it would be valuable to make sure it's done.

I want to say about another thing. We've been dwelling a lot here on what an Auditor can do and can't do, and I don't personally believe that the Auditor can control some of these schemes that the government has gotten into. I don't think that the government is getting into as many as they did, and I'll say that since the Minister of Mines took over the MDC portfolio there hasn't been these high-flying pursuits into these lost leaders that happened prior to his tenure. The Flyer and the Saunders and the rest of them were there before he took over control of the department, and I don't think that in fairness we can saddle that particular Minister with some of the problems, and we can't saddle the Provincial Auditor with many of the problems that have existed as a result of those ventures. We've had some slowdown by the government at least, from getting involved in some of these pursuits that have brought on so many problems, and I trust that the changes that are being made in the Finance department in providing some sort of Management Audit of the funds now going into some of the ventures of the CEDF, and others, will bring about some improvements.

So, I don't want to overemphasize the fact that the change of the Auditor's role is going to solve all the problems that have resulted in the last few years in the co-ops or in the MDC ventures, because it's not. The ventures themselves have been ill-advised ventures in the first place, and no auditor, despite his role, is going to be able to solve all of the problems that have resulted from them. But there are some changes that have been debated and argued over the years that might well be further considered and have been considered in the Federal Auditor-General's Report, and I think it would be worthwhile if we had an in-between session committee to sit and have a look now at whether or not some of these could be brought into the provincial arena and applied to our own Provincial Auditor.

But let me just say again, I don't want to imply here, that the Auditor himself within his terms of reference is not doing a good job because I think he is, and he has been doing a good job, partly I'd like to think because over the last few years there has been pressure to bear in the Chamber to have more disclosure in his report, and that has happened. There may be some other changes that could be made that would assist his role as well though.

MR. CHAIRMAN: Resolution 2(a). The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, I rise at this time to support the recommendation made by our House Leader, the Member for Riel, and I think that there has been some consideration - I don't know how serious - by the government to a possibility of the Public Accounts' Committee of the Legislature having an increased role, especially between sessions. So I rise at this time just to support the recommendation of the Member for Riel, and I would sincerely hope that the government would consider seriously having a Committee of the Legislature meet between sessions to discuss the recommendations of the Provincial Auditor with respect to the changes that are occurring in the Auditor-General's Report. So, I just want to ask the government again to seriously consider giving that opportunity to members of the Legislature between sessions.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Chairman, without belabouring the point, but I feel that I should respond if only to indicate that indeed it is true that there are certain new concepts or proposals with respect to a change, then perhaps hopefully an

## SUPPLY - LEGISLATION

(MR. SCHREYER cont'd) . . . . enhanced role and relationship of the Office of Auditor and that of Parliamentary Assemblies, and the Member for Riel refers to some of these proposals or concepts having been brought forward in a report of the Auditor-General of Canada some months ago.

I indicate that I don't wish to debate it now because it may well be that it might be to some extent time lost in that some of those proposals and concepts we may well wish to concur in, or to accede to. I say, you know, quite bluntly and not really apologetically, we just have not had time in recent months to give full and due consideration to those concepts, but it is certainly one of the many items that we will have to deliberate on as a government in the ensuing months, and hopefully we can deal with it definitively in whole or in part at the next session, hopefully preliminary work having been done by honourable members opposite and ourselves in the interim.

MR. CHAIRMAN: Resolution 2(a)--pass. Resolution 2(b) Other Expenditures--pass. Resolution 2. Resolved that there be granted to Her Majesty a sum not exceeding \$1,106,000 for Legislation--pass. Resolution 3, Ombudsman (a) Salaries--pass. Resolution 3(b) Other Expenditures--pass. Resolution 3, Resolved that there be granted to Her Majesty a sum not exceeding \$123,600 for Legislation--pass.

That concludes the discussion of the Department of Legislation.

Does the Honourable the First Minister wish to move into the Executive Council at this time?

MR. SCHREYER: Yes, Mr. Chairman, as I indicated that would be the next matter.

COMMITTEE OF SUPPLY - EXECUTIVE COUNCIL

MR. DEPUTY CHAIRMAN: I refer Honourable Members then to Page 4 in their Estimates. Executive Council, Resolution 4, Administration 1(a). The Honourable, the Member for River Heights.

MR. SPIVAK: Mr. Chairman, this may not be the appropriate place for it, but I would like to pose a question to the First Minister. In posing this it's not intended to be a reflection on the Members of the Executive Council, and it's not directed to them, because I assume as Ministers they have the responsibility of carrying out their portfolios, and of necessity there are intended expenses related to what they would do, but I wonder if the First Minister is really in the position to indicate that his government through the function of the Executive Council is now attempting to control the expenditures related to travel on behalf of the Departments of Government . . .

MR. DEPUTY CHAIRMAN: Order, please. It seems that the Chair was in error in calling Resolution 4(a). It is the Minister's Compensation, and under our rules it is taken as the last item under the department. The Chair will therefore call Resolution 4(b), the Minister without portfolio's Compensation--pass. Resolution 4(c) Administrative Salaries. The Honourable Member for River Heights.

MR. SPIVAK: I think in practice we have commenced the kind of debate that I'm suggesting under Administrative Salaries as the basis of it, and again, I'm simply asking him, whether there is any serious attempt now to try and control the expenses related to travel to the departments on behalf of the various Ministries as well as on being involved in the variety of conferences that are held on a regional and national basis, and I'm not now specifically referring to Dominion-Provincial Conferences of First Ministers or Finance Ministers, but the overall range of activity that has been undertaken in so many different areas. I wonder if he can indicate whether any direction has been given in this respect, and whether in fact there is a control being exercised.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: When the honourable member asks if we are trying, he uses the word "trying", I wonder if he is asking it with tongue in cheek because it is quite frankly an obsession with me. I've felt all along that there is something insidious in the nature of the transportation, or travel and related costs attaching to government, that we must make every effort to try and contain. It is something which I have sent, and I

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(MR. SCHREYER cont'd) . . . . continue to send a memorandum every several months in order to keep it updated. There is nothing new about the old adage that with the passage of time memory fades and practices, undesirable practices set back in again, and certainly we are maintaining an updating of the admonition for constant vigilance to try and keep transportation and related expense costs down to that which could be regarded as reasonable and justifiable. I know that my honourable friends opposite do not like my references from time to time on terms of relative or comparative analysis, but I feel that we are doing about as well in this regard as any jurisdiction, but still in my opinion could be done better. We have a standing arrangement with respect, for example, to transportation by Manitoba Government Air Service that there is to be a very systematic control, that Air Service is not used into communities where there is scheduled service unless the scheduled service is of a nature which would cause more time to be spent waiting over than would be the cost if a charter flight went in, particularly if there are multiple passengers, then the economics start to become comparable, etc. So all of these factors are being kept on top of, and indeed we have made some improvements in that the ordering of a flight into a given Northern community does require the explicit approval now of employing authority, branch director or higher, etc. When it comes to the travel and related expenses of attending these numerous interprovincial and federal provincial conferences, I feel in that regard that perhaps Manitoba is certainly holding it's own in terms of public course because we - some would say even chintzy - some have said it, and so everything is relative, if the honourable member has something more specific I'll try and answer.

MR. CHAIRMAN: Order please, the hour of 12:30 having arrived, I'm leaving the Chair to return at 2:30 this afternoon.