

LEGISLATIVE ASSEMBLY OF MANITOBA  
Monday, 10 March, 1980

Time: 2:30 p.m.

OPENING PRAYER by Mr. Speaker.

PRESENTING PETITIONS

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

MR. WARREN STEEN: Mr. Speaker, I beg to present the petition of the Manitoba Club, praying for the passing of An Act to Amend An Act to Incorporate The Manitoba Club.

MR. SPEAKER: 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. DONALD W. CRAIK (Riel): Mr. Speaker, I'd like to table the Annual report of The Manitoba Forestry Resources for the year ended September 30, 1979.

MR. SPEAKER: Notices of Motion . . . Introduction of Bills . . .

INTRODUCTION OF GUESTS

MR. SPEAKER: At this time I should like to introduce to the honourable members 30 Brownies from the 212th Brownie Pack from the Constituency of Charleswood under the direction of Ms Margaret Ellis.

We also have 35 students from Grade 3 to Grade 6 standing from the Manitoba Christian School under the direction of Mr. Sowerbutts. This school is in the constituency of the Honourable Minister of Cultural Affairs.

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

ORAL QUESTIONS

MR. SPEAKER: The Honourable Government House Leader.

HON. GERALD W. J. MERCIER (Osborne): There was a question of privilege raised the other day by the Member for Elmwood, Mr. Speaker, with respect to the absence of six Cabinet Ministers from Question Period. I point out to him that there are 10 out of the 22 members of the opposition who are not present.

MR. SPEAKER: Order please. I want to point out that the notification of the absence or presence of members in this House is highly unparliamentary.

The Honourable Member for Elmwood on a point of order.

MR. RUSSELL DOERN: Mr. Speaker, on a point of order, the House Leader is supposed to be an expert in the rules. I'd like to know whether that was a point of privilege.

MR. SPEAKER: The Honourable Member for Elmwood had no point of order.  
The Honourable Leader of the Opposition.

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, my question is to the First Minister. In view of the announcement by Premier Davis of Ontario that he is calling for a federal-provincial conference in order to deal with inflation and high interest rates, my question to the First Minister is, was he consulted by Premier Davis, along with other provincial premiers in respect to this call?

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MR. SPEAKER: The Honourable First Minister.

HON. STERLING R. LYON (Charleswood): Mr. Speaker, I've had no direct contact with Premier Davis concerning his suggestion, although one can take it for granted that the question of interest rates will be high on the agenda under the heading of the economy of Canada when the next First Ministers' Conference is held. I should say also, for the benefit of the Leader of the Opposition, Mr. Speaker, that at the Western Premiers' Conference which will take place in Lloydminster in April, that same topic, the economy, has been appointed for discussion and I can assure him that interest rates and the effect of interest rates, which are a national responsibility, will be high on the agenda for discussion at that conference as well.

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

MR. SAUL CHERNIACK: Thank you, Mr. Speaker. In line with the comment made by the Honourable First Minister about interest rates, may I ask whether the government has yet formulated some policy that can be announced very soon in regard to the problem of interest rates, and more importantly, the problem of mortgage renewals that are available only on the high interest rate basis?

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, it has been said before, as and when there are any announcements in that regard to be made, the House will be the first to be notified.

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

MR. CHERNIACK: Yes, Mr. Speaker. But this time I think I should direct it, it is a supplementary, I want to direct it to the Minister for Consumer Affairs, and point out to him that apparently there is a program that has been established and endorsed by the Real Estate Board, established by others and endorsed by the Real Estate Board, called the FLIP program, which deals with a method of low payments, not low interest rates but low payments for an initial period of time. And I would like to know, whether under The Mortgage Brokers Act, there is sufficient protection to ensure that prospective borrowers under this plan are fully protected in that they will know fully the consequences, or the possibilities and the ramifications of this program relating to the probability of a balloon payment on top of a balloon payment. Is the Minister looking at The Mortgage Brokers Act to ensure that at least the private sector is going to reveal clearly all the problems that may be created by their FLIP plan?

MR. SPEAKER: The Honourable Minister of Consumer Affairs.

HON. WARNER H. JORGENSON (Morris): Mr. Speaker, we are looking at The Mortgage Brokers Act. That particular question raised by my honourable friend is one that I'll have to look into and I'll try and provide him with an answer.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, I'd like to direct a question to the Honourable First Minister. In view of the fact that the new Minister of Manpower and Immigration has indicated that it's the federal government's ambition to see that it is only the federal government that comes up with a strategy for industrial development, rather than leaving it to the provinces, may I ask whether the province has received any consultation or discussion, as between its appropriate Minister and the federal government Minister, as to the future industrial development of the province, or has this announcement been made unilaterally?

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, I'll say to the Member for Inkster that I'm unaware of the most recent of a series of pronouncements that are apparently being made by the new Minister. I will certainly take as notice his question and made enquiries among my colleagues as to whether or not there has been any contact between the Minister in question and

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members of the Treasury Bench in Manitoba. I am not aware of such things, but I would have to make that enquiry to state that as a fact. I can make the additional comment, however, that regardless of comments by new Ministers of the Trudeau Government with respect to Industrial Development and so on, the provinces of Canada, and I am sure I can say that without fear of contradiction, the provinces of Canada, certainly including the Province of Manitoba, will want to retain a maximum amount of control over industrial development within their own boundaries, aided and abetted as they always have been by constructive programs from the Federal authorities, such as DREE and many other programs that quickly come to mind.

We are quite prepared, Mr. Speaker, to work in close cooperation with the new administration and whatever Minister is designated for that purpose to ensure the continuing industrial expansion of Manitoba, which is a joint venture that all of us, regardless of partisan affiliation, wish to see for the benefit of our province.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, would the First Minister get in touch with his counterpart in Ottawa, the Prime Minister of Canada, and advise him, or does he agree that the First Minister should be advised, that if there are to be profound changes, as between federal and provincial jurisdiction, that it would be conducive to the implementation or co-operation with respect to such changes that those changes be discussed as between the governments involved and not be made unilateral by a federal minister?

MR. LYON: Well, Mr. Speaker, again I can assure the Member for Inkster and the members of the House that that would certainly be the policy of this government and it would be the hope of this government, working as I have said we would to co-operatively with the Federal Government under Mr. Trudeau, that we would see an end to the kind of unilateral federal bowls that were issued prior to 1979 with respect to matters such as Economic Development, the Constitution and so on.

If we are to have to the kind of co-operative federalism in this country that we all strive to have, then it is imperative that the federal government adopt a stance, if I may so, Sir, somewhat akin to the stance that was adopted by the previous government of Prime Minister Clark, to consult with the provinces and with the regions with respect to legitimate areas of joint federal-provincial concern for the total benefit of the nation. And, I can only hope, notwithstanding press statements as mentioned by the Member for Inkster, that that will in fact be the posture of the new Trudeau government, notwithstanding the statements that new Ministers may make from time to time.

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

MR. GREEN: Yes, Mr. Speaker. As a further supplementary, in view of the fact that the new minister has indicated that the major handicap in Western Economic Development has been a shortfall of over 300,000 skilled workers, or there might be a shortfall of 300,000 skilled workers in the next few years - and may I make it clear, Mr. Speaker, that I have nothing against immigration - but does the analysis made by the new Minister, has it been checked with or does it coincide with analysis made by our own Labour Department that one of the problems is a shortfall of immigration and skilled workers?

MR. LYON: Mr. Speaker, again my honourable friend, I think, is basing his question upon a newspaper account of a statement allegedly made by the new Minister of Immigration and Employment or is it Employment and Immigration? Employment and Immigration, and I would have to take as notice the question as to whether or not the statements attributed to the new Minister bear any relation to the factors that impinge upon this problem as they are deduced by those in the Department of Labour and the Department of Manpower in Manitoba, and other departments that have responsibility for such matters.

It might well be, and one can only speculate, it might well be that these were private musings of the new Minister or perhaps public musings of the new Minister. I reiterate, Mr. Speaker, that this government stands prepared to work co-operatively with him and with the other members of the new Trudeau government, but certainly not in a position of servitude or in a position whereby the direction for all industrial expansion in Manitoba, or indeed in the west will be made in Ottawa, and anyone who holds that faulty view should disabuse himself of it immediately.

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MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, to the Minister of Education. Would the Minister of Education advise whether or not he will be using his good offices of his Ministry to resolve the dispute in Fort La Bois involving the closure of the school at Elkhorn?

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): Mr. Speaker, I believe the Honourable Leader of the Opposition is referring to Fort La Bosse. In this case we are following that particular situation. It is a matter between the School Board and the parents of a particular community. I feel that given time and good sense of the individuals involved that they will resolve this problem.

MR. PAWLEY: Mr. Speaker, my question to the Minister was whether he was going to be involved in resolving the dispute?

MR. COSENS: Mr. Speaker, I have met with a delegation from the community involved. I anticipate meeting with the School Board from that particular area later in the week.

MR. PAWLEY: Mr. Speaker, further to the Minister, in meeting with a delegation and further meeting with the School Board, does the Minister have any position vis-a-vis the closure of the school in Elkhorn to present to the delegation and to the School Board?

MR. COSENS: Mr. Speaker, the position of the Minister in this particular instance is not the matter of concern, it is a decision that has been made by a School Division, certainly within its rights to make that particular decision. The fact that a number of people in the community take issue with that particular decision is the matter of concern at this time and I feel they will be meeting together and discussing this and will come to some reasonable solution to the problem.

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

MR. SAM USKIW (Lac du Bonnet): Yes, Mr. Speaker, I would like to ask the appropriate Minister, and I am not just sure who it is, as to the disposition of certain real estate held by the Crown in the Community of East Selkirk which was offered for sale some two or three months ago? I wonder if the appropriate Minister would be able to answer that question.

Yes, my question is simply whether the property had been sold or not? There is only one in question.

MR. SPEAKER: Order please. Orders of the Day.  
The Honourable Member for Lac du Bonnet.

MR. USKIW: Well, perhaps, Mr. Speaker, the Ministers could take that as notice and answer it at some subsequent date. I would like to ask the Minister of Public Works whether or not he is considering the making of provisions for the ladies of this Chamber, in terms of washroom facilities, so that it would enhance the possibility of more of our lady friends entering this Chamber in the future.

MR. SPEAKER: The Honourable Minister of Government Services.

HON. HARRY J. ENNS (Lakeside): Mr. Speaker, I'm prepared to take that question as notice.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. JUNE WESTBURY (Fort Rouge): Thank you, Mr. Speaker, on another question. My question is addressed to the Honourable Minister of Health. In view of the fact that almost \$300,000 in grants from Kellogg's Foundation for demonstration projects in the health

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field, that is almost \$300,000, will be lost to the province of Manitoba unless a letter of interest is received from the Minister by 4:00 o'clock this afternoon, will the Minister assure the House that he will forward such a letter of interest, in view of the fact that this would commit the province in principle only and would not involve any provincial expenditure at this stage?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, we have been evaluating the proposal, evaluating the application from MHO and evaluating the role of the Kellogg Foundation and the expected or anticipated role of the province in this affair. We've had a number of meetings, as recently as Friday or Thursday evening, with interested representatives of the communities and regions involved and an answer will be forthcoming from the government very shortly. But I repeat what I said the other day to the Honourable Member for Fort Rouge, that we're not interested in reinventing the wheel. We have been evaluating the project to determine if in fact it is new and useful.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. WESTBURY: The question was addressed to the fact that the answer has to come by 4:00 o'clock this afternoon, Mr. Speaker.

My next question is to the First Minister. When will the Cabinet be making an announcement on the appointment of a Deputy Minister of Health?

MR. SPEAKER: Orders of the Day. The Honourable Member for Fort Rouge with a final supplementary.

MRS. WESTBURY: No, I'm sorry; I thought it was Orders of the Day, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I'd like to direct a question to the Minister of Agriculture and ask him whether he intends to proceed with the elimination of the Milk Control Board.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Mr. Speaker, as I've indicated before, the issue of milk pricing in this province is under review and, if any changes are to be made, the announcement would be made here in the House.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I'd like to direct a supplementary question to the Minister of Consumer Affairs and ask him whether he intends to fight for the retention of the Milk Control Board of Manitoba, if it's in jeopardy?

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

MR. JORGENSEN: No, Mr. Speaker.

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

MR. DOERN: Mr. Speaker, I'd ask the Minister of Consumer Affairs whether he can give us any evidence that he has fought for any consumer rights or any protection of the consumer in Manitoba, because we are not aware of any such action on this side.

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

MR. JORGENSEN: Yes, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Churchill.

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MR. JAY COWAN (Churchill): Thank you, Mr. Speaker. My question is to the Minister of Mines and Energy. On February 28 last, I asked the First Minister, in the absence of the Minister of Mines and Energy if he could outline any procedures that are currently in place to safeguard the public health and safety throughout the uranium exploration and mining process. It appears as if the Minister has given some attention to the matter according to press reports and I would ask the Minister now if he can, before this House, outline any specific procedures that have been put in place to ensure that the public safety and health will be safeguarded throughout the entire uranium mining exploration and processing.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, I don't believe the press report dealt with the member's question. I think it was with regard to the question as to whether, in light of the moves in British Columbia, there were parallel moves going to be made in Manitoba and the answer was no, that Manitoba was pursuing a course of action that exploration would be encouraged rather than otherwise. With regard to the health and safety aspect of it, there has been no evidence that any concern ought to be raised at this point in time with regard to that matter. The exploration that has gone on is primarily geophysical exploration, Mr. Speaker, some indication of drilling exploration.

MR. COWAN: Thank you, Mr. Speaker. Well this geophysical exploration should or one would anticipate that it would lead to further exploration and perhaps uranium mining, if there is uranium of mineable quantities in the area. I'd ask the Minister if they have given any attention to the matter of safeguarding the public safety and health when and if that mining should begin, as it has been proven that there are some very detrimental impacts to public safety and health from uranium mining? Have they given any attention to the future in this manner so as to ensure that we are not faced with a tragedy or catastrophe because of their inability to deal with the future?

MR. CRAIK: Well, Mr. Speaker, I think the member is trying to cross the bridge and hasn't found the river yet. Certainly there's a body of experience and a wealth of knowledge already available on that topic of which the department is already well aware, and those that are involved are already well aware, in the industry and in the government as well. If we come to the position where there is a viable mine indicated certainly all due attention will be given to the question.

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

MR. COWAN: Thank you, Mr. Speaker, what I'm trying to do is save the rivers and the streams and the lakes so that they will be crossable in the future for our children and our children's children wherever they should choose to cross such bodies of water. Is the Minister prepared to commit his government to holding public inquiries and meetings in areas where uranium exploration and/or mining is ongoing or anticipated so that interested residents can make their views known, as well as provide concrete suggestions to the government and to the mining companies in this regard? Is he prepared to commit himself to have that sort of open ongoing and quite inclusive discussions before approving, or before encouraging further exploration in uranium mining in this province?

MR. CRAIK: Mr. Speaker, the answer to the previous question essentially applies to the latter question. If, as, and when, there's any indication of the potential of a mine in Manitoba certainly those things will all be considered, but, Mr. Speaker, at the present time, for the member's information and I suspect he is probably aware of it, the exploration that is going on is in the very uppermost corner on the north west side against the 60th parallel of the Northwest Territories and against the Saskatchewan border in a square of land right in the corner. There is not any indication of any general concern from the residents in that area.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Mr. Speaker, I'd like to address a question to the Minister of Co-Operative Development, and ask the Minister whether he can confirm that the

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accounting firm of Thorne Riddell and the legal firm of Aikins and MacAulay were hired by the Minister to review the operations of McKenzie Seeds last September and October?

MR. SPEAKER: The Honourable Minister of Fitness and Amateur Sports.

HON. ROBERT (Bob) BANMAN (La Verendrye): Mr. Speaker, we've made public statements with regard to that; it's been no secret. The government has hired different people to look at the operations at that particular plant, to try and bring up suggestions of how that plant can be strengthened and how that operation can remain viable in Brandon.

MR. EVANS: Thank you, Mr. Speaker. I wonder if the Honourable Minister would be prepared to table a copy of that report in the Legislature.

MR. BANMAN: Mr. Speaker, as the Member for Brandon East would appreciate, it's an in-depth study into that particular company. At the time when I talked to several people in the media with regard to that report, I indicated that it was an in-House document and I know the Member for Brandon East wouldn't want us to divulge all kinds of information so that this company would be subject to all kinds of outside pressures from different people.

MR. EVANS: Yes, thank you, Mr. Speaker. I wonder if the Honourable Minister could advise whether he has shown a copy of that report, or whether his staff has given a copy of that report to anyone outside of the government, anyone outside of his department or anyone outside of the company.

MR. BANMAN: Mr. Speaker, if the Chairman of the Board is considered outside of government; we're working closely with the board to try and strengthen that operation and I believe the Chairman of the Board did receive a copy.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. PETER FOX: Thank you, Mr. Speaker. Last week I asked a question of the Honourable Minister of Labour in respect to an explosion and subsequent conviction at Dominion Tanners. I wonder if he has the answer today.

MR. SPEAKER: The Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson): No, I haven't, Mr. Speaker.

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

MR. D. JAMES WALDING: Mr. Speaker, my question is to the Honourable Minister of Cultural Affairs, and refers to the Commonwealth Day celebrations today. I would like to ask the Minister if she could inform the House as to the involvement of her office with the ceremonies?

MR. SPEAKER: The Honourable Minister of Cultural Affairs.

HON. NORMA L. PRICE (Assiniboia): I wasn't involved in it, Mr. Speaker.

MR. WALDING: A supplementary question, Mr. Speaker, and I'm referring here to the program for this morning. I would like to ask the Minister whether it was a coincidence that immediately following the First Minister's remarks, the choir sang, "How Great Thou Art".

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

MR. USKIW: Yes, Mr. Speaker, I would like to ask the Minister of Co-Operative Development whether he knows the total cost of the studies on McKenzie Seeds.

MR. SPEAKER: The Honourable Minister of Co-Op Development.

MR. BANMAN: No, not at the present time, yet, Mr. Speaker.

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MR. USKIW: Yes, could the Minister confirm, either today or on a subsequent day, whether it's in the order of \$200,000.00?

MR. BANMAN: No, Mr. Speaker, I can't confirm that because I haven't seen anything along that line.

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

MR. USKIW: Yes, Mr. Speaker, I would like to ask the Minister whether or not he has made any part of that report or any information from those studies available to any of those companies who submitted offers for the purchase of McKenzie Seeds.

MR. BANMAN: I don't believe so, Mr. Speaker, but I can check and get back to the member.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Yes, Mr. Speaker. The Minister of Economic Development has now come back in the House and I would like to determine from him whether he has had any discussions with, or consultations with, the Minister of Economic Development and Immigration in Ottawa with reference to a press conference that the Minister had, apparently, today or yesterday. --(Interjection)-- Yes, Employment and Economic Development.

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. J. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, that is correct. The Minister, Mr. Axworthy, who is shown here, is Employment and Immigration. No, Mr. Speaker, I have had no conversations with him at all regarding this statement. As a matter of fact, it's a little concerning that they would make the statement without discussion with the province of Manitoba, and I will hopefully be in contact with the federal government Minister in charge of Industry and Commerce to find out if this is correct.

MR. GREEN: Yes, Mr. Speaker. I would like to ask a question of the Minister of Highways. Is it the policy of the Highways Branch to require anybody who has ever had a heart condition to, on a yearly basis, submit a letter from the doctor in order to qualify for driving privileges?

MR. SPEAKER: The Honourable Minister of Highways and Transportation.

HON. DON ORCHARD (Pembina): Mr. Speaker, I'll have to take that question as notice. It falls under the jurisdiction of the Motor Vehicle Branch.

MR. GREEN: I hope I have the proper Minister. Mr. Speaker, the second question, with respect to this matter, is that if such an examination is required - and I have been informed by one person that he has been required to give it - in view of the fact that it is a compulsory examination, is it fair that such an examination is not paid for through the Manitoba Health Services Insurance plan, that a person getting such an examination would have to pay for it personally?

MR. ORCHARD: Mr. Speaker, I take that question as notice, likewise.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. HARVEY BOSTROM: Thank you, Mr. Speaker. My question is to the Minister responsible for the Manitoba Telephone System, and it is with respect to the service which the Manitoba Telephone System provides to the Canadian Broadcasting Corporation, by way of providing facilities for the CBC to put in their equipment to provide television service to northern communities, and my question is: Has the Manitoba Telephone System changed their arrangement whereby they allow the CBC to utilize the services that are in the communities



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at the present time, that is the microwave service, and whereby they have increased the price to CBC to such an extent that it has caused an undue delay in the provision of CBC services to some northern centres?

MR. SPEAKER: The Honourable Minister of Government Services.

MR. ENNS: Mr. Speaker, I had the privilege of attending a Manitoba Telephone System's board meeting today, and we had occasion to talk about provision of various services to northern Manitoba. No indication was made to me that any change in policy has occurred in the last several years with respect to rate setting by MTS.

MR. BOSTROM: Mr. Speaker, this concern has been raised with me and I'm not sure whether the information is correct or not. I would ask the Minister if he would take the question as notice and check with the Manitoba Telephone System to ensure that the MTS is in no way providing an impediment to the service to these northern centres.

Mr. Speaker, I would ask the Minister to seek assurance from the Manitoba Telephone System that they are not changing their rates.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I'd like to direct a question to the Attorney-General. A week or ten days ago I asked him whether he would be ordering a new or second inquest or inquiry into a fatality caused by gas explosion. I wonder whether he can now report to the House on that matter?

MR. SPEAKER: The Honourable Minister of Urban Affairs.

MR. MERCIER: Mr. Speaker, I have checked that matter with my department. That matter is still under review with counsel for the Ackland family.

MR. SPEAKER: The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Speaker. My question is to the Minister of Mines and Energy. Can the Minister confirm that that area he previously described in the question period, where active exploration is ongoing, is also areas of numerous trapping, hunting and fishing activities of native northerners?

MR. SPEAKER: The Honourable Minister of Mines.

MR. CRAIK: I expect that is quite possible, Mr. Speaker.

MR. COWAN: In that case, has the Minister or is the Minister prepared to inform these individuals of the uranium exploration that is ongoing and that there is a potential for mining in the area? And has the Minister solicited or is he prepared to solicit any reaction to such activities, either from individuals or groups representing individuals who may be affected by this sort of activity in their native land?

MR. CRAIK: Mr. Speaker, there is absolutely no evidence of how a hazard could be created and that question of course has been addressed well back in time. There is no evidence when a core is taken even that there is any threat. The core is taken and reported. So, Mr. Speaker, it is not a mine we are talking about, as I said it is primarily geophysical work and also some drill-core work, but in terms of any surface activity that takes place in the area in addition to that there, of course, is no evidence whatsoever that there could in any way possibly be any kind of a hazard.

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

MR. COWAN: Yes, a final supplementary to the Minister then, can the Minister confirm that when widespread exploration activity takes place in any specific area in Northern Manitoba that the wildlife habitat is disrupted and that there are substantial changes, most of them deleterious changes, in impacts on the livelihood of people who depend

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upon that wildlife and depend upon that area for their hunting, trapping and fishing.

MR. SPEAKER: Order, order please. I somehow sense that we are getting into a debate here rather than a period seeking information which is what the question period is all about.

The Honourable Minister of Mines.

MR. CRAIK: Mr. Speaker, I want to make it clear that the type of activity that takes place with regard to exploration, whether it is uranium or otherwise, some other mineral, the activities are identical and the activities that take place in any area of Northern Manitoba that have been going on for many decades are the activities that are taking place today and are likely to continue for some time. If there is a disruption to the area, Mr. Speaker, which I fully suspect there is, there is never a human activity takes place anywhere but what there is some disruption and adjustment of some other part of the environment. But it is no different than any other type of activity that takes place when mines are being pursued.

MR. SPEAKER: The Honourable Member for The Pas.

MR. RON McBRYDE: Yes, Mr. Speaker, I am not sure which Minister to address this question, so I will put it out generally and see if any of the Ministers have a response to it.

I am wondering, Mr. Speaker, if the Provincial Government has had any involvement with an organization called The Institute of Cultural Affairs, which has been doing some work in the Vogar community in the Interlake Area of Manitoba, whether the Provincial Government has any financial or what is the nature of the Provincial Government's relationship with that private organization?

MR. SPEAKER: The Honourable Minister of Economic Development.

MR. JOHNSTON: Mr. Speaker, I am not sure about other departments, but I would inform the member that the Department of Economic Development has worked with this group in Vogar. There is no financial involvement to my knowledge, except that there has been some assistance, and the Manitoba Housing and Renewal Corporation has also given some assistance as far as advice is concerned, but not any financial assistance that I know of. I'll take it as notice regarding the financial part of it.

MR. McBRYDE: Yes, Mr. Speaker, I wonder then if the Minister could perhaps in another form give me some more detail in terms of what the involvement or what the relationship is.

Mr. Speaker, a similar question in regard to an organization called The Metis Confederacy, what is the nature of the province's relation with that organization and is there any financial assistance in any form to that organization?

MR. SPEAKER: Orders of the Day.

The Honourable Member for The Pas.

MR. McBRYDE: Well, Mr. Speaker, I would like to then address a further question to the Minister of Transportation. I wonder if the Minister of Transportation could give me any answer to the question I asked over a week ago in regard to The Pas Handi-Van Service, whether he is able to answer my question yet on that matter?

MR. SPEAKER: The Honourable Minister of Transportation.

MR. ORCHARD: Mr. Speaker, that matter has been perused by my department and I am waiting on an answer as to the potential of provincial funding for The Pas Handi-Van.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. EVANS: Mr. Speaker, I would like to address a question to the Minister of Economic Development respecting the announcement he made a week or so ago of \$300,000 grant to K-Cycle in Winnipeg. Could the Honourable Minister advise whether the funding of this particular project was for furthering the research of the engine involved or was there some additional motive or objectives in this particular grant?

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MR. SPEAKER: The Honourable Minister of Economic Development.

MR. JOHNSTON: As I explained previously in the House, Mr. Speaker, it will assist the company for further research. The research was being carried on at the University of Manitoba, the facilities there became impossible for them to work with because they needed test stands of a larger nature. It also will be used to test engines of other types that are in the province; it will also be used to test the different fuels that could be developed within the province in engines; it will be a facility that will be a research facility, not only for K-Cycle, but be a benefit to the whole province.

MR. EVANS: Well, I thank the Honourable Minister for that information, Mr. Speaker. He leaves one with the impression that this is an energy research program rather than one concerned with Economic Development, so I would ask the Honourable Minister whether this wouldn't have been a grant more properly made by the Minister of Energy rather than by the Minister of Economic Development. And specifically, could he advise whether there has been any feasibility studies done on the manufacturing possibilities of such an engine in the Province of Manitoba?

MR. SPEAKER: The Honourable Minister of Economic Development.

MR. JOHNSTON: Mr. Speaker, it is rightly in the Department of Economic Development. We are working with K-Cycle to hopefully have the engine manufactured in the Province of Manitoba, when and if it is viable to do so. As far as energy is concerned, I would say that the K-Cycle engine generally is an engine that would save energy. As far as the other benefits are concerned, I think it is very obvious that we should be working to have this industry developed in the Province of Manitoba.

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

MR. EVANS: Can the Honourable Minister advise whether there is a written agreement between the government and K-Cycle company, or however that particular group is named or designated, whether there is a specific agreement whereby that company must manufacture this engine in the Province of Manitoba, for the assistance given by the Province of Manitoba.

MR. JOHNSTON: Mr. Speaker, the written agreement is not signed between the two parties as yet. The money has been awarded to them; it will be turned over when the agreement is signed. The agreement is that the research that I mentioned will be carried on. We will have some liens against the equipment that is purchased to prevent the Province of Manitoba's funding. And secondly, Mr. Speaker, I think I mentioned before that Manitoba doesn't have an iron curtain around it and there is nothing in the agreement that would force anybody to manufacture in Manitoba, but this company has been probably one of the most loyal companies in the Province of Manitoba as far as wanting to remain here.

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

MR. EVANS: Thank you, Mr. Speaker. I would gather then, from the Minister's remarks, that there is or will be no binding clause in the agreement that K-Cycle must manufacture this engine in the Province of Manitoba for the assistance of \$300,000.00. There is nothing that would be iron-clad in this agreement, so that therefore the \$300,000 will be perhaps for pure or applied energy research rather than for economic development.

MR. JOHNSTON: Mr. Speaker, the member is completely mixed up. The research, as far as the development of the engine is concerned, is carrying on in the Province of Manitoba. The engine itself, as I've mentioned, is one that is related to energy saving. The \$300,000 was spent by the province on this particular building for this particular assistance to have this equipment for the benefit of all Manitobans to use.

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ORDERS OF THE DAY

ORDER FOR RETURN No. 2: On Motion of Mrs. Westbury, Order for Return.

THAT an Order of the House do issue for a return of the following information regarding the contents of the former Rural Water Services warehouse, and regarding those contents not required by other departments:

1. What was the inventory value of the remaining contents?
2. How were these goods disposed of; if by tender were they offered publicly for tender?
3. How many tenders were submitted, by whom and for what amounts?
4. Was the highest tender accepted?
5. If the eventual purchaser was Triple M Sales, what is the familial relationship between the registered officers of Triple M Sales, that is John Donald Masniuk, president and director; Gary Wayne Masniuk, vice-president; and Estelle Carmel Masniuk, director and secretary; and Peter Masniuk, Conservative Member of Parliament for Portage Constituency from 1972 to 1979; and his son Raymond Masniuk, who sought the Conservative nomination in Selkirk-Interlake in the federal election of 1980?

MR. SPEAKER: The Honourable Minister of Government Services.

MR. ENNS: Mr. Speaker, I have no difficulty in accepting this Order for Return. I should indicate to you, Mr. Speaker, as the member is fully aware, the disposal of Crown assets is always done by tender, and whether or not the question of the familial relationship of a particular firm is involved is not a subject matter that the department is concerned with. However, we will attempt to answer the questions asked.

MR. SPEAKER: Order please. The Honourable Opposition House Leader on a point of order.

MR. PAWLEY: Mr. Speaker, it's my understanding that if the order is accepted, then it is accepted without debate. If the member is going to debate the issue in accepting the order, then it should be put over for debate at a subsequent time.

MR. SPEAKER: Is it the pleasure of the House to adopt the motion?

MOTION presented and carried.

MR. PAWLEY: I would like a ruling on my point of order.

MR. SPEAKER: Order, please. I don't believe the Honourable Leader of the Opposition had a point of order.

The Honourable Member for Kildonan on a point of order.

MR. FOX: Would you kindly indicate what rule indicates that the Honourable House Leader, my leader, didn't have a point of order. I do believe it indicates that we do not debate orders for return which are accepted, and yet that's what the Government Services Minister was doing, and that was the point of order.

MR. SPEAKER: Order please. It was my understanding that the Minister of Government Services was looking at the order for return and indicating to the House that the government was willing to accept it.

The Honourable Member for Kildonan.

MR. FOX: Yes, Mr. Speaker. I would ask you in the future, and even at the present time, to indicate how many gratuitous remarks we're supposed to accept in the acceptance of an order for return, because if this is going to occur, the opposition should have its day in court too and should be able to indicate their gratuitous remarks as well.

MR. SPEAKER: Order please.

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MR. DOERN: Mr. Speaker, I challenge your ruling.

MR. SPEAKER: The honourable member has challenged the ruling of the Chair. Shall the ruling of the Chair be sustained? (Agreed)  
The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, I move, seconded by the Minister of Economic Development, that Mr. Speaker do now leave the Chair, and the House resolve itself into a Committee to consider of the Supply to be Granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee of Supply with the Honourable Member for Radisson in the Chair for the Department of Labour and Manpower; and the Member for Virden in the Chair for the Department of the Attorney-General.

### CONCURRENT COMMITTEES OF SUPPLY

#### SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN, Mr. Morris McGregor (Virden): I call the committee to order. We are on Resolution 16, Item 2.(b)(1).  
The Member for Wolseley.

MR. ROBERT G. WILSON: Thank you, Mr. Chairman. You left off the other day with the Member for Winnipeg Centre, and I am pleased to take up almost where he left off, but at the same time, wanting to talk about something that I thought about, which was the financial aspect of the Minister's budget especially dealing with criminal prosecutions and crime. Because the area that I represent, Wolseley, and of course articles that appeared in the paper talk about the number of convenience stores and stores that are being robbed, the mother and poppa-type store, the number of indecent assaults and rapes. And the thought comes to mind, if you read the paper, the number of murders and assaults that take place on the reservations, and the number of assaults that take place certainly in my area and the number of hotels in the city dealing with what I call closing-time assaults, it seems there's an awful lot of people getting hurt. And when you demand police protection, they always cry the blues about their budget.

I think maybe the time is, to ask the questions about the priority, because it seems that anything that involves money, the governments will stop at no end to proceed to get involved with anything that involves money. And this was prompted, in a way, because of what I consider the great push by law enforcement officers towards gambling and massage parlour surveillance, welfare fraud appeals, soft drugs, wiretaps, and especially the Hong Kong-type story and the CFI expense. And you don't have to take my word for it, because I was in the emergency hospital on Saturday night, and I think if any one member of this committee was to go down to the Health Sciences Centre or to the Misericordia Hospital, they could see the results of crime in the streets. And I would hope the Minister's department, in light of the shortfall of money, would consider having an evaluation done as to where we are going to spend the dollars. Are they going to protect people, or are they going to be to protect government from losses of a few dollars in some particular areas, whether it's the white collar fraud involving the McGay College, or whether it's variable metal forms that I was involved in, or whether it's some income tax issue or whatever. It just seems to be an awful lot of money goes towards anything that involves the government having their feathers ruffled and the loss of some money. There seems to be a bottomless pit of money to be spent in that area.

And I wanted to also take this opportunity to put on the record a couple of things, because the Member for Wellington has some important matters to bring up, and I wanted to fully endorse, after a meeting that I had when they had the dedication of the church service. A gentleman came up to me and handed me a pamphlet for that church service and said, I want to talk to you after. I'd never seen the man before.

So after the church service I went up to talk to him, and he identified himself as a former Alderman Spence and apparently, he said, twenty years ago the same thing happened to me as

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to you, and he proceeded to enlighten me with his story, which I won't give you the details of today. But it just seemed that anyone who speaks out against the establishment, certainly there doesn't seem to be any mechanism in government to be able to protect that person. He ends up as a force of one, if I can use a movie that's coming to one of the Famous Players downtown.

The Minister, in earlier debate, had alluded he didn't intend at any time to comment or say anything about this member here. The RCMP don't seem to have anything to investigate, or sort of a self-investigation mechanism, and I just wonder at some point in time, like Mr. Spence, who is going to investigate my earlier charges of criminal activities, by Crown lawyers and certain members of the RCMP, with regard to perjury and defamation, both of which I quoted sections of the Criminal Code.

So, what I am saying is, there are certain instances where the laws under the Criminal Code do not seem to have anywhere that a person can go, whether it be any citizen of this province.

There's been a lot of criticism about the Manitoba Police Commission, people wanting to bring concerns about police brutality, and we are making strides. And the Minister doesn't have to comment, but I just say that I hope he will take under advisement that the people there are being concerned because of the mass media coverage.

And I think I fully support, after a great deal of thought, the ban on publication of names because, like radiation poisoning, like asbestos fibres, like lead poisoning, like certain toxic chemical poisonings, the damage to innocent people is something you can't measure.

How does it contribute to their early death? How does it contribute to their mental anguish, or whatever? When people lose their honour, reputation, they suffer financial harassment, their credit ratings are ruined, and worst of all the disgrace to that particular innocent person's family.

So I think the ban on publication has got to be enacted by this government, unless we're prepared to allow the media - because the laws controlling the media are extremely regressive, because what happens is the media won't print anything because they're paranoid about contempt. And the media really are becoming messenger boys for the Crown lawyers. I believe the Minister himself was quoted on one page in Hansard of saying, he didn't know of any cases. I believe it's on Page 445. He says, "I'm certainly not aware of any instance where people employed in the Criminal Prosecutions Departments leak evidence to the press in advance of certain court proceedings."

I believe even the Member for Wellington, and other lawyers I have talked to, say it is a common practice amongst Crown lawyers in jury cases to feed tenuous, exaggerated evidence to the media so that it will appear in the newspaper, whether it's true or false, knowing full well that the jury members who are appointed may very well subscribe to either one of the newspapers.

So I say that the laws controlling the media have got to be examined so that the media can print both sides of the story, or - if I can use a term - they can allude to the possibility that an error may have been made.

I just wanted to put those things on the record, because I think that we've got to (a) prioritize the budget; (b) we have to fight crimes that are hurting people versus the money crimes that involve the white collar section, and both are probably important.

We've got to certainly look at, a serious look, because of the new Telestar, and goodness knows, we may have a special channel dealing with people accused today coming in on our Cablevision, but we should look at a ban on publication with the rider that if we don't have the ban on publication, we've got to free up the media to give them more opportunity to not be paranoid about a word called contempt.

So, with those few remarks, I'll turn it over to the Member for Wellington.

MR. CHAIRMAN: The Member for Wellington.

MR. BRIAN CORRIN: Thank you, Mr. Chairman. Mr. Chairman, before I get to the substance of my remarks, I would like to ask the Attorney-General whether or not he will be able to provide to us, before we get to the Manitoba Police Commission and the Provincial Judges Court - and that I note, Mr. Chairman, should be coming before committee rather soon - the report of the Manitoba Police Commission emanating from the Frampton inquiry and the recently-provided report by a committee of the Provincial Judges' Association respecting the role of the Chief Judge of the province. I ask that, Mr. Chairman, through you, because it is obvious that there will be some discussion relative to both reports.

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We on this side, I think, are prepared to pursue the matter on the basis of the news reports that have been published with respect to both those matters, but would prefer, if possible, to have the actual reports and publications before us, in order that we not be inaccurate with respect to any points. As I said, that's a yes or a no, perhaps, and then I'll go on.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, with respect to the Frampton inquiry report, that matter is still before the courts, as I understand it, and only those portions of the report that could not affect a fair trial of the accused in that case were reported. And because the matter is still before the courts, there would be no intention on my part to release the full report.

With respect to the Provincial Judges' Association report, there was a full release that was issued by myself in early September with respect to all of the recommendations contained in that report that were of substance.

MR. CORRIN: I don't want to jump too far ahead or confuse anyone, Mr. Chairman, but as I said during my comments, I was referring to the report of the committee of the Provincial Judges' Association that I believe was just presented to the Attorney-General this last week, and dealt with the role of the Chief Judge of the province. It was a very specific term of reference that the committee addressed itself to. It was in Saturday's newspapers, at least in the Saturday's Tribune.

MR. MERCIER: Well, we can deal with that later when the subject comes up, Mr. Chairman. It would not be my intention to make it public without the consent of the Provincial Judges' Association. It was a private request to the judges to consider any revisions of The Provincial Judges Act that they would like to submit, and was, I thought, and I think they thought, done on a private dispute. And, in any event, the Act will be, no doubt, coming before the Legislature during this session.

MR. CORRIN: I thank the Minister for his observations, Mr. Chairman, and note that I presumed that either the Minister or a member of his staff, or one of the members of the Provincial Judges' Association, had released the report to the Winnipeg Tribune last week. I didn't know that this was a report of such a confidential nature that it shouldn't have been made public as it was.

Mr. Chairman, what I wanted to discuss initially today were the remarks made at the closing on Friday respecting wiretaps. We had been discussing, as you will recall, the subject of wiretaps, and in the context of the possible bugging of the legislative caucus room of the Conservative Party. The Minister indicated that he had checked the matter and that he could assure members of the committee that no such surveillance took place in the course of investigations over the summer holiday period.

It's not my intention, Mr. Chairman, to further scrutinize the Minister's comment. I presume that his interrogations, his enquiries, were sufficient, and that he's apprised us of all the relevant facts. But, Mr. Chairman, in dealing with the observations of the Deputy Minister and the Minister made last Friday, I had cause to do some research over the weekend into the law in Canada pertaining to wiretaps. And I suppose I should say from the outset that I discovered that the Minister was incorrect, as I was, with respect to some aspects of the law in that regard. When he said that the Criminal Code governed the question, that is not indeed the case, and as it was reported in the Winnipeg Free Press. The truth is as I've now found out, that the relevant legislation is a federal law called The Protection of Privacy Act. This Act was revised and, as it now exists, was passed by the House of Commons in 1977, not 1974 or 1975.

What concerns me, Mr. Chairman, and the reason I think that this committee whilst dealing with criminal prosecutions should continue to investigate and examine this matter, is the fact that there was an error made by the - I think it was the Deputy Minister, not the Minister - when he suggested to the Minister that all persons whose telephones are tapped must be notified within 90 days after removable of the tap.

Well, that's not so. That's an inaccurate representation, although it is partially correct, Mr. Chairman.

We've discovered that there is provision in the law for the police, at the outset of a bugging operation, to request of the courts a three-year moratorium on the requirement to

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notify. There was some discussion and debate about that, whether or not it had to be done within 90 days. Well, there is provision, if the police wish to avail themselves of it, and if the court grants the application for a three-year moratorium on this requirement of publication.

The important thing, I think, is that the Act only pertains to the provision required in the Act - in The Protection of Privacy Act - only pertains to the subject of the bugging warrant, and that's quite clear. It doesn't relate, for instance, to other persons whose telephones are tapped, or bugged, during the course of an investigation against the person suspected of a criminal offence.

So, for instance, if - and I'm saying this, of course, because it is purely hypothetical, so I use the term "if" - if in the course of an investigation of a person in this building, a person who worked in this building, the police were to have investigated, were to, rather, have tapped the telephones in various office facilities, they would not be required under current law to notify the persons who owned those telephones, or who used those telephones regularly. And to reinforce this, I did some research and found out that this had happened a few years back, and had been the subject of some debate in this House, when the judges' telephones at the Public Safety Building were tapped on a fairly universal basis, in order to gather information with respect to the investigation of former Judge Anthony Pilutik.

In that case, the debates of Hansard will indicate that at least two other provincial judges' telephones were bugged. I think they were on a trunk or party line, but nevertheless, their telephone conversations were monitored for a period in excess of a month. And I think at that time the judges stated that they were appalled at the possibility that this could happen in a free, democratic country without any notification.

I think they were appalled in the first place that innocent people's telephones could be bugged when there was no warrant pertaining, but they recognized that was the law. But they were appalled that there would be no provision to ensure that they would be informed that their conversations had been monitored, over a period such as that.

So the concern, Mr. Chairman, that we have on this side, I think, is with respect to those who are not suspected of criminal activity, but whose lawful communications are nevertheless monitored and subjected to police scrutiny.

Also, I should indicate that with respect to wiretap applications in general, because there was some discussion about the requirement of going before a judge, not all wiretap applications need be authorized by a court in Canada.

Apparently - and this really, I think, is something that I would like the Minister to address himself to - apparently under The Official Secrets Act, the Solicitor-General of Canada can, on the basis of his own, and I stress, unreviewable interpretations, at any time instruct the RCMP to wiretap and bug. And that form of authorization can take place for as long as the Minister wishes.

And apparently - I did find a report on this - the Solicitor-General, in 1976, authorized 517 electronic surveillances under The Official Secrets Act in Canada, in all the provinces of this country. So 517 people had their telephone conversations intercepted in 1976 alone, on the basis. . . --(Interjection)-- this is besides criminal, yes, to the Member for Wolseley through you, Mr. Chairman. This is over and beyond electronic surveillance that takes place through the official provisions of The Protection of Privacy Act.

These are special warrants that are issued by a politician, not by a judge, just by a politician. And when you consider, Mr. Chairman, that that politician is, notwithstanding how honourable he or she might be, a partisan player, you can imagine the havoc that that could create when one considers, for instance, Watergate in Canada. It occurred to me while I was checking the law that in Canada, Watergate is legal. I mean you don't have to worry. In Canada, Richard Nixon would have been home-free, if he was the Solicitor-General, or if he would have instructed his Solicitor-General to issue the orders under The Official Secrets Act.

He could have done everything he did, which he ultimately had to give up his office, legally in Canada, and that's the state of our rights.

He could have bugged the Democratic National Headquarters because he thought, and it was unreviewable, that there was espionage activity or possibly treasonous activity taking place in the building.

So, Watergate in Canada is perfectly legal, and it's unreviewable activity on the part of politicians.

So, we'd ask the Minister what he thinks of that? Does he think that the law needs to be amended in order to make provision for application to the courts, or some body, where justification could be tabled? And also, does he believe that all persons who are the subject of police surveillance should be informed over and beyond those whose names appear on warrants?



Does he believe that if some innocent, unsuspecting, unsuspected person should have a telephone conversation with someone who is the subject of police scrutiny, that that person should be informed of the fact that their conversations were, for a time, intercepted by the police?

I think, dealing with our own situation as legislators here, and the privileges and privacy we thought we enjoyed - although the Minister tells me that we did and that there was no problem there - but given the fact that even provincial judges have been subject to this sort of interception, does he not think that, in fairness, the laws should be revised to provide that notice be made to all such persons whose calls are intercepted?

MR. CHAIRMAN: The Member for Inkster.

MR. GREEN: Mr. Chairman, I think that there have been some very legitimate concerns expressed. I'm not certain that I would agree with the Honourable Member for Wellington, who says that Watergate in Canada is legal.

Wiretapping, done in certain means, is legal. I don't know whether that would make it legal to interfere with the administration of judges, to bribe people not to give evidence or to give certain evidence, or to advise the Attorney-General, or through the Attorney-General, advise a break-in of a headquarters. One could get a search warrant if one expects the offences to take place.

But I'm not trying to minimize some of the problems raised. But I do think that it's not a fact that Watergate, with its implications of what the President did, would be legal if an Attorney-General did the same things in the Province of Manitoba - or the Solicitor-General - that he could not say that he's going to bribe witnesses, to pay witnesses to take the rap and not to subvert evidence that was going before a court, and things of that nature.

It is, Mr. Chairman, of some interest to - it should be to all members - that because an Act is headed "The Protection of Privacy Act", does not mean that it protects privacy; in fact, means that it facilitates the invasion of privacy. And I am glad that is something that can be observed. That an Act that says "freedom of information", does not make information free. As a matter of fact, it could protect the secrecy of information; that one has to look at what the Act said and see whether information is facilitated, or whether privacy is facilitated, by what is stated in the Act.

And I think that there is certainly some problem associated with an act which says that it is for the protection of the invasion of privacy, when it really provides the legal way for invading privacy. Whereas, if it wasn't there, one might be able to argue about whether that way should be available or not, it is now stamped and made legal, and perhaps has to be made illegal.

So I think that the concerns, and particularly the concern that was outlined to me by the Member for Burrows, that apparently the tapping is of a member, not of a telephone, and therefore, if that member - I don't know if I'm stepping in. If the Member for Burrows was going to speak on this question, I'll defer, because he was the one who made the point to me and I think it's a very interesting point.

I do, Mr. Chairman, want to get back to the publication in the media of people who are accused, because with all of its problems, I want to try to assess with members of the committee whether the remedy is not far worse than the disease. How does one prevent the publication of the fact that a person is accused? How does one prevent the fact of the publication that a trial is taking place? The first thing you would have to do is have to go to secret trials, because if you are going to permit somebody to know that something is taking place, and it's prohibited from publishing it in the newspapers, I guarantee you, Mr. Chairman, I guarantee you, not through any conduct on my part but from what I have seen historically, that there will be an underground newspaper, and that underground newspaper will publish the names of people who have been accused of offences. And it will be a very expensive newspaper and a very irresponsible newspaper.

Now I have had, from time to time, and all of us have had disagreements as to whether something has been properly stated in the newspaper, but certainly I believe that what is stated now, because it is open to scrutiny and because people know what happened and what they see published and that somebody could say that it's wild, that the newspapers have to be more, rather than less, responsible. Now, that's not perfect, but nothing about our society is perfect. What is the alternative? Secret trials? If there were secret trials, Dreyfus would never have been vindicated. If there were secret trials, we would have far more terrible things happening to accused than that their names are published in the newspapers.

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Now I'm not putting this forward, Mr. Chairman, as a fact that it's necessary or desirable that an accused person who is not convicted of anything should receive a trial by newspaper before it takes place, and subsequently becomes acquitted and the mark does not wear off. That's one of the difficulties of a free society. But every time I hear the suggestion that you are going to, in some way prohibit publication, the ramifications of the prohibition of publication are not gone into. It's all looked upon as a good thing; it doesn't appear in the newspaper. But that's not necessarily a good thing, Mr. Chairman. What is the next step that you can't know about it? Because if anybody can go and know about it you will have professional gossipmongers who go to trials, and you can't get it in the papers, you want to find out who's accused, you have to pay me. And all of a sudden, you've got a bootleg organization which cannot be prohibited. Are you going to say that a man who goes to see a trial is prohibited from talking about it?

What are the ultimate results? And the ultimate results, Mr. Chairman, as I sort of envisage them and try to calculate them and see the web growing and growing, are far worse than the fact that we have a system whereby an accused person is charged, and it appears in the paper, and it is not a desirable thing and does result in some, not only discomfiture, but some actual damage.

If there was a way of dealing with the damage - and I am not even suggesting that there is because there are other damaging things in our society, and not all of them can be dealt with - but if the way of dealing with the damage is prohibiting the publication of the accused's name, that he is an accused, prohibiting the publication of what is taking place at a trial, it would involve two things. First of all, the prohibition of the newspapers, secondly, ultimately, if you are going to make it effective, the secrecy of trials; having trials in secret will result in far more injustice. And I repeat, Dreyfus would never have been acquitted if trials were secret. It wouldn't have gone past the first trial. He'd never have been acquitted.

The first trial, I think, was secret. It was a court-martial-type of thing. And it was only through continual pressure to have the facts made more and more open, to gain publicity for them, and to have them ultimately published, it's as Zola said, that the truth lay smoldering and then it exploded, and once it exploded, we knew what the events were and a great injustice was undone. It wasn't completely undone; the man spent years on Devil's Island under circumstances which were horrendous. But the publication ultimately resulted in the freedom.

And therefore, Mr. Chairman, I'm interested in canvassing, not making a definitive opinion, but canvassing those who say there should be no publication as to how, ultimately, this will affect the freedom of speech in our society; whether it will come to a beneficial conclusion for accused people who are innocent, or were guilty; whether it will be of benefit or whether we are inviting something far more nefarious than what we've already got.

MR. CHAIRMAN: The Member for Burrows.

MR. BEN HANUSCHAK: Mr. Chairman, I merely want to state a few comments on the matter of wiretapping. I was of the impression that when an order is obtained authorizing the interception of telephone conversations, it is the telephone instrument that is used by, or at the residence of, or office of or wherever, but is known to be commonly used by the person under investigation, which is the instrument that's tapped. But the debate that took place on Friday, and following today, seems to indicate that need not necessarily be so, that for the purpose of intercepting telephone conversations, any one of a number of telephone instruments could be tapped. For example, there's a subject of investigation, and the police identify certain individuals that subject is known to have talked to on the telephone. So, instead of tapping the telephone instrument of the subject under investigation, they may tap any number of those other telephones.

And then, what disturbs me even more - and if I'm wrong, then I would hope that the Attorney-General would very quickly correct me - what disturbs me even more is that the notice that eventually is sent of the wiretapping is sent to the person who is under investigation, and he is then told, after the expiration of whatever period of time it is, that, you know, your telephone conversations were intercepted or words to that effect. But the other innocent parties, as it were, no way involved in - or perhaps in no way involved in whatever is being investigated - never received any notice whatsoever of the fact that they were participating in telephone conversations which were intercepted by the police. And that's a disturbing point about the whole thing, Mr. Chairman.

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And what disturbs me even more, not only the fact that it's an invasion of privacy of individuals who may have absolutely nothing to do with the matter that's being investigated, but it also opens the door to the interception of privileged communications - doctor and patient, husband and wife, lawyer and client, between Cabinet Ministers - which is a privileged conversation. And in other words, under one order to investigate or to intercept telephone conversations of what individual, theoretically, the police could tap the phones of everybody in Manitoba, under that one order, and nobody would be any the wiser, except eventually the person whose telephone was tapped would receive notice that, for a certain period of time, but nobody else knows. Now, when I say that, theoretically, everybody's telephone in Manitoba could be tapped, and I'm not really saying that all that facetiously, because it certainly could be done, could happen in a small community.

Let's say a businessman, or a doctor, or a lawyer may be under investigation - he might be suspected of having committed an offence, perhaps income tax evasion. Well, they won't tap his phone. They need not necessarily tap his phone. But they'll tap the phones of his clients, of his patients, of those indeed he does business with, because they want to get some indication of the volume of business that he does, of the size of his practice, and hopefully, the telephone conversations will give them some reading on that to determine whether he, in fact, does only earn \$5,000 net income a year or is not his income \$50,000 a year? And, on that type of an abuse, that type of an invasion of privacy can occur, and the law enforcement authorities are in no way bound to give notice.

Now I think, Mr. Chairman, there's a simple answer to this. I would hope there's a simple solution to it. I'm not an electronics communications expert, but I would suspect that our technological advancement is far enough down the road to devise such instruments, if such instruments have not already been devised. A wiretap instrument, if that must be done - and I appreciate the fact that on occasion, to collect evidence against a person suspected of a crime, the police cannot give the person suspected advance notice of their collecting evidence, because he'll go and cover up the evidence and destroy it and all that sort of thing when there's a danger of that happening - but at least not to involve innocent people in this fashion.

So, is there not a wiretap instrument which, if the police must resort to this method, this tactic of collecting evidence which I must admit, Mr. Chairman, I do find distasteful, but I say, if this must be done, then is there not an instrument which would record the telephone numbers dialed by the person being investigated, and record only the side of the telephone conversation from the subject being investigated, only record his conversation and not the other side?

And now, I don't think that this is anything that's so difficult and I'm not going to get into an electronics debate over here, this is not the place for it. But all that I'm suggesting to the Attorney-General is that he and his staff, and with his counterparts in other provinces - because I realize this is a federal matter - perhaps they ought to enquire into the availability or the feasibility of designing some instrument which would not invade the privacy of innocent persons.

Now, you would say, well, that's only one-half of the conversation, of what value is that? At least if the police have that, then let me give you an example. A person under investigation phones a travel agent to make reservations on a certain flight to stay in a certain city at a certain hotel. The wiretap instrument records one-half of the conversation. You do not know whether he, in fact, made reservations or what, but you know that he had enquired about making reservations. From the telephone number, you know what travel agency it was that he telephoned. So then, the investigating officer could request the travel agent to confirm that telephone conversation. And if the travel agent wishes to confirm of his own volition, he will; and if the travel agent does not wish to, there are ways and means that the law enforcement officer can obtain that type of information, and at the same time giving full protection to the person giving the information, rather than this method of . . .

Because the way it is now, we do not know, all of us in this room may have our telephones tapped for some reason or another, because the police may be investigating some individual or individuals who, in the opinion of the police, they have reason to believe that those individuals may be speaking to us on the phone at some time or another, so they tap our phones to record those two intercepting telephone conversations.

And that's the part that I think really is abhorrent, Mr. Minister. And something, as I've said before, I appreciate that this is a federal matter, but something that you, with your colleagues, at your interprovincial conferences, ought to address yourself to and attempt to correct, in your dealings and negotiations with the Federal Minister in charge of the Administration of this Act.

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MR. MERCIER: Mr. Chairman, with respect to the Member for Inkster's comments about the heading of the section being Protection of Privacy, it is really headed in the Criminal Code, "Invasion of Privacy", quite accurately.

MR. GREEN: He says, it's called The Protection of Privacy.

MR. MERCIER: I think at one time there has been a reference to that particular section. In the Criminal Code it's entitled, perhaps more . . .

MR. GREEN: I was referring to the Act, there's a separate Act, The Protection of Privacy Act. That means that they're going to invade privacy for sure, to protect it. —(Interjection)— That's right. It gives them the legal right to that.

MR. MERCIER: I take it that was the title of a bill that amended this particular section of the Code. The actual section in the Code is entitled, "Invasion of Privacy."

Mr. Chairman, the Member for Burrows referred to the possibility of widespread wiretaps which could occur, in the opinion of the police. I would point out and firstly say, of course, I'm sure all of us - and all members of the public - are genuinely concerned about invasion of privacy and any unjustifiable invasions of privacy.

But these sections of the Act are subject to judicial control and are only done upon application to a judge, and the judge must be satisfied that the application is in the best interest of the administration of justice, and that other investigative procedures have been tried and have failed, or that the matter is one of some urgency.

He made reference to a suggestion that perhaps all parties who are part of the telephone call be notified as well as just the object of the judicial order.

I can foresee, at this point in time, that there might be some difficulties in that. Supposing there is a situation where the judicial order has been made for a wiretap, and there is no prosecution developed from that wiretap. The wiretap does not yield any evidence of a criminal act, yet a person would perhaps, who called the subject of the wiretap, would receive a notice which would in some way indicate that the person was under investigation and might, to him, indicate that he's guilty of something, when in fact he may not be guilty of anything. That might not be in keeping with the concerns that I've expressed about fairness to accused persons, and there might be some difficulty in that. I just raise that as one problem that I might foresee in actually serving a notice to all parties.

Of course, there's an obvious difficulty with only recording one side of the conversation, in that the answer would simply not appear in the context of the whole discussion.

Mr. Chairman, those are all the comments I have at this time.

MR. CHAIRMAN: The Member for Burrows.

MR. HANUSCHAK: Mr. Chairman, I have one question. Could the Minister indicate, the order for a wiretap, what does it say? Does it state whose telephones will be tapped? Or does it merely state that authorization is granted for telephone calls to and from the individual's name to be intercepted?

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, the authorization, particularly with respect to the point raised by the Member for Burrows, states the identity of the persons, and generally describes the place at which communications may be intercepted. So that the order, generally, restricts the wiretaps to certain specified addresses. Or locations within a building.

MR. HANUSCHAK: Does it mean that, or it could be as broad as a city? That telephone calls to and from John Doe may be intercepted in the City of Winnipeg.

MR. MERCIER: No, because the Code clearly states that the authorization shall state and generally describe the place at which private communications may be intercepted, which I believe is an address.

MR. HANUSCHAK: Is the order granting telephone conversation interception, is it a public document, after the order is granted?

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MR. MERCIER: No.

MR. HANUSCHAK: So, therefore, I have no place to go to where I could determine whether or not my telephone number is tapped?

MR. MERCIER: You would receive a notice if your telephone is tapped.

MR. HANUSCHAK: Well, as I understood it in the earlier debate, Mr. Chairman, the only recipient of a notice is the subject under investigation. Now, the order may say that John Doe is the subject of investigation, but the order may say that telephone number 339-7595 at 11 Aster Avenue, be intercepted. So then I would not receive notice. Am I not correct in that?

MR. MERCIER: That's correct.

MR. CHAIRMAN: The Honourable, the Leader of the Opposition.

MR. PAWLEY: Mr. Chairman, I don't want to pursue this particular matter if there's other questions relating to the wire-tapping. I would await my turn. Otherwise I'd like to pursue a separate item.

MR. CHAIRMAN: The Member for Ste. Rose, was this in the same item? The Member for Wellington, then. You're not paying attention.

MR. A. R. (Pete) ADAM: Yes. Take it easy, Mr. Chairman. We were discussing problems in the House with the members opposite.

The question I had for the Minister, through you, is over the weekend I received a telephone call from a concerned citizen who feels that they would like to know what recourse they have in regard to harassment by law enforcement officers. They feel that they are continually being harassed, no matter what happens in the community.

I suggested that I would bring it up at the committee here to find out if the Minister could advise us what to advise these people. Who can they turn to when they are being continually harassed by law enforcement officers, that no matter what happens in the community, it always ends up at somebody's same door?

MR. MERCIER: Well, Mr. Chairman, I think if the people involved, or if the member would like to write directly to me, with any evidence that they may have in support of that suggestion, we will look into that matter, and we have done so in previous situations.

MR. ADAM: Yes, I have one more question, Mr. Chairman, but I think it would be more appropriately addressed under Law Enforcement.. I am not sure though, I would perhaps ask your guidance. It has to do with people requesting assistance in regards to an investigation, in regards to a possible criminal act. I don't know where to bring this up, whether I should bring it now or on Law Enforcement.

MR. MERCIER: I am not sure what the member has in mind.

MR. ADAM: Well, supposing that I feel that I have been aggrieved by someone and I go to the Law Enforcement and say, look, I would like you to investigate this. And you can't get an investigation, and subsequent events indicate that there was perhaps a criminal act involved. Where shall I bring this up?

MR. MERCIER: You could bring it up right now. Again, if you wish to yourself, or on behalf, or the individuals involved, to write to. . .

MR. CHAIRMAN: I call the committee to order; they're having a hard time to hear further back.

MR. MERCIER: . . . write directly to me, we will look into the matter.

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MR. CHAIRMAN: I have the Honourable Leader of the Opposition, but if the Member for Wellington is on the same subject, I would probably give him priority.

MR. CORRIN: Mr. Chairman, I thank you. I just want to speak further to what the Member for Burrows has said, and also what the Minister has said, on the subject of wiretap. The Minister, as I understand it, has suggested that if no prosecution emanates from a wiretap, then it serves no useful purpose to serve a notice on a person, be that person the subject of the initial warrant or be that some third party. Well, I would suggest with respect, Mr. Chairman, that on that point a line must be drawn between effective policing and unwarranted harassment. And I think that is the rationale for those of us who would provide notice to persons who are not charged.

I think that we are entitled to know whether or not police are interfering with our private affairs on a warranted basis, a justifiable basis, or whether they are doing so somewhat capriciously. And I don't think it would do any harm to the state of justice in our province, or our country, to have people accorded those rights and liberties. I respect the right of the police to do their job and prevent crime, but I think we'd all agree that an individual's right to privacy is something that is equally important. And I think that we must realistically be afraid of the potential, the harmful potential, of such an instrument as the wiretap and bugging presents.

In our very technical society, it's a frightening weapon in the arsenal of the police. And although in our country we've enjoyed a degree of liberty and harmony, social harmony, that is virtually unprecedented in terms of the world's history, there are examples in contemporary society of countries where the police have indeed made use, unwholesome use, of this sort of privilege and opportunity.

There is also - and I asked the Minister to address himself to The official Secrecy Act, and the provision that the Minister, the Solicitor-General of Canada, could order the police to intercept anyone's calls without any review at all, and I noted that 517 such electronic surveillances were made in 1976 in this country alone under that Act. I think it's necessary that we sharply scrutinize and review, evaluate, the potential that such technological devices might have, and how they might impact the freedoms and liberties that people enjoy in this country.

To reinforce my colleague's point - this is my colleague for Burrows - when he says that many outstanding third-party surveillances are made in the course of execution of specific warrants, I can use American data and experience which I have managed to derive from an article by Allan Borvois, who is the counsel to the Canadian Civil Liberties Association. Mr. Borvois, in an article written in February of 1978, found that in the United States, and I will just quote; "The American experience reveals that to date, some 1,500 people have been convicted of criminal offenses arising out of 1969 and 1970 cases involving electronic bugs. During the course of this bugging, however, the American authorities overheard more than 40,000 people, in more than half-a-million conversations. The overwhelming number of these people, of course, were probably innocent of wrongdoing. The trouble is, the electronic bugs cannot discriminate. Thus, as the practice increases, so does the vulnerability of increased numbers of innocent people.

And that, Mr. Chairman, succinctly, is the point of the Member for Burrows - and I think, in my own way, I was trying to make earlier - that the potential havoc and harm is so massive in scale, because of technical innovation and because of the employment of this sort of surveillance mechanism and method, that something has to be done now to reverse the state of the law. There have to be checks and balances that will assure that the police do not unnecessarily utilize this very extraordinary and special power.

And this is why we have asked the Attorney-General to state his position, and he didn't, Mr. Chairman. With respect, he did not say whether he believed in the provisions, whether he believed the provisions of the official Secrets Act were equitable or necessary, or how they might be tempered. He did make a statement, though, with respect to police surveillance of third parties, one which I personally disagree with, but nevertheless he did candidly state his position.

So I would ask again whether the Minister could indicate whether he feels the official Secrets Act is adequate in its present form, or whether it requires revision and amendment, and whether or not he will fruitfully participate in discussions and perhaps even enjoin discussions, designed to facilitate the revision of an amendment of that particular piece of legislation.

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MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, the concerns that the Member for Wellington raises, I suppose, are exactly why the applications have to be made to superior court judges in order to be approved and dealt with before the wiretaps can proceed. And that, under the present legislation, is exactly where the protection of individual rights and liberties is looked after. What other method is the Member for Wellington suggesting be used, other than approval by a superior court judge?

MR. CORRIN: Well, as I thought I indicated, Mr. Chairman, through you to the Minister, I believe that there should be statutory provision for notice to all persons whose telephone conversations are electronically bugged. I think, for instance, in the case of using the Pilutik case as a case at hand and an example, I think that there should have been provision in the law so that the other two judges, whose telephone conversations were taped and monitored for over a month, should have been informed of the fact that they had been the subject of that sort of eavesdropping.

I think, then, people knowing that that would be the case, I think that we could expect that the police would certainly be more than reasonable in their application of this extraordinary power; knowing, for instance, that a judge or, for that matter, any citizen, would have to be given notification of the fact that they had done that. So, if a person like a judge, obviously not . . . these judges presumably were above-board and of course were wholly uninvolved with any criminal activity, were the subject of electronic surveillance, then they could launch a case in the courts if it was wholly unnecessary, if they felt it warranted. And moreover, they could bring this to public attention. And I think the police would justifiably be embarrassed and desist from such activity in the future.

MR. MERCIER: Mr. Chairman, I think if the Member for Wellington will consult with the member seated to his left, he will appreciate, as I believe it was that member's position at that time, that the legislation was very new at the time, and after that unfortunate incident, procedures were revised within the department to ensure what happened in that particular case did not occur again.

MR. CHAIRMAN: The time being 5:30, I am now leaving the Chair and will return at 8:00 p.m.

#### SUPPLY - LABOUR AND MANPOWER

MR. CHAIRMAN, Mr. Abe Kovnats (Radisson): I would draw the honourable members' attention to page 68 of the Main Estimates, Department of Labour and Manpower. The item under discussion is Resolution No. 90, 2. Labour Division, (a) Workplace Safety and Health, (1) Salaries—pass.

The Honourable Member for Kildonan.

MR. FOX: Well, Mr. Chairman, we are at this item, and I had hoped that we could get the co-operation of the Minister. He indicated in his opening remarks that he was going to outline as much information as possible, so that we could proceed without having to repeat and go over certain of the ground. Now, he hasn't even said anything about this department, and already it's being asked to be passed.

MR. CHAIRMAN: The Honourable Minister.

MR. MACMASTER: Mr. Chairman, I was getting to my feet, and getting my papers ready, when you mentioned your article, and I fully intended to do what I said I always would do. The Workplace, Safety and Health Branch is responsible for the implementation for the Workplace, Safety and Health Act, Chapter W-210 and its regulations. The branch's operations are divided into four basic functions: Safety and Health Inspectorate, Educational Services, Industrial Hygiene and Occupational Medicine. The current staff complement consists of 43 positions, including one vacancy which is presently in the process of being filled. The organizational structure of the branch was revised and rationalized this year to

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take proper advantage of the consolidation of worker safety services within this branch. Within the new organizational structure, the branch formally established an Educational Services section which offers a multitude of educational programs and resource materials to Manitoba workplaces.

I should say at this time, Mr. Chairman, that if the members opposite were looking through Hansard, they would notice that last year I said we'd be doing exactly that, we'd be educating internally, educating outside also, and we've got into that fairly extensively.

In addition to the traditional in-plant training sessions, this section is actively promoting its programs in Manitoba schools, and is currently evaluating its role in the apprenticeship training programs.

In conforming with the basic policy, the Workplace Safety and Health is a joint concern. This section encourages joint participation by labour and management in its courses. As part of the branch's efforts to create a higher awareness of safety and health concerns, publication of the Industrial Hygiene bulletins and Safety and Health commenced. Preparation work was initiated on several codes of practice relative to specific workplace concerns, such as confined entry, excavation, first aid and heat stress.

The major new initiative developed by the branch over this year has been the multiphase program approach to the control and regulation of toxics and contaminants in the workplace. This new approach has promoted a high degree of workplace awareness and involvement, as well as providing for dispersion of the branch's activities throughout Manitoba industry in a scope not before possible.

The recent introduction of occupational health services in designated industries must be considered as a significant initiative in the advancement of our Safety and Health Program in Manitoba. In a notable, innovative step for Manitoba workplaces, the designation specified that the selection of the physician in charge of the service must be ratified by the Workplace Safety and Health Committees. A laboratory safety program was introduced by the branch, designed mainly to promote an awareness of chemical hazards and safe working practices. The program has been applied mainly in school laboratories, but has been extended to hospital laboratories and other laboratories in the province.

Staff development has been a major concern to the branch, and this year new opportunities were provided in this area to the presentation of internal seminars on toxicology, report writing and investigation techniques. The first prosecution recorded under The Workplace Safety and Health Act was initiated this year on violation of the Act and regulations pertaining to excavations. At the present time, the rationalization of criteria and expansion of designated workplaces which will require joint Workplace Safety and Health Committees is of primary importance to our department.

Some time ago, I requested the Workplace Safety and Health Advisory Council to establish criteria for the future designation of safety committees in Manitoba workplaces. I expect their recommendations on this subject very shortly. The control of asbestos exposure in Manitoba workplaces has become a major focus of attention for this branch. Recent acquisition of additional, sophisticated equipment and the addition of a position have given Manitoba asbestos identification capabilities second to none in Canada.

To further enhance our work in this area, we have requested the Advisory Council to establish a committee to review the overall problem of asbestos exposure in Manitoba workplaces. The department is co-operating with labour and management in the Manitoba construction industry to search out solutions to improvements in the safety and health performance on construction work sites.

The matter of delivery of effective educational programs to this industry is currently under review, and in the coming year, the construction safety regulations will be separated from the industrial safety regulations. The regulations will be reviewed and redrafted where necessary to ensure they are meeting an effective need in Manitoba workplaces.

A hearing conservation program will be developed in the current year to identify those workplaces where excessive exposure to noise occurs. The problem will specify appropriate action to be taken to ensure that worker exposure is controlled within acceptable limits. Our prime objective is to concentrate on improving the quality of services delivered by the Workplace Safety and Health Branch. To this end, we will be implementing a thorough review of programs which have been in place for some time, to ensure they are meeting the requirements of the Manitoba workplaces. The first such review will take place on a silicosis program, and includes the x-ray and lung function tests in designated workers.

The number of employees we're requesting is 44.23 and last year it was 42.23. It's an addition of 2. The two new ones, of course, aren't filled, and there's one vacancy at the present time. It's being bulletined.



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MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: Yes, Mr. Chairman, I thank the Honourable Minister for his opening remarks. I wonder if he could give us a breakdown of the number of plants that are required to have safety committees, and whether they are all functioning and have met the requirements of the Workplace Safety and Health Act.

MR. MacMASTER: There's 313; 222 we believe are working satisfactorily. There are 33 that need more work on them, and there's 15 that have closed down. There's 11 with very few employees.

We're working with Manitoba Hydro now. They haven't got their two working exactly correct, we don't feel. And the Mines Department, of course, have some which we think the review on Safety in the Mine will deal with, and we expect that within the next couple of weeks.

So, to be precise, they all weren't working just as well as we'd like them to, but by and large the majority of them are.

MR. FOX: Yes, Mr. Chairman. The Minister indicated that there was one prosecution in respect to a construction accident. There were other accidents and prosecutions. Were those instituted through another section of his Labour Department, or also through The Workplace Safety Health Act?

MR. MacMASTER: There's only one that's been finalized, Mr. Chairman, that we're aware of. Two are now in the Attorney-General's office, and one is before the courts.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Yes, thank you, Mr. Chairperson. Perhaps before we go any further we can ask the Minister, because I understand from his comments today, and from other materials, that there's been a fair amount of reorganization within the department, that certain clerical staff positions have been dropped, so as to provide for more inspection staff, and that there is a substantially different makeup of the workforce of these 44.23 positions.

I wonder if the Minister will be kind enough to take the time to go through and just, in the general area such as inspection, such as clerical or director, assistant director, whatever, point out where the staff is located within this global number of 44.23 staff person years?

MR. MacMASTER: In Administration, there are six people. In Occupational Medicine, there's two; Safety and Health Inspections, there's 23 people; Educational Services, there are five; and in Industrial Hygiene there's 7.23.

MR. COWAN: Yes, and I would ask him to break that down just a bit more in the case of the Safety and Health Officers, those operating entirely within the City of Winnipeg, or operating out of Winnipeg, and those operating out of cities elsewhere in the province.

MR. MacMASTER: There's two in Brandon, Mr. Chairman, and one in The Pas.

MR. CHAIRMAN: (1)--pass. The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Chairperson. The Minister said there were 313 committees, which was the original number of designated Safety and Health Committees. Is the Minister including in that figure the recent designation by Order-in-Council of Canadian Bronze, or is there in actuality now 314 committees, of which some are not working?

MR. MacMASTER: 314, I forgot about that one addition.

MR. COWAN: Thank you, Mr. Chairperson. Then the Minister can confirm that there have, in actuality, been no additions to the number of Workplace Safety and Health Committees in the past 27 months - or actually, it goes back even further than that - I'm not certain as to the exact date of the Order-in-Council. I'm certain that I could find it if necessary, but I know the Minister has that. But since that original Order-in-Council which has designated 313 sites for Safety and Health Committees, we have only seen the one addition, which is Canadian Bronze, in fact.

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This is a point to which the Minister made reference in his opening remarks. I know it's a point that has been brought to his attention by not only his Advisory Council, which I think probably first brought up the matter to the Minister, that they were somewhat concerned that there seemed to be very little progress in respect to adding committees to the existing committees.

The Minister referred to the fact that they were working on that, he was working on his department. I know it is before the Advisory Council and that they are trying to develop criteria for the addition of committees.

I would ask the Minister if he can expound a bit on those remarks, and indicate what criteria is being examined as appropriate criteria for the extension of designated workplaces. In other words, are we talking about a workplace that has 10 or more workers? Are we talking about workplaces that, because they show past accident records which are unacceptable, that they will be designated?

Are we talking about a sort of ad hoc designation, as our government did in deciding that an arbitrary number will be designated and then proceeding with that?

Can the Minister take the time to elaborate on that? And I would also hope that he'd be able to give us a timetable, because this is a matter of some urgency and it's a matter that's quite frankly, in my opinion, overdue. Action is overdue on this and these committees are, in many instances, performing a valuable function - and in some instances they are not.

The fact that a workplace has a Safety and Health Committee - and I'm certain the Minister will agree with me - does not mean that it is a safe and healthy workplace. That, indeed, is not the fact. And I have talked to many workers that are involved at workplaces that do have designation under the Order-in-Council and workplaces that don't. And some of those that don't have very effective committees that are working, either through the union that have been negotiated - some of them have committees that are working, even in non-union places, that are working effectively - lots have committees that aren't working, including those that have been designated.

Some of the ones which the Minister considers to be working satisfactorily may indeed be working satisfactorily, but the impact of them isn't being felt down at the shop floor level, and that is a problem.

So I would like the Minister to spend some time on what I consider to be probably one of the most pertinent items under Old Business. In other words, not wishing to place any valued judgment on this particular item in comparison to the Carcinogen Study, or in comparison to the Noise Study or the other new activities of the Department. This is a matter under Old Business, and I think it's a matter that we should spend some time and discuss it.

So if the Minister would take that opportunity to elaborate on it, I know that that information will be put to good use.

MR. MacMASTER: Well, Mr. Chairman, for the record, I specifically had asked the Advisory Council to look at expansion of the Safety Committees. We have to keep in mind that the ones that we presently have aren't all working as well as we'd like them to.

Now that's a degree of satisfaction by our inspectors and knowledge of the people within the plants.

It's pretty hard to draw a specific line as to how well it's working and how well it's not. But we have determined - and I'm being very frank here - that there are some that we're not satisfied with the particular operation.

That's why we said last year, and we have in fact set up an educational group to go out and meet with the Safety Committees, be they unionized or non-unionized, and the companies, in an effort to tell them and explain to them the real need for it, and the benefit of having good working Safety Committees - ones that the benefits will be reaped by the employees and in fact, by the employer - and we've done a great of education in that field.

We note that last year, we said there were only 149 that have Safety Committees, that we felt in fact needed additional work, and there were only 105 that we said there was only 149 that have safety committees, that we felt in fact needed additional work, and there was only 105 that we felt were working reasonably well. Now, whatever that's worth, out of 300 last year in, we were open and honest and said there was only about 105 that we were satisfied with. This year, we're saying there's 222 that we're satisfied with. I'm not sure whether the members opposite consider that progress or not. I'm sure they do and, again, it's to the degree. I'm reasonably satisfied that over the year, we've more than doubled the ones that we're satisfied now are doing a good job.

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We still have some work to do with existing ones. I understand that there is a small correction, not a major one, to what I've said. I understand that the Advisory Council has, in fact, forwarded a copy of their recommendations and it's someplace within the department now.

On expansion of those safety committees, and that will be given due consideration very shortly because I think we can exercise a fair amount of effort on the numbers of those committees that aren't working, once you've got them working, you can't totally forget them. But if we now have got it down to a much smaller number, and if we could produce 115 or 120 - bring them uplast year, I would think, in a period of a few months, that we should be looking at the opportunity to expand that particular facet of this whole particular Act.

MR. CHAIRMAN: Pass. The Honourable Member for Churchill.

MR. COWAN: Yes, thank you, Mr. Chairperson. The Minister is absolutely correct then, to what he considers to be progress and what we consider to be progress is going to substantially differ by the degree. In other words, he may consider that the department has made substantial progress, we may consider to have not been substantial progress and vice versa. He may not consider it in one instance to be substantial progress and we may.

So we are going to, especially in this particular area, we are going to spend some time, not any great length of time, but some time in discussing the objectives and considerations that we believe to be pertinent. And we are going to try to suggest to the Minister areas where we feel they have not proceeded rapidly or far enough in, and we are going to want to discuss some of the other areas that we don't believe they have made any effort or any substantial effort to date. I would like to see those areas considered.

Because what we are talking about here is not the Workplace, Safety and Health Division per se, and I don't want to be ruled out of order for that statement, but what we are talking about is the safety and health of the workers in Manitoba's work force, and there are far more than 314 workplaces that deserve attention. And as the Minister said, that's a misleading statement, because out of those there's 14, 20, 26, which don't seem to be functioning. Either they have too few employees to function or they have closed down.

So if that is the grant you are talking about, less than 200 workplaces that have designated committees, and that designation is there for a reason, it does have some impact on the functioning of this committee, and it also has some impact on the conditions within the workplace, are conditions that the committee will address itself to. It gives the committee some clout, it gives the committee some extra power to be able to deal with the very serious safety and health concerns that all workers must face in one way or another.

The fact of that matter is amply demonstrated by the addition of Canadian Bronze to the designated list, the only addition in 27 months. In other words, there was a Workplace, Safety and Health Committee functioning at Canadian Bronze previous to the designation. It was not functioning to the degree to which it could perhaps, and that is - I can only guess at the Minister's motivation for designating that committee - that is perhaps why that area was committed designated so that committee would have that sort of clout that comes with that process and would be able to work it that much more effectively and efficiently on behalf of its participants and its memberships and the employees employed in that particular workplace.

So we must have, we must have substantial and immediate progress in this area. There must be more committees that are designated. We must give more power to those committees, because the purpose of those committees, and I'm certain the Minister will agree, is to put in place in each workplace an inspectorate - inspectors - people who know some of the problems that they are dealing with, people who want to learn about those problems that they don't know about, people who want to make their workplace safer and healthier, and it gives them a tool with which to work. It gives them an opportunity to bring their experience to bear and to bring their pressure to bear to aid management in making workplaces safer and healthier for all workers. So we must have substantial progress on that.

I know I speak for the members on this side when I say we are disappointed that there has not been the type of progress that one would think could have been made.

There are other jurisdictions around us that have far more, far more Workplace, Safety and Health committees operating. There are other jurisdictions that have gone into it with a different criteria for designating a workplace. Perhaps that's what our government should have done, I don't know. I wasn't privy to the conversations at the time. But there are jurisdictions that say "Okay, every workplace over 20 people or 10 people will be designated a workplace in effect, and will have to have committees." I know Saskatchewan has 3,000 committees, which are designated on the basis of 10 or more employees, and there are no exceptions.

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There are no exceptions if I'm to believe Mr. Robert Sass, the Associate Deputy Minister of Labour and Director of the Occupational Health and Safety Division, and that 30 percent of those committees, 30 percent of the 3,000 committees - so we're talking approximately 900 committees now - send in minutes to the division on a regular basis. In other words, the division knows what is happening in each of those committees and it goes, according to my understanding, into some data banks for a computer and then that information is used to develop new ideas, to develop new support services for other committees. In other words, you learn from your successes, and that's something that we have to do.

Sixty percent of the committees, 1,800 of the committees send in minutes on a non-regular basis. In other words, they're getting some minutes and 10 percent of those 3,000 committees or 300 are considered to be non-functioning committees at the time being. The time being in this instance would be June of last year. Those are when the figures that I'm using, originated.

If there are no minutes received from a committee, then there are no apparent problems at that particular company, then the division does not go in and demand the minutes, but if there are problems then the division does go in and demand the minutes. And that's why we have instances where some are not providing minutes, but are considered to be functioning, nonetheless. That's just one approach. Ontario has another approach. Alberta has another approach.

Perhaps the worst approach I might, as an aside, if I can is the federal government's approach where they say that they can designate any place as a committee and haven't designated any place in the year-and-a-half or however long that legislation has been on the books. So today, there are no designated functioning Safety and Health committees in the federal jurisdiction, and that's a tragedy because the committees are a new concept, but they are an important step along the way of shifting control.

And here I come to the crux of the issue. What do the committees do? The committees provide workers with an opportunity to have more control over their own destiny in the area of workplace, safety and health. They do not extend beyond that. They are not designed to wrest away from management certain intrinsic rights. They are designed to enable workers in the workplaces to take some control over the workplace, safety and health aspects of their job. But even that in itself is a threat to management, and I don't believe that there is anyone in this room who would contradict that statement that management has always considered the direction of the workforce to be its sole responsibility.

Before I came to this session today, I had opportunity to go down to the National Film Board, and I was watching a number of movies on occupational Safety and Health, new movies that are out, trying to get a feel for audio-visual resource materials for courses. And in one of them the manager of INCO, a Mr. Brown, was talking about some of the safety and health - and this is not in Thompson, but it is in Sudbury, I must make that point - was talking about safety and health in that operation. And he said quite point-blank during his presentation, during an interview on the film, he said that, "Yes, we accept suggestions from the workers. We accept ideas. But it's our responsibility and it is also our sole responsibility to decide on whether or not those suggestions and ideas are actually put into practice."

So, even in this day and age - and that is not an old film - even in this day and age, we still see the companies saying, we have certain management rights which shall not be abused. It's an area of conflict every time negotiations open up. The company brings in a bill that wants to expand management rights, a proposal, and the union brings in a proposal that wants to take away from management rights, to a certain extent, because that is what the whole process is involved in, workers trying to gain some control.

There is another way to do it, rather than at the bargaining table; you can do it through legislation. You can say to the company that they must have committees, and you can give these committees rather far-reaching rights, rather far-reaching responsibilities. And a perfect example is when the Minister's department put in place an occupational health service at Canadian Bronze. The union came back and said - and it was at the union's insistence or suggestion; insistence is perhaps too strong a word - but I remember the correspondence that went back and forth on this particular occupational health service at Canadian Bronze, and the original concept was not to give the union the right to - and I forget the Minister's exact words on this - but the right to veto the choice of a doctor is what it is in essence. In other words, it was not written in the original concept - and the Minister can correct me if I am wrong, but I don't believe I'm wrong on this - it was not written in the original concept that the union would have the power to reject or to endorse - endorse is too weak a word in this instance - the power to reject any choice of the companies.

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I think what the original letter said was that the union would be advised or the Safety and Health committee would be advised of who it was. But there was no power in there to be able to either reject that person or to say, in actuality: Yes, you will have that person. They still don't have that particular power. But the unions came back and said: No, we want that power. We don't feel the occupational health service will work unless we have that sort of input into the occupational health service. And so, to the Minister's credit in this particular instance, although it was not at his initiation, at least he reacted to that demand or that suggestion by the unions and did have that particular power drawn into the agreement for the occupational health service.

That's an important point because now the workers in that particular operation could stand up and say, "We can actually have some control over the company doctor." Now, it's a wrong term, company doctor, perhaps I shouldn't phrase it in that way. "We can now have control over a doctor who is going to be looking at us in the occupational sense." In other words, is going to be examining and developing a patient-doctor relationship with us in regard specifically to our occupational illnesses and our occupational hazards that we face at this job-site.

Never before, never before did they have that power. It was always the company doctor. It was always a doctor . . . And the Member for Flin Flon knows full well; I see him listening intently because I know he's had dealings with company doctors in his day. It was always a company doctor who was paid by the company, who was chosen by the company, who was hired and fired by the company, who was responsible for dealing with their occupational problems at the job-site. And to change that is a major step, it is a major step. And it is important that we recognize that.

It has always been the power of the company to totally control a worker's existence at work. No where else, Mr. Chairperson, can someone come up to you and say, "I want a sample of your blood and I want it now," and then take it. --(Interjection)-- They could in the company. The company could do that. When you walked through those gates or when you walked through the area and punched in, once you punched in you were at the mercy of that particular company and there were no two ways about it. The company could demand, the company could tell you you were going to do a job which you knew - which you knew - would be to the detriment of your health, the detriment of your safety, could even kill you, but the company could say to you: You will do that job. And you didn't have to, you could quit, or you could be fired, that was your choice. But that was the only choice available to you. You could try to talk your supervisor out of it, but the Member for Flin Flon and the Member for Kildonan know very well and will tell me how successful they were or how successful any worker is in trying to talk their way out of a dangerous job assignment.

It wasn't until pieces of legislation like the Workplace, Safety and Health Act were put into place that these sort of powers were stripped from management and given to the workers. Now the workers have the power to say, "no" to an unsafe dangerous work. They can actually now say, "No, I'm not going to do that." Now the company can still fire them but they now have some recourse under law to come back and they have the power of the law behind them when they do get to the Labour Board or the courts, in this instance, to say that, we were just exercising our rights - not only rights but responsibilities because the two can't be separated - that we were just exercising our rights and our responsibilities given to us under the law. That is a major accomplishment. That is a major achievement. That totally changes the whole perspective of the workplace, from the workers' viewpoint.

So, we must very jealously guard that legislation. We must very zealously try to increase and strengthen the impact of that legislation, and we do it through many ways and one of those ways is the committee. And the Minister has been on the horns of a dilemma, I am certain, because that is primarily worker-orientated legislation. And so as we extend it . . . And how do we extend it? We extend it by adding designated workplaces. So that they must have committees, and those committees have certain rights and responsibilities. As we extend it we have to take away from management certain of their prerogatives, prerogatives that they have always considered, themselves, to be inalienable.

So there is a battle that is going on. It is not going on in the public limelight because it's not the type of battle that would go on in the public limelight, but I am certain that there is a battle going on behind the closed doors of the Cabinet room and behind the closed doors of the Caucus room that is directly influencing the Minister's extension of these committees. Because there will be those that don't want to take away from management certain of their long-held prerogatives, certain of their long-held what they consider to be rights and

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responsibilities and give them to the workers. So we are going to see a sort of status quo exist. We are going to see a static condition in this regard and I don't want to see that.

So that is why I stand today on this very important subject and encourage, cajole even perhaps, the Minister to go about extending this Act into all our workplaces, every one of them. There are ways to deal with the smallness and the largeness. There are different sort of methods that you can incorporate into your Act that will recognize the fact that there may be a small operation - as a matter of fact they're in there now; they're in the legislation now - that a small operation may have different criteria that we have to apply to within a large operation, that small operation may not be able to support - I'm not talking in a financial sense - but may not be able to support a committee, and so we have representatives and we have very detailed clauses within the legislation and regulations to deal with that.

We can do it. It is a matter of will. It is a matter of wanting to do it. But we must do it. We must do it because we have found, from where I stand, Mr. Chairperson, we have found that where you have a Workplace, Safety and Health committee, you have an effective opportunity - I didn't say vehicle; I said opportunity - an effective opportunity for creating conditions of real change.

So, in summation, the point that I tried to make is we understand why there has not been any large scale extension of this program. It is the horns of the dilemma upon which the Minister must find himself oftentimes. We understand that. But we also understand why the committees were needed in the first place. We also understand the impact and the effect that the committees can have. We also understand that people in the workplaces want the committees. They want more committees. I know that as a personal fact in my conversations with them; they have told me. We know that they want better committees. They want more support services for their committees. They want to increase the effectiveness and the efficiency of that committee, and they only do that by increasing the power of that committee.

Bearing that in mind, we can only encourage the Minister to, as quickly as possible, make those necessary changes that need be, whether it be in the legislation itself or whether it be by extending the powers of the department so that it doesn't have to go through Order-in-Council each time, setting up more efficient and effective criteria for committees.

And having said that, we expect to see some progress because it is an area, as I said before, that has been sorely lacking in the past. It has been an area that has been virtually ignored and it's getting much too late to allow that ignorance to continue. It's getting much too late to stand here and not strive and push as hard as we possibly can for more and more committees that bring power to more and more workers so that they may, in time, create workplaces that fit their own image; so that they may in time create workplaces that are healthy and safe for all people - not only for those individuals because we'll discuss this at some length later on, Mr. Chairperson - but those hazards that exist in the workplace also exist outside of the workplace. What goes in a workplace, comes out of a workplace and into the environment.

So I would hope that we see substantial progress. I demand that we see substantial progress in this area and I will be working side by side, shoulder to shoulder, with those trade unions and those working people who want to see this legislation, as it has been in other jurisdictions, effectively enlarged and applied, not only to a select few, a minority, but to the majority.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Well, a couple of comments, Mr. Chairman. The Member for Churchill makes reference to some great battle that's going on in the Cabinet or the Caucus about designating other workplaces. I should tell him that there is no such a battle. In fact, there's no such a conversation. There's been none whatsoever. So he's totally in error in what he perceives to be the case. That was just a little bit of rhetoric that I think he was saying because it just, in fact, is not the fact.

And the Member for Churchill has made reference to the fact that it was not our intention to allow the group in question, the Safety Committee, to select their own doctor. That's absolutely incorrect, too. It was, in fact, our intention, not anybody else's; that was our intention.

MR. CHAIRMAN: (1)--pass. The Honourable Member for Churchill.

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MR. COWAN: Well, we shall have to discuss the latter part later, Mr. Chairperson, because I'll have to do it through my rather extensive file of correspondence and pull out the proper letters that have gone back and forth.

But to the first point, it was not rhetoric that I was engaging in, as to whether there is a great battle going on within the Conservative Caucus and Cabinet. I was being kind to the Minister. Now I'm worried, because if he tells me there is no such great battle going on, that there is no such great debate going on, I can only assume from that that he is not pushing for more committees. And for 27 months or for how many number of months it may be right at the moment, I'm not certain of the exact government, since his government has taken office, there has been only one committee, and a rather unusual case, Canadian Bronze. So if there has been no push from him, then indeed there has been no push at all, and that is why we have no committees. I was trying to be somewhat kind to the Minister and say; I know you have a problem; I know it's hard to get these committees in because of the circumstances; I went through them at great length, I won't go through them again. But now I'm disappointed and discouraged. So now I demand that the Minister start that process, that we do in fact see more and more committees because they are long overdue and they are quite necessary.

I would ask the Minister if he can at this time to outline briefly, because he said that he wanted to go through this particular area at this time, the duties; the responsibilities; the schedule for the worker who is going to be coming on stream in regard to study of carcinogens in the province; what they expect that worker to be doing; how they expect that worker to function; what criteria; what qualifications that worker brings with him or her in regard to being able to effectively and efficiently study this very major problem to, not only the workplaces but society as a whole; what sort of timetable does the Minister - I'll give him a whole list of questions so we don't have to stand up and down and he can perhaps address himself to them all at one time - what sort of timetable they have; are they looking forward to regulations to deal with carcinogens; are they looking forward to legislation perhaps; are they going to be proceeding with an educational program of any great significance in regards specifically to carcinogens; how they will attempt to identify the number of carcinogens and where they exist in Manitoba workplaces; and what will actually happen once they have identified such as asbestos, where they have identified asbestos as a carcinogen and as a problem in the workplace, what will be the proper procedures or what procedures will that person follow.

In other words, I would like a brief overview, or detailed overview, it doesn't matter, of the activities of this particular individual whom they say will be coming on stream in I believe three months they indicated last time, what qualifications, and how they expect this particular individual to deal with what seems to be a very major and extensive problem.

MR. MacMASTER: I don't have specifically with me the qualifications of the person involved, but I can say that the problem as we see it is the numbers, first of all, of chemicals that are in place in Manitoba and the identification of those chemicals; the method of transportation of them and handling of them; the storage of them; training programs drafted and prepared for the companies and for the people that work within the plant as to how to handle them and how they should be stored and how they should be marked. And if we even get that far, Mr. Chairman, I think we'll be going a substantial way down the road.

I don't think any of those particular questions are in total answered in the province. There are a good many companies who I suspect handle their chemicals well and some where the workers are very familiar with what they are and how to use them and what proper precautions. And we have to pull that all together within the next few months and from there work out just what we're going to do about the entire chemical situation in the industry. And I think we'll all agree that new chemicals are coming on the line all the time. I suppose the system will eventually have to be established where when new chemicals are coming into place in industry in Manitoba, that we eventually will have to be made aware of them and find out what the standards are in relating to their usage and their handling and transportation, storage. So it's a pretty heavy ongoing sort of a job that we're commencing on and at the moment we're just commencing.

MR. CHAIRMAN: (1)--pass. The Honourable Member for Churchill.

MR. COWAN: Yes, perhaps the Minister can indicate if he has any materials to give us some sort of general idea of how many carcinogens are now in use in Manitoba's workplaces.

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MR. MacMASTER: I haven't got that particular number, Mr. Chairman. I think it would vary. It wouldn't matter who you were talking to you would get a very large variance of that particular number. I suspect there are chemicals being used in Manitoba that nobody in this particular House is even aware of, the use of them or the method in which they are being handled or stored or dealt with.

MR. COWAN: Is the Minister going to be putting in place then any sort of identification process? By this I mean a regulation or process by which the companies will have to report to the government what chemicals they are currently using and any changes in the use of chemicals or the use of different work processes that may prove to be carcinogenic or harmful in the future.

MR. MacMASTER: I would suspect and hope that down the road, Mr. Chairman, that we are made, (a) aware of all chemicals that are coming into the province. This is something that has again never been done. Quite obviously our government hasn't got the numbers; I am sure the previous government did not have them either. It's a very monumental task that we're getting into and we have bits and pieces of information and I am sure a lot of industries and unions can supply us with a tremendous amount of information once we start compiling it. But yes, I would hope that part of the ultimate goal is to be made aware ourselves, and of course the area that the chemicals are being used in, for (a) for us to be made aware of new chemicals that are coming into the province, yes.

MR. CHAIRMAN: (1)--pass. The Honourable Member for Churchill.

MR. COWAN: Well, if the Minister could elaborate on any support services he is going to provide this individual that will be coming on stream in three months with in regard to dealing with this very serious, and as the Minister says, monumental problem.

MR. MacMASTER: Well, Mr. Chairman, in general, the entire department will be working with the particular person involved; and again, I expect to have a fair amount of success in dealing with industries and with the unions that are involved in compiling a lot of the information. I have just been told that we have summer students coming on in this particular department this summer and at least one of them at this point will be assigned to work with the gentleman involved.

MR. COWAN: It's obvious at this point, Mr. Chairperson, that they haven't substantiated their plans yet and that may be justifiable in that the person who will be heading up this study is not on stream yet and has not had an opportunity to make any sort of suggestions or substantial input into the development of a large and systematic review. So having said that, I want to express my displeasure, my dissatisfaction, with what is happening in this regard; and one should be happy that action is finally is being taken, I guess, and the action is overdue. And for that any action, where there is no action, is welcome.

But sometimes, sometimes the action itself is so feeble or so limited that one has to critically question as to whether that is going to do anything other than bring a subject to the public in the sense that they perceive it as being dealt with when it is not being dealt with. And one person and one summer student, one person in the entire staff of that department, cannot deal with the problem that we as individuals, not only workers, but as individuals in a modern industrial society, any society now, face in regard to the chemical onslaught in regard to the rapid injection of new chemicals into our environment, both workplace and outside the workplace.

Mr. Chairperson, there are 500,000 chemical products now currently in use in industry, 500,000 chemicals currently in use in industry. That indeed in itself alone is a staggering number. I don't know about yourself, Mr. Chairperson, but it befuddles, it befuddles me when I try to conceive of all those different chemicals, under all sorts of different names, doing all sorts of different things, some things they are supposed to be doing, lots of things that they should not, were not intended to be doing and should not be doing, 500,000 now.

But in the industrialized nations of the world, there are 250,000 new ones that are synthesized and invented every year. Now the numbers become totally confusing, 250,000 new ones each and every year. Not all of those make it into production, not all of those that are used to any significant degree, but they are invented and synthesized. Out of those there are 25,000 toxins; 25,000 of them will hurt you, will hurt you. A lot of those 25,000 will kill



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you. It may take twenty years, it may take thirty years, it may take twenty seconds or thirty seconds, but they're there and they have that potentiality if they are misused or mishandled, either out of carelessness or out of ignorance or out of any other of a number of reasons.

But we're not talking about toxins in that specific sense, we're not talking about chemicals. Let's direct our attention to carcinogens because that's what we're talking about in this particular instance; 2,000 suspected carcinogens are being used, are being abused, by our industries and are making their way into our environment. Because what I said before stands true; what goes into the workplace comes out of the workplace eventually. We know that was lead; we know that only too well with lead and that's something we'll have to discuss in some detail later.

But there are 2,000 suspected carcinogens, and very few of which we have any sort of complete data on. It's in the hundreds, the low hundreds, the number of which we know the impact that they have on a human being. There are more coming in every day, out of that 250,000 many of them are carcinogens. And they are coming in, as the Minister says, unbeknownst, untried, and untested, into the workplace. Not into the environment because we have a double standard here. If I sent this cup filled with some foul-smelling liquid over to the Minister and asked the Minister to sit there for the next eight hours and breath it in, him not knowing what it is and I not telling him what it is, he would have to be foolish to do that. I would have to be foolish to expect him to do that; I wouldn't expect him to do that.

But I know the Minister - and maybe I shouldn't say I know - if the Minister can indicate, did he work in the smelt or in the refinery at Thompson? I believe he did, or he worked around that process.

We now know today that the nickel that was being smelted and refined there, that certain forms of that nickel are carcinogenic. I worked in much the same area when I worked in the mines; the Minister did. We have suffered the abuses of it and yet I know I did not know that at that time the nickel product that I was working with was considered to be carcinogenic. Nobody told me. They knew, they knew, and I know they knew, but nobody told me. And I don't believe they told him; perhaps they did, I don't know. But the fact is somebody asked us to go and smell a cup, if I can use an example, of some foul-smelling stuff that we had no idea what it was, for eight hours a day, for day after day after day and never told us, never told us what was in it, what it could do to us.

So these 2,000 carcinogens, these 500,000 chemicals, these 25,000 toxins, threaten each and every one of us. They threaten us in the Legislature, they threaten us in our workplaces, they threaten us when we walk down the street, they threaten our children in the schools. They're there, they permeate the entire society. That is why I was concerned this afternoon at the attitude that the Minister of Mines and Energy displayed when I asked them the questions about what sort of safeguards are in place in regard to uranium mining in my own constituency. Because the historical record proves to us that far too often industrial progress comes at the sake of environment, at the sake of lies, at the sake of human beings. I'm not anti-progress, I don't want that slur to be cast at me, I don't want to leave the impression. I believe in progress, I believe that we have benefited greatly by progress, but I believe that progress, that progress must take place in an orderly fashion, and that we cannot sacrifice and continue to sacrifice our work force, sacrifice our children, sacrifice our environment for unheeded progress. We must stand back and take stock of what we are doing. We must stand back and say, "What is the ultimate goal that we, as a society, have, and why, and what, and wherefore, will all these new chemicals do to us?" We have that responsibility to our children, not to mention to ourselves. We can be selfless, but let us not be selfish with our future, with future generations. So we must do that, and we don't. The sad truth is that we don't.

Even with their broad new strokes, this new carcinogen program, they are not coming to grips with the problem. It is doomed to be a failure right from the very start. You cannot tell me that that one individual, and a summer student, and the rest of the staff did go out there and in any sort of a systematic way, identify, come up with procedures, recommendations for handling, come up with procedures and recommendations for storage, for the proper working procedures and transportation of these chemicals. They cannot do it, they are doomed to failure from the start. It is the worst kind of waste and mismanagement, it is the worst kind of waste and mismanagement, because what it does is that it acknowledges a very serious problem and it gives the perception, the appearance of doing something about it. But it cannot work, it cannot succeed, it is doomed to failure. One person with limited funding cannot deal with this nature problem facing society.

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And let us talk not about what is entering society through our workplaces and our environment, let us talk about what it's doing to you and I. There are now, a quick count, approximately 28 people in this room right now, not counting those in the gallery, 28 people in this room. Of the 28, Mr. Chairperson, statistically 7 are going to get cancer. Seven are going to suffer from a hideous disease that destroys the body in such a way as to make, I know myself quite fearful of that disease, and to make others I know quite fearful. It is probably the worst tragedy of the modern day. It's an epidemic. One out of four, one out of four individuals in this industrial society are going to get cancer; and one out of five of us, which means approximately six of us are going to die a most hideous and drawn-out death from cancer. Those are the facts. There is no contradicting them, they are statistically correct. One out of four get cancer and one out of five will die from cancer.

A recent study in the U.S. said that anywhere from 20 to 38 percent of all cancer fatalities can be traced directly to on-the-job chemicals and products; that anywhere from a fifth to a little bit over a third are induced at the workplace, come from the workplace; and the World Health Organization and other august bodies such as that tell us that 80 to 95 percent of all cancers are environmentally caused, 80 to 95 percent of all cancers are environmentally caused. Now, what that means is, it's not a genetic defect, it's an external cause of cancer that is imposed upon us. Where are all those carcinogens coming from? Where are they coming from, Mr. Chairperson? They're coming from the workplaces.

So if we are going to deal with the problem in any sort of a significant and substantial method we must direct our attention first to the source, to the workplace, and one person can't do it, and one person and one summer student can't do it. In Canada, as a whole, 16,000 workers die each year because of cancer, 16,000. Now, if we extrapolate that number into the Manitoba experience we're talking about 700 to 800 fatalities every year that can be attributed to work-induced cancer, and that's a round figure extrapolation. I wouldn't want to be held specifically to it. We're talking about approximately two million work days in this province alone lost due to cancer deaths.

Now, if we had two million work days lost due to strikes and lockouts, my goodness, the legislation that we would have on the books outlawing strikes, that Minister himself couldn't stop the tide if we had two million days lost due to work stoppages. If we had two million days lost due to strikes and lockouts there would be riots in the street. If we had 700 or 800 people killed every year because of strikes and lockouts, can you imagine the profound impact and changes that our society, the contortions that our society would undergo? It's frightening to conceive, it's frightening to think about. Yet, we allow that sort of destruction to go on, and on, and on, and on. We allow it to happen every day - that means two to three a day are dying. They're dying, tucked away in their homes and their hospital rooms. Maybe they should come out to the streets to die. Maybe they should say, "I'm going to die in the workplace," just to draw attention to this tragedy. Because we forget about them, our brothers and sisters, when they go home broken at 55 and 66, when they're totally destroyed physically and ravaged mentally, we forget about them very quickly, and we don't like it brought to our attention. We don't like it, I mean it's a fact of human nature, but that is a fact.

And what happens when we're dealing carcinogens, the other insidious problem is that the disease itself doesn't strike until 20 or 30 years later. And so, how is this one individual going to deal with a problem of that magnitude, they can't. I don't care how capable that individual is, that's why I ask for the qualifications; I don't care if that individual is Dr. Silikoff himself from the Mount Sinai Hospital, a famous famous doctor in regard to carcinogen studies, or Dr. Epstein from Occupational Health in the States. I don't care if they brought those persons up themselves and put them on staff, they would not begin to even dent the problem. We would be talking about their efforts, Mr. Chairperson, as a snowflake on the tip of an iceberg because that is what they mean. And the Minister is going to say, "But we're doing something, we're finally doing something," and I agree, they are doing something. And I said before that we were going to argue frequently about the extent, we were going to argue about how much, rather than whether or not something was being done, we're going to argue about how much is being done and there is not enough being done.

Mr. Chairperson, we are sitting in this Chamber, in this society, in this world, on top of an environmental and chemical time bomb. And let me give you a quick example, I hope I have enough time for it; it's a lily pond, we've all seen lily ponds, and what we have to understand is how that lily pond grows, Mr. Chairperson. It starts out with one lily, then the next day there are two lilies, it grows expeditiously, the next day there are 4, and then there are 8, and then there are 16, and 32, and 64, and 128, and 356 and so on, until one day, if those lilies grow

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unchecked, they totally destroy that pond. They clog off the pond entirely, they smother it. No oxygen can get through, anything in that pond dies, the pond becomes a dead pond. And if it takes, let us say, 10 days for that to happen, Mr. Chairperson, if it takes 10 days if you were to walk by that pond on the 9th day, do you know what you would see? You would see a beautiful lily pond half covered with lily pads. It would be pleasure to the eye. And if you were to walk by the next day, that fast it would happen, you would see a dead pond.

And when you start pumping 500,000 chemicals into this society, when you start putting in 250,000 new ones each year, when you start talking about the 2,000 carcinogens and 25,000 toxins, you may be talking about the ninth day. You may be talking about the day before it all happens and we have to pay for it. And that is why I am concerned, not because they're not doing enough but because the problem itself is so demanding, that the problem itself is so important to our very future. And they are not doing enough, and they are, by that fact alone, Mr. Chairperson, they are foresaking our future.

MR. CHAIRMAN: The hour is now 4:30, Private Members' Hour. I am interrupting the proceedings and will return at 8:00. (tonight).

#### PRIVATE MEMBERS' HOUR

MR. SPEAKER: Order please. We're now under Private Members' Hour, the first order of business under Private Members' Hour on Mondays is Private Members' Resolutions. The first Resolution on the Order Paper is Resolution No. 9.

#### RESOLUTION NO. 9 - APPOINTMENT OF CLERK'S ASSISTANT/CHIEF ELECTORAL OFFICER

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, I beg to move, seconded by the Honourable Member for Lac du Bonnet:

WHEREAS Rule 103 of the Rules, Orders and Forms of Proceeding of this Assembly requires that "the filling of any vacancy in the service of the Assembly shall be made by the Board of Internal Economy Commissioners on the representation of the Speaker, after inquiry touching the necessity for the continuance of the office", and

WHEREAS the Clerk's Assistant is an officer of the Assembly subject to the direction of the House, the Speaker, and the Clerk of the House, and

WHEREAS Section 4(1) of The Election Act requires that "Notwithstanding The Civil Service Act, the Lieutenant-Governor-in-Council shall appoint a suitable person to be styled: 'Chief Electoral Officer', to have supervision and charge of the conduct of every election held under this Act", and shall also serve as a member of the Electoral Boundaries Commission, and

WHEREAS the position of the Chief Electoral Officer has traditionally been a non-partisan and independent post, to which only career civil servants have been appointed, and

WHEREAS the Chief Electoral Officer is removable only after an address to this Assembly "carried by a vote of two-thirds of the members voting thereon", and may be suspended only after the consultation and consent of "the recognized leaders of the members belonging to the several political parties in opposition", and

WHEREAS the Lieutenant-Governor-in-Council, by virtue of Order-in-Council NO. 1222/79, has appointed a person to the dual role of Clerk's Assistant/Chief Electoral Officer without reference to the Board of Internal Economy Commissioners or the "recognized leaders of the members belonging to the several political parties in opposition".

THEREFORE BE IT RESOLVED THAT the House deplore the partisan appointment of a Clerk's Assistant/Chief Electoral Officer and make such recommendations as it deems advisable to the President of the Executive Council, the Board of Internal Economy Commissioners and this Assembly.

MR. SPEAKER: Before I accept the motion of the Honourable Leader of the Opposition, I would like to inform the honourable members and refer to Citation 415 of Beauchesne, which states, "A motion which contains two or more distinct propositions may

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be divided so that the sense of the House may be taken on each separately. The Speaker has a discretionary power to decide whether he should divide a motion."

And, number two, "It is only in exceptional circumstances and when there is little doubt that the Speaker may intervene and, of his own initiative, amend the motion proposed by a member."

I have no intention of dividing this on my own but, if there is some inclination on the House to divide it into two separate motions, I would be quite willing to do whatever the House decides.

Hearing no objection . . .

MOTION presented.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, in the Resolution before us we are dealing with an appointment of an official of this Chamber, this House; that is one which carries with him or her a very important function and responsibility: The conduct of elections, the monitoring of the violations that might take place pertaining to elections within the province and one that is involved insofar as providing input to the Election Boundaries Commission, particularly in reference to the redistribution which takes place on a 10-year basis.

Mr. Speaker, in addition, the particular office that is involved, an officer can only be removed by a two-thirds vote of the members of this Chamber. The person in question ought to be one which is non-partisan in nature, to the extent that it is at all possible.

And thirdly, the merits and qualifications of that particular person should be gauged by way of competition, and it is my understanding that insofar as the position of Clerk's Assistant is concerned that there has always been a competition; subject to correction, but it is my understanding there that it has always been subject to.

Certainly in the position of a former Clerk in this House, Mr. Andrue Anstett, it is my understanding that there was competition; that there were a number of applicants for the position at that time; that Mr. Anstett came, a bright, capable young individual and was given the position in question after a competition involving a number of applicants, after thoroughly satisfying the Commission at the time that he had more than ample abilities for this position based upon his background of experience and training in that regard.

Now we have before us, Mr. Speaker, one who was appointed by way of an Order-in-Council passed during the Christmas vacation period, announcement made, without competition; one who was appointed, not through this Chamber; one appointed not through consultation, and one that was appointed that requires a two-thirds vote for removal.

Now, insofar as the present incumbent of that office, certainly we hold that particular individual no ill will. We do, however, regret and express our extreme disappointment that we have witnessed the beginnings of an approach which we find deplorable: That one who is appointed can only be removed by way of a two-thirds vote, a position which is non-partisan by nature, an individual that one would have hoped would have been appointed as a result of a competition through the Civil Service Commission, would be appointed by way of Order-in-Council.

The method and the approach by which Mr. Willis was appointed was one which was extremely unfair to Mr. Willis, not to speak of the reaction within this Chamber. The particular individual must enjoy the confidence of all members of the House and ought to come into this Chamber knowing and feeling that he or she has that particular confidence. And if some simple elementary effort had been undertaken on the part of the Attorney-General and on the part of the First Minister, I am satisfied that this would in fact have been the case. And from the point of view of the present incumbent, I think it's regrettable that he has been placed in this position by a government which saw fit to not concern itself about what ought to have been anticipated under those type of circumstances.

We know not of the credentials of the present incumbent for that position. We have not been informed of any particular qualifications the party in question enjoys. We know that he was a former practising solicitor and, to our knowledge had no previous experience in a Legislative Chamber, clerking or assisting in any way, shape or form.

We do know that the member was engaged in the Attorney-General's election campaign in 1977. The extent of his involvement we know not; only the Attorney-General can express advice as to the extent of that involvement. We do know that the member in question was involved in the campaign so he does not enter this House without previous partisan involvement on the part of one of the members of the Treasury Board itself.

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I note that the former Clerk and Electoral Officer of this province indicated that one Charland Prudhomme, after some 19 years of experience coming into this House from a civil service background, indicated that there just was no place for an appointment of this nature that was not properly processed in the way that one would anticipate, and one that would enter the House on a partisan basis.

So, Mr. Speaker, none of us certainly enjoy this type of discussion or debate after the fact. It need not have occurred. I'm satisfied if there had been proper respect for normal procedures that could have been undertaken, such as were undertaken with the appointment of Deputy Clerk, a Mr. Anstett, that we would not be debating this matter today. I'm sure the First Minister doesn't enjoy this type of debate. Certainly I don't enjoy this kind of debate.

It does reflect, I believe, an attitude and approach, a lack of sensitivity on the part of the First Minister, the Attorney-General, and members of the Treasury Bench as to the importance of ensuring that certain positions that are fundamental and important to the democratic process within our jurisdiction be maintained non-partisan, not only must they be non-partisan but they must clearly and precisely appear to be non-partisan.

Regrettably, the actions on the part of the government reflect upon that. They have placed a young gentleman in an extremely awkward and difficult position by their conduct and by their actions. It need not have happened if those sensitivities had been appreciated by the members across the way.

I am not going to, at this point, deal with the field of other lack of sensitivities except to indicate to the House, because I believe it must be pointed out at some point, that the Attorney-General, in our view, who was responsible for this appointment, showed some lack of discretion last fall when he appeared in a press conference to deal with The Elections Act and to suggest breaches of The Elections Act, to call for amendments to The Elections Act in the company of a candidate in his party last September, October. Just another example of the type of insensitivity that I believe is so important if we are to ensure that the democratic process remains healthy and respected and enjoys the confidence of all Manitobans, whether they be with the government, the opposition or other parties, within Manitoba itself.

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, I rise to participate in this debate sharing some of the feelings. I say "some" advisedly, Mr. Speaker, that had been reported or announced by the Leader of the Opposition. I need only tell him, of course, that if he feels that this debate is unfair to the present incumbent, then of course he is the one who started the debate, not the government, and he can't shift onto the shoulders of the government the placing of this Resolution on the Order Paper.

May I say to him at the outset, Mr. Speaker, that the course of events leading up to the appointment of the person in question as Chief Electoral Officer and as Deputy Clerk of the Chamber is one that I think is quite clear when one reads the Statutes; indeed resort was had to the law officers of the Crown to determine what the requirements were with respect to this appointment. And if my honourable friend will read the Statute in question with respect to the appointment of the Chief Electoral Officer, he will find that all that is required is an executive act of the Lieutenant-Governor-in-Council, which was taken. So my honourable friend's case, if he tries to found his case on some breach of legality, is a case that does not exist.

And, Mr. Speaker, to suggest otherwise that thereby the appointment becomes one of a partisan nature, merely because the appointment is made pursuant to the Statute, I think is stretching the facts of the situation rather considerably.

A resignation was received from the previous Chief Electoral Officer, a resignation I may say that had been anticipated for some time because he, being a person who was very forthright and a person of great candour, who has served this House with great distinction for a number of years, had indicated some time previous that he wished to be relieved of those responsibilities.

As fate would have it, he had to undertake yet another series of elections; that is the by-elections that were held last fall. And thereafter, when they were completed and he had finished his work on them, he submitted his resignation. And I'm suggesting in no way at all that this was precipitant; this had been anticipated for some time.

It had also been anticipated, Mr. Speaker, that the requirement - and this had been discussed with the people involved - that there would be some considerable merit in having a

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person as the Chief Electoral Officer and as the Deputy Clerk of this House, with a legal background. I don't think anyone, nor do I believe my honourable friend objected to that in any way, shape or form.

It was then a question of determining suitability of a person who was available to take the appointment. People were considered in this regard and the present incumbent was ultimately approached and agreed to accept the appointment, and the appointment was made.

Now, Mr. Speaker, the Statute, if I may say so, was complied with in all respects, with respect to the appointment of the Chief Electoral Officer. The House Leader can undoubtedly deal with the other question because it is a double-barrelled Resolution with respect to the question of the Deputy Clerk of the House. But the appointments have, as I need not remind my honourable friend, have traditionally been interchangeable: that is, the former Deputy Clerk of the House was also the Deputy to the Chief Electoral Officer and the only change that has been made is that, whereas one man prior was both the Clerk of the House and the Chief Electoral Officer, now one man is the Chief Electoral Officer, and new man, and the second man has had his responsibilities reduced in the the sense that he now is the Clerk of the House alone. And that is merely a manifestation of how the workload on the two jobs has increased over the years. So I see nothing untoward in any way, shape or form about the development of two people in correspondingly senior positions where one person formerly did the job. That is a regular development in Government Services.

So, Mr. Speaker, I really find that there is very little substance to what my honourable friend has had to complain about. Indeed, were it not for the benefit of one or two newspaper articles, I would suggest he would have nothing to complain about at all because, Mr. Speaker, I think it can hardly be heard from that side of the House to be complaining in this Chamber, ever, about political appointments; ever, about political appointments.

Need I remind my honourable friends opposite about the Civil Service Commissioner that was appointed in their time. Was there any consultation on that appointment? Was there any consultation on the appointment of the Chairman of Manitoba Hydro by my honourable friends opposite? Was there any consultation about the Deputy Minister of Education with the other side of the House? No, Mr. Speaker. The Deputy Minister of Agriculture, was there any consultation about that? I realize, Mr. Speaker, my honourable friends don't like to have these appointments brought up again but I merely ask them was there any consultation about the Deputy Minister of Labour? And how many of those members, and I ask my friends the question, how many of those members that I've just run through and there are others, Mr. Speaker, were members of the NDP in good standing or how many of them had run as party candidates, either in this province or in other provinces, before the appointments were made in Manitoba? And I suggest that before my honourable friends are through with this debate they had better answer that question, before, what I suggest with respect, Mr. Speaker, the hypocrisy of standing up in this House and complaining about senior appointments being made, before that kind of hypocrisy is brooded about any further.

I merely say to my honourable friends that they still have a considerable amount to answer for in terms of outright and blatant partisan appointments in this House without raising at all the question that we have before us today of the Chief Electoral Officer of the Province of Manitoba. The present appointee, according to my information, has not been an active party member of the Conservative Party although he apparently did work on behalf of the Attorney-General in the election in 1977. I don't know, Mr. Speaker, when you achieve 49 percent of the popular vote in Manitoba it's pretty hard to find somebody in Manitoba who didn't either work for or vote for this party. I fail to see what my honourable friend finds obnoxious or objectionable about that fact. My honourable friend is a graduate in the law in this province and has practiced the law in this province, and for some time was the Attorney-General of this province. Does he mean to stand up in this Chamber and say that every high court judge who is invested with a great deal more authority to make decisions dealing with individuals and the people of Manitoba than indeed the Chief Electoral Officer is, is he trying to say that every high court judge in this province has no previous partisan connection, and that if his party were elected to national office, God forbid, that there would not be previous members of the NDP who would be appointed to positions, high positions, on the national bench, on the Federal Court, on the Supreme Court, on the Court of Appeal in Manitoba, on the Court of Queen's Bench in Manitoba, on the County Court of Manitoba, or indeed, in the Provincial Judges Courts of Manitoba? These are people who are appointed by the Executive Council, in case of the provincial judges of Manitoba, and by the federal Governor-in-Council, who have responsibilities going well beyond those of a Chief Electoral Officer in Manitoba.

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Are my honourable friends trying to say that there is some sort of a mythical world that they would devise whereby people who had previously had partisan activities, or participated in partisan activities, would somehow or other no longer be eligible for service to the public, either in this province or in the judiciary in this country.

Mr. Speaker, their case begins to fall apart when you start examining, first of all their own record and actions in government, in which I have suggested before they debased the merit principle in the Civil Service Commission which we have restored in the last two years. And secondly, Mr. Speaker, the real world in which we live with respect to other important appointments that are made and will continue to be made by the Governor-in-Council and by the Lieutenant-Governor-in-Council in Manitoba. I suggest that the appointment of a provincial judge is as important, not only to this Chamber, but to the people of Manitoba, and is my honourable friend suggesting that he be consulted every time a provincial judge is appointed?. I think not. If he would ponder that question I think that he would agree that that would not be a necessarily wise thing to do in any way at all.

So, Mr. Speaker, the Leader of the Opposition said that there were no previous qualifications or experience for the incumbent in this position. I doubt very much if he will find too many people across Canada who have any peculiar kind of background or experience in electoral officers in this country. Indeed, the present distinguished incumbent in this office, when he, as I recall, and I was a member of the House when he joined the staff of this House as the Deputy Clerk of this House, I think if you were to ask him privately he would be able to say to you that he had no previous experience with respect to being the Deputy Clerk of the House or with respect to being the Deputy Chief Electoral Officer when he assumed that position. And I daresay that everyone in this House unanimously would agree that the present incumbent, the present Clerk of the House, has carried out those responsibilities, not only with great integrity but has carried them out with great efficiency over the large number of years he has been here.

So again I suggest, Mr. Speaker, that my honourable friend's argument falls apart. I don't know what kind of a mythical man my honourable friend is looking for that is non-partisan, has previously had experience, I don't know what kind of a person that would be. But my honourable friends opposite, now in opposition, seem to think that they can find these allegedly non-partisan people to fill senior positions in government. I suggest to them their record in that connection while they were in office suggests that they didn't have any stable of non-partisan people to refer to because they sure as the dickens, Mr. Speaker, didn't make any non-partisan appointments at the senior levels in this government when they had responsibility; and the people of Manitoba, Mr. Speaker, are going to be paying for some of those partisan appointments, such as the Chairman of Manitoba Hydro, for generations to come, for generations to come.

So I think it ill befits, Mr. Speaker, the present opposition and indeed the present Leader of the Opposition, to stand up with the kind of unctuous self-righteousness and try to talk in this Chamber about partisan appointments when in fact the appointment that was made was of a solicitor who has qualities to serve this House with great distinction. And, Mr. Speaker, a person who will serve this House, I am sure, with great distinction if he is given the opportunity by all members of the House to do so. The fact that he may have previously had some partisan connection in one election with one of the members of the Chamber on this side I would suggest to my honourable friends, in fairness and in reasonableness, should not become an automatic disqualification, because of it were, and if we were to go through the Civil Service of Manitoba, and particularly those appointments that were not cleared by the Civil Service or cleared by the Civil Service under the particular chairmanship that it had during a number of its years when my honourable friends were in office, then there would be a large number of people who would be disqualified from public service in this province.

And so, Mr. Speaker, I suggest with all of the moderation that I can summon in speaking to a resolution of this kind, that my honourable friend's case does not hold together. He does not have a case that he can logically make. What we are listening to is a debate by newspaper clippings and I dare say that if one of the newspapers in Manitoba had not made a one-day news story out of the item that the incumbent about whom we speak played some role in the 1977 election, that we wouldn't be engaged in this debate at all because, if I heard my honourable friend right, his comment was that he was not attacking the character or the integrity - and I hope this is the case - of the person in question, that indeed if one prequalification had been, as I heard it, if one prequalification had been met, namely, if he had been consulted, that we would not be in this debate at all. And if that is the case, then I suggest to my honourable friend that there is no need for the debate because my honourable

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friend, if he will check the statute, will find out that there is no need for consultation any more than he and his colleagues consulted the opposition in days gone by when they made blatant partisan appointments. Blatant partisan appointments, Mr. Speaker, if I may say so, not of people of quality but blatant partisan appointments of people who did not have the quality to fill many of the jobs that they were appointed to.

My honourable friend says this debate is unfair to the incumbent; I agree with him, I believe the debate is unfair to the incumbent. Mr. Speaker, I would suggest that the best way of relieving my honourable friend of that kind of concern that he has expressed is to end the debate and to end the debate by defeating the resolution, which it is the intention of this side of the House to do. Because my honourable friend has not made a case, either based on precedent, either based on the activities of my honourable friends who are opposite, and I am the first to say, Mr. Speaker, that two wrongs don't make a right, but we are not practicing a wrong in this case in any shape or form.

My honourable friends had better have a caucus. They had better have a caucus and make a determination as to how they made appointments when they were in office before they try reading lectures to this government or indeed to any other government in Manitoba which is faced with the job of cleaning up the act that they left behind them, both in terms of the Civil Service Commission and many many other senior jobs in government that were filled in a very blatant political way.

So, Mr. Speaker, I say to my honourable friend, as I said, with as much moderation as I can muster in the circumstance, I say to my honourable friends opposite that I, for one, certainly do not intend to vote for this resolution. I think they would be doing a service to the House if they reconsider their position on the resolution. We intend to vote against the resolution because it has no substance in fact or in form and is a resolution that would have been better not brought to this House at all.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I'm not going to debate with the First Minister as a lawyer because I obviously don't have that particular background. I am going to debate with him on the grounds of tradition and on the grounds of common sense because it seems to me that the substance of the First Minister's argument was, trust us. You can trust us, we made this appointment, we did it in our best light, it was a Cabinet decision, and therefore, you should find it acceptable.

Well, I would say on some positions in the government that the Executive Council and the First Minister are free to do whatever they want. But when it comes to a position such as this in the Assembly, which is a sensitive position in which the people who make the wheels turn have to have the confidence of both sides of this Chamber, that in that particular instance, Mr. Speaker, we do not trust the government. There is nothing wrong with having a political background. There is nothing wrong with belonging to a political party and working for a political party, and I would not admonish the government for making certain political appointments in the Civil Service. They have the right to replace certain people in high positions; they have the right to change boards and commissions; they have a right to have the Civil Service as a whole, rather than each individual person, but as a whole, the Civil Service has to carry out their wishes, and this is certainly the tradition in our country and in our province.

But you know, when I listen to the First Minister talk I am reminded of his first actions. The first actions of the Lyon administration were to call in, in fact before they were legally sworn into office, was to call in three Deputy Ministers, 10 minutes apart and fire them summarily. One of those men in particular - I'm not going to talk about each and every person, I want to talk about one person just for a moment, my own Deputy Minister - a man who did not hold a card in a political party and was not associated with a political party, was just booted out and given no opportunity, in effect, to defend himself, by the First Minister before he was the First Minister, because he was suspected of harbouring in his innermost mind some affection for the previous administration.

I say that this appointment was improper; that this appointment because of its very nature should have been bulletined or advertised; that the present incumbent should have his appointment revoked; that he should also be subjected - and so should the whole position - should be an open competition and the incumbent selected should be non-political because of the very sensitive nature of the position. I don't think, Mr. Speaker, that there should be any ifs, ands, buts or maybes in this regard.



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One of the most sensitive responsibilities of that portfolio is to be involved, as Chief Electoral Officer, with the drawing of new electoral maps. Now what could be more sensitive than that? If a political party has a person in that position who can take the maps of the province and redraw them by moving one boundary a little more one way or a little more to the other, it could result in a number of seats going to the government party. All of us who are in the political business could draw a political map which would be greatly to the benefit of our own political party.

The First Minister is saying to us, ignore the fact that this gentleman in question, who is probably not known to anyone on this side and no one on this side has any emotional or vindictive attitude towards the incumbent, but when we learn that this person was involved in the campaign of the Attorney-General then we are suspicious, and I speak for myself, I am suspicious of the fact that this gentleman probably is a member of the Progressive Conservative Party; probably has professional and ties of friendship with at least one Minister in the party; and then I am asked to deliver myself and the fate of my colleagues and the fate of my political party into his hands, or ordered to in this particular instance, Mr. Speaker, I will not willingly do that. I will not deliver myself into the hand of my enemies.

So, Mr. Speaker, I think it will be very interesting to hear how he describes his relationship with the incumbent, whether he is a friend or a supporter; whether he is a casual acquaintance; or as one of my backbench colleagues says, whether he wants to know, like one of the great Conservative Ministers of the late great Clark Administration, whether they see eye to eye and bum to bum on this particular matter.

So, Mr. Speaker, I say that this is not the place for anybody with partisan background. No person with a partisan background can sit in that Chair and do his job properly.

I say that the present incumbent is under a cloud from the first moment of his appointment up until the present time. And when you come to bias, which is what is my concern and the concern of my colleagues, it's very easy to predict. We have seen government enquiries. We know right away before the report is written what that report will say.

We know in advance when the names are suggested and the terms of reference are indicated, what direction that report is going, the Burns Report being one of the best examples, and there are many more.

I remember a few years ago the Erwood Currie Report. Some of the MLAs here and some of the Ministers were members of Council and we knew, right from the first moment when the Erwood Currie Report was commissioned, that it would suggest the dismantling of the Department of Works and Operations, and so it did. So all that money was wasted. And if the government wants to govern by commission they are wasting the taxpayers' money. They can just as well do what they want to do, as set up some kind of an enquiry and then respond to the recommendations that they themselves suggested or were looking for.

Mr. Speaker, you know the government is only a couple of years old but it's now practically on its last legs. But I detect a pretty heavy-handed approach being taken by the Progressive Conservative administration in this province. I think they're taking it here; I think they're taking it in regard to the so-called debate on the 4-day week where they are not listening to the opposition. They're just running roughshod over the opposition because they have the numbers. But when it comes to certain areas that should be non-partisan and that have traditionally been non-partisan, and hopefully will continue to be, there should be consensus; there should be consensus. And if they are going to simply ignore the role and the input of the official opposition then I think they are doing a disservice to the House, to themselves and to the people of the province.

So I say, Mr. Speaker, I can't give the exact quote but we've all heard it many times in this Chamber, about Caesar's wife and about justice, that it should not only be done but it should appear to be done, or be seen to be done. Well, it certainly doesn't seem or appear that in this instance we are getting an independent non-partisan servant of the House. That's what we want and that's what we are demanding and that is what we are asking for.

We do not have confidence in the man concerned. So I say, Mr. Speaker, that we had previously confidence, unparalleled confidence in Mr. Prudhomme, who was a servant of this House for many years. We have the same confidence in Mr. Reeves; we do not have that confidence in Mr. Willis.

And I say that this appointment should be revoked; that it should be an open and free competition; and that the gentleman involved - if he is above and beyond reproach - can submit his name and if he comes out on top then he can have the appointment.

But I wish to make this point clear; that nobody who fills that position should have a close association with any political party.

Monday, March 10, 1980

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, firstly let me say I'm not sure whether the Member for Elmwood doesn't attend his own caucus meetings or he was deliberately misleading the House because I think he should be well aware, as his House Leader is aware, that with respect to the hours of this Legislature I have indicated to the House Leader that the government is prepared to reconsider this matter before the Rules Committee and arrive at a consensus between the parties, Mr. Speaker.

Now, that happened some time ago and we're simply going to call the committee, Mr. Speaker, so that when the Member for Elmwood refers to the attitude of the government, obviously giving him the benefit of the doubt, he hasn't been attending his caucus meetings.

Mr. Speaker, the Leader of the Opposition indicated that he was not aware of the background of Mr. Willis. Let me just explain briefly that Mr. Willis was born in Winnipeg, Manitoba; was educated here, graduated from the University of Manitoba in 1966 with a Bachelor of Arts degree; and from Dalhousie University with an LLB in 1969 and was called to the Bar in Manitoba in 1970.

He practised for 10 years, Mr. Speaker, with the well-known and large Winnipeg law firm, Aitkins, Macaulay and Thorvaldson, primarily in the area of Civil Litigation, Mr. Speaker. And when someone questions or asks for what kind of background would qualify a person to be a Chief Electoral Officer, or an Assistant Clerk in this House, I would suggest that someone with a law degree, having practised law, particularly in the Civil Litigation area, where he has no doubt become familiar with Rules of Evidence, Mr. Speaker, is an ideal candidate and occupant of such a position.

Mr. Speaker, there is reference in the Resolution before the House that the incumbent of this position should be an independent position. And as the First Minister indicated, Mr. Speaker, I can see no better example of appointments of political people, many of whom have been involved in politics in one way or the other, than judges who preside just across the street in the Law Courts Building, Mr. Speaker.

We have, and I say this with all due respect to them because of the fact that we've obviously had a Liberal Government for 12 years, from 1978 back, we have judges there all appointed by the Liberal Party. And are they suggesting, Mr. Speaker, that because of the fact that they were appointed by the Liberal Government; because some of them may have been involved in political affairs and most notably, for example, one of the most recent, Mr. Justice Huband, in the Court of Appeal, the former Leader of the Liberal Party, that he would allow his previous political activity to interfere in his function as a judge? I would certainly not suggest that and I don't believe they would suggest that.

A MEMBER: Yes, they do.

MR. MERCIER: Perhaps they do, Mr. Speaker. They do, for example, under the legislation, adjudicate in matters under The Elections Act, The Controverted Elections Acts, and are the final decision-makers, Mr. Speaker. They are appointed by a particular political party. Are they suggesting that because they received that appointment, that that will in any way interfere with the determination of any election matters that come before them? I don't suggest that, Mr. Speaker. I don't suggest that in one way.

Mr. Speaker, there has been a reference to Mr. Willis' being a partisan appointment. Mr. Speaker, my information is that Mr. Willis has never served in any official capacity with any political party, not as a candidate or an official agent, a campaign manager on any constituency or other executive, never even a delegate to a convention, Mr. Speaker.

Mr. Speaker, he was however involved as a poll worker in my campaign, as he candidly admitted to a reporter from one of the daily newspapers who asked him. Mr. Speaker, he was one of many people from many walks of life, from all professions, many Liberals as the present Member for Fort Rouge will be well aware, her official agent in the previous provincial election and was in the last provincial election, my official agent. A near relative of mine who has lately been associated with the Liberal Party, I must say, Mr. Speaker, worked diligently on my behalf, 12 to 14 hours a day, Mr. Speaker. --(Interjection)-- The Member for Fort Rouge asked, what have we done for him? That will only show, Mr. Speaker, how we do take into consideration, ability. --(Interjection)-- I know he will understand, Mr. Speaker, that that comment was made on the spur of the moment.

But, Mr. Speaker, Mr. Willis was in fact one of many people from all political parties who worked in my campaign in order that we could overcome a 1,500 vote deficit and defeat the former Minister of Education in the former government in that particular area.

In fact, Mr. Speaker, I went back and I checked. If people are concerned about Mr. Willis' partisan activities, when this matter was raised I thought I'd better check and see what sort of a job Mr. Willis did and I checked, Mr. Speaker, and he'd lost the poll that he was working in.

Mr. Speaker, I suggest in all seriousness that Mr. Willis with his background as a lawyer in civil litigation for ten years, is an ideal occupant of this particular position, Mr. Speaker.

The Resolution refers to the Board of Internal Economy Commissioners, Mr. Speaker. I want to point out that the Board of Internal Economy Commissioners as you well know, Mr. Speaker, is composed of yourself as Chairman and two members of the Executive Council. No members of the opposition are a part of that particular board. So if they thought there was any purpose to be served by the Board of Internal Economy in respect to this matter that that was to involve the opposition. Obviously it does not.

I would however, Mr. Speaker, indicate that I have discussed this matter with the Opposition House Leader, I think prior to this matter having been raised and virtually every other province does have some membership of the opposition on the Board of Internal Economy Commissioners, and that is a matter that will be given consideration by us in the future.

The legislation itself, Mr. Speaker, clearly allows the Lieutenant-Governor-in-Council to appoint a Chief Electoral Officer. There is no requirement as the First Minister indicated for anything else to be involved in the appointment to this particular position. In fact, Mr. Speaker, it was the members opposite who amended The Civil Service Act to allow for political activity by civil servants.

Mr. Speaker, the members opposite are saying they were talking about this one position. Clearly, Mr. Speaker, they do not want to talk about any other position. They don't want to talk, Mr. Speaker, about their president's comments that were reported in the Winnipeg Free Press last November. "When we get back into power" said party president Bob Mayer, "I want all Tory people out of there".

Mr. Herb Schultz said an NDP government would want our own people in there. Riel constituency delegate Chris Johnson said, "We have to fire senior Conservatives or why seek office again". No wonder they only want to talk about one position, Mr. Speaker, no wonder they only want to talk about one position.

I suggest, Mr. Speaker, without being involved, without embarrassing members opposite with respect to comments about other positions in the civil service, I would like to deal with this one, Mr. Speaker. I suggest, Mr. Speaker, that this gentleman has had no real previous political involvement. He was one of a number of people for personal and other reasons who participated in my campaign; that we are fortunate in having a person of his ability assume this particular office, Mr. Speaker, and I think he is extremely well qualified for the position and I think all members of the House will benefit from his assuming this very important job. Thank you, Mr. Speaker.

#### INTRODUCTION OF GUESTS

MR. SPEAKER: Order please. Before I recognize the next speaker, I would like to draw the honourable members' attention to the gallery, where we have the Honourable Bruce Cochrane, Minister of Tourism, Cultural Affairs and Fitness, from the Province of Nova Scotia.

On behalf of all the honourable members we welcome you here this afternoon.  
The Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Speaker, I am just wondering whether it wouldn't be more appropriate to call it 5:30 and then I can proceed on the first opportunity the next day.

MR. SPEAKER: Is it agreed to call it 5:30?  
The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I move, seconded by the Minister of Government Services that this House do now adjourn.

MOTION presented and carried and the House adjourned and stands adjourned until 2:30 tomorrow afternoon. (Wednesday) Committee of Supply to meet at 8:00 tonight.