

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 24 June, 1982

Time — 8:00 p.m.

**OPENING PRAYER by Mr. Speaker.**

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

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

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

**HON. V. SCHROEDER:** Yes, Mr. Speaker, I would like to table the 43rd Annual Report of the Manitoba Civil Service Superannuation Fund. That's for the year ended December 31, 1981.

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

## INTRODUCTION OF BILLS

**HON. R. PENNER** introduced Bill No. 65, An Act to amend The City of Winnipeg Act.

## INTRODUCTION OF GUESTS

**MR. SPEAKER:** Before we reach Oral Questions, may I direct the attention of members to the gallery where we have 19 visitors from the Emerson School under the direction of Mr. Terry Gillis. The school is in the constituency of the Honourable Member for Emerson.

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

## ORAL QUESTIONS

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, my question is for the Attorney-General in his capacity as House Leader. Would the Attorney-General advise the House as to what his intention will be concerning the order of business tonight?

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

**HON. R. PENNER:** Yes, Mr. Speaker, to call it with the same efficiency and expedience that I called it today, I will be proposing to call the Report Stage on Bill No. 40. I would follow that with calling the Second Readings. I would then be calling the adjourned debates on third readings and following that by the adjourned debates on second readings or some of them.

Then, if time permits, the last item on the Order Paper that is not dealt with would be the Private Members' Bill No. 62 standing in the name of the Member for St. Norbert.

**MR. B. RANSOM:** Mr. Speaker, is it the intention that the Standing Committee on Statutory Regulations and Orders will be meeting at the same time?

**HON. R. PENNER:** That was my understanding, the understanding I thought I had with the Opposition House Leader.

**MR. B. RANSOM:** Mr. Speaker, will the Government House Leader consider cancelling the meeting of the Standing Committee on Agriculture and refer Bill No. 50 to the Law Amendments Committee in place of that?

**HON. R. PENNER:** Yes.

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

**MR. J. DOWNEY:** Mr. Speaker, I have a question for the Minister of Environment. I would have liked to have addressed it to the Minister of Agriculture. Mr. Speaker, I have been informed today that the dead stock pickup system in the Province of Manitoba has been stopped as of today. One of the private companies that have been in business are now refusing to pick up dead livestock or dead stock, I guess I should put it, throughout the Province of Manitoba, particularly in the northeastern part and the eastern region of Manitoba. Could the Minister of Environment tell this House and the people of Manitoba what he intends to do with the environmental problem that will be created because of the lack of pickup of the dead stock?

**MR. SPEAKER:** The Honourable Minister of Northern Affairs.

**HON. J. COWAN:** Yes, Mr. Speaker, I can inform the member opposite that we have had a number of meetings in regard to this problem over the past couple of weeks. I, myself, and a number of other Ministers met with some of the owners and entrepreneurs in respect to those operations within the province and the government is now looking at ways by which we may be able to work with them through this very difficult time to enable them to continue operations.

I can also suggest that the Minister of Agriculture may be able to address that question as well, he having had a bit more contact with those individuals, I believe, than have I.

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

**HON. B. URUSKI:** Mr. Speaker, I wish to advise the honourable member that we have indicated to the operators that, in terms of budgetary constraints, an immediate program of assistance at this point in time is highly unlikely. However, we are looking at other ways of assisting the operators, either through a direct cost by the producer, and some of the operators have embarked and have attempted to impose charges on their own or through the various organizations, such as, the marketing board and/or the organizations, the Hog Board, in terms of the levies that they may wish to collect on the basis of the animals that they pick up. Those are the avenues that are presently being pursued.

**MR. J. DOWNEY:** Mr. Speaker, does the Minister of Agriculture not recall my colleague, the Member for Emerson, several weeks, in fact, if not months ago, bring it to the attention of the government that something had to be done about it. This particular commodity does not keep very well in the summer months, Mr. Speaker, and the individual who I was in discussion with indicated that they were getting some average of six calls a day to pick up deadstock and this, if left very long, Mr. Speaker, would become a health hazard and a very serious problem to the whole environment throughout Manitoba. I would request that that Minister not sit and review, but in fact deal with it expeditiously and get on with either putting a program in place or doing something to resolve the problem.

**HON. B. URUSKI:** Mr. Speaker, there is no doubt. We have had ongoing meetings and discussions for a period of time. Proposals were made to the government and we were unable to meet all those proposals. I should remind the honourable member and I'm sure that he is aware that the onus of responsibility in terms of disposing in a proper manner of the dead carcasses rests with the owner or the person who raises the livestock and that responsibility, in many areas of the province, has been handled by those owners because the pickup of carcasses is not made throughout the entire Province of Manitoba. There are many areas within the province where this pickup does not occur and that responsibility has and is being met by the producers.

The other aspect of it, the honourable member should be aware that even with respect to, if there is a direct subsidy for the disposition of those animals, the marketability of the product is almost nonexistent, Mr. Speaker. The industry throughout this country, in terms of the pet food industry, in terms of rendering, because of the world supply of protein and the cost of protein, the market is down and the likelihood that the pet food industry will recover in the immediate future is unlikely, as we have been advised by the industry. There is a great amount of stock in storage because it just is not moving. So it's a double dilemma because of the fact that even with a direct subsidy, if that was the route that we ultimately go, it is unlikely that the product can be moved in any event.

**MR. J. DOWNEY:** A final question, Mr. Speaker, and I want a direct answer. Is the Minister or is he not going to deal with the situation or is he going to leave it up to the people who produce the livestock to dispose of? I want him to be very clear on that.

**HON. B. URUSKI:** Mr. Speaker, I thought I answered the honourable member. I have indicated, we are dealing with the situation but, as well, I reiterate again the responsibility for the disposal of livestock is the responsibility of the producer who is involved, Mr. Speaker. So I have dealt with them. We are dealing with them. We are looking at ways to try and assist those operators.

However, in the meantime - and I repeat again to the honourable member - there are many areas of this province where there has not been a pickup service in which animals have been picked up. Those producers, historically, have had to deal with this in the way

that is commonly used. They dig a hole and they bury the carcasses and that is the way the legislation and the authority reads in terms of the disposition of those animals. That's the way producers should dispose of the animals if there is no pickup and that's the way it's been done in the past and will continue to be. If we can assist the operators in some way of meeting areas that it is not being handled, we are attempting to deal with that.

**MR. SPEAKER:** The Honourable Member for Fort Garry.

**MR. L. SHERMAN:** Mr. Speaker, my question is to the Honourable First Minister. In the absence of the Minister of Health, can the First Minister advise the House, Sir, of the present status of negotiations on a new fee schedule between the Manitoba Medical Association and the Manitoba Health Services Commission?

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

**HON. H. PAWLEY:** Mr. Speaker, I would take that question as notice. As the member knows, the voting process is under way now within the MMA and I do not believe that the results of that vote regarding the last offer have been made known by the MMA.

**MR. L. SHERMAN:** Mr. Speaker, I thank the First Minister and ask him if he would take another question as notice and investigate whether the impending presentation of either a Federal Budget or at least a statement on the economic affairs of the nation on Monday night by the Federal Minister of Finance, Mr. MacEachen, has had any bearing or any influence on the negotiations up to this point in time, particularly the negotiations within the past week between the two parties?

**HON. H. PAWLEY:** No. I certainly can understand the basis for the question from the Honourable Member for Fort Garry, because I would think that it would cause some questions to come to mind to those that are still bargaining, such as the MMA.

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**HON. S. LYON:** Mr. Speaker, a question to the First Minister. Has the First Minister had confirmation from the Minister of Manpower and Immigration of the news report that we have all read to the effect that Winnipeg is going to be denied the Aerospace Centre that was recommended to it by the study that was done over the last year and that, instead, the Federal Government has made a decision, according to the news reports, to locate Aerospace training, of the kind recommended, in four different centres across Canada?

**HON. H. PAWLEY:** Mr. Speaker, this question relates to matters under the responsibility of the Minister of Manpower who, I believe, has some information.

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

**HON. V. SCHROEDER:** Mr. Speaker, I really don't have any more information than I had yesterday when the matter was raised by the Member for Sturgeon Creek. He had raised it a number of times in the past. I indicated to him yesterday that, based on a meeting that I'd had about a week-and-a-half ago with Mr. Axworthy's representative here, one General McKenzie, that it appeared unlikely that there was any prospect at all for agreement within the Federal Cabinet for the institution to come to Winnipeg at this time in the way that was envisioned in the original study which had been chaired by the same General McKenzie. He indicated to us that, along with us he felt that was unfortunate. It would have been an appropriate move. It wasn't done, as he indicated, on the basis that he was the Chairman and he had been appointed by Mr. Axworthy and therefore he named Winnipeg, but rather on the logical grounds set forth in that agreement.

He did say that there is, as we know, intense lobbying by members of the Cabinet and Caucus of the Liberal Party from Quebec and Ontario. Those two provinces, between them, have approximately just over 90 percent of the aerospace industry in Canada. We come in third at 6 percent. There's not that much else out there.

There are discussions going on between the Federal Government and the aerospace industry and the trade unions involved, as I understand. As well, we have people from our department who have been actively lobbying throughout for as much of the operation as could possibly come to Manitoba. It's regrettable that the original proposal wasn't adhered to but, however, we want to make sure that we will get as much of the training here as possible. There's an indication that if we come up with an appropriate proposal that some of that training certainly will take place at Red River Community College or another college in Manitoba.

**HON. S. LYON:** Mr. Speaker, to the First Minister. In view of the fact that he will be meeting next week with the Prime Minister, could he undertake to the House and to the people of Manitoba that he will raise this matter in a serious way with the Prime Minister and indicate the displeasure that I am sure he and all others in this house feel with respect to this alleged decision that has been made by the government, according to someone in Mr. Axworthy's office, and adhere to the position as strongly as possible that Manitoba should receive this aerospace training centre as originally recommended in the McKinsey Report for the very reasons that are given in that Report, having regard also, Sir, if I may say so, to the extreme body blows that the economy of this province has suffered in the last 10 days alone, to say nothing of what may happen in the future.

**HON. H. PAWLEY:** Mr. Speaker, it certainly would be my intention to take this matter up with the Prime Minister. The Leader of the Opposition is certainly correct. There was a very clear recommendation that the operation be so located here and, because of apparent intense lobbying taking place on the part of Quebec and Ontario Caucus members the recommendation has been diverted from.

I just say to the Leader of the Opposition, I trust that Wednesday will be an appropriate occasion to get that message through to the Prime Minister. I know not for what reason yet we're going to be meeting, 10:00 o'clock, Wednesday morning up until noon, but I certainly will take the first opportunity to convey that message to him.

**HON. S. LYON:** Mr. Speaker, I wish to thank the First Minister for that assurance and to give him the further reassurance that he will have full support from this side of the House in any submissions that he makes to the Prime Minister and the Government of Canada in that respect.

It may be of some help to the First Minister; news reports are indicating that the Prime Minister wishes to speak to the Premiers about a general wage control measure that would be applied to the Public Service of Canada, federally and provincially, if not municipally.

In view of the fact that there is some likelihood, although one can never guarantee in these times, that this House may not be sitting when the First Minister returns from his Conference in Ottawa, can the First Minister give us at this time some indication of the response that he and his government would make to the suggestion, which has been current for some time, that the provinces join with the Federal Government in acknowledging some level of settlement for Public Service salaries? Given the fact that tens of thousands of people in the private sector are being laid off, given the fact that tens of thousands of people in the private sector are either taking pay cuts or are forced to accept the status quo with respect to their salaries, can the First Minister indicate what the attitude of his government will be to some control on Public Service salaries, notwithstanding the fact that the Manitoba Government Employees' Association is currently voting on a 13-plus percent settlement in Manitoba which, against the economic background of this province, looks to be extremely generous?

**HON. H. PAWLEY:** Mr. Speaker, if that indeed be the purpose of the meeting Wednesday, it appears that insofar as both the Public Service in the Province of Manitoba and most of the major municipal entities have already completed agreements and been voted upon; they have been ratified by membership and agreements have been signed - I think the only significant exception would be hospital workers and the MMA. It is our view, of course, Mr. Speaker, and continues to be our view, that the basic problems that must be confronted in Canada, on the part of the Finance Minister and the First Minister, relate to much more substantive needs within the Canadian economy and not public sector wage restraint, but rather an overall economic stimulation thrust that is required, as well as some decisive action in regard to interest rates. That's what we would be looking forward to and possibly, with some naivete, trusting that the Prime Minister would be wishing to unveil Monday night and to discuss with the First Ministers on Wednesday.

**HON. S. LYON:** Mr. Speaker, while not wanting to get into any argument in Question Period with the First Minister, could I suggest to him, Sir, that, given the fact that the 2,000 workers at Thompson were told last

night that they are going to suffer a 16 percent drop in their wages by virtue of two months' layoff, is it consistent for the Public Service of Manitoba to be expecting to receive 13-plus percent increase in salary this year at a time when the private sector - and I remind the First Minister, Sir, and I'm sure he doesn't have to be reminded - that pays the bills is labouring under this yoke of economic depression in our province and having to accept freezes, cutbacks, and so on? Does he consider it equitable and fair that the Public Service of Manitoba and indeed city settlements are so far, by contrast, out of whack with what the working people of Manitoba in the private sector are having to accept by virtue of the current economic recession? Will he keep that in mind, Sir, when he is speaking to the Prime Minister and listening to the suggestions that will be made by the Prime Minister and the other Premiers of Canada with respect to how we get this economy of ours back on track?

**HON. H. PAWLEY:** Mr. Speaker, certainly on Wednesday we'll be looking at whatever proposals the Prime Minister has to make to us and we'll be discussing those proposals at that time and subsequent to that occasion. I trust that the proposals will require some discussion upon my return to Manitoba. We'll be interested in ascertaining what those proposals are, seeing them, discussing them. I think it's a bit early now to shoot in the dark as to just what the Prime Minister might have in mind.

**HON. S. LYON:** Mr. Speaker. I certainly accept the premise that the First Minister has just made that one doesn't want to shoot in the dark, according to the expression that he uses, but can he give this House and can he give the people of Manitoba some assurance that his mind is not closed with respect to engaging in those kinds of measures which are necessary in the public interest, in order to ensure that our economy get back on track and to consider, as he has been asked before, whether or not measures, such as are being taken at the present time in the Province of Quebec, to roll back wage increases that were settled by negotiation, to roll them back in the public interest. Notwithstanding the acknowledged pressure that the First Minister and his government are going to receive from Public Service unions throughout Canada - never mind the Manitoba Government Employees' Association here - if these measure prove to be necessary in the public interest, accepting as I'm sure he does, as I do, that the public interest takes precedence over large settlements that may have been made when circumstances of the province were not as well focused as they are now?

**HON. H. PAWLEY:** Mr. Speaker, I want to say this, that what we will be looking at, insofar as the package that is presented, is whether or not it singles out any particular segment of the population alone for particular attention or whether it is a package that brings in measures that would be fair and equitable throughout. That will have to be the principle that will dominate our thinking. As I indicated earlier, Mr. Speaker, I don't for a moment want to leave the impression that in my view the basic problem confronting Canada is one involving inflation and/or the question of the Pub-

lic Sector which, by the way, wages have fallen behind the Consumer Price Index over the last number of years.

I think the problems confronting Canada today go much more beyond, though the pressure will be, Mr. Speaker, the very opposite to what the Leader of the Opposition has suggested. I think the pressure is going to be for governments, regardless of stripe, under the pressures to accept some sort of simplistic solution that will indeed not work. I would want to ensure that the total package was one that was fair and equitable and did not single out any particular group of business, labour, farm, professional, banks, alone for particular treatment. I think that the entire economic broad section must be treated in an equitable and a fair manner.

**HON. S. LYON:** Again, Mr. Speaker, I am sure that we on this side of the House join with the First Minister in the hope and expectation that no one sector of the total economy will be singled out. But, Sir, I remind him that one sector of the national and the provincial economy has already been singled out by economic circumstances and, that is, the private sector. The mining industry in Manitoba alone, with 5,000 people virtually out of work for periods of two to three or four months varying with the companies. Now, that is an indiscriminate selection that has been made by the economy. Will the First Minister not admit that when that kind of discrimination is taking place with respect to private sector workers who pay the bills of this province, along with the rest of the private sector - because the government salaries don't pay any bills; government doesn't make any money of its own; government only takes money from people who work for it - will the First Minister keep that in mind, remembering as well that his government is presently engaged in a piece of rent control legislation which does single out one sector of our economy with respect to controls that are put on it; will he apply that same kind of egalitarian approach to the public service of Manitoba?

**HON. H. PAWLEY:** Mr. Speaker, in respect to the question by the Leader of the Opposition, it seems to me that - and I'm glad that there is this discussion because it goes to the root of some very important decision making that must be made by governments, federal and provincial. There may be need for a great deal of legitimate discussion and debate in Manitoba as to economic direction as well as the whole of Canada.

It is not my view that the economic woes of Canada are going to be resolved by heaping what is now massive layoffs in the private sector on top of massive layoffs in the public sector. It seems to me, Mr. Speaker, that what is required is an overall economic strategy that will move to the very roots of that which has created the present problem. I say to the Leader of the Opposition, it seems to me that we have become entangled as prisoners in the web of economic theories that are not working, either in theory or in practice. I can tell the Leader of the Opposition what, in my view, are those theories. They will probably vary from his view as to what those theories are, but we are obviously caught as prisoners in that kind of web.

It is my hope that the Budget this forthcoming Mon-

day will: (a) develop clear and distinctive policies which I believe can indeed be adopted in order to, first, reduce interest rates in Canada. That should be first and foremost, because that is the principal cause of the layoffs and the deepening recession that we are confronted with everywhere.

Secondly, Mr. Speaker, it is my view that the Budget ought not to be one that will further restrain or withdraw, but will be one rather that will stimulate the economy of Canada. That means a stimulative Budget and that is going to mean the need for considerable public investment. Mr. Speaker, it seemed to me, and I want to just reflect for a moment, that it seemed to take some time after 1929, 1930, 1931, and 1932 for it to be realized that, indeed, for an economy to be picked up and to be generated and to receive energy, it required action on the part of government in order to stimulate. We did learn that experience in the latter part of the 1930s. —(Interjection)— Somebody says, war. Yes, that was an example, Mr. Speaker, precisely.

The war did bring the economy out of depression, but I am convinced that a war ought not to be necessary in a sane economy in order to stimulate that economy. Surely, Mr. Speaker, governments of sanity and intelligence and reason can adopt policies that will stimulate economies in time of peace to ensure there is a reduction in joblessness in our country.

Mr. Speaker, what I am concerned about —(Interjection)— I don't want to prolong my answer, is that. . .

**MR. SPEAKER:** Order please.

**HON. H. PAWLEY:** . . . is that we not follow some simplistic solution. I think there is a temptation now on the part of the Federal Government, in view of the failure of the MacEachen Budget in November, to desperately flail about and to single out one small element, as though that small element in relationship to the total is responsible for the economic woes that confront the land.

If that be indeed the direction that is pursued in isolation from all the many factors which are contributing to the present economic illnesses in this country, as well as the Western World as a whole and in fact the whole world then, Mr. Speaker, this forthcoming Monday night Budget will be doomed as much as indeed was the November MacEachen Budget. I trust that will not be the case; I trust that indeed the Federal Government will have seen the need for some wisdom in respect to their budgetary policies to ensure stimulation of the economy.

**HON. S. LYON:** Mr. Speaker, we would all join with the First Minister in hoping that the Budget that is brought down on Monday night will deal realistically with the extremely adverse situation that we find in our country today. Without making too much of an editorial comment on that, I am sure the First Minister would understand when I differ with him because Federal Governments in the past, and a good number of Provincial Governments, have pursued policies of stimulation and policies which are based upon the mythology that there is no bottom to the taxpayers' pocket.

Now, Mr. Speaker, that we are faced with the results of those policies, results of Keynesianism and of

socialism and everything else, will the First Minister give us some assurance that realism will replace ideology with respect to the remedies that he will proffer to the Federal Government on behalf of the people of Manitoba, in order that we may again return to some semblance of sanity in this country where governments of all three levels, the Federal, Provincial and Municipal Governments, who are presently taking something in the order of 42 percent of the gross national product of this country when they were taking about 20 percent back in 1929 and have no room for stimulation; will he face that realistic fact and advise the Prime Minister of Canada that he is prepared to live, not with increases in expenditure of 16 to 20 percent such as we are seeing; not with a \$350 million to \$400 million deficit as we're seeing in this province; not with \$750 million requirement for borrowing, but that we are really prepared to get down to proper financing in this province to meet these adverse conditions that this province finds itself in today, given the lack of stimulation from any of the mega projects that my honourable friends have managed to be able to lose over the last six months?

**HON. H. PAWLEY:** Mr. Speaker, first, in respect to deficit and I think the Leader of the Opposition knows full well that if you compare province-by-province the extent of deficit increase in Manitoba was third or fourth from the bottom in regard to the 10 provinces in Canada, regardless of party stripe. There's no question that government, whether it be federal, whether it be provincial and whether it be Conservative or Liberal or Party Québécois or New Democrat, are having increasingly difficult times because of the reduction by way of revenue flows because of the weakened economy that presently exists.

I want to say this to the Leader of the Opposition and it concerns me a great deal, that sometimes I wonder if we have really learned or whether we have to again re-invent the wheel. Acute protracted restraint; further withdrawal of investment, whether it be private or public; further measures pertaining to tight money; high interest rate policies are not the kind of measures that are going to bring strength to the economy. I hate to make this kind of comparison, but unfortunately with the weakened economy we are moving into a situation that is at times, not that incomparable from that of the 1929 period. It took some time for public representatives and for those that were in positions of power to realize that to strengthen the economy, you could not weaken an economy by government taking a passive or inactive role; that a government has to take an active role.

It is for that reason, Mr. Speaker, that the public capital investment in Manitoba this year was increased by 40 percent; it was for that reason that the Minister of Health announced a five-year program to ensure that there was increased health and personal care home construction over the next five years; it is that reason that the Minister of Housing is advancing a \$50 million program pertaining to housing thrusts.

Now it would be much more simpler if we followed the advice from the Leader of the Opposition to cut out all Capital investment; to cut out the \$50 million in respect to housing; to cut back on all hospital and personal care home construction as, indeed, did

occur in, I believe it was, November of 1977 when the freeze took place. We could do all that, Mr. Speaker. We could do that tomorrow but, Mr. Speaker, with what is happening to the economy as a whole, it only makes rational sense that we have enough confidence in the future of the Province of Manitoba to invest in the future of the Province of Manitoba.

It's certainly not a time for significant new social programs, that I will grant to the Leader of the Opposition. This is a time for economic investment, whether it be of a public nature or whether it be of a private nature because I do not draw a differential, as the Leader of the Opposition does, between the value of public or private investment or cooperative investment. I believe that they all can play their part, but once you withdraw private investment and withdraw public investment then, Mr. Speaker, I suggest all that we do is deepen even further the recession which now, unfortunately, is edging towards something even worse than a recession in this country.

**HON. S. LYON:** Mr. Speaker, this is no time in question period to engage in an exchange of opinion about my honourable friend's fixed 19th century opinions and the realism of the 1980s. Can the First Minister or his Minister of Finance give us some indication as to what the consortium have been advising them with respect to the ability of Manitoba in this year, 1982, to borrow \$750 million on the public markets, when indeed the Government of Canada had to withdraw from a bond sale as recently as 10 days ago because the market was not there to take up the bonds of the Government of Canada?

**HON. H. PAWLEY:** Mr. Speaker, I understand that andent has had difficulty placing its bonds. As of a week, 10 days ago, they were unable to place their bonds which is again further evidence of the seriousness I am glad the Leader of the Opposition has asked this of the present economic situation overall. Mr. Speaker, I say this to the Leader of the Opposition. This situation is going to deepen. We are going to have additional problems and difficulties until there is - stion because I think we must candidly examine it, because it contrary to what the Leader of the Opposition is my understanding the Federal Governmhas said - an attempt to innovate new directions insofar as economic approach.

I don't want to suggest or leave the impression with the Leader of the Opposition that there is any particular ideology at this time that's got all the answers. I think that Conservative Governments of Margaret Thatcher and Ronald Reagan are obviously having deep problems. I think Social Democratic Governments in, for instance, France, Mitterrand, are having very difficult problems. Certainly, the Communist world is also having severe and difficult problems.

So it seems to me, Mr. Speaker, that it certainly is a world situation but I believe as time advances, and the Leader of the Opposition can call it Keynesian economics; he can call it socialism; he can call it whatever he wishes, that the recognition is going to have to develop that government will have to provide a greater activating force within the economy in order to bring about a generation of activity within an economy. That generation has to take place in cooperation with

the private sector, not in isolation from the private sector. But I find that the sentiments expressed by Governor Bouey, for instance, are not - and I don't want to be unfair because Governor Bouey, I know, is not a politician, but he does hold a very powerful position within the direction of the Canadian economy - that some way or another if we simply bring wages under some sort of restraint, that there will be a resolution of our problems because we will bring down inflation.

That has not been the case in the United States. Inflation may be less, but the interest rates have not dropped. Unemployment is increasing. The deficit is increasing massively in the United States. So I again sum up, Mr. Speaker, in my view what is required. I would like to go on with this for some time, because I appreciate very much the Leader of the Opposition raising this subject because it's one that I am sure concerns him very very much. It concerns each of us on this side very much because of the difficult economic times, but it's a time for pre-activity in our thinking, innovation. Obviously, many of the old solutions are no longer working in the present provincial and federal world situation. We have to look for new alternatives.

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

### ORDERS OF THE DAY ORDER FOR RETURN

**MR. SPEAKER:** The Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Speaker, I move, seconded by the Member for St. Norbert, that an Order of the House to issue for Return showing the following information: (1) a list of each person or form in receipt of financial assistance under the Manitoba Interest Rate Relief Program for small business, since the inception of the program up to June 22, 1982; showing the location of the enterprise; the type of manufacturing or processing involved; and the number of employees; (2) the amount of financial assistance provided to each person or firm listed above with an indication of their specific terms.

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

**HON. R. PENNER:** Mr. Speaker, I am afraid we are unable to accept that Order for Return. It appears to ask us to disclose information which may be confidential. I would prefer, if possible, to take that as notice and give our reply as to acceptance or otherwise tomorrow when I discuss the matter with the Minister for Economic Development and the other Ministers concerned to see whether or not disclosure of the information would violate any matter of privacy.

**MR. SPEAKER:** May I speak to the Clerk for a moment? Order please.

The Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Speaker, the House Leader

has stated that he would give me a final answer tomorrow morning. I am quite willing to accept that, providing that it does come up tomorrow morning after the question period, before Orders of the Day.

**MR. SPEAKER:** I am not entirely sure that a provision is made for that circumstance within our Rules. However, if it is the leave of the House, that can be done and the question will be called on it tomorrow morning.

### COMMITTEE CHANGES

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

**HON. R. PENNER:** Mr. Speaker, first of all, may I announce some Committee Changes: in Law Amendments, the Member for Gimli substituting for the Member for Thompson; Statutory Regulations and Orders, the Member for Wolseley substituting for the Member for Kildonan, the Member for Burrows substituting for the Attorney-General; Municipal Affairs, the Member for Springfield substituting for the Minister of Health and the Member for Flin Flon substituting for the Minister of Agriculture.

Mr. Speaker, the Opposition House Leader, a short time ago, asked whether one of the bills before Agriculture could go to Law Amendments and I concurred; I still do. I am advised it would be better to move a motion to that effect and, if I can get leave, I would move that motion.

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

The Honourable Minister.

**HON. R. PENNER:** I move, seconded by the Minister of Finance, that Bill No. 50, An Act to Amend The Crown Lands Act and The Municipal Assessment Act be withdrawn from the Standing Committee on Agriculture and transferred to the Standing Committee on Law Amendments.

**MOTION presented and carried.**

**HON. R. PENNER:** Mr. Speaker, would you please call up the report stage on Bill No. 40?

### REPORT STAGE

#### BILL NO. 40 - THE LABOUR RELATIONS ACT

**MR. SPEAKER:** On the proposed amendment on Bill No. 40, standing in the name of the Honourable Member for St. Norbert.

The Honourable Member for St. Norbert.

**MR. G. MERCIER:** Mr. Speaker, the Honourable Minister spoke briefly to this amendment when he introduced it the other day, because it was discussed to a certain extent at committee stage and he gave notice that he would be bringing forth an amendment to this section. At least, he was giving it serious consideration.

Mr. Speaker, the first point however, that I wish to make is that the Minister, in making the comments he did, indicated that it was brought forward as a sugges-

tion from the Canadian Manufacturers Association who appeared before the committee. When they were before the committee, Mr. Speaker, and made a presentation, they had indicated that they had made a previous submission to the Minister and I requested that committee to send me a copy, which they have kindly done.

It should be made clear for the record, Mr. Speaker, in case anyone is misled that the Canadian Manufacturers Association support the principle of this legislation. They indicated in their presentation to the Minister back on the presentation date of January 14, 1982, that they did not endorse the concept of First Contract Legislation. I am going to, because we are dealing with an amendment at this stage, not go into all of the reasons why they do not support the principle inherent in this bill, Mr. Speaker, but I just want to make it clear that their first position is to oppose the whole principle of the bill which the Minister is now asking be amended at this stage.

In dealing specifically with the amendment, Mr. Speaker, the following words would be added: "Except as may be directed by an order of the board made for the sole purpose of allowing the employer at a totally shut-down workplace, who in order to resume normal operations must do so at stages." I think the Minister agreed with the Canadian Manufacturing Association. I think we, on this side, agreed with the suggestion that employees should not be called back to work after a first contract is imposed simply on the basis of seniority because that simply may not be practical in the circumstances.

The only point I want to make with the Minister now, Mr. Speaker, is he perhaps unduly limiting the discretion of the board when he refers to a totally shut-down workplace? Would it not be wiser to perhaps eliminate the word "totally" and leave it a little more open to the discretion of the board? There may very well be circumstances where - and anything can happen - a plant could be half shut down or one part of a plant could be shut down. I think, Mr. Speaker, by virtue of the wording the Minister is using here, he may be unduly limiting the discretion of the board to act reasonably in the circumstances, because the board will only be given this discretion at a totally shut-down workplace.

Mr. Speaker, perhaps the Minister, if he has any intuitive feeling for the suggestion I am making, may very well wish to perhaps ask the member on that side to adjourn debate at this stage and consider a further Amendment or subamendment to this section that would give the board greater discretion, which I think may very well be needed, because we certainly can't predict at this stage all of the wide variety of circumstances that could take place. I think he is unduly limiting the discretion of the board by using the wording "totally shut-down."

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

**HON. V. SCHROEDER:** Mr. Speaker, although I don't have the paper here with me, after we heard the Canadian Manufacturers Association, I went back to look at my files with respect to the Canadian Labour Relations Board and, first of all, the wording in that Act is similar to what we had proposed. So when the CMA

came along with this suggestion, I went back to see how that board handled these types of call backs and what they had done was to call people back on the basis of seniority. It seemed to me, as well as to other members of the committee, that the suggestion made by the CMA was a valid one, but they did very specifically talk about a shut-down plant. They didn't talk about an operation that was half going.

In fact, the only example given was the example of an industry that has been shut down for some time and you have to send in your maintenance people first. It would be foolish to send in the miners before you have the operation going, or send in the people in a manufacturing plant before you have the background machinery in operation.

So it seemed to me that this Amendment does, in fact, answer the concerns of the CMA. They were talking about shut-down workplaces, and if they're not shut down, then it would seem that that difficulty would not be there.

**QUESTION put on the Amendment and carried.**

**QUESTION put, MOTION carried.**

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

**HON. R. PENNER:** Mr. Speaker, would you please call second readings on Bills No. 57, 58 and 63?

## **SECOND READING - GOVERNMENT BILLS**

### **BILL NO. 57 - AN ACT TO AMEND THE WORKERS COMPENSATION ACT**

**MR. SPEAKER:** The Honourable Minister of Northern Affairs.

**HON. J. COWAN** presented Bill No. 57, An Act to amend The Workers Compensation Act, for second reading.

**MOTION presented.**

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

**HON. J. COWAN:** Mr. Speaker, there can be little doubt in anyone's mind who has followed the recent history of the Workers Compensation Board in Manitoba, that there is a need for a number of reforms and changes in that system which will better enable injured workers to receive those benefits which are due to them, nor should there be little dispute as to the importance of the Workers Compensation system in respect to the lives of workers in Manitoba.

Last year alone, there were 48,904 accidents reported to the Workers Compensation Board. Of those, 18,612 resulted in temporary disabilities, while 511 resulted in permanent disability. These statistics, while informative, do not at all illustrate the agony and the suffering which many workers must endure as they face both acute and long-term pain as a result of workplace accidents. Every legislator in this Chamber, every employer in the province, every employees' representative will at one time or another come face to face with an injured worker whose story is not one only of

pain and suffering, but one of frustration and oftentimes a lack of confidence in a system which was designed to help him or her through troubled times.

One also must remember that injured workers must confront that system at a very traumatic period in their lives. Not only must they deal with the actual injury which has effects all of its own, but oftentimes they must deal with an Act and with a system which is confusing and bewildering at best.

The Amendments to The Workers Compensation Act which you have before you, are but the beginning of a series of reforms which this government believes will assist injured workers in achieving their legitimate benefits under the Act. It must be added that, for the most part, these reforms have been suggested and supported by two recent reviews of the Workers Compensation system.

Before addressing the general provisions of the Amendments, I believe it is important to provide some comments on the events leading up to the introduction of them. As I indicated earlier, any review of the recent history of the Workers Compensation system will find a system which, for the most part as of recent, has been surrounded in controversy and confronted by criticism. Outside of all the public allegations and criticisms, the Workers Compensation system has been thoroughly studied by the Lampe Commission and through a recent review of internal management.

It is especially important, given the public attention on the most recent review and report which has taken place much to the exclusion of a very significant document called the Lampe Report, to emphasize that the changes before you arise more out of the deliberations of the Lampe Commission than out of the investigation of internal difficulties which has captured so much public attention over the past few months.

Those who are familiar with the Lampe Report will realize that the improvements to the Workers Adviser Program, the improvements to the Physicians to Assist Claimants process, and the removal of the exclusion of domestics by definition under the Act arise either directly or indirectly out of the recommendations of the Lampe Committee. So it is important not to let those high profile events of recent months cloud or overshadow the fine work which was done by the Lampe Committee through a series of public hearings over a period of 18-or-so months. That is not in any way to diminish the importance of the recent review, but I think one has to put into context the history over the past number of years if we are to fully recognize the importance of these Amendments and to understand their own history.

In recognition of the well-thought-out document which the Lampe Commission provided to the previous government, many of the recommendations included in that report have been incorporated into the Amendments before you. That is not to say that all the recommendations of the Lampe Commission have been included, but merely to point out that many of them are before you at the present time by way of Amendment to The Workers Compensation Act.

As well, this package includes a number of house-keeping measures which are needed to clarify ministerial responsibilities for The Workers Compensation Act. These remove specific references to the Minister of Labour, which are now included in the Act, and



make provisions for the appointment of any Minister by the Executive Council who shall then be empowered to administer The Workers Compensation Act. These changes will remove a number of procedural difficulties which have been experienced since responsibility for The Workers Compensation Act has been changed from the Minister of Labour to the Minister of Northern Affairs and the Minister responsible for Workplace Safety and Health, Environmental Management and Workers Compensation. Having given that general overview, I would like to address more completely some of the general thrusts of the Amendment.

Perhaps, the most important part of this package is the change dealing with the expansion of the Workers Advisers Program. These Amendments have been designed to build upon our experiences with the present rather limited Workers Adviser Program and, at the same time, to take into account the recommendations of the Lampe Commission. Those are experiences, Mr. Speaker, which I think each and every one of us in this Chamber have undergone from time to time, as we have attempted as legislators to assist injured workers find their way through a somewhat complex and bewildering system. So I must add that each of us as legislators do have some personal stake in that program, that it will enable us to be better legislators and to better assist those workers who may from time to time need such assistance.

As you may be aware, for a number of years now an officer of the Department of Labour has been functioning as a workers' adviser on a part-time basis. As of the latest statistics which have been provided to me by the Department of Labour, he has indicated that he has been spending approximately 75 percent to 85 percent of his time performing the duties of a workers' adviser and the rest of his time, performing other such duties as assigned to him. Notwithstanding the ability or the dedication or commitment of this individual, the fact that he was only a part-time adviser severely limited his ability to meet the ever increasing demands which are being placed on the Workers Compensation System by injured workers seeking benefits before the Board.

So this Amendment brings forward that Workers Adviser Program and the legislative mechanisms which are necessary to put it in place. Also, by way of this Amendment we are placing the responsibility for funding of the Workers Adviser Program within the Workers Compensation Accident Fund, rather than in the Consolidated Revenues, where it is presently situated. These Amendments will also permit workers' advisers to gain access to the full Workers Compensation file of a claimant once that claimant has given permission to that adviser to proceed in that way. This, of course, will include access to medical files once permission has been obtained for the workers' adviser to review any such materials at that time.

Workers' advisers will also be given certain rights and responsibilities, which employees of the Workers Compensation Board have obtained through previous and existing legislation. It must be noted, as well, that this Workers Adviser Program will be operated independently of the Workers Compensation Board and will report to the Minister responsible for the Act. It is our belief that these changes, when taken in concert

with other reforms, will greatly assist the injured worker to regain faith and confidence in the Workers Compensation system.

Another one of the present reforms, which is designed to assist injured workers pursue difficult claims, is a change which is being made to the existing provisions of The Compensation Act which allow for the appointment of a physician to assist a claimant. Basically, this Amendment will allow for the costs of this service to be directed to the Workers Compensation Accident Fund, rather than be taken out of the Consolidated Revenues. This change will more accurately reflect the nature of those services.

While discussing this particular concept, it is important to briefly address the history of the program. In 1977, the government of the day brought forward an Amendment to The Workers Compensation Act which allowed for the appointment of a physician who would be empowered to provide assistance to an individual claimant who might be pursuing a difficult or a medically significant claim. It is just recently that this particular provision of the Act has been utilized and approval has been granted in two specific cases to allow for the appointment of a physician to assist claimants.

It must be added at this time that we don't anticipate a wide spread use of this program. However, we do recognize its importance in certain instances. It is our belief that it was clearly designed to be used on a selective basis for extremely difficult cases or for medically significant cases. We intend to use it in exactly that manner.

Another change, which will benefit the injured worker involved in difficult cases, is the Amendment to the presumption provisions of the existing legislation. While this change is more one of clarification than a major rewriting of that particular clause of the Act or the Act in general, it is important nonetheless. The actual wording change is a substitution of the word "shown" by the word "proven."

As the Act stands now, "Where an accident arises out of employment or occurs in the course of employment, it shall be presumed that it arose out of, or occurred during the course of, employment unless the contrary is shown." With Amendments to the Act, the contrary would now have to be "proven" rather than "shown." I have reviewed this change with Legislative Counsel and they inform me that the actual impact of the wording change will be minimal in legal terms. At the same time however, the clarification which is provided by the new wording will be significant for the injured worker who must have confidence in the process by very clearly spelling out the presumption provisions for an accident claim before the Workers Compensation Board. We are providing a concise statement to both employers and employees as to the way by which claims will be judged.

So the major significance of this Amendment lies in perceptions and that is not, in any way, to attempt to minimize it or to suggest that its impact will not be significant. It is just to point out to members opposite the way by which we suspect that impact will be felt.

The remaining major change is a part of a larger package of Amendments for various pieces of legislation which include: The Employment Standards Act; The Vacations With Pay Act; The Payment of Wages

Act; The Human Rights Act, and The Workplace Safety and Health Act. This, of course, is the removal of the exclusion by definition of domestics from The Workers Compensation Act. By doing so, I hope you will agree that we are extending the protection of this legislation to this group of workers who have so long been denied these rights. It was deemed appropriate to proceed with this particular change at this time in light of the changes in other legislation which have been brought forward by other Ministers and by myself, in particular reference to The Workplace Safety and Health Act.

In essence, that is an outline of the amendments included in the bill before the House at the present time. The government fully realizes that these are but beginning steps in a long and difficult process of improving upon the present Workers Compensation system. While we recognize that it is no easy task, we also realize that these changes that you have before you today are both urgent and important. They have been designed and developed to specifically assist those workers who have difficult or troublesome claims before the Board. While it does not mean that all their claims will be accepted, it does mean that they will have greater access to the assistance which is necessary to enable them to make certain that their own claims receive full and complete consideration. It also spells out very clearly and concisely, the basis upon which their claims will be reviewed by the Workers Compensation Board.

As a government, we intend to watch closely the programs which have been outlined in the Amendments before you, as well as to begin to review other important aspects of the Workers Compensation system, such as we will be doing with the new Advisory Committee on Rehabilitation Procedures of Workers Compensation Board and the review of management and communications systems which is beginning to take place this week. We fully anticipate that, through this short-term and the long-term approach to many existing problems at the Workers Compensation Board, the system will evolve and will best meet the needs of the parties it is intended to serve. For that reason, we commend this Amendment for the approval of the House.

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

**MR. G. FILMON:** Mr. Speaker, I wonder if the Minister would permit a question. I just notice in reviewing the bill that in a number of clauses, notably Clause 9, 16, 17 and so on, and indeed in the existing bill, that there are continuing references to workmen and workman. I wondered, in view of the fact that the Minister was bringing forth an amendment to the Act, was any consideration given to amending all parts of the Act to remove gender references in it?

**HON. J. COWAN:** Yes. There certainly was consideration given by myself. Beyond that, there was direction given to Legislative Counsel to review how we could bring that about. It was, at one time, considered that we would just change the particular sections which we have brought forward. However, that seemed to be unworkable in the minds of Legislative Counsel because it would create differences in the Act which

would make it cumbersome and bulky for individuals to use. Then consideration was given to going through the entire Act and making the necessary changes. However, given the time with which we had to work to pull these together, that was precluded by the fact that we wanted to bring these Amendments forward this particular Session.

I do recognize the sexism which is inherent in the Act in respect to language. It's in many Acts and I think, by way of example, perhaps in the next Session or shortly thereafter, we can start to clean up those Acts as we bring Amendments forward and I certainly intend to do so at every opportunity, had wanted to do so in this particular instance. However, I was informed by Legislative Counsel that there may be a better day to do so. But I will look forward to reviewing all the Acts with the Member for Tuxedo who, I know, shares that basic desire to see the language which we use as legislators more accurately reflect the times in which we are in power to make decisions. So I am looking forward to working with him in that regard over the next number of years as other Acts come forward and, in specific, as this Act comes forward.

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

**MR. G. MERCIER:** Mr. Speaker, I am going to risk responding to this bill right at this moment. Mr. Speaker, the bill raises in my mind - and I appreciate firstly that under our administration, our Minister of Labour took an initial step, you could maybe call that, towards the concept of worker advisers and the Minister acknowledges that. The Minister is now taking a much larger step in that direction.

One has to wonder, first of all, Mr. Speaker, and certainly there is no member of this Assembly who doesn't want to see an injured worker attain the benefits that he is entitled to, but one must wonder, at least cause to wonder and perhaps the Minister would like to respond to this when he sums up. There are a number of boards established in this province and the first one that comes to mind is Autopac. There have been a great deal of complaints recently on the front pages of our newspapers about the operation of Autopac and the impression has been left in the minds, I am sure, of many readers and many citizens of this province that the only way you can get compensation from Autopac is to have a reporter put your story on the front page or the front part of the newspaper in order to get the public corporation to respond sensitively to the insurance claim.

Now, Mr. Speaker, we have under that system of Autopac, which is well accepted and well regarded and certainly unchanged by our government, a situation where the adjuster no longer - under the previous automobile insurance schemes in the province, when a person had a private insurance policy, he generally had an agent or an adjuster working on his behalf. That concept has been lost somewhat under the Autopac scheme. It might very well be said by many claimants who have had experiences with Autopac that they should have a claimants' adviser set up under the Autopac scheme, so that there is someone working on their behalf and assisting them in attempting to process their claims. That could be extended

with respect to a number of situations in the province where people make claims or are entitled to compensation of some sort.

The question that must be asked is, why is the Minister, why is the government, why is the Board that the Minister has named to replace the previous Board in Autopac, why can't those who oversee the operation of the Board issue directions to the staff to accomplish the purposes that the Minister and the government want to see done, especially to such a large extent, I think, as the Minister proposes to do? I raise this question with the Minister: is it not a direct criticism of the people who presently work for the Workers Compensation Board? Is it a criticism of that or is it a criticism of management? Has management not given clear instructions and directives to those people who receive the claims for compensation and deal with them? If there is a problem, could the problem not be resolved by directions from management? Is it necessary that this large step be taken now by the Minister? As I say, he's expanding perhaps largely upon what the previous Minister did in our government, but could the situation not be resolved by Ministerial or management direction?

Mr. Speaker, the Board, which - use a kind word - the Minister replaced, and I don't have their press release with me, but said at the end of their press release, they felt they were only doing the job that they were directed to do under the Act and that is to consider whether personal injury by accident arising in the course of the employment is caused to a workman. They feel that is a legislative direction and the legislative mandate given to them and they say in their press release that if the Minister wishes to change that direction and that objective of that whole scheme, then the legislation should obviously be changed. So I would ask the Minister, if he is intending to cover something wider than what is presently the direction and the objective contained in the legislation.

Mr. Speaker, I don't know who drafted the speaking notes for the Minister, but he makes, I think, quite a contradiction when, on Page 6 of his Minutes, first of all he says, "One change will benefit the injured worker is the Amendment to the presumption provisions." Then he says, "Well, this change is more one of clarification." Now, it's just clarification. Then he goes on to say, "I've reviewed it with Legislative Counsel and they inform me the actual impact will be minimal." Now, he's back to minimal. "At the same time the clarification will be significant." He may have got the speaking notes on short notice, but an Amendment is described as a benefit, a clarification, minimal, and then significant —(Interjection)— it may very well. That's what I suspect, Mr. Speaker, that it's none of the above; that it really will have no affect —(Interjection)— it depends on your perspective. I want to thank the Minister for giving me the notes, Mr. Speaker.

Mr. Speaker, the Minister went on to state that the Amendment spells out very clearly the basis upon which their cases will be reviewed by the Workers Compensation Board. Mr. Speaker, I may have missed a section of the Act —(Interjection)— oh, I see, okay. Well, now that, Mr. Speaker, I find out that section refers to the previous minimal, marginal, etc., Amendment that was made, because I was trying to find in the bill the section that spelled out very clearly

the basis upon which their cases will be reviewed. I think that, again, the Minister may have not had an opportunity to totally review his speaking notes, Mr. Speaker.

The Act clearly sets out the principle and the basis of the operation of the Workers Compensation Fund. The board which has been replaced thought they were operating under that section. There were some criticisms in the summary of the private inquiry that the Minister tabled in this Legislature, Mr. Speaker, and I cannot excuse the Minister for the manner in which that was handled and the fact that we have only received in this Legislature a very short summary, if it is indeed a summary, of what was actually in that report. I don't believe that kind of report that was carried out can be used as the basis for any changes, Mr. Speaker, because of the manner in which that report was developed. I am not criticizing the inspector; he did a job that he was asked to do; I'm just criticizing using that as a basis for making any substantial recommendations when we would rather associate ourselves with the type of inquiry that we had started, an open public judicial inquiry.

Setting that aside, Mr. Speaker, and I think our position is clear on that, I think the Minister has to answer the question in order to satisfy us is, why cannot management and the board direct existing staff. If the Minister is unhappy with the way in which they are operating, why cannot they be given a clear direction as to how they are to carry out their job and in doing so, not only protect the fund within the provisions of the Act but, where necessary, provide assistance to the claimant and at least advice as to appeals, evidence, information that they may need to fully complete their claim? Why do we need to hire a separate group of people to act as adversaries and be paid out of the same fund? If this principle is to be accepted, is it to be expanded to Autopac or to other situations in this province where citizens of this province make claims on various funds that are set up by governments?

**MR. SPEAKER:** The Honourable Minister of Northern Affairs will be closing debate.

**HON. J. COWAN:** Perhaps, I can address the specific questions which the member put forward in his response and I do thank him for his prompt response.

The difficulty with the system now is that, over a number of years, it has been created in the minds of some that they need assistance outside of the Board, if in fact individual claimants are going to be provided the best possible assistance. That may or may not be the case, but the perception is indeed very real and that is one of the reasons why we have taken the Workers Adviser Program and made it report to someone other than the Workers Compensation Board, to give that appearance and that reality of independence from the Board. What we are dealing with here is a perception that exists. Perhaps, over a period of time, that perception will diminish and I hope it does. I hope that the Workers Compensation Board gains stature in the eyes of the individual claimant who must work with the Board, but that is not the case today.

The reality is that there is an appearance that the independent workers adviser, who in the past has

been referred to as a workers advocate - and I want to come back to that point for one minute - was an independent person who could assist a claimant work their claims through the Board. We are recognizing that reality and we are hoping to, over a period of time, build a system whereby that might not be necessary and I underscore the words "might not be necessary." But for the present time, I think we have to be content to recognize the perceptual problems that are out there at this time.

I want to talk about the difference between the words "workers' adviser" and "workers' advocate" because the member, speaking previously, mentioned in his closing remarks about an adversarial system with this Advisers Program. We are not attempting by any means to reinforce that perception that it is an adversarial system.

When Lampe did his report, he took some offence to the use of the words "workers advocate," and he said the word "advocate" itself implies that it is an adversarial system. Perhaps he thought the word should be the word that is used in the Act itself which is "adviser," because that implies that the person who is occupying that position will be providing advice to the claimant on how to best proceed with the claim, rather than advocating on behalf of the claimant against the Board. We took that suggestion very seriously and that is why we have been careful to refer to this program and will continue to refer to this program as the "Workers Adviser Program," rather than a worker's advocate program.

There may come a time when this particular function can be rolled into the regular activities of the Workers Compensation Board. I would hesitate to make that specific prophesy at this time, but it is certainly something that can be looked into as perceptions of the activities of the Board do change.

I want to clarify the use of different words, such as minimal, significant, importance, which the member seemed to make a bit of a case around in respect to some inconsistencies. I think it's important to put back on the record exactly what was said. The first statement I said was that I have reviewed this change with the Legislative Counsel and they inform me that the actual impact of the wording change will be minimal in legal terms. What the member forgot to mention was we were talking about legal terms in that specific instance. I am told - and I am no lawyer so I have to rely upon the advice and very capable legal counsel that we have - that there is really not much difference legally between the terms "shown" and "proven," that they both mean much the same thing. So, in legal terms, it will have a minimal impact.

At the same time, I said, "The clarification which is provided by the new wording will be significant for the injured worker who must have confidence in the process." The injured worker is not usually a lawyer. Now, that exemption is not blanket exemption. I am certain there are lawyers who have become injured on jobs that are under The Compensation Act but usually, in most instances, the injured worker is not a lawyer. So the minimal impact which it may have legally will in fact be a significant impact which it will be perceptually for that worker.

So we're talking about two different categories - no offence - of individuals here. One is the legal profes-

sion, who in fact have a very complete understanding of the difference in those two words and the minimal impact of them. The other is of the worker out there who is used to using different terminology in different ways. So the perception is the important part of this particular Amendment.

When I conclude by saying, "So the major significance of this Amendment lies in the perceptions," I think I have very clearly addressed the issue which the member previous brought forward and that is how this particular wording will be perceived by different individuals. Within these Chambers, where we have learned to look at those words and to seek advice on those words, it will be a minimal impact. To the worker injured on the workshop floor, it will be significant. For that reason, I think it is important and will make a difference in how people perceive the Workers Compensation system to be working for them.

I believe I have addressed, perhaps not to the satisfaction of the member, but at least I have attempted to address the two major issues he brought forward.

In respect to Autopac, I am not certain whether or not, in fact, Autopac may want to look at the same sort of a system, although I do know there is one major difference in respect to Autopac and also other systems of that sort, and that is the involvement of the legal profession and Legal Aid. Now, there is no provision against Legal Aid assisting a worker with a Workers Compensation claim to my knowledge and I look to the Attorney-General for confirmation; he knows of none either. However, as the member, who is a lawyer and spoke previously, has communicated to me during the Estimates, there is some perception that there is a separation between the legal profession and Workers Compensation.

Now, I can also inform him that there is no prohibition in practice of a lawyer appearing before the Board to assist a claimant and that was a question he had asked previously. However, it just isn't generally done. There has always been, historically so, a distinction between the Workers Compensation Board and the legal profession and that was part and parcel, I think, of the whole concept of the system which was to remove the right of a worker to sue and to provide to them a blanket insurance coverage system in place of that right. So there has been that distinction which has been kept present for many, many years.

So the worker doesn't usually go to Legal Aid and Legal Aid isn't really set up to deal with the worker in this instance, because they don't have the experience and one has to question whether or not you want to get involved in those sorts of legalities when pursuing a claim. That is a very important philosophical question. So where Legal Aid may be available to a person pursuing an Autopac claim or some other claim, it is not as available, again by perception for the most part and practice to a greater extent, to the worker and so we have this Workers Advisers Program which fills in the gap. So, I think that distinction has to be illustrated and made apparent as well.

Well, the Attorney-General tells me it's probably a lot cheaper. Having taken a look at what we are suggesting as pay scales for those individuals and having seen what lawyers make from time to time, he is probably exactly correct when he says, it's a lot cheaper. But that was not a consideration at all. The considera-

tions that we had in mind when we made this change was the perception that there should be an independent body to assist the worker, and that this particular system - which had been in place previous to the last administration's Minister of Labour - it was amendments brought in under the administration previous to theirs but was, in fact, expanded upon to a certain extent during their administration, it's recognition that system can play a valuable role in helping workers make the Workers Compensation system work for them.

**QUESTION put, MOTION carried.**

### **BILL NO. 58 - THE WORKPLACE SAFETY AND HEALTH ACT**

**HON. J. COWAN** presented Bill No. 58, An Act to Amend the Workplace Safety and Health Act, for Second Reading.

**MOTION presented.**

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

**HON. J. COWAN:** Mr. Speaker, I will be brief. This is part of a package of a number of amendments which I outlined in The Workers' Compensation Act amendments, which bring the domestic under the provisions of different Acts of the Legislature which they had been excluded from by definition previously. This happens to bring them under the provisions of The Workplace Safety and Health Act and stands on its merit as part of that package and, I think, as a correction of an injustice which has existed for some time and is now being remedied.

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

**MR. G. MERCIER:** Mr. Speaker, thank you, Sir. The amendment is indeed a small one, Mr. Speaker, but it has some very interesting implications when one looks at The Workplace Safety and Health Act. On past bills involving domestics, whether it be with respect to vacations with pay or with respect to employment standards, we have supported those bills and allowed them to pass. But now we have an amendment which means a domestic is a worker under The Workplace Safety and Health Act and the worker in this Act gives to the administration, Mr. Speaker, some very interesting alternatives with respect to those people who may be required to employ domestics for health or whatever reasons or financially able to employ domestics.

One of the objectives of the Act, of course, in Section 2(2)(d) is, "the placing and maintenance of workers in an occupational environment adapted to their physiological and psychological condition," and the Act goes on that, "the employer," housewife I suppose, "will have a duty to provide and maintain a workplace, necessary equipment, systems and tools that are safe and without risk to health." It goes on and on, Mr. Speaker, with respect to the duties of the employer in a home employing a domestic.

Manitobans may want to consider this carefully, Mr.

Speaker. "The Minister may authorize the director to investigate and make a special report to him on any accident, occurrence, or any matter of safety and health in the workplace," that is the home, "or appoint the director to conduct a public inquiry into any matter of safety or health in a home," Mr. Speaker. There are immense powers of regulations, Mr. Speaker, including monitoring the atmospheric or other conditions in the home and, "the director may approve and issue such codes of practice or any amendment, etc., as in his opinion are suitable with respect to the workplace in a home."

Mr. Speaker, a safety and health officer can make inspections and inquiries and he can, without a warrant and without prior notification, enter a home in which he has reason to believe workers or self-employed persons were working. They can make all sorts of examinations and investigations, Mr. Speaker, and take measurements and photographs and test equipment in the home. Now, Mr. Speaker, of course the Minister can issue a stop-work warning. Mr. Speaker, if I were financially able to afford a domestic my wife might be very happy if the Minister were to issue a stop-work warning to my wife.

Now, Mr. Speaker, the Minister might wish to either reconsider or clarify, at least, in summing up the extent to which he wishes to impose the sections of this Act in homes where domestics are employed for, as I say, health reasons or people who are financially able to do so. He might indicate how many domestics there are in Manitoba that are working over 24 hours a week, if he has that information, because under this Act, seriously, Mr. Speaker, the Minister and the director and those working in the administration have awesome powers to enter homes, etc., conduct investigations and recommendations, and I think he may want to reconsider it or he, at least, better clarify the intentions of this particular amendment.

**MR. DEPUTY SPEAKER, J. Storie:** Are you ready for the question?

The Honourable Minister of Northern Affairs.

**HON. J. COWAN:** Mr. Speaker, I take very seriously the concerns which have been expressed by the member previous and inform him that they were on our minds as we reviewed this particular amendment in light of the larger package of amendments, and they did cause us some concern as well. So we reviewed that situation quite carefully.

I would suggest to him that the powers which he read out are perhaps not that out of line with the powers under The Employment Standards Act, The Vacation With Pay Act, or The Workers' Compensation Act, or the other Acts which are being amended in this fashion. There are widespread regulatory powers that exist under those Acts which could, in fact, provide the same sort of potential for abuse which the member has just laid out in his brief comments.

However, I can assure him, if it's clarification that he wants, that this Minister does not intend to have those provisions used in that way. But that's rather weak clarification, the Ministers changing from time to time; the will of government changing from time to time. So that really isn't the appropriate test as whether or not we should proceed with this amendment.

I think there are two tests, three tests perhaps, when giving it considered thought for a few moments. The first test is, is it necessary? Yes, I believe it is necessary. I believe the discrimination which exists, the inequity which exists and, to use a stronger word, the injustice which exists as a result of the exclusion of these individuals from present legislation is worthy of remedy.

I think the members opposite agree as well, and they have concerns about the way you go about pursuing that remedy, if I understand them correctly. I would not want to impute motives to them, as to suggest that there should be denial of justice to domestics or menial servants or whatever words one wants to use, so in fact there is cause.

The second test is, is it out of line with other legislation? The Attorney-General has suggested not, and I have suggested that it is not that far out of line with other legislation that by either amendment, by the legislation itself or by regulation, that there are many of those sorts of powers and potential for abuse contained in the other Acts which are now having reference to domestics by definition, and exclusion removed.

The third test, I believe, which is an important one is, do similar circumstances exist in other situations and have they been shown to have been abused in the past? The Workplace Safety and Health Act has only excluded domestics. So that means if you have a painter come into your house to paint your house, your house suddenly becomes a workplace or worksite under the Act. All those very same powers which the member has outlined that could be abused in respect to the use of domestics could also be abused in respect to the use of painters in the house; carpenters in the house; persons coming in to clean out the stopped drain, plumbers in the house; any number of workers, the gas reader in the house, gas meter reader. So all of those individuals who are performing work by definition under the Act, in fact, do present the same situation where that sort of abuse could take place if the government saw fit to exercise that sort of abuse. Neither the previous administration to his, or his administration, or this administration, I would suggest that risk of prophecy - which is always something one shouldn't do - that administrations to come will not abuse that Act in that particular way.

Then one asked, why bring the change in, what does it accomplish, is it minimal, is it significant, is it concise, is it clear, is it marginal? We bring the amendment in to bring that legislation in line, not only with the other amendments, but in line with the thinking of the times in which we govern. I think that's important but, as well, it also is brought in in case a specific domestic has a complaint, and that complaint is brought forward to the Workplace Safety and Health Division. As it stands now, we could do little except empathize, sympathize, offer advice and suggest other remedies. I think you want to see a Workplace Safety and Health Division that can protect all workers as much as we want to see that happen.

In this instance, if a complaint is brought forward it allows us the power to act. I think that's the importance of the amendment and that is what we are seeking by way of this amendment - the power to act in specific instances where we feel it is warranted. We

will be selective, as any government will be selective; we will be, I think, protective of the rights and liberties of those individuals who own homes and employ domestics as much as we are protective of the rights of domestics.

So I think, having provided that clarification, I should now be able to enjoy the support of the member opposite which he indicated was not forthcoming before having had the opportunity to provide him with such clarification.

**QUESTION put, MOTION carried.**

**MR. DEPUTY SPEAKER:** Call Bill No. 63, An Act to amend the Credit Unions and Caisses Populaires Act.

### **BILL NO. 63 - THE CREDIT UNIONS AND CAISSES POPULAIRES ACT**

**HON. A. ADAM** presented Bill No. 63, An Act to Amend the Credit Unions and Caisses Populaires Act, for Second Reading.

**MOTION presented.**

**MR. DEPUTY SPEAKER:** The Honourable Minister of Municipal Affairs.

**HON. A. ADAM:** Mr. Deputy Speaker, I now introduce a bill to amend some sections of The Credit Unions and Caisses Populaires Act. These amendments are being proposed to this Legislature to allow recent requests from the leaders of the Credit Unions and Caisses Populaires systems to be met. These amendments help put into effect revised roles and responsibilities of the Centrals of the Member Deposit Guarantee Funds and of the Department of Co-operative Development.

I believe my predecessor, as Minister, may confirm that the Credit Union and Caisses Populaires systems would have preferred a complete revision and updating of this Act. I can inform this House that the department will be working with the system representatives toward that objective over the next year.

The amendments proposed in this bill are only those that are deemed essential at this time and the system representatives believe should not await the complete Act revision. These amendments serve two broad purposes. Some Credit Unions and Caisses Populaires have been merged or dissolved over the past number of years. The existing Act did not provide the authority to the Registrar to issue a certificate that would allow the assets to be more easily transferred to the new entity. These amendments correct that deficiency in the current Act.

The amendments provide for the use of a scheme of arrangement which has the advantage of providing full information to affected members while facilitating a merger process for deficit Credit Unions. I want to stress to honourable members that merger action for nondeficit Credit Unions or Caisses Populaires can only be initiated with the approval of the members. In the case of deficit entities, mergers can be initiated upon a recommendation of the supervisor which in our situation will be the Stabilization Fund or les fonds de securite. The amendments proposed to

Sections 140, 141, 142 and 144 provide for a revised method of appointment of members to the Boards of the Credit Unions Stabilization Fund and les fondes de securite, the Caissees Populaires.

Currently the Act provides that these boards consist of one officer from the department and four other members appointed by Cabinet from lists provided by the systems. Because the Government of Manitoba is assisting these two funds these boards will now be composed entirely of members appointed by Cabinet. This will ensure a majority position of government appointees until such a time as the provincial loans to the funds are repaid. Of course, there will be prior consultation with system leaders and I hope to be in a position to announce the composition of the boards shortly.

**MR. DEPUTY SPEAKER:** The Honourable Member for Virden.

**MR. H. GRAHAM:** Mr. Speaker, I wonder if the Minister would permit a question for clarity only. He mentioned, I believe, the words, "a deficit entity." Could he explain to the House what a "deficit entity" is?

**HON. A. ADAM:** Well, my understanding of that word-ing would be a deficit credit union.

**MR. DEPUTY SPEAKER:** The Honourable Member for La Verendrye.

**MR. B. BANMAN:** Mr. Speaker, I beg to move, seconded by the Member for Minnedosa that debate be adjourned.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, would you please call the adjourned debates on third readings in the order in which they appear on the Order Paper.

You want to go with second readings? I thought we had an agreement when I - you want to do second reading? Mr. Speaker, there seems to be an agreement from the opposite side that we slightly change the order announced at the beginning of this Session; I'm happy to do that.

Would you please call the adjourned debate on second reading on Bill No. 30.

### **ADJOURNED DEBATES ON SECOND READING**

#### **BILL NO. 30 - THE LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION ACT**

**MR. DEPUTY SPEAKER:** On the proposed motion of the Honourable Attorney-General, Bill No. 30.  
The Honourable Member for Springfield.

**MR. A. ANSTETT:** Thank you, Mr. Speaker. Before I begin, I would like to advise the House that I have been designated by the Premier to speak in this debate under the provisions of Rule 33(2).

Mr. Speaker, I would like to congratulate the government for bringing in this bill; not because I have had any special role in it, although that's certainly the case; not because of my special interest in it but, Mr. Speaker, because of what it represents. Mr. Speaker, this bill diminishes government power. The Leader of the Opposition, in his remarks, went at great length on that point and I certainly concede the point. This is a concession by government of power to the Assembly. All power that the Assembly has originally springs from the Crown and it accedes some of that power to the Executive Branch of government. This is one of those rare instances in which some of that power is being given back.

At no time was there any delusions on the part of members of the Executive Council on this side that shift was not going to occur; that was understood from the beginning. Certainly, there's no question that kind of shift is significant, because it is very seldom that governments or Executive Councils, Cabinets, give up power. In fact, some would say that it's only Conservative Governments that would tend to deregulate, tend to give up power and give power back to the people in the form of the Assembly.

Mr. Speaker, I would also define this as a very progressive piece of legislation because I believe it provides to the Assembly power which was the Assembly's historically, but only in the 20th century has gradually been eroded because of the tremendous growth in the Executive Branch of government. So although, Mr. Speaker, I would define this as a somewhat conservative bill in the sense that it is not representative of what we usually see in terms of the growth of executive power, and also a progressive bill. Because of the remarks of the Leader of the Opposition yesterday, I hesitate to describe it as both a progressive and a conservative bill in the same phrase.

Mr. Speaker, if we examine the role of government in our society, we definitely see it as having three separate components; the judiciary, the Executive, and Legislative branches. Those divisions are of substance, Mr. Speaker, and it's the substance of those divisions that causes me to have some disagreements with the remarks of the Leader of the Opposition yesterday, and I'll come to those later.

Mr. Speaker, certainly, in this bill, there are four major thrusts. The first of those is a very simple one and the one to which the Opposition indicated there was basic agreement, that is, to change the name and the membership of the Board of Internal Economy.

The second major point is to provide a division of Executive powers from Executive powers and to make that line and that division very distinct where, in the past, it has been fudged because of the Executive authority over what many think of as Legislative prerogative. As the Member for Burrows said in his remarks yesterday, the major thrust of the bill is to make the Legislature supreme with respect to its own business.

The third major point that exists in the bill before the House is to guarantee the independence of the Officers of the Assembly from executive control by formally establishing the structure and process of their financial independence. When I speak of the officers of the Assembly, I use the term in the widest sense to include the Chief Electoral Officer, the Provincial

Auditor, the Ombudsman, as well as the Clerk of the House and the Clerk's Assistants.

The fourth major point that defines the thrust of this bill is that it provides a vehicle to represent all of the interests that exist in the Assembly on both sides of the House, when there are only two political parties represented, but also to include a third political party should one return or arise anew.

Mr. Speaker, that's important in terms of the Assembly providing for the legitimate needs of members with respect to services that have to be available to them to do their job, both in the Legislative Assembly here and also in their constituency. But the most significant portion of this point is that it will draw an end to the ad hoc arrangements that have existed over the years; ad hoc arrangements which provided for corridor consultations between members and backbenchers and Cabinet Ministers and Leaders of the Opposition in the past about changes in members' services. Also, the dependence which existed on behalf of those members on the whims - and I don't use that in regard to any particular past Ministers - but certainly the whims of Ministers who have been Commissioners on the Board of Internal Economy, because those two members of the Executive Council could block or withhold solely on their own right, without representation through their caucus or without representation from the Opposition, changes that were wanted; changes which were often dependent upon the Minister of Government Services, the Minister responsible for MTS or whichever Minister was responsible for providing the services about which the members had some concern.

Mr. Speaker, those are the four major thrusts but, more important than that, it has certainly been my intention and I believe the intention of members on both sides with whom I have discussed this bill over the last few months, that this be a strictly bipartisan commission; that it operate - and I don't rule out the fact that votes could occur from time to time and they may, hopefully not in the foreseeable future - but they will operate much as the Rules Committee does, by consensus, because these are important matters, not really the subject of political debate, but matters respecting purely members' services and their ability to do their job. Mr. Speaker, we know from experience that we have tended to be rather conservative about what we provide to members. Some would say we've been very stingy in fact for many years.

Mr. Speaker, I would like to pay tribute, in speaking to this bill, to the contributions that have been made by two former Speakers of this House, the Member for Virren and before him, the Member for Concordia. Those two individuals over the last almost 10 years have, at various times, drafted proposals for reform of the Board of Internal Economy Commissioners Act. They have lobbied with their respective governments and with members and worked with the officers of the Assembly to propose legislation to two different governments. The legislation they have proposed took different forms, but was basically conceived from the same principles which I am describing tonight and which are clearly enunciated in the bill before us. Despite the fact, Mr. Speaker, that both governments, I believe, agreed in principle with the principal thrust to change the name and membership of the board and

make it a bipartisan committee, for some reason it never got off the ground.

Mr. Speaker, that's one more reason why I believe that the timing of the bill this Session is very important, because we were able in the first Session of a new government to convince that government that there was reason to give to the members of the Assembly the power to control their own affairs in terms of services, and also to give to the Assembly the power to control those agencies of the Assembly which were not part of government.

Mr. Speaker, having said that, I would like to deal more directly with the comments of the Member for Charleswood, the Honourable the Leader of the Opposition, which were made yesterday afternoon. Mr. Speaker, I am pleased to see that the Member for Charleswood accepts the basic principle that the Board of Internal Economy Commissioners should be broadened, and I am quoting, "to include membership from the Opposition so as to give a totality of representation to the board which would represent the full spectrum of opinion within the House." He goes on to say, "I don't know of anyone on this side of the House, or on the government side, who objects to that principle at all." So, Mr. Speaker, the objections of the Member for Charleswood go on in some detail, but certainly he and I hope all members in the House accept the first principle in this bill.

Mr. Speaker, the Member for Charleswood also suggested that there was a department established in this bill and I have some disagreements with him on that. It's suggested, Mr. Speaker, by the Leader of the Opposition, later on in his remarks yesterday, that there already existed a department for which the Speaker was responsible. So if there already existed a department, we have some problem, if we're claimed to be creating a new one. Mr. Speaker, I would suggest that just the opposite is the case; that really we only had a departmental structure provided in the Estimates for purposes of having an Estimate Item and for purposes of providing for accounting and auditing and other services that are necessary because we're spending public money.

Mr. Speaker, there has always been, not only a departmental structure, but a fundamental principle of separation of the Executive Branch and the Legislative Assembly and that principle would be violated if we were to create a Department of Legislation or a Department of the Legislative Assembly. In fact, Mr. Speaker, the creation of this commission in many ways, divorces the present pseudo-department, which was created with the creation of the Board of Internal Economy, and which had married in many ways the management of the Legislative Assembly to the Executive Branch. This commission, because it is representative and does not have to report directly to the Executive but rather reports to the Assembly, represents a divorce and a proper division between those two branches of government. So, Mr. Speaker, not only is it a department, but the bill will seek to establish the independence of the Assembly and especially the agencies of the Assembly from the structure and process of government.

Mr. Speaker, there was some concern about the exemption from the financial administration and Civil Service Act. Certainly those exemptions are there



specifically to emphasize that distinction between department and Legislative Assembly, department of Executive Government and Legislative Assembly.

Mr. Speaker, the Leader of the Opposition suggested in his remarks yesterday that we would, "create here a new kind of satellite that is unknown really to the present makeup of our parliamentary system in this province." I suggest, Mr. Speaker, that the Leader of the Opposition imagines all things in government, perhaps with the exception of the judiciary, in fact I am certain with the exception of the judiciary, as an extension of executive authority. Just as the Member for Charleswood suggested that I suffer under some liabilities because of my past career I have to, with respect, suggest that he too suffers some liabilities in this regard. He has always, as an elected official, as an elected member of this House, also been a member of the Executive Council or been Leader of the Opposition. He has never served a term as what Pierre Trudeau once called, the nobodies in the backbench, the nobodies in Parliament.

I am not suggesting that the Member for Charleswood views backbenchers that way for a minute, because I know of his respect for this institution, but I would suggest to him that to know the situation in which members who see advantages to this legislation are in, requires some service in that role and some perception of that role. So that is his liability. Perhaps it is not as serious as mine. But I think certainly when the old saw, which says the law sharpens the mind by narrowing it is applied to a lawyer, it certainly brings out the point that we have to have breadth and be able to look at the situation of all members in the House before we criticize legislation which is intended to benefit all 57 members and not just backbenchers and not just members of the Executive Council.

So, Mr. Speaker, when we talk about all activities in this Assembly being under the control of the Executive and the Department of Legislation, which presently exists as a pseudo-department, as being really an extension of executive power because of the operations of the Board of Internal Economy, we are really denying the existence of our very fundamental parliamentary structure, that division between executive and legislative authority. Mr. Speaker, I am not prepared to deny that existence, because I think historically and in terms of principles, it runs deeper than anything else in this House and that's the way it should be.

The Leader of the Opposition also suggested that Section 6, Powers, under the new bill, Section 6 delineates the powers and responsibilities of the proposed Commission but Section 6 Responsibilities are duplications of existing services. Mr. Speaker, I'd like to address that argument briefly.

Section 6.(2), provides that the Commissions shall settle the Estimates of Expenditure and the establishment of positions for staff required for the proper conduct of the business operation of the Assembly, for the Assembly Offices, for the Provincial Auditor, the Chief Electoral Officer, and the Ombudsman and their respective offices.

If we accept the principle that the Legislative Assembly should have independence from the Executive, both the question of settling estimates and the establishment of positions for staff makes sense. It's

not a question of taking power away from the Civil Service Commission, it's a question of power being removed from the Executive Branch of government, the agencies of the Assembly and the Assembly itself coming under the direct authority of the Assembly, and more importantly the direct delegated authority of the Speaker who is Chairman of the Commission.

Mr. Speaker, it's worth pointing out that in effect the authority of the Speaker is changed in no way with respect to his former authority in the Board of Internal Economy, although the provisions of the Act may be different and some would suggest that the Speaker has greater powers under this bill, he is Chairman of the management structure for the Assembly now and he will be, if and when this new bill meets the approval of the Assembly.

Mr. Speaker, there's no intention and there has not been, of providing separate staff to administer the Legislative Assembly Management Commission or any of its requirements under this bill. The Department of Consumer and Corporate Affairs has been doing an excellent job of providing that service for many years, certainly the last dozen years and before that. That service was provided by the Department of the Provincial Secretary which, when the Leader of the Opposition was Attorney-General was also a portfolio under his responsibility, I'm sure he's familiar with the services that were provided then.

But, Mr. Speaker, not only is it very well-known that they've done a good job but the authority to decide who provides that service has always rested with the Board of Internal Economy, and that could have been changed at any time. Should the Commission decide to second staff from another department of government for the nominal accounting and other requirements of the Legislative Assembly and its offices, that could be done. Certainly that power exists, but there's no reason to do it. There's certainly no reason to hire additional staff and, Mr. Speaker, not only that, but the provisions for hiring those staff, which I'll come to later, are just as onerous on the Commission as they are on any Executive Department of Government.

Mr. Speaker, one of the other suggestions that was made was that the control of the Legislative Building, particularly members accommodation, facilities and services that was provided for in the Act would be a duplication of services presently provided by the Department of Government Services. Mr. Speaker, Section 6 (c) of the bill provides that the Commission "is responsible for the provision of facilities and services required by the members of the Assembly, by the caucuses of the various parties to the Assembly and by the leaders of the parties in opposition including, without limiting the generality of the foregoing, secretarial support and constituency offices."

Mr. Speaker, certainly there's no question in that definition of the responsibility that this Commission would have control over the whole Legislative Building. Now I know Speakers in the past have talked about the Speakers Office having control of what is defined as the Precincts of Parliament, but certainly there's no control implied, no control stated, and certainly the definition of Assembly Offices is clear enough to know that it is limited to the offices of members of the Assembly and their caucus rooms. That control does not even extend to the office of the

Clerk of the House, let alone other agencies such as the Ombudsman or Chief Electoral Officer.

Similarly, Mr. Speaker, I think there's some confusion opposite with regard to the question of security. There was some concern expressed about Section 6(e) which provides that the new Commission will be responsible, "for developing in cooperation with the government a proper system of security for the Chamber and Assembly offices." Mr. Speaker, I would have been quite happy to see the bill read, "that the Commission will be required to rely on the Department of Government Services for security." But, Mr. Speaker, there's a problem with that because we already have a dual responsibility for security and the Leader of the Opposition is just as aware of that provision as I am.

Security in this Chamber is the responsibility of the Sergeant-at-Arms. Security within the Precincts of Parliament traditionally has been the responsibility of the Sergeant-at-Arms, and to define it any other way, such that the Commission would rely on the Department of Government Services for security, would be to deny the role of the Sergeant-at-Arms. A traditional role that goes back historically, in fact, Mr. Speaker, long before governments had security the Sergeant-at-Arms was responsible for the protective staff which protected members in British parliamentary tradition and, Mr. Speaker, the Leader of the Opposition is just as aware of that fact as I am.

So, Mr. Speaker, when the Leader of the Opposition suggests that we are usurping, or in some way removing the role of the Department of Government Services by this provision, is ignoring the very specific wording of the provision which requires the Commission to develop its security program in co-operation with the government. Mr. Speaker, I want to say that I at this time see no change, no need for change in the arrangements that are made. They could only be changed in co-operation with the government and more specifically with the Department of Government Services.

If it would make the Leader of the Opposition happy I would be happy to suggest an amendment to provide that the wording instead of reading "government" reads "Department of Government Services," which is the department responsible. But to criticize the bill as providing a duplication of services because of these types of provisions which recognize the existing circumstance and are designed only to recognize that, and if necessary can be so heavily structured if it's the will of the House, to limit the provision of those services to the existing arrangements, I find it hard to believe that those are legitimate criticisms of the bill.

But, Mr. Speaker, later on it was suggested by the Leader of the Opposition that the new Commission would have the power transferred to it for making appointments to the Ombudsmans office, and appointments to the Chief Electoral office. Mr. Speaker, I said before, the law sharpens the mind by narrowing it, I can't find that authority in the bill. I looked at length for it because when the bill was drafted, provision to make those appointments was specifically avoided because we did not want to take away the powers that presently exist in those offices; and the provision for appointments under Section 8(1) specifically provides that the Commission, "shall

determine the method of appointment of the staff for the Assembly and for the Assembly offices and may use the facilities of the Civil Service Commission in the employment of staff for the Assembly offices.

Mr. Speaker, let's look at the definition of Assembly offices just in case this isn't completely clear. "Assembly offices" in Section 1 of the Act means, "the office of the Speaker, the office of the Clerk, the offices required for the administration of the Assembly, The Legislative Assembly Act and this Act. The office of the Leader of the Official Opposition; the offices of the leaders of other opposition parties; the offices of the caucus of the government party, the Official Opposition and other opposition parties; the offices of members who are not members of the Executive Council," Mr. Speaker, it doesn't include Cabinet Ministers' offices. It only includes the offices of members and the Clerks office. So, Mr. Speaker, there is no provision in this bill whatsoever, although this was suggested by the Leader of the Opposition, for any appointment power with respect to the office of the Ombudsman, the office of the Provincial Auditor or the office of the Chief Electoral Officer.

Mr. Speaker, the Leader of the Opposition also had a very strong concern about the provision in the Act and specifically in section 8(1), which suggests the word "may" rather than the word "shall." He said that if the bill proceeds, certainly that is one change that is essential. Now, Mr. Speaker, I have to ask the Leader of the Opposition if he would like this Commission to be required to use the facilities of the Civil Service Commission in the employment of staff for Assembly offices which include his office. That if, when he chooses to hire a secretary, or his caucus, or the government caucus, choose to hire a secretary, that they will be required to use the full procedures accorded to the Civil Service and to the public under the Civil Service Commission.

Mr. Speaker, that was not the intent. In fact, it was made very clear in initial discussions on this bill that those offices would be exempted just the same as the Leader of the Opposition agreed, and I concur, in the exemption of Assembly staff in terms of the part-time sessional staff and others who are hired for the Assembly, being exempt from those criteria that apply under The Civil Service Act.

So, Mr. Speaker, I have some concerns about the understanding of the intent of the Act, and if part of the fault of that is in the way the Act has been drafted or in the wording, I think certainly if and when the bill receives second reading, that is something that can be looked at if it's a question of clarifying some of those provisions. But it certainly was the intention of the government in the introduction of the bill, that all staff other than those in the Assembly offices and the staff serving the Assembly would all be hired using proper Civil Service procedures in accordance with the Act. But certainly what we have come to know is political appointments, whether they be the appointment of an Executive Assistant in the Minister of Natural Resources office, the appointment of an usher in the gallery, or the appointment of a secretary in a caucus room or Opposition office, are appointments solely the responsibility and within the prerogative of the individuals whom those secretaries serve. Mr. Speaker, I don't think anyone in this Chamber wants to change that.

It's not the intention of the bill to change it.

Similarly, Mr. Speaker, all the other offices that the Leader of the Opposition expressed some concern about, presently use the Civil Service Commission and under this bill would continue to do so. Once again, Mr. Speaker, no change.

Mr. Speaker, it's also been suggested that under Section 8(2) of the bill there would be a wide open provision, in fact, with regard to the payment of salaries and the establishment of classifications with respect to civil servants. In fact we heard a short story about Molly, the very popular secretary, and we didn't want to pay attention to Civil Service pay rates. The leader was suggesting what he claimed was an outlandish example and I concur - I don't think it would occur and I know he doesn't believe it would occur - but it's possible in the long run, when we're all gone. "Well, we don't have to pay any intention to the Civil Service pay rates because the Act doesn't tell us we have to, and dear Molly here that we've appointed to do this job, she deserves a salary increase because after all she's got additional responsibilities at home." Mr. Speaker, there are probably circumstances in which employers think that way, but the section specifically provides that every person so appointed shall - and I am reading, "8(2)(b) be paid a salary or other remuneration as determined by the commission in conformity with the pay scales and classifications established under The Civil Service Act."

Mr. Speaker, there's two factors here. One are the pay scales which are established annually under agreement with the MGEA; and secondly, the whole classification process - and, Mr. Speaker, it was the intent of this provision and certainly I believe it's clear - that the classification process would also have to follow the Civil Service Commission guidelines which include a detailed classification manual and all kinds of other structures and regulations on the classifications that are available for employees.

So, Mr. Speaker, I believe that rather than giving the Commission power to deviate, Section 8(2) subsection (b) requires the commission to pay salaries in conformity with both the pay scales and the classifications that exist in the Civil Service. I believe, Mr. Speaker, that provision - and if I am incorrect I would like to see it changed - requires this Commission to adhere to the classifications for specific duties in specific jobs that are used in the Civil Service at large. If that's not the case, Mr. Speaker, I am willing to accept a suggestion for a change. It's certainly not the case as the Leader of the Opposition suggests, that we would create a monster which can create all its own classifications and pay whatever it wants. That is exactly not the case and, Mr. Speaker, I commend the reading of Section 8(2) to the Honourable Leader of the Opposition, who still seems to think that what the Act says is not what it means.

Mr. Speaker, I think perhaps the single most important objection, I think perhaps to some extent the objections I have referred to earlier are minor concerns that could easily be remedied if they had any basis in fact and I will concede that there may be some basis in fact but it has not yet been demonstrated. But if it's there, I think it can be accommodated.

Mr. Speaker, I think the most important difference of opinion regarding this bill relates to Section 9(1),

and this goes to the very fundamental question of the removal or excretion of executive power by the Executive to the Legislature as proposed in this bill. Mr. Speaker, the remarks of the Leader of the Opposition when he talks about this, "Serious erosion of the power of collective responsibility of the Executive Council for the money that is spent by government, represents very clearly a failure to recognize the constitutional difference between the Legislative Assembly and the Executive Council."

Mr. Speaker, the argument that the Executive Council must at all times control all expenditures and vote all expenditures before that money can be expended by either this Commission, or by any agency of government, fails on one very significant point which stands out within the department of legislation - and I commend your Estimate Books to those who do not recall that there is a statutory provision in that estimate - and those sums are not voted, yet they change from year to year. They increase according to formulas, pension benefit calculations and other contributions to the Estimate process, over which the Assembly has no control; the Executive Council certainly doesn't.

Those Estimates are placed within the Estimates Book and under the heading of Legislation, without regard to a particular vote and without regard to the wishes of the Executive Council. They are statutory requirements.

Similarly, Mr. Speaker, in recognizing that there are certain peculiarities to the Legislative Assembly, which make it different from any other department of government, and therefore make it really not a department, we have to recognize that historically the power of the Assembly, which the Leader of the Opposition described as the power to vote supply, has always been twice that. It has been both the power to vote supply and the power to tax. In fact, Mr. Speaker, assemblies historically received the power to tax from the Crown before they received the power of supply. It's a very interesting point, Mr. Speaker, because to suggest that the power of supply is more significant, somehow questions some historical arguments about the origins of the power of the purse in the Assembly. Mr. Speaker, I think those could be addressed at another time; I don't intend to go into them now. However, I believe that in that historical analysis lies the basis for my difference of opinion with the Leader of the Opposition, and I would suggest that this argument is based upon two inherently incorrect assumptions.

First of all, Mr. Speaker, there is no department. Throughout his remarks the Leader of the Opposition in his criticism of this bill suggests that the Legislative Assembly, the Department of Legislation is a department of government. This assumption runs throughout the Member for Charleswood's speech and in many other cases in which he described that assumption, it leads to an erroneous conclusion, Mr. Speaker. It's based on the assumption - and a rather presumptive one - that resides in an assumption about executive responsibility, resides in an experience with power and control in government, an assumption that even the Assembly comes under the control of the Executive Council.

Mr. Speaker, the second assumption is perhaps an

even more dangerous one, and in my opinion, certainly equally fallacious. Mr. Speaker, the Executive Branch is assumed by the Member for Charleswood, the Leader of the Opposition, to supersede the power of the Assembly. All of the arguments that were advanced with regard to Section 9, subsection (1), the section which provides that the estimates of expenditure shall be turned directly over to the Assembly and not require the approval of the Executive Council or the Treasury Board. Mr. Speaker, that section represents the independence of the commission and its direct reporting relationship with the Assembly which is its sole master. Mr. Speaker, to place the commission under Treasury Board and under Executive Council, would then go far greater a distance to creating a department than this bill does.

In fact, Mr. Speaker, what the Leader of the Opposition suggests is the creation of a department. That's exactly what his argument would do if he were allowed to amend this bill to provide that referral, because that makes the Assembly, even more so than it is now, an agency of government and not an agency of the Assembly.

Mr. Speaker, I think it's worth quoting a remark made by the Leader of the Opposition in which he suggested, "That this bill is running right into a fundamental principle of the operation of the parliamentary system, namely, that the Executive must assume responsibility for the expenditure of money." I concede the point that this principle appears to conflict with the executive powers over expenditure that the Leader of the Opposition refers to. Certainly it does. But, Mr. Speaker, the Member for Burrows yesterday in his brief remarks, hit the nail right on the head when he said, the supremacy of the Assembly is the issue. There is no department, there is no intention of providing statutory authority, but certainly there is every intention of making the Assembly independent of executive authority.

Mr. Speaker, I'd like to go into a little more detail. Mr. Speaker, in the Leader's remarks yesterday, he suggests with respect to the Provincial Auditor - and this is rather interesting misreading of the bill - "The man for whom the commission will be hiring the staff is going to audit the books of the commission." Well, that's a nice cozy arrangement. I don't think that's been very well thought through at all. Well, Mr. Speaker, that's what I have to say. I don't think that comment was very well thought through at all. We return to 8(1) and we find the commission has no responsibility whatsoever for the hiring of staff for the Provincial Auditor.

We look, Mr. Speaker, at Section 6(1) and 6(4) of The Provincial Auditor's Act, and we find, "that all persons appointed under the Provincial Auditor and by him," and he's one of those rare civil servants, in fact, perhaps the only one in the province who has the ministerial signing authority for appointments within his agency of government, has sole authority.

Mr. Speaker, the Act also provides, amazingly, that the Provincial Auditor is not subject to The Civil Service Act, except for those specific sections which relate to superannuation. The Act also provides, Mr. Speaker - and we'll get to that a little later when we talk about the exemptions under The Financial Administration Act and The Civil Service Act - "that where any

provision of The Civil Service Act or the regulations made thereunder conflicts with, or is repugnant to any order, rule or regulation made under this Act that relates to or affects persons employed under the Provincial Auditor or to their supervision or control, the order, rule or regulation made under this Act prevails." So the Provincial Auditor supersedes, feeling something is repugnant to him, he can say The Civil Service Act does not apply.

So, Mr. Speaker, not only is that provision contained but the Provincial Auditor now audits the books of the Chief Electoral Officer, the Ombudsman, all offices of the Assembly but, Mr. Speaker, he doesn't audit his own books and Section 19 of his Act specially provides - the very last section in a very short statute - "that there shall be a qualified auditor nominated by the Executive Council." The Provincial Auditor himself cannot audit his own books. So, Mr. Speaker, not only do I deny there is a cozy arrangement, the Provincial Auditor is banned from entering into that kind of arrangement where he would audit the books of the commission as far as they relate to his agency of government, and for him to be auditing the books of the Ombudsman and the Chief Electoral Officer in the Assembly offices, is no change whatsoever. Since the commission has no responsibility for the appointment of his staff, the staff of the Chief Electoral Officer or the staff of the Ombudsman, I have some difficulty with this argument as well.

Mr. Speaker, similarly Section 10(2) of the Act was open to some criticism from the Leader of the Opposition and he suggested that there is another dangerous section here. Subsection (2), it makes the Speaker, "responsible for doing the work of the Purchasing Branch of government." Mr. Speaker, this specific section was suggested specifically because there was no authority in the bill - in fact there is no authority under The Board of Internal Economy Commissioners Act - for the Speaker to spend the money on behalf of the commission which is voted by the Assembly, whether it's voted by the Assembly via the Executive Council or voted by the Assembly straight from the commission and this provision meets only the powers that are granted to Ministers under departments.

Perhaps this one example is one where the Speaker receives ministerial authority once delegated by the Commission to do certain things under the Commission's delegation power. If there's any confusion here, I would be more than happy to suggest a provision which would clarify that it's fully intended that the existing departments of government be used. But this is a power to spend those funds; it is not a power to go beyond the existing agencies within government that normally oversee those types of expenditures, whether that be through the Queen's Printer, through the Office Equipment Branch, through the Purchasing Bureau or whatever.

So, Mr. Speaker, there are some obvious misunderstandings with regard to Section 10(2) as well and I'm not suggesting for a moment, Mr. Speaker - and the Leader of the Opposition would certainly concur - that all those misunderstandings are on the other side. If he feels that is not clear enough I would be more than happy to have him suggest at committee stage, how that same power can be granted to the Speaker without creating the monster he suggests is being created.

But, Mr. Speaker, there's certainly a requirement that you have the authority to spend the money which is granted to you, whether that's to provide the Leader of the Opposition with a typewriter or to provide stationery to individual members here in the House. Without Section 10(2), Mr. Speaker, I suggest you would not have that authority.

Mr. Speaker, certainly one of the sections in this bill which raises some concern for members opposite is Section 13, which provides that this bill will supersede The Civil Service Act and The Financial Administration Act. Let me tell the House the rationale for that provision and suggest several other ways of looking at the problem, or apparent problem it creates.

This section was placed in the bill simply because the Legislative Assembly Commission is not a department, never was intended to be a department, and it is a creature of the Assembly which has a composition very different from existing departments which have Ministers as their heads. Some of the provisions, in both The Civil Service Act and The Financial Administration Act, were written so as to provide specific requirements by Ministers. Those acts cannot be applied to the Commission because there's no Minister in the formal sense of The Civil Service Act and The Financial Administration Act. There are other sections in those two Acts which, at various times, could create conflicts and either restrict the Commission or create confusion about the Commission's powers.

If it was the desire of the House to do a very thorough review over an extended period of time, comparing those Acts and examining and delineating those potential conflicts, I think that might have merit, and at a future time certainly this provision could be restricted — (Interjection) — I don't think I'm going to have time to include the arguments that the Member for Dauphin has asked me to include.

Mr. Speaker, I believe there's substantial merit, obviously, in the formation of this Commission. I believe there's merits in using this Commission as a vehicle for changes in members' services, which is one item and certainly a focal point that many members have come to view this bill in the context of, but certainly I delineated three other thrusts that I considered more important at the beginning of my remarks. That bipartisan character allows us to have a full picture from all sides, allows us to have a bipartisan treatment of members' services issues and certainly, as I said earlier, ends the ad hoc arrangements and the wheeling and dealing behind the scenes which has gone on in the past.

Mr. Speaker, I think there's merit in examining the question then of whether or not we should just continue that ad hoc arrangement a little longer or whether we should pass this bill this Session. Mr. Speaker, in my mind there's no question about it. I like what Joe Clark said about freedom of information. I think this has some merit with regard to this bill. He said, "If a government doesn't pass it in their very first Session, they'll never pass it because power tends to consolidate itself, the new government tends to get things they want to hide."

Mr. Speaker, I haven't always agreed with Joe Clark but I have to say I thought that was a very perceptive statement, both about his term in office and about the

subsequent failure of the Liberal Government to bring in that legislation. Mr. Speaker, power does tend to consolidate and I'm not sure if we could convince the members of this front bench, a year from now, to give up some of their power. We're having trouble convincing the Leader of the Opposition that the members of this front bench should give up some power. So that kind of power tends to consolidate and that will work to the detriment of members of this Assembly so I think that's one very good argument, to look at the willingness of members of this front bench to bring in this legislation now, is something that might not last for all time. In fact, I believe that if we don't start now it won't happen and that getting this bill through depends upon a great deal of political goodwill on both sides of the House.

Mr. Speaker, there's been no discussion of changes in members' services by myself tonight, simply because I don't believe there are any changes in members' services in the bill, although certainly the bill is a vehicle to provide them. Mr. Speaker, I'll welcome an opportunity to discuss those and the merits of them, hopefully, when we bring before the House, within the next short time, some changes based upon a consensus and an agreement between both sides of the House.

Mr. Speaker, I'd like to recommend this bill to the House. I'd like to state my willingness to do whatever is necessary, in terms of accommodating the principles that are expressed in the bill, and accommodating the intent of the bill as I expressed it. If there is fault in the bill, as the Leader of the Opposition has suggested there is, with regard to the creation of powers which were never intended by this side, I certainly say that we are willing to look at that in Committee of the Whole. We believe this is an excellent bill based upon excellent principles but certainly we'd be the last to admit that it may not be flawed with regard to its technical design. Sir, I accept responsibility for that because certainly Legislative Counsel and others who had input on the bill, operated under my instructions as to our intent. If that was not clear enough, then I would be more than happy to accept responsibility for making suggestions for changes at Committee stage.

Mr. Speaker, I look to the support of all members on this bill because I believe that consensus on matters respecting members is important. But certainly I would be more than happy to accept something less than unanimous consent because I realize there may be some fundamental objections in principle, to the one section which appears to violate Executive power.

Mr. Speaker, I would suggest to you that the Legislature is supreme; that the Legislature is regaining something which was taken from it over the last 200 years by the growth of Executive power and, Mr. Speaker, for that reason, I think this is a progressive piece of legislation and I recommend it to the House.

**MR. SPEAKER:** The Honourable Member for La Verendrye.

**MR. B. BANMAN:** Thank you, Mr. Speaker. Let me just say briefly - and the member touched on it in the dying moments of his speech. It has been a tradition in this House, and I hope it continues to be a tradition, that when we make any major changes or any changes

of direction with regard to rules and other things such as members allowances, salaries, etc., that these particular changes receive almost the unanimous consent of all members on both sides of the House. There seems to, at this time, Mr. Speaker, be some absence, if I might say, with regard to that consensus and the unanimity, I think, which the member opposite is talking about, I feel, is not there.

So I would, at this time, Mr. Speaker, move, seconded by the Member for Tuxedo that Bill No. 30 The Legislative Assembly Management Commission Act be now read a second time but be read six months hence.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**HON. S. LYON:** I move, seconded by the Honourable Member for Sturgeon Creek that debate be adjourned.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Would you please call the adjourned debate on Bill No. 27, Mr. Speaker?

**BILL 27 - THE SUMMARY CONVICTIONS ACT**

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General Bill No. 27 standing in the name of the Honourable Attorney-General.

**HON. R. PENNER:** Mr. Speaker, I am rising to close debate on Bill No. 27. At the commencement of my remarks I would just like to make an observation or perhaps a fuller reply to a question which was asked by the Member for St. Norbert about the Fine Option Program and why that program, essentially being a program which had been passed by the previous government but not proclaimed, was not simply proclaimed, why was it included in this Act. I've discussed that more thoroughly with Legislative Counsel and the only reason is so that it would more properly mesh with the provisions of the bill as a whole and there would be required some minor changes to make it mesh. I have no hesitation in acknowledging, if that's the problem, as I believe I have on other occasions, that the Fine Option Program is, indeed, a program that was launched by the previous government and there was no intention, by including it in this bill, to obscure that fact. So that's the reason for its inclusion in Bill 27.

Just an observation about the Fine Option Program which is a very important part of this bill and was, I think, rather lost sight of in the remarks of the Member for Pembina. As a result of the Fine Option Program which is now well developed and will be operative before the end of the summer; rather than more people in jail which was the implication of the remarks of the Member for Pembina as a result of this legislation there will be significantly fewer persons in jail. I think that has to be remarked at the very beginning.

The second observation I would like to make is with

reference to the frequently repeated remark of the Member for Pembina that this bill gives vastly extended police powers, and he chided me as he alleged a sometime civil libertarian with being contradictory by bringing in a piece of legislation that extended police powers when, in his view, with this reputation, I might arguably go the other way. Mr. Speaker, the only reference in the whole bill to police power at all is contained in Section 11(2.1), and I think it's important that I read that and set the record straight.

"The peace officer may set out in the offence notice" - and that's an offence notice, it's not a conviction obviously, only a judicial officer can convict - "The peace officer may set out in the offence notice the amount of the fine and costs, as set out in the regulations," - let me pause here. In other words, Sir, the limited function of the peace officer is purely administrative. There are regulations, and I'll refer to those in a moment, which stipulate the amount of the fine for particular offences and the peace officer is limited to inserting in the offence notice the particular fine indicated in the regulation, just as now.

Most of us, unfortunately, are familiar with, at one time or another, getting a parking ticket and there are little boxes on it which say \$5.00, \$10.00 or \$15.00 and that's filled in by a commissioner, but the commissioner can only tick off a box that is there that is already set by law, either by Statute or by regulation. Similarly, some of us, from time to time, have been caught by the radar on the highway and been given a ticket by the RCMP and in the offence notice the RCMP officer fills in an amount, if you want to pay this you can go down to the court and pay a certain amount. Now, I continue with this section: "The peace officer may set out in the offence notice the amount of the fine and costs, as set out in the regulations, with respect to the alleged offence, and the offence notice then provides certain things which the offender can do in forwarding the summons portion of the offence notice, together with the fine and costs, to the appropriate court office by mail or in some other manner."

Now that is the only reference, let me repeat with some emphasis, in the whole bill to a peace officer, and yet it is being said, heaven knows why, that this bill is extending police powers. The Member for Pembina said that he was no lawyer, that much is obvious and it's no sin, it's not often that it becomes a positive virtue but is it too much to ask that, as a person who has been a Minister of the Crown, a Member of the Treasury Bench, that he learns to read a Statute. I think it's wrong to come in here and spend a great deal of his time, I wouldn't say that he was grabbing for headlines but that is sometimes the effect of those rhetorical flourishes, and say Penner is extending police powers. But when you examine the bill that is not the case at all. What happens now with respect to offenders under summary conviction proceedings, and what will happen? Let's just compare the two scenarios. I'd like to set it out as clearly as I can and if it's not clear enough, then maybe that can be cleared in committee. In comparing what happens now and what will happen if the bill becomes legislation, let me emphasize that, in the example I'm about to give, we are not dealing with people who are merely accused and about whom the presumption of innocence is still

strong. We're talking about people who have been stopped, let us say, because 75 to 80 percent of the cases about which we're talking are moving offences on the highway or on the street; they've been stopped and given, in effect, an offence notice, an appearance notice, alleging that they have speeded or gone down the wrong way on a one-way street or turned left between 4 and 6 when they're not allowed to turn between 4 and 6 or something like that.

So these are people who have been charged with an offence and who failed to show. We're dealing with only those who having been told that you have so many days to appear in a court office for an answer to this charge, who fail to show. Now everyone will recognize - I'm sure the Member for Pembina will recognize - that there must be some means of dealing with the people who do not show. If you just threw up your hands and say, well they didn't show, then people would just laugh at the law; the law would be unenforceable. So how do we deal with the no-shows? —(Interjection)— Well, they are already charged, with what? Well, that's already in the law. The Member for Sturgeon Creek also doesn't know how to read a Statute.

Now let me explain what happens now. What happens now is what is called the ex parte hearing. That is that, after a certain number of days, when the accused has not shown, the matter is heard by a Justice in an office. These are called ex parte hearings because the summons has issued and the accused hasn't shown. That is the situation we are dealing with. There is at 207 Donald every day, a minimum of 50 of these hearings with police officers there in attendance and it's invariably the case that the accused doesn't show. So automatically the police officer says a few things; there's invariably a conviction and the person now is convicted without the person being there. That's what happens now, at a cost, Mr. Speaker, of approximately \$200,000 a year. That's what the ex partes cost the Province of Manitoba, the taxpayers of Manitoba; \$200,000 for this particular routine. Now —(Interjection)— well, just listen.

The position of the person who has now been convicted in that way, the person now gets a notice which simply says you have now been convicted and you owe this money, the fine and costs. If the person then wants to challenge, the person has to appeal to the County Court, an expensive, a very expensive mechanism because in an appeal from a summary conviction is to the County Court. That is expensive if the person for some reason had just not known or forgotten, the person is still tagged with that conviction and now the only course is to go to the County Court. That's the situation now.

What will happen as a result of this bill - the replacement of what is called the ex parte conviction with a default conviction. What will happen is that the person who gets the offence notice has a number of options: first of all, can send in the fine by mail. As it is now, to pay your fine you have to go to 207 Donald, stand at a counter in line and wait for some Justice of the Peace to come to the counter with a stamp in that person's hand; how do you plead? Guilty, and the stamp goes on and the person pays. The person will have had to come from work or from the outskirts of the city to 207 Donald and go through that whole

procedure. But now in this proposal a person who says, well, yes I did exceed the speed limit and I'd like to pay, can just slap it in the mail. So that's good for the ordinary citizen, it's a good idea. Also it cuts a great deal of the cost. The person still has the right to appear in person and plead guilty and dispose of the charge; you can still do that. He might live around the corner from 207 Donald and want to save - what is the stamp cost these days, I never mail letters because it's usually just bills at 18 cents or whatever —(Interjection)— 30 cents, wants to save the 30 cents - can still dispose of the matter as you could before.

Or thirdly, and this is important, we're expanding the rights of the citizen, Sir, that person can write to the court office, explain the situation in the person's own language. It might lead to a conviction, or it could lead to a reprimand, or it could lead to an acquittal - you can get an acquittal by mail. That, too, is good for the ordinary citizen, it's good for the ordinary citizen. We're expanding the horizons of justice in these relatively simple matters. Or the person could, by mail, indicate to the court his intention to plead not guilty and have a trial date set. Now what happens, the individual given an offence notice has to go down to 207 Donald, and say, well no, I didn't do it; the official says tell that to a judge, come back three months later when a trial date is set, or six weeks or whenever it is. He has made the trip and now has to come back. Here you can do it by mail, so that there is an expansion of the rights of citizens.

Now as a fail-safe procedure - and this is important and it should not be lost sight of - where the accused person fails to appear within the 15-day period that's stipulated in the bill and a default conviction is entered, upon receiving notification by mail of the conviction the accused person is entitled to request a trial on the merits in the Provincial Judges' Court. Let me repeat that. We have now, instead of the ex parte, the default conviction. The person receives notice and having received notice says, oh, my God, I forgot about this, as in the example I gave with the ex parte notice, and has the right - because that right is told to him in the notice that he gets - to say well, I really do want to have this matter tried and can have a trial in the Provincial Judges Court. It doesn't have to go to the County Court; it can go to the same Traffic Court that he might have gone in the first instance had he remembered about it. We're not, Sir, restricting the right of the citizen, we're expanding it and removing all of that cost, all of that inconvenience associated with this type of procedure.

Some point was made by the Member for Pembina about the parking ticket portion of the Bill. I'll just touch on that very briefly, 11.3(7) of the Bill says, and this deals with the licence cancellation, "Where the owner fails, refuses or neglects to pay fines in respect of 10 or more convictions for parking offences, the Registrar of Motor Vehicles may cancel the registration." Who are we dealing with? We're dealing with a person who has decided, quite obviously because it's 10 or more of these violations, that the law doesn't apply to him or her; that this person has the right to steal, in effect, other people's parking spaces by over-parking and just throwing the ticket in the garbage can; that's the kind of person we're talking about. Is it too much to ask that this person who is disobeying the

law, flagrantly and intentionally, because with 10 or more it can't be an accident, that person should have to face some consequences for that attitude toward the law? It certainly is not.

Some point was made about costs. Well, costs are imposed both in civil and in criminal proceedings. The costs imposed, Sir, will not come close to meeting the actual costs of providing the court services which this province does. We're millions of dollars out in running the administration of justice and perhaps that's the way it should be, but again I say, it is not too much to ask that persons who have been convicted - because we're now not talking about the presumption of innocence, we're only talking about those who have been convicted and have been fined - that they should pay some reasonable costs. They are, after all, offenders, minor offenders it is true. Further, Mr. Speaker, every citizen can avoid payment of those costs by not committing any of the prohibited offences.

I would like in closing my remarks on this Bill to read something called a Message from the Attorney-General, only it doesn't happen to be me, it happens to be the Attorney-General of Ontario, Roy McMurtry, when prefacing a pamphlet called Minor Offences which deals with the same kind of remedies that I am talking about, the same kind of procedures.

This is what the Attorney-General of the Province of Ontario said about these kinds of procedures and about summary conviction offences. "The basic problem in dealing with minor offences against provincial laws, which are not in any real sense criminal acts, is that the traditional procedure was adopted by reference to the Criminal Code of Canada." That was the traditional procedure. "As a result, technicalities and ceremonies which emerged from the special circumstances of past centuries have lingered on in today's courtrooms to the bewilderment of the average citizen. The complexities of the procedure and the attitudes which lay behind it were clearly inappropriate for the vast majority of provincial offences. Provincial laws," says Mr. McMurtry, "are intended to regulate legitimate and necessary activities in the public interest, not to punish criminal or immoral acts." It's lawful to drive on the highway, but that driving must be regulated so this offence, speeding and so on, under The Highway Traffic Act, is a regulatory offence, regulating otherwise lawful behaviour.

It goes on and I'll be brief, "This system of criminal procedure also resulted in a serious problem of congestion in the operation of the provincial courts"; and that's what is happening now. The large volume of offences of a very minor nature have aggravated the problems considerably. Extremely long delays become very common. The cost to the taxpayer of dealing with minor offences grew steadily higher while members of the public, court officials, and law enforcement personnel wasted enormous amounts of time waiting for charges to be disposed of. Every day of the week, on moving offences, there are 50 ex parte trials, 50 sets of police officers, going through the ritual; and we're removing that.

I say, we are removing it with more safeguards for the citizens, Sir, than exist in the present procedures so that I commend this Bill highly; I would ask the members opposite, particularly the former Attorney-General, to have a much more careful look at The Act

to amend The Summary Conviction Act, to come to Committee. I'm sure it can be improved; I haven't seen a Bill yet introduced in this House that can't be improved and I would welcome his suggestions. There may be areas of clarity; there is an amendment which I intend to bring in to 11(2.5) which was suggested to me by a former Attorney-General, the Minister of Natural Resources, which will provide another fail-safe procedure for a person who might be convicted on a default basis.

There are perhaps other amendments which might be considered. I'm certainly open to doing that but, in concluding, I would like to emphasize, number one, there is no extension of police powers whatsoever.

Number two, we're replacing the archaic, costly ex parte proceedings with the default conviction which actually gives the citizen more rights, the right to pay a fine by mail; the right to plead not guilty by mail; the right to be acquitted by mail and that's the way it should be. Why do we need these archaic, costly, time-consuming, burdensome proceedings?

I would hope that the members opposite would not approach this with ideological blinkers or knee-jerk reactions. Consider what the Bill contains; compare it to Ontario legislation. Legislation like this is being introduced in almost all provinces in Canada, and if they have some considered views as to how the Bill can be strengthened, I'm open to those suggestions in Committee.

**QUESTION put, MOTION carried.**

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

**HON. R. PENNER:** Mr. Speaker, would you call the adjourned debate on Bill No. 45?

**MR. SPEAKER:** On the Proposed Motion of the Honourable Minister of Finance, Bill No. 45 standing in the name of the Honourable Member for Turtle Mountain. (Stand)

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

**HON. R. PENNER:** The adjourned debate on No. 46, Mr. Speaker.

**MR. SPEAKER:** On the Proposed Motion of the Honourable Minister of Labour, Bill No. 46 standing in the name of the Honourable Member for Turtle Mountain. (Stand)

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

**HON. R. PENNER:** Would you please call the adjourned debate on Bill No. 64, Mr. Speaker?

**BILL 64 - THE ELECTIONS ACT**

**MR. SPEAKER:** On the Proposed Motion of the Honourable Attorney-General, Bill No. 64 standing in the name of the Honourable Member for Virden.



**MR. H. GRAHAM:** Mr. Speaker, in speaking to this Bill, this Amendment, I find it rather difficult to speak on it at this time because I suspect that this bill is entirely dependent on the results of Bill No. 30 and I would hesitate to suggest that we pass this one at this time until we see what happens to Bill 30.

Those are the only comments that I have to make on the bill and I would suggest to the Honourable Government House Leader that he adjourn debate and not refer the thing to Committee until we see what happens to Bill No. 30, or someone else may want to speak.

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

**MR. G. MERCIER:** Mr. Speaker, I move, seconded by the Honourable Member for Sturgeon Creek that debate be adjourned.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, would you please call the Adjourned Debates on Third Readings in the order in which they appear on the Order Paper?

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Municipal Affairs, Bill No. 15, standing in the name of the Honourable Member for St. Norbert.

## ADJOURNED DEBATES ON THIRD READINGS

### BILL 15 - THE MARITAL PROPERTY ACT

**MR. G. MERCIER:** Mr. Speaker, just briefly, we're prepared to allow this bill to proceed through Third Reading. Mr. Speaker, under this bill a great deal of discretion is left, quite appropriately, to judicial discretion. It would be very difficult in a Statute to set out the manner in which a complex issue like this could be dealt with specifically.

It will take, I believe, some few years before the Court of Appeal in this province probably will be in a position to deal with this issue on a couple of occasions. I expect, Mr. Speaker, that the issue will be dealt with quite satisfactorily to all of those involved and we are prepared to support this bill and allow it to be passed.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General, Bill No. 20, standing in the name of the Honourable Member for St. Norbert. (Stand)

On the proposed motion of the Honourable Attorney-General, Bill No. 22, standing in the name of the Honourable Member for Virden. (Stand)

On the proposed motion of the Honourable Minister of Municipal Affairs, Bill No. 26, standing in the name of the Honourable Member for St. Norbert. (Stand)

### BILL 42 - THE EDUCATION ADMINISTRATION ACT

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General, Bill No. 42, standing in the name of the Honourable Member for St. Norbert.

**MR. G. MERCIER:** Mr. Speaker, I adjourn debate on behalf of the Member for Tuxedo.

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

**MR. G. FILMON:** Mr. Speaker, we're prepared to have this bill proceed for Third Reading. I have no further comments to make on this.

**QUESTION put, MOTION carried.**

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

**HON. R. PENNER:** Mr. Speaker, I move, seconded by the Minister of Municipal Affairs that the House do now adjourn.

**MOTION presented and carried** and the House is accordingly adjourned and will stand adjourned until 10 a.m. tomorrow morning (Friday).