

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**Wednesday, 11 June, 1980**

Time — 2:00 p.m.

**OPENING PRAYER** by Mr. Speaker.

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

**PRESENTING REPORTS BY STANDING  
AND SPECIAL COMMITTEES**

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

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

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

**MOTION presented and carried.**

**MR. SPEAKER:** Ministerial Statements and Tabling of Reports . . . Notices of Motion.

**INTRODUCTION OF BILLS**

**HON. DOUG GOURLAY (Swan River)** introduced Bill No. 67, An Act to Amend The Municipal Board Act.

**INTRODUCTION OF GUESTS**

**MR. SPEAKER:** At this time I should like to introduce some of the visitors in our gallery. We have eight students of Grade 9 standing from the General Wolfe School under the direction of Mr. Fenton. This school is in the constituency of the Honourable Member for Wellington.

We also have 30 students of Grade 9 standing from McKenzie Junior High School, under the direction of Mr. McCallum. This school is in the constituency of the Honourable Member for Dauphin.

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

**ORAL QUESTIONS**

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

**MR. SAUL CHERNIACK (St. Johns):** Thank you, Mr. Speaker. I'd like to address a question to the Honourable the Minister of Labour who apparently on Monday presented Certificates of Commendation to people who were employed for over 50 years in the same trade, whether he can comment to us on the impact on government directly, and on the employment situation in Manitoba generally, by the Queen's Bench decision to the effect that The Human Rights Act denies an employer the right to force retirement because of age.

**MR. SPEAKER:** Order. Order please. I believe that is a matter that was before the courts. —

(Interjection)— Oh. The Honourable Minister of Labour.

**HON. KEN MacMASTER (Thompson):** Mr. Speaker, we're interested in that particular decision and I ask time to give myself and others the time to review the findings of that particular decision.

**MR. CHERNIACK:** Mr. Speaker, that being reasonable, I would ask the Attorney-General whether he has indeed requested the Human Rights Commission, which operates under the legislation which I have already referred to, whether or not they think their legislation is adequate, is that the import of what he has instructed them to do?

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

**HON. GERALD W. J. MERCIER (Osborne):** Mr. Speaker, the Human Rights Commission are reviewing this whole subject area.

**MR. CHERNIACK:** Mr. Speaker, the point I asked of the Minister was whether the Human Rights Commission is studying whether or not they wish the Act to be as it is or changed, since in effect it is the policy decision of government as to whether legislation is acceptable or not to the people of the province and to the government?

**MR. MERCIER:** That question doesn't change my answer, Mr. Speaker. The Human Rights Commission are reviewing this matter.

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

**MR. JAY COWAN:** Thank you, Mr. Speaker. My question is to the Minister of Health. A while back the Minister of Health indicated that there would be a committee reviewing the needs of northern Manitobans for a more equitable and permanent system of employing doctors in the communities. In regard to the problems that are now being experienced in Leaf Rapids, can the Minister indicate to us a status of that committee in their reporting and also the status of the situation at Leaf Rapids presently?

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

**HON. L. R. (Bud) SHERMAN (Fort Garry):** Yes, Mr. Speaker, the committee referred to is the Standing Committee on Medical Manpower. It has been in place and it works since the first of the current calendar year. They deal with specific agendas and report to me, or through my officials to me, regularly, virtually on a monthly basis, although not necessarily specifically a monthly basis, but it is a regular reporting mechanism. They are addressing the whole challenge of distribution of medical professionals and health professionals in northern and remote and rural communities. We're awaiting major recommendations and don't expect them in the immediate future, but certainly expect them in

the near or middle future. In the meantime, with respect to problems like Leaf Rapids our northern medical services personnel under Dr. Jack Hildes, attempt to address each of those situations as they arise. Efforts are being made to attract doctors to Leaf Rapids but I know that the Honourable Member for Churchill knows that it is a reflection of an ongoing problem that jurisdictions all over this continent face at the moment, the struggle to attract practitioners and professionals out of major urban centres and into smaller and more remote communities. I believe that three doctors have volunteered to offer their services on a rotating basis at Leaf for the next little while, but an intensive search for a permanent doctor is going on.

**MR. COWAN:** Thank you, Mr. Speaker. I would ask the Minister then if he would consider suggesting or recommending to that committee that they meet in at least one northern centre so as to hear firsthand the concerns and the needs of northerners. I would ask him also if he can indicate whether or not the Leaf Rapids Medical Centre is now operating or not operating?

**MR. SHERMAN:** With respect to the honourable member's suggestion, Mr. Speaker, it's a good one and I don't mean to anticipate him or preclude it but certainly it's the intention of the committee to meet in various parts of the province, and the committee itself, Sir, is made up of representatives that were drawn specifically from a broad geographic spectrum, including very definitely the north, north of 53.

On point number two, I can't confirm that the Leaf Rapids Medical Centre is operating but I will check that. The needs of Leaf Rapids citizens, with respect to their health, is being accommodated either at Lynn Lake or Thompson and a volunteer system of transport has been established to make sure that they can be moved either to Lynn Lake or Thompson, if necessary. Those cases that can be dealt with within Leaf Rapids themselves are being dealt with by telephone advice, medical advice delivered via telephone, and by contact with our Northern Medical Services office.

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

**MR. COWAN:** Thank you, Mr. Speaker. I direct this question to the Minister responsible for the Government Air Service and ask that Minister if it would be possible to have the M-U2 stationed in Leaf Rapids for the duration of this problem, so that in the event of an emergency situation, that might very well arise out of say perhaps the mine site, an accident occurring there or an accident occurring outside the mine site. If that M-U2 could be based in Leaf Rapids it would be immediately available for transport and I'd ask the Minister responsible if they would, right now, call for that M-U2 to be based in that community until this particular problem has worked itself out?

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

**HON. DON ORCHARD (Pembina):** Mr. Speaker, that is a possibility and I'll take that under advisement. One of the problems that may be of locating the M-U2 in Leaf Rapids is that, in fact, the M-U2 is our main medi-vac aircraft and is on call throughout all areas of the province. However, I'll take the suggestion and follow it up.

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

**MR. SAMUEL USKIW:** Mr. Speaker, I would like to ask the Minister of Agriculture, given the fact that the American boycott of grain sales to Russia is found not to be working, in that there are more grain sales to Communist countries from the United States than ever recorded in history, whether or not the Minister and the government of Manitoba would not exercise their influence to convince the Canadian government and the Canadian Wheat Board, in particular, that we lift the embargo so that Canada can enjoy a greater part of the grain sales that are now occurring throughout the world?

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

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, I appreciate the member's concern for grain sales for western Canadian farmers and, as he's indicated, it is under the jurisdiction of the federal government that the Canadian Wheat Board falls and, in fact, it has been their decision to continue to boycott additional sales, not all sales, the commitment to continue on with what is a normal flow of grain into the USSR has been carried on. Mr. Speaker, I think it would be fair to say, at this particular time, it's of more concern in growing the grain crops, particularly in Manitoba and Saskatchewan, rather than providing markets for them. I think we are looking at a critical situation as far as our grain industry is concerned and we are working on programs with the federal government to help alleviate some of the immediate financial problems that the producers of both grain and livestock are having in Manitoba.

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

**MR. USKIW:** Mr. Speaker, given the fact that historically Canada has established fairly reasonable, in fact very good relations with the Communist world and in particular the Soviet Union with respect to grain sales, far in advance of that of the United States, does it not seem reasonable on the part of this government that we maintain that position so that whenever there is an increased demand for grain from that part of the world that Canada is the first source of supply that is looked upon by that part of the world that is so much involved in the importing of grain?

**MR. DOWNEY:** Mr. Speaker, I would also like to add something that the Member for Lac du Bonnet left out in his statement, that it was a great western Canadian Prime Minister, the Honourable John Diefenbaker, that initially started the trading with

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Communist countries and provided a market for western Canadian grain farmers.

I support continued sales of grain to the countries that have been proven to be good markets and will do everything that I can to see that future market development and continued markets are supplied by the grains that are produced in western Canada. To change or to force federal government policy change at this time is something that I think will come about as we see the people involved and see what the results of that kind of change can be. I am confident at this particular time that it is being assessed by the Chief Commissioner, particularly, and he is in, I'm sure, consultation with the Federal Minister, who is a Senator, responsible for the sales of Canadian grain.

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

**MR. USKIW:** Mr. Speaker, given the fact that the decision was a political decision and not the decision of the grain industry of Canada, it seems to me that the leadership now should come from the politicians with respect to rescinding that decision in order that Canada may maintain a favourable position in the grain trade.

**MR. DOWNEY:** Mr. Speaker, if the member is suggesting that we, as provincial government, should as politicians have more input into the operation of the Canadian Wheat Board, I totally agree with him. I think that we are quite prepared to show leadership in the areas of world export markets and will take on that particular challenge to provide good input from Manitoba to help the federal government in the efforts to sell Canadian and Manitoba grain.

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

**MR. PETER FOX:** Thank you, Mr. Speaker. My question is addressed to the Minister of Health. In view of the fact that he has, a number of times, expressed that MHO and HSC have made a fair offer and in view of the fact that he has met with the representatives of CUPE, will he now indicate whether the request by the employees is also fair?

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

**MR. SHERMAN:** Mr. Speaker, as the Honourable Member for Kildonan knows, bargaining is taking place at the present time. I don't think any useful purpose can be served by comment at this juncture, either on my part or on his.

**MR. FOX:** Well, in view of the Minister's answer, would he like to now retract that it was a fair offer by MHO and HSC?

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

**MR. ROBERT G. WILSON:** I have a question for the Minister of Finance. I'd like to thank him for the list of the Suitors' Trust Account, and I wondered if the Minister would consider having the different department heads and certainly MPIC look at the particular list in the Suitors' Trust Account, because

it would appear a large percentage of this money that is sitting in this particular account and not gaining interest belongs to different government departments, and in the interest of prudent management and good government which wasn't available under the former government, I wondered if we could look at that suggestion.

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

**HON DONALD W. CRAIK (Riel):** Mr. Speaker, we'll take the suggestion under consideration and have a look at it, as the member has suggested.

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

**MR. LAURENT L. DESJARDINS:** Thank you, Mr. Speaker. My question is to the Minister of Health. In view of the fact that 26 hospitals involving over 3,000 workers have been on strike, some of them for 15 days, and that other hospital such as Grace are now saying that they probably will join the strike; and the many problems that we have in the health field, especially with the shortage of nurses and other problems brought in by the unreasonable restraint — my question is to the Minister — that if a larger percentage than anticipated of the total budget of 8 percent is needed to settle this strike, will the Minister today assure the board, the administrators, the hospitals as well as the public, that if this is the case, then the Minister will not allow any further deterioration of the health care by standing firm on an 8 percent all-including increase in the budget of all the hospitals?

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

**MR. SHERMAN:** Mr. Speaker, I hardly think that 642 million this year on health care represents restraint. I also think that the kinds of questions and the perspective from which they come, that are being advanced from time to time by members of the opposition and just now advanced by the Member for St. Boniface, are destructive of the process that's under way at the present time and can only have the effect of spreading distortion, spreading misunderstanding and inflaming the present situation.

**MR. DESJARDINS:** Mr. Speaker, you've allowed the Minister not to answer the question, which is his right, but to make a statement that I resent very much. We are just as honest and sincere on this side of the House than the Minister, if not more. Mr. Speaker, doesn't the Minister consider this a fair question, to make sure that the people of Manitoba are assured that there won't be a further deterioration of the care in health? And doesn't the Minister feel that it's worse to stand up about three weeks ago and say that the offer that was made was a fair offer and then claim that he has hands-off and that he's not involved at all?

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

**MR. WILSON:** Thank you, Mr. Speaker. I have a question to the Minister of Tourism. In light of the fact that on June 9th in Hansard, the Attorney-General in his attempt to get the convention of the Manitoba Bar Association held in Canada, said that there is not facilities for 40 particular lawyers to have a facility within the province of Manitoba or in Canada, could the Minister send the directors of that association a list of some of the facilities that we have outside of Winnipeg, such as Hecla, Portage la Prairie, Falcon Lake, Clear Lake and if not, if that doesn't suit them, how about Laronge or Kenora, or possibly even Minaki might be open next year?

**MR. SPEAKER:** The Honourable Minister of Economic Development.

**HON. FRANK J. JOHNSTON (Sturgeon Creek):** Mr. Speaker, I'm sure that the department could and will forward literature to these people. I don't know whether we can send it on every individual hotel. I don't know whether we have it in stock, but we could certainly make them aware of the convention facilities in the province of Manitoba. As a matter of fact, I'm sure they know them. But it isn't the government of Manitoba's position to tell people where to have conventions, any more than we tell people in North Dakota or places in the United States to have them in Manitoba, which we enjoy a lot of.

**MR. WILSON:** Well, Mr. Speaker, then could the Minister indicate that is it the practice of the Treasury Bench, if they support a particular organization with funding, that these particular organizations, no matter who they are, should be holding their conventions within Canada if possible?

**MR. JOHNSTON:** Mr. Speaker, I don't think that I can say any more than I've said. It's not the government's policy to start insisting what people do or don't do.

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

**MR. RUSSELL DOERN:** Mr. Speaker, I'd like to direct a question to the Attorney-General in his capacity as the Chief Law Officer of Manitoba, and ask him whether he approves of the remarks by a member of the city of Winnipeg police force and the vice squad in which he said, in effect, that LSD is only 5.00 a hit and of good quality, and I quote his exact remarks as attributed in the Tribune. He said, Now the manufacturing is controlled mainly in eastern Canada, and implied that this was therefore of better quality.

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

**MR. MERCIER:** Mr. Speaker, I'm not familiar with those comments that are alleged to have been made. I'll have to take the question as notice and enquire into that matter.

**MR. DOERN:** Mr. Speaker, in so doing I would ask the Attorney-General if he would discuss the matter with the police chief and suggest to him, that by publicly making that kind of statement, the

implication that LSD is good, and that since it is of better quality, etc., it is not harmful to take that substance. I think that is the danger of that type of statement, and I would hope that no police officer would say anything but, that LSD is bad and detrimental.

**MR. SPEAKER:** Has the honourable member a question?

**MR. DOERN:** You don't like it? I don't care if you don't like it.

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

**MR. BILLIE URUSKI:** Thank you, Mr. Speaker. I have a question to the Minister of Agriculture. The other day I asked him further questions concerning the drought. I wonder if the Minister can inform this House whether or not he has the lands in place and organized in terms of allowing farmers to use the Crown lands and the lands adjacent to Management Areas. When will the farmers know, and what time-frame will they have in terms of bringing their cattle to these areas? Could he make an announcement in this respect?

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

**MR. DOWNEY:** Mr. Speaker, I haven't any specific announcements to make. Wildlife Management pastures are being identified, and as the farmers make application or put their request in, they will be dealt with. Any other specific announcement they would expect in this area, I really wouldn't know. I know that they have to be dealt with pretty much on the individual basis, because a lot of these properties lie adjacent to pastures that are already owned by private landholders.

**MR. URUSKI:** Mr. Speaker, I thank the Minister for his answer but I was given the impression that the Minister would be co-ordinating and making areas available to other than farmers who are immediately adjacent to some lands and there would be lands that may be available for other farmers in the area, other than those that are immediately adjacent. Is that process going on or are only the farmers who now are going and applying will be given the priority, or will there be an announcement and farmers can then go through a central agency and bring their cattle to these areas? I would like the Minister to consider that and as well I would like to know whether, through the crop insurance, whether he is intending to make any changes in the adjustment period, for example the rye, which in most cases has already deteriorated — it can either be pastured or the like — has that been allowed to farmers to have those crops adjusted before the time of, I believe, the 20th of June or something in that range?

**MR. DOWNEY:** Mr. Speaker, I think the member is well aware of the fact that there are several things that are involved when it comes to opening up parcels of land that are native grass. There are not fences on some of those parcels of land; it's a

matter of herding. That is in the process of taking place. The identification and the work that is necessary to proceed on or make land available for those cattlemen are in fact taking place. We are trying to make all possible properties available as quickly as possible but there has to be decisions made both by the producers who are involved and by the people who are going to be in charge of those particular livestock. That is in process.

The second part of his question, the Board of Directors who operate the Manitoba Crop Insurance, it's their responsibility to recommend regulation or policy changes. The only thing that is different in that particular area is the fact that producers who now want to seed with an airplane or broadcast seed, that they don't have to have an established stand, that in fact they can proceed to seed with an aeroplane but they do have to in fact notify the crop insurance agent.

As far as the adjusting of rye crops or anything of that nature, if a farmer notifies the crop insurance agency if they feel their crop will no longer produce any grain and they want to have it adjusted, they can proceed to do so. That hasn't changed. The crop at this point could be written off. The June 20th that he talks about is the deadline for seeding of the coarse grains and we don't want to confuse the issue, but what is happening, if for example, a rye crop is considered to be no longer of any value for the production of rye and the farmer wants to use it for pasture, he has to notify his crop insurance agent, it will be adjusted and then he can proceed to pasture the land or hay it.

**MR. URUSKI:** Thank you, Mr. Speaker. I wonder if the Minister could indicate whether in the transportation of hay in terms of providing immediate credit to farmers, whether or not the province will be picking up their portion of the costs in terms of freight with the farmer paying the difference or will the farmer have to pay the full bill and then be reimbursed by the province, in dealing with the hay that the province is bringing in from Ontario, Mr. Speaker?

**MR. DOWNEY:** At this point, Mr. Speaker, the hay that is now coming in from Ontario is mainly by truck transportation and there is a portion that has to be picked up by the farm community. We pay up to a maximum of 20 per ton for the movement of that hay.

I have met with the railroads, with the one railroad in particular, and have had discussion with the other one. The department have been meeting with them to work out a transportation rate which would not impose any charges on the farmer; that if in fact he was able to buy hay in Ontario or we would be able to buy hay for him in Ontario that he wouldn't be faced with additional transportation charges; that in fact we are in the process of negotiating at this particular time. We are also anxious to hear what the federal government have to offer as far as any assistance. It's been a wait and see situation with them and I am anxious to hear the federal government announcement which I am expecting some time this week.

We have proceeded, as the member knows, in certain areas. We continue to assess the situation

and look at alternative programs that we may introduce to alleviate the problems that the farm community are facing, and let me tell you, they are fairly serious.

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. LEONARD S. EVANS:** Thank you, Mr. Speaker. I would like to address a question to the Honourable the Minister of Economic Development and ask the Minister whether he can advise the House on the reasons why consumption demand in Manitoba is lagging behind the Canadian average in the first four months of this year, compared with the same period last year.

**MR. JOHNSTON:** Mr. Speaker, I can only repeat what my colleague has said, consumption is what, but I will take the question as notice and have our research people investigate it and come back with an answer for the honourable member.

**MR. EVANS:** To elaborate on that, Mr. Speaker, I am referring to retail sales as a major component of consumption demand. I wonder if the Minister could answer this question, then, if our Manitoba economy is supposed to be so healthy, at least according to the Budget Speech, what are the reasons for Manitoba's retail sales to increase by only 7.1 percent in the first four months of this year compared with 8.6 percent for Canada as a whole? Why are we lagging behind Canada as a whole in retail sales?

**MR. JOHNSTON:** Mr. Speaker, I said that I would take the question as notice and I will give the honourable member an answer. I will have my research people look at it. I can only say I don't believe that the honourable member, while he's been driving back and forth between his constituency in Brandon East and Winnipeg, has recognized the fact that we have a drought in Manitoba and the retail sales in the province of Manitoba, especially in the rural areas, have been lagging considerably.

**MR. EVANS:** I thank the Minister for his comments but I would, in asking as a supplementary, point out to the Honourable Minister that Saskatchewan, which is also experiencing drought conditions, has experienced 9.8 percent increase in retail sales, which is above the Canadian average, and Alberta is 17.7, which is about double the Canadian average in retail sales. —(Interjection)—

**MR. SPEAKER:** Order please. Order please.

**MR. EVANS:** So my question, Mr. Speaker, to the Honourable Minister is, does he realize, does he understand, that this increase of 7.1 percent in retail sales in Manitoba that has occurred in the first four months of this year means that the physical volume of goods and services traded in the retail sector is lower this year than that experienced last year because of the phenomena of inflation, because inflation is running at between 9 and 10 percent?

**MR. JOHNSTON:** Mr. Speaker, I can only repeat what the honourable member has said. We've

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increased over last year and I will have my research department look at some of the questions he has given me.

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

**MR. WILSON PARASIUK:** Thank you, Mr. Speaker. My question is directed to the Minister responsible for rent control. In view of the fact that landlords have apparently been told by the government that rent controls will be removed on October 1st of 1980 and tenants have accordingly received notices of rent increases which in many instances range between 25 percent and 35 percent, can the Minister tell me if these types of increases are consistent with government policy regarding rent decontrol?

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

**HON. WARNER H. JORGENSEN (Morris):** Mr. Speaker, it's a little bit early for me to forecast what the increases, if any, are going to be. We are keeping a watchful eye on the situation to attempt to determine what the level of increases will be and what we have had is experience from those areas that have been free from rent controls for some time and if the experience in those areas are consistent after June 30, then there appears to be no great danger of rent increases beyond what would be considered reasonable.

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

**MR. PARASIUK:** Yes, I'm asking the Minister if I in fact privately submit to him specific cases of rent increase demands of over 25 percent, in the range of 30 percent, will the Minister investigate it to determine whether in fact this is consistent with the government policy regarding decontrols? Because these people don't know where to turn at present. Is the government going to monitor and provide guidelines to ensure that there is no rent gouging when the government removes the Rent Control Program.

**MR. JORGENSEN:** Mr. Speaker, I think I indicated during the course of consideration of my estimates that there would be a monitoring process in place and amendments to the Landlord and Tenant Act, which will be brought forward shortly, will give my honourable friend the extent to which we intend to carry out this practice of monitoring.

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

**MR. PARASIUK:** In view of the fact that tenants, especially some elderly tenants, have in fact received notices of rent increases effective October 1st, which have made them very nervous and very uncertain about their future because they cannot afford those types of rent increases, can the Minister tell me, and through me those people, what they can do immediately to get some assurance from this government that they will not be subject to 25 to 30 percent rent increases effective October 1st when

the government program of rent controls is removed? What can they do right now in order to appeal that and have it looked into?

**MR. JORGENSEN:** Provision will be made for appeals to the Rentalsman, who is already in place, and there will be an opportunity for people to bring their problems to the Rentalsman and they will be dealt with by that office.

**MR. SPEAKER:** The Honourable Member for Transcona with a fourth question.

**MR. PARASIUK:** Thank you, Mr. Speaker, I'm pursuing this item because it is a very important issue. In view of the fact that nothing is in place right now, can the Minister indicate to us when these people may in fact be able to go to a government authority to deal with a drastic situation facing them, mainly, a 25 to 30 percent increase in rents, which they really cannot afford to pay? When can they appeal to some authority? Because right now no authority exists for them to deal with this matter.

**MR. JORGENSEN:** Both the office of the Rentalsman and the Rent Stabilization Board are still in place.

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

**MR. COWAN:** Thank you, Mr. Speaker. My question is to the Minister of Health and follows on comments that the Minister made on Monday, June 9th when he is quoted in Hansard as saying At the present time, of the 43 facilities outside of Winnipeg affected by the strike, 18 have now seen their CUPE workers go back to work. As that is an unfair representation of the case, I'd ask the Minister if he can confirm that of those 18 at that time who were functioning, the majority of those had never gone out on strike and in fact had not seen their CUPE members return to work in violation of a strike vote but had in fact continued working on having not gone out on strike in the first place?

**MR. SHERMAN:** No, I can't confirm that, Mr. Speaker, but certainly that mix of 19 — and it is now 19 — is made up of a mix of facilities at which the CUPE staffs did not vote to go out on strike or voted to go out on strike and then did not go out, or went out and then decided to come back. The total is 19 at the present time but I can't confirm the statement of the Honourable Member for Churchill, other than to say that it is a mixture of those different situations but it amounts to 19 facilities at which a strike could have been held and the strike is not being supported.

**MR. COWAN:** Mr. Speaker, well I think the point is now clear that a very small minority of those were those who had actually gone back after having gone out on strike.

On the same day, the Minister also said, We had hoped that it could be solved — and he is talking about the health dispute — through the collective bargaining process. We still hope such, Mr. Speaker, but time is running out. I'd ask the Minister if he still

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believes time to be running out or if he feels better today about the potentiality of this dispute being settled through the collective bargaining process?

**MR. SHERMAN:** Mr. Speaker, I can only repeat what I said earlier, that in view of the fact that negotiations are ongoing at the moment I think no useful purpose would be served by my commenting on the subject, and with respect to the earlier question of the Honourable Member for Churchill, a cursory review of the list — and I will check it further with him — that I get daily on the situation in the rural facilities reveals that of those 19 facilities whose staffs are not supporting the strike, that some seven originally walked out but then abandoned the picket line and returned to work later. I haven't broken down the other figures yet but I'll do it for him.

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

**MR. COWAN:** I thank the Minister for the confirmation of my earlier thoughts.

I'd address this question to the Minister of the Environment, and as it was reported earlier that vinyl chloride contamination has been found in some water samples around the site of the MacGregor spill, is the Minister prepared to elaborate on what those findings were or to table the results of the testing that was done, that did in fact find contamination was more widespread than had been anticipated or suggested by the Minister previously?

**MR. JORGENSEN:** No, Mr. Speaker, the last report that I had received as a result of the testing that was taking place in those wells in the area surrounding the spill, there were no traces of vinyl chloride.

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

**MR. HOWARD PAWLEY (Selkirk):** Mr. Speaker, to the Minister of Health, a week this past Friday the Minister of Health accepted a notice a question from myself pertaining to the opening of positions at Red River Community College for training of future nurses. Can the Minister advise us as to the outcome of his enquiries?

**MR. SHERMAN:** Yes, Mr. Speaker, and I am surprised if the Honourable The Leader of the Opposition has not received a reply from me on that question because I have sent him a reply. It was raised by the Leader of the Opposition in the House but there was also an enquiry that came through other channels of communication, whether it was by mail or whether it was delivered, and I responded by letter to the Leader of the Opposition.

The particular case that he was referring to where a constituent of his had been placed on a waiting list for the nursing certificate course at Red River is a case, as I explained in my communication to him, of the practical nursing course, which is quite different from the registered nurse situation. Insofar as the registered nurse situation is concerned, we are taking all the applicants that we can get up to this point in time and there has been good response.

There are good indications of heavy volume of applicants. Some 140 nurses who were trained and had left the field and returned to private life or other activity are now either back or scheduled to be back between now and early fall in refresher courses at Red River Community College, and we are continuing with those refresher course efforts, Mr. Speaker.

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

**MR. CRAIK:** Mr. Speaker, there was a question from the Member for Inkster regarding the operations of the steam plants operated by Manitoba Hydro. He's not here, but I'll put the answer on the record in the event that I don't recall it later. The Brandon generating station was started up on a regular basis on May 26. It's operating one out of five generators on a full-time 24-hour basis. The Selkirk plant was started as a test only and is not in production.

**MR. SPEAKER:** Order please. The time for question period having expired, we will proceed with the Orders of the Day.

## ORDERS OF THE DAY

### SECOND READING — GOVERNMENT BILLS

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

**MR. MERCIER:** Mr. Speaker, would you call second readings on Pages 4 and 5 of the Order Paper?

### BILL NO. 51 — AN ACT TO AMEND THE HIGHWAYS PROTECTION ACT

**MR. ORCHARD** presented Bill No. 51, An Act to amend The Highways Protection Act, for second reading.

**MOTION presented.**

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

**MR. ORCHARD:** Mr. Speaker, Bill 51, The Highways Protection Act, contains a number of routine amendments. The Highways Protection Act, Mr. Speaker, is designed to do just that; it's to provide control over certain activities along our highways, such as, access to them and control of what types of structures can be placed within highway right-of-ways. The main objectives, of course, of the Highway Protection Act, Mr. Speaker, are not only to assure that all accesses are approved and safe to the highway, etc., but also to prevent untoward cost to the general public in highway development by allowing indiscriminate development along highway right-of-ways which may be needed at some future date for expansion of our highway system; also, Mr. Speaker, to assure that our highways always are as safe as possible for the motoring public.

We are changing, Mr. Speaker, as we have in one other Act, the definition of structure to better

accommodate the intent of the Act. We are, Mr. Speaker, in one portion of this Act removing from the Highway Traffic Board the jurisdiction over establishment of access to provincial roads via service roads and also accesses between lanes and divided highways. This is purely an administrative amendment, because it was one step removed going to the Highway Traffic Board and not deemed necessary when my department was making the application.

Also, Mr. Speaker, we are changing one provision of the Act. Under the present Act, the board may initiate a prosecution against anyone who has established an access to a provincial highway without permission, or established a structure within the highway right-of-way without permission of the Traffic Board. However, the Act does not provide for the removal of illegal accesses, or accesses which have been substantially altered, without proper permission from the Highway Traffic Board. What we are proposing to do with some of these amendments, is to enable the Act to more clearly define the Highway Traffic Board's jurisdiction and right to request the removal of any access or structure which has been placed along our highway system without proper permission from the Highway Traffic Board, without making proper application for the same.

Also, Mr. Speaker, because access to the highway particularly is very much safety oriented, we are strengthening up the provisions by which we may require someone in violation of an existing permit for access, when that person has substantially altered or changed that access and that change has caused a less than safe condition on the highways, we are broadening the terms of the Act and we are giving the offender, shall we call him, a greater degree of notice that the Highway Traffic Board intends to hold a hearing to determine whether in fact this change, which hasn't been agreed to by the board, should be allowed. We are allowing now 30 days' notice in writing of any intent by the Traffic Board to cancel a permit or suspend the permit or issue an order for removal. Those, Mr. Speaker, are the basic amendments of this Act and their intent. Thank you.

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

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

**MOTION presented and carried.**

### **BILL NO. 60 — AN ACT TO AMEND THE MUNICIPAL ACT**

**MR. GOURLAY** presented Bill No. 60, An Act to amend The Municipal Act, for second reading.

**MOTION presented.**

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

**MR. GOURLAY:** Thank you, Mr. Speaker. I'd like to make a few comments with respect to the number of

amendments that appear on this bill. Most of the changes are generally of a housekeeping nature to clarify the existing legislation as it now applies. Referring to Section 1 of the bill, clarifies reference to banks, particularly the Credit Unions and Caisses Populaires Act.

Dealing with Section 2 of the bill, this involves Section 26, Subsection 3, and it clarifies the discretion of the Municipal Board in making orders and awards, particularly in situations involving alteration of boundaries between municipalities. The amendment will make it clear that the board can make an award which reflects agreement between municipalities or involves no transfer of assets between municipalities in boundary-change situations.

Section 3 of the bill amends Section 49. In order to specify the inclusion of . . .

**MR. SPEAKER:** Order, order please. While I realize it's a great asset to all members of the House for the Minister to specifically identify sections and the sections that they amend, we are dealing with the general principle of the bill here and I think it does fall outside of the realm of the usual custom. I would suggest the honourable member do not refer to specific sections in his remarks.

**MR. GOURLAY:** Thank you very much, Mr. Speaker, for your direction. To continue then, I'd like to include that there will be some direction on the item that has been referred to as conflict of interest. There will be some reference made there and specifically in the case of, and I quote, Any Committee of Council will be included in the area.

Also some parts were included to cover the three-year election terms and these provisions of course are no longer required in the Act and they will be deleted. In some areas of the province election dates were held at the various times of the year, and I make reference to resort areas in Winnipeg Beach, the Rural Municipality of Victoria Beach and the Village of Dunnotar; and these will be amended so that they will be held at the same time, if it passes and if we can get permission to get that through in time for this year's elections. Otherwise, it would not have any affect for another three years.

There will be some changes recommended in the rights and powers and privileges of the Municipal Employee Benefits Board, but it, at the same time, makes it clear that The Corporations Act does not apply to this board and a new clause is being added to bring about this clarification.

We're also dealing with establishing maximum fine levels for offences, set at 500 rather than the old level of 100.00. This is necessary in order to prevent the fine level operating as a licence fee. In many cases this was, in fact, happening so the higher limit is being imposed to discourage individuals from breaking municipal bylaws. These are being put in where there's no other provision established by the municipal bylaw as it stands.

I would like to make one reference to a section if I might, Mr. Speaker, with respect to Section 14. This was included by error and obviously the change had already been made previously, and so this part will be disregarded.



It will also be dealing with that part which, to make it clear, that a municipality which has two or more reserve funds can pool the investment of such funds provided that separate accounts are kept relating to the allocation and income from each fund.

Also with respect to service connections, we want to clarify the point where the water lines may run down one side of the street and the connections would be the same for each property, regardless of which side of the street the line happens to be installed. It further provides for the making of rates on a connection charge basis.

Also, another area with respect to municipal bylaws, the fine table for contravention of the municipal bylaw from 100 to 1,000 — and this is the amount of fine which may be established in a bylaw — as in the earlier reference, it was necessary to establish the maximum fine level at a realistic rate which would not operate as the equivalent of a licence fee.

Also another area that we're covering with respect to the rate of penalty for arrears of taxes. In order to enable the penalty rate to be adjusted in times of fluctuating interest rates generally, the maximum rate for a penalty is now removed from the legislation and placed within the jurisdiction of regulations to be passed under The Municipal Act or such lesser rate as may be fixed by a bylaw of the municipality. This will enable the rate for penalties to be established by regulation as opposed to the present situation where any change in penalty rate would require the passage of amending legislation only during a sitting of the Legislature. A municipality may now accept the rate which will be established by regulations or provide for a lesser rate by bylaw, if that is the policy decision of the municipality.

I should also make note that these sections will not come into force immediately, i.e., during the currency of existing penalty rates which have been established and are contained in this year's tax notices. Rather, the new provision will be brought into force, in effect, for the onset of the 1981 municipal taxation year.

The bill repeals a variety of rather ancient election provisions which apply to various municipalities throughout the province, following the revision of The Municipal Act in 1970 and the introduction of The Local Authorities Election Act. Uniformity was provided for and these repealing provisions merely tidy up the existence of formerly necessary special municipal legislation.

So, Mr. Speaker, those explain the numerous changes that are being listed here in this bill.

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

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

**MOTION presented and carried.**

### **BILL NO. 68 — AN ACT TO AMEND THE LOCAL AUTHORITIES ELECTION ACT**

**HON. DOUG GOURLAY presented Bill No. 68, An Act to amend The Local Authorities Election Act, for second reading.**

**MOTION presented.**

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

**MR. GOURLAY:** Thank you, Mr. Speaker, just a few brief comments regarding this bill. Again, they are mainly of a caretaking nature and clarify certain sections prior to this fall's municipal elections. The definition of a county court district to which the authority belongs is clarified so that where a doubt exists concerning the most appropriate district, a senior county court judge or his designate may select the appropriate district. Previously in the event of a recount, for example, the question of an appropriate district required an Order of the Lieutenant-Governor-in-Council. This change was requested by local election officials, a list to be prepared prior to the usual vacation months of July and August. It should be remembered that additions to the list may be still be made by taking the affidavit of an elector. The changes give more time to establish the lists and have them printed. This will provide the list to be in the hands of the returning officer one month prior to election, rather than one week prior to the election. Also, it ensures that a person who files an affidavit requesting a recount is notified of the recount date and previously this was not provided for.

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

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

**MOTION presented and carried.**

### **BILL NO. 70 — THE BLOOD TEST ACT**

**MR. MERCIER presented Bill No. 70, The Blood Test Act, for second reading.**

**MOTION presented.**

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

**MR. MERCIER:** Mr. Speaker, it is a well established principle of common law that any intentional interference with a person of another without legal justification amounts to an actionable assault for which damages may be recovered by the injured person. Mr. Speaker, many doctors have taken and probably are taking blood samples from drivers of vehicles involved in serious accidents where there is reason to suspect that the driver was in some state of intoxication. However, understandably, most doctors are reluctant to become involved or to assist the police because of legal advice they have received. The Blood Test Act protects the doctor from civil liability for assault of the person from whom a sample of blood is taken and permits the doctor to disclose the results of any analysis for alcohol or drug content of a sample of blood.

In particular, I point out, Mr. Speaker, that the Act does not require a doctor to take a blood sample. It does not protect a doctor from negligence in the

taking of any blood sample. I stress that the only basis for exemption from civil liability for assault is where the doctor has reasonable and probable grounds to believe that the person from whom the sample of blood is taken has, at some time within the previous two hours, been driving or had the care and control of a motor vehicle. The Act stipulates that any sample must be taken without compulsion in this regard, while a doctor may take a sample of blood from a person in a drunken, comatose or unconscious state; that is, from a person who is unable to give an informed consent to the taking of a sample of blood. The Act does not permit the doctor to take a sample of blood where a person resists.

Mr. Speaker, we've consulted with the College of Physicians and Surgeons, the Manitoba Medical Association and the Manitoba Medical Legal Society in drafting this legislation. This Act has the support of these organizations. The passing of this legislation, Mr. Speaker, will hopefully encourage doctors to take blood samples from drivers involved in serious motor vehicle accidents. This will assist in determining civil and criminal liability.

Mr. Speaker, we have introduced a number of measures over the past few years in the continuing battle against the drinking driver. The RCMP attribute a reduction in 1979 in the number of impaired drivers to the programs we have introduced for road side suspensions and the mandatory jail sentences for a second drinking and driving offense within a one-year period. Hopefully, Mr. Speaker, this legislation may serve to persuade more people not to drive after consuming liquor.

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

**MR. JENKINS:** Mr. Speaker, thank you. I move, seconded by the Honourable Member for Seven Oaks, that debate be adjourned.

**MOTION presented and carried.**

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

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

**MR. MERCIER:** Mr. Speaker, would you call adjourned debates on second reading as they appear on Pages 3 and 4?

### **BILL NO. 12 — THE LAW FEES ACT**

**MR. SPEAKER:** Bill No. 12, the Honourable Member for Logan.

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

**MR. BRIAN CORRIN:** Thank you, Mr. Speaker. Mr. Speaker, we recognize on this side that there is a necessity for this particular piece of legislation. We understand that there is a need to regulate the fees which may be charged with respect to matters in the court and there is a need to recover certain operational costs by way of a sliding scale of fees.

But we have some concerns which we wish to express this afternoon.

Mr. Speaker, we're particularly concerned that in this Act there is a provision whereby the Crown is not liable to pay court fees like other litigants in the province's courts. It seems to us, Mr. Speaker, that properly, in order to efficiently administer the affairs of government, that government should be accountable in this fiscal way for the litigation it brings before the court system. It seems to us that it is simply bad business to allow the government to appear and present actions to the courts without incurring any costs.

Now, in having said that, Mr. Speaker, we're more than concerned when we find that in a later section of the Act that the government, when it's a successful litigant in the courts, can recover the costs that it has not paid from the unsuccessful party. So what we have, Mr. Speaker, is a situation where the unsuccessful defendant, the private citizen who is involved in an action initiated by the government, is in a position where he or she has to remunerate, indemnify the government for costs which were never paid. Even though we respect and we recognize that a government paying costs to itself is only a bookkeeping matter, we still feel in terms of departmental accountability for matters presented to the court that the government should — the departments — when they file litigation should pay fees. So that when they are successful, they would appropriately be able to recover those fees from the private citizen, but when, on the other hand, they are unsuccessful that they would have to bear the cost and they would have to be responsible for what might have been a necessary unwarranted litigation.

This of course, Mr. Speaker, is, to say the least, the thin edge of the wedge because the reality is that these sorts of out-of-pocket disbursements in court costs are but a very small aspect of the total cost of any matter before the court. Obviously, the cost of the judiciary, of court reporters, the maintenance of the court space itself, is much more significant and we can understand that the government would want some indemnity for that but we suggest that there should be accountability all along the line.

I'm also concerned, Mr. Speaker, because I think inherent in the concept of this bill and in the way it's set out is a form of indirect taxation. The fee schedules that this bill will authorize by way of regulation can be, and for that matter are, at the discretion of the Lieutenant-Governor-in-Council. As a result of that, Mr. Speaker, we have schedules which sometimes do not reflect the true costs of filing or of the administration of the courts.

Let me give you an example, Mr. Speaker. In the province today, we charge fees, for instance, for the registration of claims and writs and processes in our various courts. These are usually, I think that the filing fee for a claim in the Court of Queen's Bench, as an example, is currently 30.00. I think that it's quite arguable that a 30 filing fee relates appropriately and properly to the actual cost of filing, the actual cost of administering the courts offices through its bureaucracy.

Mr. Speaker, just down the hall there is another court, the Surrogate Court of this province. It is a court which deals with matters involving the estates of deceased persons. When a person applies for the

probate of an estate of a person who has died, the Surrogate Court requires, as a result of regulations set down and prescribed by the Cabinet of this province, that a filing fee be paid upon submitting the application. Mr. Speaker, the filing fee is based on a sliding scale. It's directly proportionate to the size of the estate. Mr. Speaker, you might say, so what? You might say, Well, surely that's somewhat appropriate; some people are in a better position to pay than others. But, Mr. Speaker, what it amounts to is a form of indirect taxation, because what is happened, Mr. Speaker, is we have a fee scale in this province that is so out of whack that some estates end up paying far in excess of 100 to 200, 300 or 400 times, as much as other estates when these documents are filed.

To give a specific example, I had an estate in my office about a year ago, the assets of a person who had farmed in the Springfield area. That person left an estate of roughly 200,000, most of it, I might add, in land. The monetary assets of that estate were very small indeed. I don't recollect that they even amounted to 10,000.00. The land was exceedingly valuable and the machinery was, again, quite valuable. The filing fee charged by the Surrogate Court to file for probate in that particular case was 846.00. I ask you, Mr. Speaker, given that some estates, an estate for instance where it valued perhaps at only 10,000, some estates could be filed the same process, the same document being filed over the court counter, could be filed for less than 25, so where is the logic in this, Mr. Speaker? What is it that we're allowing under The Law Fees Act if not indirect taxation? This has nothing to do with fees for service. This has much to do with, in the case of the Surrogate Court fees, estate taxation.

Mr. Speaker, I say to you that it was members opposite that evinced a decided bias in opposition to the regime of estate taxation that was in place in this province under the former government. And as we're all aware, Mr. Speaker, they took steps to remove that legislation from the statute books of this province.

Mr. Speaker, we ask, is it really consistent for the government, on the one hand, to strike legislation from the books and, on the other hand, to have the small farmer from Springfield, to have his family paying over 840 in fees to file a small document in the court? I suppose you can't have it both ways, Mr. Speaker. It seems to me that this matter should be addressed. Myself, I do feel — and I'm not suggesting that my views would be shared by all people on this side of the House — I personally feel that there should be a direct relationship between the service provided and the cost of the filing. It seems to me that the government should be in a position to recover its actual costs, the costs of having a clerk take the moneys and process the documentation, the filing of that documentation and so on. But when it comes to simply imposing fees on the basis of ability to pay, that goes well beyond user fee principle, Mr. Speaker, and I, for one, would be philosophically opposed to that, and I think practically, as well; I just don't think it's fair, particularly when the government does not abide by the same principle. It can file documents in the courts under the provisions of this Act without incurring any cost at all. So while they're going into

the courts scot-free, other people are being indirectly taxed on the basis of their ability to pay. There is something very much the matter with that sort of legislation, Mr. Speaker.

Another concern I have, Mr. Speaker, is with respect to the provisions allowing public court reporters — these are court reporters within the public domain — to retain prescribed fees for their own use. Again, it seems to me that this flies in the face of the philosophical status and bias of this government. I cannot understand why they would allow public sector people — in this case, court reporters — to moonlight and compete against private sector court reporters, and I presume that there are dozens of them in the city and throughout the province. By virtue of this legislation, Mr. Speaker, I can't imagine why they would allow that and, on the other hand, continuously and seemingly unceasingly advocate stronger private sector dominance and control of the economy. I can't understand that, Mr. Speaker. I have difficulty in understanding that because it seems to me that there is some illogical inconsistency in that sort of approach. It seems to me that it deserves some very serious review on the part of government members because again, it doesn't seem to faithfully or accurately reflect the position they have taken so often in this House and before the people of this province. It seems to me that they should, in this instance, if they have this strong desire to preserve the private sector, the entrepreneurial sector, Mr. Speaker, they should prohibit the employees of the government from competing in those areas. Now, Mr. Speaker, I understand that this is a question of tradition, that this goes back some number of years, it's a long standing convention; I'm not sure that it was ever legislated before, Mr. Speaker, but it's at least a long-standing convention that members of the public court reporters' office can perform these sort of services in their off-peak hours; not that these services aren't provided between 9 and 5, Mr. Speaker, because they are — these private services are not in the evenings or weekends, they're 9 to 5. But, Mr. Speaker, notwithstanding that, that it's of long-standing practice, I still think there are reasons why we should consider its appropriateness in the context of the 1980s.

You know, we have a tremendous backlog in the courts, Mr. Speaker. We have on several occasions, through the years, had occasion to debate at some length the problems that have confronted the courts with respect to the volume of cases, the pending emergent crisis in the court system; we've had numerous reports tabled with respect to that situation. Mr. Speaker, it seems to me that if we're confronting that sort of crisis and we're trying to ameliorate it, we're trying to resolve that sort of problem, that one of the things we might do is make public servants available all the time. I presume that we don't overstaff the court reporter's office; I think that's fair to presume on the basis of all the restraint-oriented work that this government has done. I think it's fair to presume that we don't overstaff an office. So on the presumption that the Minister would not allow the departmental office to be overstaffed, I would suggest that is only logical that the public servants be available for use before the courts.

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Now, I can't understand, Mr. Speaker, if they're making commitments to attend private examinations in lawyers' offices, if they're doing that sort of private work, and entailed in that, Mr. Speaker, is the preparation often of hundreds of pages of transcripts for use in the courts, used by private barristers appearing in the courts, I can't understand, if they have those sorts of private commitments, Mr. Speaker, how they can attend to their public commitments because they have the same demands. And I should tell you, Mr. Speaker, that one of the most serious aspects of the caseload crisis to date, is the delay time in the Courts of Appeal. You know, trying to obtain a transcript in order to present an appeal to the Court of Appeal is like pulling teeth, if I might be colloquial, Mr. Speaker. It is ever so difficult, it's the subject inevitably, of months of waiting. There's this continuous backlog, and the court reporters apologize by saying that there's so much work to be done, so many transcripts to be prepared for appeal — well, Mr. Speaker, one wonders if that backlog couldn't be defeated if the public sector court reporters were spending all their time preparing public sector transcripts. One really wonders, whether that wouldn't enhance the functional efficiency of the court system.

Now, Mr. Speaker, I'm the first to admit that this is a long-standing practice. I presume it allows the government to maintain some efficiencies in terms of administrative costs. I presume that these people are not paid, are not remunerated perhaps to the extent that they would have to be if they couldn't do this sort of outside piece work, but, Mr. Speaker, having said that, I don't think that's an argument because, you know, it's my submission that all people should be paid, by any employer, a fair and decent living wage. So, it's no argument to suggest that we're doing this because we're saving money; it's a way we can cut costs, because if a court reporter can go out and make an extra 1,000 a month moonlighting — and from some of the fees that are levied according to the tariff allowed by this act, Mr. Speaker, I might add that the remuneration is indeed handsome, it's very handsome for this sort of work, particularly if a court reporter can find a private secretary who will work at the minimum wage or somewhere in that area, because they do contract out this private work, Mr. Speaker; they work through stenographers who usually work, I believe, in their homes in the evenings.

So, Mr. Speaker, one wonders if those sorts of efficiencies should really be the business of this government. It seems to me that we should pay our public sector reporters a fair living wage; we should have them available at all times for work in the courts, so that when an appeal is filed that person appears in the Appeal Court as soon as possible, so that they don't have to wait for someone else's private business in order to have their rights adjudicated. That only makes good sense to me, Mr. Speaker, because the essence of any good justice system is speedy delivery of justice. Nothing vexes the system of justice more than intransigence.

You know, in the 19th century in Britain, Dickens wrote some very memorable and of course very well-known novels. I think he was always at his very best and his most pungent when he dealt with the British system of justice as it had deteriorated and decayed

in his time, in the mid-19th century. I think it was in Bleak House, certainly in David Copperfield, that he dealt with some of the inhumane inequities of that system, and I remember so well, Mr. Speaker, in high school reading in one of those novels of a case that had been before the Courts of Chancery for something like three generations, and that the initial lawyers that were appearing in the court had died, the judge that had originally been seized of the matter had died or retired, some of the witnesses had passed on, the case had dragged on and on and on. Mr. Speaker, I suppose in our time that seemed rather humorous. People read it and thought, well, this is a fine play and very entertaining, but the horror of it, Mr. Speaker, was that in Dicken's time it was an appropriate and biting social commentary and satire; it was true. The exaggeration, the hyperbole, was not so much poetic licence, it was actually a fairly accurate reflection of what was happening, and in this particular case, the entire matter of controversy, the entire estate that was involved in the court had been eaten up by the legal costs. So, Mr. Speaker, not to go too far off on a tangent, I would suggest that implicit in this bill, is that sort of mischief and I would suggest that we should look to the Attorney-General rather than to aggravate a situation that is already, at times reaching critical proportions, we should look to him rather to ameliorate it.

Having said that, Mr. Speaker, in closing, I would only ask why this bill couldn't have made provision, when it was making provision for the payment of unpaid government court costs from unsuccessful litigants, why it couldn't have made provision for successful appellants before the court, contesting government action. These are criminal appellants, or rather appellants appearing in the criminal court, who have successfully appealed their cases, why provision couldn't have been made to have their costs the subject of indemnity by the government. You know, if the shoe fits, Mr. Speaker, why couldn't they have accorded the same rights to individual litigants, individual private citizens before the court, as they accorded to themselves? Why couldn't they have made provisions so that court reporting costs and other costs incurred by those appellants would be indemnified by the prosecutor, in name of the Queen, the government His Honour The Attorney-General of the Province of Manitoba? That, Mr. Speaker, would be a justice system that I could, I think, honour, and one which I would be proud to be a part of. But we don't do that, Mr. Speaker. The accused is always presumed to be guilty, and if or she is successful on appeal, Mr. Speaker, well, that's just part of the game. They bear their own costs, even if it costs them 500 for the transcript of the trial, filing fees another 100, even if that person is just of very modest income, no matter, they can pay their own costs; but the Crown would have it the other way when they're the winner.

So, Mr. Speaker, there's some hypocrisy implicit in this bill, and I don't like it. I don't think I could commend that members vote against it; it would be irresponsible, because then I presume there would be some problems with respect to the administration of the government's department. But, Mr. Speaker, I can tell the honourable members opposite that we will review this bill if we should take office, and the

matters which we have addressed today will be the subject of amendments and, Mr. Speaker, hopefully that will not be too long in the coming.

Thank you very much.

**MR. CHAIRMAN:** Are you ready for the question? The Honourable Member for Gladstone.

**MR. JAMES R. FERGUSON:** Yes, Mr. Speaker, I beg to move, seconded by the Member for Roblin that debate be adjourned.

**QUESTION put, MOTION carried.**

### **BILL No. 13 — AN ACT TO AMEND THE DEFAMATION ACT**

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

**MR. J. WALLY MacKENZIE:** Mr. Speaker, I adjourned this debate for the Honourable The Attorney-General, in case he wanted to close the debate. If any other members wish to speak, they are welcome to do so, Mr. Speaker.

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

**MR. MERCIER:** Yes, Mr. Speaker.

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

**MR. MERCIER:** Mr. Speaker, I haven't had as much time as I would have liked to speak on this matter to conclude debate, but there were some matters raised, particularly by the Member for Inkster when he spoke, I believe, one week ago with respect to this matter. Mr. Speaker, I think he was under a misapprehension about this bill.

This Bill, Mr. Speaker, in the particular area that he spoke to, that of letters to the editor, in newspapers, with respect to that matter, Mr. Speaker, what this bill does is provide in Section 9.1(1) that a defence of fair comment shall not fail for a few reasons and therefore makes available to a publisher of a newspaper, the defence of fair comment.

Let me first, Mr. Speaker, try to set out for members what exactly a defence of fair comment is. Mr. Speaker, I think I may refer to Institute of Law and Research and Reform, University of Alberta, Edmonton, Report No. 35, which dealt with defamation, fair comment and letters to the editor. I think they more succinctly describe the defence of fair comment than I could. They stated at Page 2 that the fair comment defence is available when the defamatory statement consists of what may be described as a comment expressing an opinion, and in order to successfully invoke this defence, the defendant must establish that the comment satisfies the three basic requirements of the defence: first, although the opinion need not be true in the objective sense, the facts upon which it is based must be true; secondly, the comment must concern a matter of public interest. One writer has said that the fair comment defence is allowed because untrammelled discussion of public affairs and those

participating in them is a basic safeguard against irresponsible political power, and is one of the foundations supporting our standards of personal liberty.

Mr. Speaker, they went on to talk about the effect of the Cherneski decision. If I can read very briefly into the record their views of the effect of the Cherneski decision in the Supreme Court, it will clarify, I think, for the Member for Inkster and other members of the Legislature, the effects of the amendment that we have proposed. They said we will now describe the situation in which a newspaper itself when it contemplates publishing a letter to the editor after the Cherneski case. Firstly, if the letter makes a defamatory allegation of fact about someone, the newspaper will be liable in damages; if it publishes a letter and is subsequently unable to prove the truth of the allegation. That state of the law is generally accepted and would not be changed by our recommendations — I may add, Mr. Speaker, would not be changed by this bill.

Secondly, the newspaper must evaluate any comments or inferences in the letter. If a comment or inference is based upon alleged facts which are not true, the newspaper will again be liable if it publishes a letter. Under the present law the newspaper must be sure of the facts at its peril, in both the first and second cases, and this will remain the law if our proposal is adopted. Again, Mr. Speaker, I might add, will remain the law even once this bill is adopted.

However, if the facts are true and if the comment concerns a matter of public interest and if it expresses an opinion which might honestly be held by someone, then on the minority view in the Cherneski case, the newspaper would have thought itself safe in publishing the letter. Now it is clear that the newspaper must go much further and must determine whether either the newspaper or the author of the letter actually holds the opinion expressed by the comment. If the newspaper shares the opinion expressed in the letter, it can safely publish it. The critical problem under the Cherneski decision arises if the newspaper does not share the opinion. The newspaper is then vulnerable in publishing the comment unless it is satisfied that, if either the publisher or the editor is sued, it can prove the letter expresses the honest opinion of the author.

The newspaper is in a difficult position. In most situations, the only evidence which it will have is the letter itself. In the absence of any evidence of an ulterior or malicious motive, the newspaper might assume that the author of the letter believed what he wrote but it would make this assumption at its peril. The newspaper might send an investigator to ask the writer if he believed what he wrote but it would only learn what the author chose to tell the investigator, and could not be certain that the author would say the same thing in court or that the judge would believe him if he did. The ability of the newspaper to avoid a successful action for damages will be dependent upon the existence of the stated facts which, in most cases, it will be unable to verify in any practical way.

The conclusion is that a newspaper can form a fairly confident opinion about its potential liability if it publishes opinions which it shares, but it cannot

achieve a similar degree of assurance if it publishes opinions which it does not share. That conclusion seems likely to suggest to a newspaper that it should only publish controversial comments if it agrees with them and we believe that this will have a tendency to interfere with the free dissemination of ideas with which newspapers do not agree. It is for this reason that we think that the law should be changed. Our proposal is not designed to salvage the narrow personal interest in newspapers but rather it is intended to promote the general interest of the public in free discussion of ideas which can be served if newspapers are willing to publish news which they do not share.

They went on to page 8 of their report, Mr. Speaker, to propose, as a solution to this, and they said, You've given the reason supporting our opinion that the law laid down by the Cherneski case places a publisher in greater jeopardy for publishing opinions of others which it does not share than for publishing opinions of others which it does share. We see no justification for a legal distinction which results in protecting the dissemination of opinions of those who control the means of widespread dissemination and inhibiting the dissemination of opinions of those who do not. Such a distinction discourages rather than encourages the open discussion of ideas and it unanimously recommended the law be changed in order to eliminate this distinction.

Mr. Speaker, in this they made a proposal for the very same amendment to The Defamation Act that is contained in the bill before the House. As I've said earlier, that recommendation was approved of by The Uniformity Law Conference of Canada in 1979.

It might be interesting, Mr. Speaker, just for a moment to read from the judgement of the Supreme Court of Canada in the Cherneski case. From the minority opinion of Mr. Justice Dixon, formerly of the province of Manitoba, with whose views we agree and which form the basis of the amendment to The Defamation Act, Mr. Justice Dixon said at page 642 of the Supreme Court judgement: That newspapers will not be able to provide a form for dissemination of ideas if they are limited to publishing opinions with which they agree. If editors are faced with the choice of publishing only those letters which espouse their own particular ideology or being without defence if sued for defamation, democratic dialogue will be stifled. Healthy debate will likely be replaced by monotonous repetition of majoritarian ideas in conformity to accepted taste. In one-newspaper towns, of which there are many, competing ideas will no longer gain access. Readers will be exposed to a single political economic and social point of view. In a public controversy, the tendency will be to suppress those letters with which the editor is not in agreement. This runs directly counter to the increasing tendency of North American newspapers generally to become less devoted to the publisher's opinions and to print without fear or favour the widest possible range of opinions on matters of public interest. The integrity of a newspaper rests, not on the publications of letters with which it is in agreement, but rather on the publication of letters expressing ideas to which it is violently opposed.

I do not wish to overstate the case. It is my view, however, that anything which serves to repress

competing ideas is inimical to the public interest. I agree that the publisher of a newspaper has no special immunity from the application of general laws and that in the manner of comment he is in no better position than any other citizen, but he should not be in any worse position.

That, Mr. Speaker, I think really formed the basis of the recommendation from the Alberta Law Institute, as I said, where they recommended that the law should be changed, that the publisher will not be in greater jeopardy under the laws of defamation for the publication of opinions of others which he does not share, than for the publication of opinions of others which he does share.

So that, Mr. Speaker, when the Member for Inkster stated in debate on this bill, as he did, and he said: Under this particular piece of legislation the attempt is being made to grant a newspaper immunity on the basis of them publishing a letter to the editor which is a vicarious right to publish a defamatory statement, which a newspaper can then say it has no responsibility for, I must wholeheartedly disagree with the Member for Inkster, Mr. Speaker, because the intent is only to make available to the newspaper the defence of fair comment where they do not necessarily share the opinion expressed in the letter. That was the effect of the Cherneski case, to only allow them the defence of fair comment where the newspaper agreed with the opinion expressed in the letter to the editor.

The proposed amendment, Mr. Speaker, does not allow a newspaper to publish with immunity a defamatory letter to the editor. All it does is allow a newspaper to publish a letter to the editor without confirming the belief of the writer or holding the same opinion. One can imagine, Mr. Speaker, particularly the Member for Inkster has on a number of occasions referred to an alleged editorial writer with the Winnipeg Free Press, whom I believe he calls Ted Cleverley, Stupidly; pardon me, Ted Stupidly. I am sure, Mr. Speaker, that the Member for Inkster would not want to see a state of law exist in Manitoba, particularly Manitoba, where the only letters to the editor that could be published in the Winnipeg Free Press were those with which Mr. Stupidly agreed. In the same way, Mr. Speaker, there may very well be members on this side of the House who would say that with respect to the competitor of the Winnipeg Free Press, and there are some members of that editorial group I would not want to see have to agree with their opinions in order to have a letter to the editor published. So, Mr. Speaker, I'm sure the Member for Inkster will agree that it should not be necessary that the editors and publishers of newspapers have to agree to the views expressed in letters to the editor, otherwise they do not have the defence of fair comment available to them.

I hope, Mr. Speaker, after having an opportunity perhaps to read what I have read into the record, particularly from the recommendations of the Institute of Law Research and Reform or perhaps I could make available to him a copy of the judgement in this particular matter, particularly the minority judgement on which the amendments are based. He may change his mind.

Mr. Speaker, just if I may make one other comment with respect to comments that were made

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on this bill by the Member for Wellington, who suggested that through this bill we were prepared to protect the right of newspapers to publish the views of others but, with respect to some other incidents, were not prepared to protect the right of booksellers to do the same via retail sales to customers, he was referring apparently, Mr. Speaker, to two books which the city of Winnipeg Police Department had received a complaint about and, on the basis of that complaint, were reviewed by a number of Crown Attorneys, who formed the opinion that they were obscene. Well, Mr. Speaker, I assume that the Member for Wellington made those comments in jest because I would think that he would be aware that certainly freedom of speech in letters to the editor is not an uninhibited or unrestricted right. The rules of defamation still apply, will still be applicable to letters to the editor. A defence of fair comment will be available but freedom of speech will still be restricted by the laws of defamation and libel.

In the same way, Mr. Speaker, in the area that he refers to, I'm sure he must recognize that freedom of speech is restricted by the definition of obscenity in the Criminal Code, certainly not a satisfactory definition and one which I hope will be dealt with in the major review of the Criminal Code that was started last fall and I hope will be continued by the new federal Justice Minister. But there are also provisions in the Criminal Code that, for example, refer to publication of hate literature. I'm sure, Mr. Speaker, he would not disagree certainly with the general intent expressed in those kinds of restrictions. There are many other restrictions that could be pointed out, Mr. Speaker, and I only make this comment because I'm sure, hopefully, the Member for Wellington made his comment in jest. Freedom of speech is not an uninhibited unrestricted right. The laws of defamation and in libel still exist to protect other rights, Mr. Speaker, as do provisions of the Criminal Code, albeit some not in a satisfactory state at the present time but hopefully they will be improved. Thank you, Mr. Speaker.

**QUESTION put, MOTION carried.**

**MR. DEPUTY SPEAKER:** Bill No. 19, The Education Administration Act, on the proposed motion of the Honourable Mr. Cosens, standing in the name of the Honourable Member for Logan. (Stands)

Bill No. 31, The Public Schools Act, on the proposed motion of the Honourable Mr. Cosens, standing in the name of the Honourable Member for Logan. (Stands)

### **BILL NO. 34 — AN ACT TO AMEND THE GARAGE KEEPERS ACT**

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

**MR. JENKINS:** Thank you, Mr. Speaker, I adjourned this debate for the Honourable Member for Wellington.

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

**MR. CORRIN:** Mr. Speaker, we've had an opportunity to review this particular bill in caucus and it's our consensus that the bill is acceptably drafted and should be allowed to proceed to Law Amendments for public representations as expeditiously as possible and we commend it for that purpose, Mr. Speaker.

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

**MR. MERCIER:** Mr. Speaker, I just wish to thank the Member for Wellington for his comments.

**QUESTION put, MOTION carried.**

### **BILL NO. 37 — AN ACT TO AMEND THE HIGHWAYS DEPARTMENT ACT**

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

**MR. JENKINS:** Thank you, Mr. Speaker. We have perused this bill and the two honourable members that had spoken on it, I hope that the Minister would have been here to close debate on the bill. We are prepared to have this bill go to Law Amendments. Some of the concerns that we have have been pointed out by two of the members on our side and at this time we are prepared to let the bill go to Law Amendments.

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

**MR. MERCIER:** Mr. Speaker, I might just point out for the record that the Minister of Highways is attending a Cabinet meeting. I said I would call him if there was going to be any debate take place on the bill. Mr. Speaker, I will bring to his attention the remarks that have been made and the matters that were previously raised by members opposite will be dealt with in committee.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 38, An Act to amend the Highway Traffic Act, on the proposed motion of the Honourable Mr. Orchard, standing in the name of Mr. Jenkins. (Stands)

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

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

**MR. JENKINS:** Mr. Speaker, I adjourned this debate on behalf of the Honourable Member for Wellington.

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

**MR. CORRIN:** I thank the Honourable Member for Logan for holding this matter for me, Mr. Speaker. This bill was of particular concern to me when it was first presented to this House. Mr. Speaker, I have reviewed its provisions extensively and it's my intention to share my thoughts, not only my thoughts but I think the thoughts of members on this side,

with you and members on the other side of this House.

I might say, Mr. Speaker, that I found it less than edifying and somewhat ironic that the Honourable Minister responsible for Community Services, when he introduced this particular piece of legislation, should refer to it in his very brief explanatory statement which was less than a minute-and-a-half, Mr. Speaker, as being purely technical and a matter of departmental bookkeeping.

Mr. Speaker, I don't know that this Legislature has, this session, had any less commendable piece of legislation brought before it. I don't know, Mr. Speaker, when such a vacuous piece of legislation has been presented to this House before. Mr. Speaker, this bill, which is a bill that essentially regulates the entire area of social allowances, to be much more basic, Mr. Speaker, the entire area of welfare simply substantiates all the critical commentary through the ages with respect to the observation that there is a law for the rich and a law for the poor. Mr. Speaker, this piece of legislation is indeed a law for the poor and, Mr. Speaker, it is an unfitting example of that adage. It's unfitting that a government in this age . . . Mr. Speaker, I note the absence of the Minister. I understand that he's coming, Mr. Speaker. We were advised by the Honourable Attorney-General that the Minister for Community Services is coming but, Mr. Speaker, he will have to stand in his place and defend this piece of legislation. I would speculate and I will indeed predict that when this bill reaches the Law Amendments Committee for public submission that there will be considerable controversy with respect to its provisions. There would be more controversy, Mr. Speaker, if the people who were affected by this bill were sufficiently capable to look after their own interests so they could, upon being alerted of its provisions, address the contents of the legislative amendment.

Mr. Speaker, let me tell you of some of the provisions of this particular Act. We have, in this particular bill, a provision that will authorize a civil servant, the Director of the Social Allowances Division of the Minister's department or his designees will authorize those bureaucrats to, at will, solely within their discretion, make reductions from recipient's social allowance stipends. They can do that, Mr. Speaker, in situations where, through no fault of the recipient, such a person has received an overpayment from the department. Mr. Speaker, they will be in a position, as a result of this provision, to summarily deprive a welfare recipient of his or her basic necessities of life. They can do that without going to a court of law and, Mr. Speaker, they couldn't do this to you or I. If somebody wants to deprive us of a part of our income, there is a Garnishment Act in this province, and there are special provisions relative to how those deductions can be made. There is the necessity that an application be brought before a court of law and be authorized by a judge; there is a necessity that deductions upon such an authorized garnishment process take into consideration certain statutory exemptions based on the number of members of the family and the status of the family and the amount of income the person has. These are all protective measures that are built into The Garnishment Act in

order to prevent anyone, Mr. Speaker, from depriving you or I, or any other person of this province, from being unjustly deprived of their income.

Mr. Speaker, as I've said, we have a bill that simply allows a bureaucrat to put his hand in someone's pocket and take the necessities of life from them, to literally deprive a person's child from food, literally take food from the mouth of a babe. Mr. Speaker, I am sure that is his defence, and I am appalled, Mr. Speaker, that in making his few explanatory remarks the Minister didn't mention this; he didn't mention this very serious provision and the very serious consequences it could have. Mr. Speaker, we have a situation now that wherein these deductions can be made. And I am sure that the Minister will suggest that the department would be more than humane when making such deductions. They wouldn't exact a sum that would cause undue hardship to the family or recipient affected.

Mr. Speaker, I can't see, in these circumstances, how any deduction from an allowance which is essentially based on cost of living — It's bare, it's pegged to the bare necessities of life and, Mr. Speaker, I don't think any member of this House will suggest that allowance is anything but of that nature — how he can suggest that those deductions can be made solely as a result of an error within the department.

Mr. Speaker, we have a situation where, if the department makes a 25 a month overpayment to a recipient as a result of a computer error, an inadvertent error, and the recipient accepts that allowance unaware that the overpayment was being made, thinking that it was an appropriate allowance, we have a situation where their allowance can be debited for such a time as is necessary to indemnify the government for the entire overpayment, regardless of whether it went on for five years or ten years, so that person will be in a position where his or her allowance is forever debited until the score is settled with the government.

Mr. Speaker, that seems wholly unfair to me. I can see why that would be necessary in the case of an established fraud where somebody knows that they are getting an overpayment or where it's of such an obvious nature that the Minister could make out in a court of law that there was a fraud being perpetrated by the recipient, but in the case of an inadvertent bureaucratic error that the Minister would establish such a Draconian provision in law, allow such latitude to bureaucrats working within his department, strikes me as passing strange and simply wholly unacceptable.

Mr. Speaker, there are other provisions and I want to go on because this is not the only provision that establishes what I have suggested is proof that there is indeed in this bill implicit of the idea that there is a law for the rich and a law for the poor. We have a provision in this bill, Mr. Speaker, for documentation. It's a provision dealing with documentation to the Welfare Appeal Board, when a person appeals a ruling of the Social Allowance Department, Mr. Speaker, they can go to what we call the Welfare Appeal Board and there is certain provisions in this Act that talk about documentation and evidence that can be provided by the Minister's department before the board.



Mr. Speaker, in what other court of law or administrative form, what other quasi-judicial form, do we have a provision wherein the Minister's department can introduce at will a copy of any record or document that they deem to be relevant to the determination of the appeal? Anything, Mr. Speaker, a blanket opportunity for the bureaucracy in defending its own case, Mr. Speaker, to introduce anything it wishes at all, any document, any record. It doesn't matter, Mr. Speaker, whether the document amounts to hearsay, whether it would never be admitted by any rule of law. It doesn't matter, Mr. Speaker, whether the welfare recipient was one of the few who was advised that Legal Aid counsel are available for these sorts of hearings and has taken the opportunity to avail him or herself of legal counsel. It doesn't matter, Mr. Speaker, because all this documentation can be provided prior to the hearing of the appeal itself. So regardless of whether or not the evidence is germane, it's substantive, it's within the normal bounds of admissible evidence, it's on the record. The members of the Welfare Appeal Board can read it, study it, and presumably come to conclusions based on it.

Mr. Speaker, you and I, any member of this Assembly, having retained legal advice, certainly — and I'm sure we would if we were going before a court of law — would never be subjected to this sort of high-handed legislation. It would never happen, Mr. Speaker, because our legal counsel and the courts would never allow it. But here, Mr. Speaker, we have another example; it's the second one we've had this afternoon of government treating itself differently than it treats everyone else. The government can introduce any evidence it damned well pleases into matters before this tribunal. On that basis, Mr. Speaker, it makes no difference if the appellant can go to the Manitoba Court of Appeal to review the finding. It makes no difference because it's already on the record; the latitude has been allowed.

Mr. Speaker, we have another fine example in this bill of deferential treatment, of negative deferential treatment, towards the poor. Mr. Speaker, in the calculation of financial resources which is made by the department pursuant to this legislation, they are allowed to take into consideration when they are qualifying a person or just determining whether a person qualifies for admission to support pursuant to this Act and its regulations, they are allowed to take into consideration the circumstances in which people live. As you are aware, Mr. Speaker, in this society we have not yet come to the day when we recognize each person's inherent right to a certain standard of living. I'm not suggesting that there is anything wrong in this but we take into consideration the living arrangements of welfare applicants. It's a judgement, Mr. Speaker, and it's one that has to be made but this bill is going to allow — and I have to tell you this because I couldn't believe it — the director of the welfare bureaucracy or his designate, any bureaucrat in the Minister's department, to singlehandedly determine what constitutes a common-law relationship so that they can determine when they can lump another person's assets in with the applicants in order to establish whether or not they qualify.

Mr. Speaker, we could go on for hours talking about the pitfalls implicit in such judgements anyway. We could review that whole area but let's just, Mr. Speaker, for the subject in the course of today's debate, examine what we have done or what the Minister would have us do if we accept this particular bill. He would have a situation whereby some member, any member of his department regardless of their background, regardless of their intelligence, regardless of their experience, regardless of whether or not they are an ethical person, a decent person or not, regardless, where that person could decide when someone else's assets and income might be lumped in with an applicant's. Just like that, Mr. Speaker, and there will be no review. You can't go to the Welfare Appeal Board and say, Welfare Appeal Board, please review this because we think that the Minister's bureaucrats are wrong. Oh, no, Mr. Speaker, that's not what it says. As we understand this provision, the bureaucracy will be in the saddle. They will decide.

Mr. Speaker, I suppose the Minister may say, well, you know, the Cabinet may tell the director what is acceptable; we may attempt to establish regulations. That's not what the provision says, Mr. Speaker, and we're not dealing with poetry that's subject to that sort of latitude in the course of interpretation. Mr. Speaker, this is anything but poetry. This is, indeed, the hard facts of life. There is no piece of legislation, I dare say, that affects people more dramatically than The Social Allowances Act.

Mr. Speaker, we have a bill where bureaucrats can decide who is married to who, what is a common-law relationship. We would never have dared, in reviewing The Family Maintenance Act a couple of years ago, Mr. Speaker, when we determined what a common-law relationship was within the context of the provisions of that Act, we would never have dared for one minute to leave that to bureaucratic latitude or regulation. Because, Mr. Speaker, we would have had our collective heads taken off at the Law Amendments' Committee. They would have torn our heads off; we would have been torn limb from limb if we would have suggested that we were going to leave it wide open. So, Mr. Speaker, we were very careful in prescribing precisely what would constitute a relationship. We were ever so careful; we took pains to draw everything out so that everything was known to the public, so that any person would know what his or her rights were prior to getting involved with the courts, prior to even becoming in a relationship. But not with respect to social welfare recipients. They are at the whim and the mercy of the bureaucrat and some things never change, Mr. Speaker.

Well, Mr. Speaker, that is simply unacceptable and members on this side will not countenance that and we will insist that there be an adequate clarification and definition of what constitutes a common-law relationship in this legislation.

Also, Mr. Speaker, we can't go line by line but when we do, there are some typographical — they're not typographical, I suppose, they are just printing errors — which I think completely obfuscate the intent of some of the sections. I might give an example, in 8.(1), I suggest before we get to the Law Amendments between the words, information and by, I'm sure there is supposed to be a word

received, which completely alters the context of the section, which is the one dealing with discontinuance, reductions, suspension or increases of allowances. It's the most important one in the bill. It will be the most important aspect of the entire legislation when it's completed. So I think it should be proofread, Mr. Speaker; that would be, I think, of some assistance.

Mr. Speaker, also, talking about a law for the rich and a law for the poor, there is another section and parts of this bill, as I've suggested earlier, deal with the rights of people to appeal decisions of the department to this board. Well, Mr. Speaker, when they confer their rights, we suggest it would be appropriate to also tell people what their rights might be. We have determined in doing some research, Mr. Speaker, that only some very few cases that come before the Welfare Appeal Board are represented by legal counsel, and I've also determined that every one of these people, scores of people that come before the board each year, qualify for Legal Aid.

In talking to some of my confreres at the Bar, Mr. Speaker, I've determined that there has been no attempt whatsoever by the Minister's department, by the Welfare Appeal Board, and certainly it's not contained in any part of this legislation, there has been no attempt to inform people of their legal rights to legal counsel. So we have a situation where 100 percent of the appellants qualify for Legal Aid and I'm told something like 10 percent show up with Legal Aid counsel. I'm also told that virtually every person that appears there could probably use the assistance of counsel, just for reasons of their lack of fluency in matters legal, often their lack of communicative ability, their lack of comprehension; I suppose as a result of sometimes the absence of social skills of this sort of very sophisticated process. And it is, Mr. Speaker; it's difficult for lawyers, let alone people from the lay community. Mr. Speaker, I can tell you that this legislation is every bit as difficult, every bit as esoteric as some of the provisions of The Income Tax Act. There isn't a provision of The Income Tax Act that hasn't been touched by the hands of legal scrutiny, judicial scrutiny.

Until recently, as a matter of fact, Mr. Speaker — and I presume that is why this bill has finally shown up here — until recently and until the advent of Legal Aid, this sort of legislation was never reviewed by the courts. Until there was Legal Aid in this province I don't think you can find a court case and I defy the Minister to suggest that there ever was one. I don't think you can even find a court case involving this particular Act, The Social Allowances Act. You know why, Mr. Speaker? Because it didn't touch — although we were talking about food, as I said, food from babies' mouths — it didn't involve people who could afford legal counsel. It didn't afford people who could become apprised of their rights, so it was never tested.

What's happened, Mr. Speaker, interestingly, even though, as I said, only perhaps 10 percent of all these cases before the Appeal Board are tested with lawyers present, is that the Court of Appeal is finding that more and more of these cases are coming, much to the credit of one lawyer, I might say, one very devoted and one very dedicated advocate who has made it his business to look after those who are less privileged than him. Interestingly, Mr. Speaker,

he is in a position to do that because he has all the money he can ever need or want, so he's looking after people who are less fortunate now.

But I delight in the fact that they are punching loopholes, they are punching to pieces some of the legislation that has been in the books of this province for years, generations, and it's high time, Mr. Speaker. But, Mr. Speaker, if there were legislative requirements — and there aren't — if in this bill there were legislative requirements requiring notice to all applicants, all appellants that Legal Aid was available, I dare say that there wouldn't be a person attending before the Welfare Appeal Board of this province without counsel. Mr. Speaker, I dare say that there would be a substantial redress of many grievances.

But I now get to the essence of the bill, because what I've been saying is peripheral to what motivated the Minister and his department to bring this bill before the House. Mr. Speaker, they don't like charity. They tell us and they told us when we discussed social policy and social planning and social services in this House during the course of estimates, they tell us incessantly that we should be more reliant on private charity, that they don't to create a society where people are dependent on governmental intervention. They believe that people are good; that people left to their devices are essentially humane and will, without any prodding, without the heavy hand of government, will willingly contribute of their assets to better the lot of others. So they, Mr. Speaker, and to some extent so do we, subscribe to the principle of charity. Well, Mr. Speaker, in this province hencetoforth, after the proclamation of this piece of legislation, you won't be able to be charitable vis-a-vis welfare recipients. That's going to be a taboo.

As one of my colleagues asked me, Mr. Speaker, he said during the course of a caucus meeting, he said, Well, what if I want to send a welfare recipient's child to the same summer camp as my little boy goes to? And I might, he said, I think a lot of the family. What if I decide to shell out 500, 600, 700 and send my son and his friend to our private camp for a month in the summer?

Well, I said to him, good luck, because if you do that, your son's friend's mother or father is going to find that his or her welfare allowance is deducted in the sum of your gift. Because, Mr. Speaker, now all gifts, whether they're in cash or in kind, even if the honourable member of my caucus goes out and pays the cost of the camp out of his own pocket, doesn't give the money to the welfare recipient, but pays for it direct to the camp authorities, if that is reported, Mr. Speaker, to the welfare authorities, bingo, there's going to be a deduction. Mr. Speaker, what is this all about? The Minister nods his head. I presume that's a rejection of that assertion. Mr. Speaker, unless they dramatically amend their regulations, that is exactly going to be the outcome of this.

And how did this come about, Mr. Speaker? Let me tell you; it's sad to recall. A lady by the name of Mrs. Wojniak hired the Legal Aid lawyer I referred to — and that was as a result of Mrs. Wojniak's allowance being debited because she had been given a trip by a friend. I don't know, I'm not sure anyone knows whether Mrs. Wojniak's trip was given to her as a result of somebody's wish to simply give her

some enjoyment in life, to give her a respite, or whether it was as a matter of necessity given to her in order to visit an ailing parent, but it doesn't matter. They bought her an airline ticket. They went to an airline ticket counter, they paid 400 and bought a two-way ticket to a destination; they gave it to Mrs. Woziak and they said, Mrs. Woziak, enjoy yourself, here's a trip. Mrs. Woziak was no fool. Like everyone else, Mr. Speaker, she took advantage of this act of charity. Later on she was reported. It could well have been an abuse, Mr. Speaker. I'm not suggesting — I don't want the record to show that it couldn't have been, because the potential for abuse was there — but it was reported, and Mrs. Woziak went to the Welfare Appeal Board and they said, no, we uphold the director's decision to debit your allowance. Mrs. Woziak then went to the Court of Appeal, and the Court of Appeal said no. They said that sort of gift should not fall within the purview of financial resources. They said that should be considered an exceptional sort of gift, because it's sort of a gratuity in kind; it's not a cash gift, it doesn't do anything to build up a person's assets, it's something nice. It's like the trip to camp I was talking about, Mr. Speaker, it's something charitable. They read the legislation and they said, no, no, Mrs. Woziak, you can keep your trip and you can keep your allowance.

But, Mr. Speaker, it didn't take but a few months and, bang, the amendments are in this House. So that sort of trip will now be the subject of review. Mr. Speaker, this is what bothers me. When the Welfare Appeal Board, as they would have, comes down on the Mrs. Woziaks of this world in the future, when they say, we don't care if you travel to see an ailing parent; we don't care if your little boy went to a highly reputable and respectable middle-class summer camp; we think that's a gift; we have the latitude to uphold the bureaucracy. And they do so, Mr. Speaker. When they do that, then there'll be no recourse to the courts any more, Mr. Speaker. And I want to make the point. In case anybody thinks, Mr. Speaker, that there's a safeguard, that the Welfare Appeal Board presents a safeguard to the rights of the Mrs. Woziaks of this world, they are wrong, they are wrong, because I'll tell you, Mr. Speaker, that there has been a complete about-face since the new Appeal Board was appointed in 1977.

I want to tell you, Mr. Speaker, that I know that the Chairperson at the present Welfare Appeal Board doesn't even like welfare because, Mr. Speaker, in 1976 during the course of a debate at the City Council, she told me and all the people in the city of Winnipeg what she thought of welfare . . .

**MR. SPEAKER:** Order please. Order please. The Honourable Minister of Community Services.

**HON. GEORGE MINAKER (St. James):** Mr. Speaker, on a point of privilege. The honourable member has indicated that the Chairman of the Welfare Appeal Board does not like welfare, and I would ask that he retract that statement. He's making accusations to someone who cannot defend herself here, and I know he's completely wrong.

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

**MR. CORRIN:** Of course I do not have to retract that, because the expression is not about a member of this House. But I will tell you, Mr. Speaker, that I will take full accountability for my remarks. Those remarks were made in the committee meeting at the city of Winnipeg Council. Those remarks were made with respect to the recreational resources available; to the people I represented in my inner city ward; and, Mr. Speaker, I will tell you that I am not happy, I am not satisfied that the current Chairperson at that particular board is competent or qualified to sit in review of the rights of people who are in receipt of welfare allowances in this province.

Mr. Speaker, I can tell you that the Woziak case stands in dramatic testament of that allegation. If the member opposite thinks that my remarks were spurious and thinks that they were ill-founded, Mr. Speaker, let me tell you that the Court of Appeal had words, too. The Court of Appeal wondered how it could be that the Chairperson and the members at that particular board could allow certain evidence to exist and to be on the record of that forum over, Mr. Speaker, over and above and around the objections of legal counsel for Mrs. Woziak. They wondered what sort of mentality those people would have in administering the review of that case, hearing the appeal that would allow them to receive certain evidence before them and make decisions based on that sort of evidence. Mr. Speaker, I daresay that in the future there's going to be public criticism respecting the conduct of affairs before that board.

So, Mr. Speaker, I'm not happy about the board; I'm not happy about the provisions of The Social Allowances Act amendments; and on behalf of my colleagues on this side of the House, Mr. Speaker, I can tell the Honourable Minister that unless he substantially amends and revises this particular bill, it will not be supported on Third Reading by members of the opposition. We can advise him, Mr. Speaker, that he will enact these provisions on his own with no consensus or unanimity . . .

**MR. SPEAKER:** Order. Order please. The hour being 4:30, I am interrupting proceedings for Private Members' Hour. When this subject matter next comes up, the honourable member will have six minutes to conclude his debate.

#### PRIVATE MEMBERS' HOUR

**MR. SPEAKER:** We're now under Private Members' Hour. The first order of business today is Resolution No. 24.

#### RESOLUTION NO. 24 DUAL LICENSING OF MOTOR VEHICLE OPERATORS

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

**MR. VIC SCHROEDER:** Thank you, Mr. Speaker. I would like to just respond very briefly to some of the remarks of the Minister of Highways the last time around. I had indicated in introducing this resolution, that one of the purposes was to ensure that the state does not tamper with the right of a person to earn a living unless there's just cause. In his reply the

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Minister appeared to misunderstand the difference between punishment and just simple highways' protection. He stated at one point that the laws of the land which were developed around the breathalyzer in an attempt to curb the use of alcohol while operating a vehicle or any vehicle on our highways system, was considered just cause some ten years ago for suspension of a person's driver's licence, that just cause was determined by the Parliament of Canada and by people of Canada.

Well, Mr. Speaker, the legislation we are dealing with here has nothing to do with parliament. It is true that under the Criminal Code, if a judge so decides, he can remove the driving privileges of any individual who is convicted of impaired driving, breathalyzer offences or other Criminal Code offences involving motor vehicles. However, if that happens, then the province has absolutely no jurisdiction whatsoever to give anyone a driver's licence — and I have no quarrel with those provisions, I think that they make sense. So I am not quarrelling with parliament; I think that the federal legislation the way it stands, makes sense. What I'm talking about is provincial legislation which is regulatory in nature; the purpose of it is to protect the public, there's no question about that. If the public is in danger, then certainly I would be one of the first to say that an individual ought not to be allowed to operate a motor vehicle.

The resolution itself states, THAT BE IT FURTHER RESOLVED that upon a second liquor-related conviction by any driver, no licence will ever be issued to such a driver until such time as the Registrar of Motor Vehicles is satisfied, based on medical evidence, that the individual is not suffering from an alcohol problem; or if the individual is suffering from an alcohol problem that such problem is under arrest. What I'm talking about, Mr. Speaker, is a situation where individuals who cannot afford it, wind up not getting a licence and people who can afford it, get it, it's as simple as that.

I had pointed out the previous time that the last time I was in county court, about a month or two ago, there were six applications in one morning for licences, and they were all granted. I don't suggest there was anything wrong with that. I suggested the previous time, as I still say, that those individuals who are not convicted for on-the-job offences are, by and large, allowed to operate motor vehicles on the job, providing that there is no indication that the court would see, that there is a danger on the job, and after all that's the purpose of this regulatory activity.

The purpose of this regulatory activity is not to punish. The punishment occurs in court. There is a fine the first time around, and I pointed out previously that in many other offences there is no fine, generally. A marijuana possession charge, for instance, will ordinarily draw a discharge and a little bit of a lecture the first time around; even a shoplifting charge ordinarily is not treated in as serious a fashion as an impaired driving charge the first time around, and rightly so, rightly so.

But the second time around, for instance, a driver who is charged and convicted with an impaired driving charge, if it's within a 12-month period, he's sent to jail. It's an automatic go-to-jail for a two-week period. Again, I have absolutely no quarrel with that. I think that's appropriate. But when the

individual comes out, the question is, should he or she be entitled to carry on their livelihood without going through a vast number of courts processes, through the Licence Suspension Appeal Board, through the County Court — and I submit that there's no benefit to society where individuals have not demonstrated that they have had any difficulty in their on-the-job driving. I suggest that there's no logical reason at all why they should be prevented from earning their livelihood, and I would urge the members to support this resolution.

**QUESTION put, MOTION defeated.**

### **RESOLUTION NO. 25 DAY CARE FACILITY FOR PUBLIC EMPLOYEES.(1)**

**MR. SPEAKER:** Resolution No. 25. The Honourable Member for Transcona.

**MR. PARASIUK:** Mr. Speaker, I move, seconded by the Member for Wellington that:

WHEREAS the provincial government as a major employer, should set an example of leadership for other major employers in Manitoba with respect to the provision of industrial day care, and

WHEREAS day care facilities are not easily accessible to people working in the vicinity of the Legislative complex,

THEREFORE BE IT RESOLVED that the Provincial Government consider the advisability of establishing a day care centre in the vicinity of the Legislative complex for public employees, and

BE IT FURTHER RESOLVED that this industrial day care centre be available to other workers and families in the area surrounding the Legislative complex.

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

**MR. PARASIUK:** Thank you, Mr. Speaker. I'm putting this resolution forward as a constructive proposal for the day care program that exists in Manitoba right now. There have been no constructive additions or refinements to that program over the course of the last three years, indeed if anything, a program that was started by the previous administration and carried to a particular phase — it certainly wasn't a perfect program — has been hurt by this government's approach to day care, by its cutback approach and because it really doesn't seriously believe in day care.

I therefore wanted to put this resolution forward, and I had it put on the Order Paper before the budget was brought down. I wanted to provide a constructive idea for the government to consider, for the Legislature to consider. But frankly, I expected at that time that we would get the usual Conservative response to something like this, that, yes, the idea may be good but there was no money in the budget for that type of a program or for this type of project or innovation. That's what I expected but you see the case is different now the budget has been brought down. The provincial government can't say that the ideas can't in fact be implemented because there is no money. Indeed, we've heard the government say

in its budget that they have allocated 4 million additional dollars for Day Care and Lunch and After Four programs. The tragedy, of course, is that they really did it in a very very cynical manner. They have not established any concrete tangible programs for the expenditure of that money. They've raised a lot of expectations falsely. They've admitted in the House later that the 4 million was really a bit of a con job, a shell game; that one 4 million will not be spent or additional day care in Manitoba; that the program really won't get underway until next September; that, at best, possibly 1 million of that 4 million allocation will be spent.

Well this really provides an excellent opportunity for the government to be honest and sincere in its commitment to day care and it provides an opportunity to meet a very definite and glaring need, especially in this part of the city. You know, Mr. Speaker, we really could let the government wallow in its cynicism because their budget was very cynical in this respect; it was a very very cynical budget that says we announce 4 million for day care and then one probes and asks the Minister specific questions in estimates, we find that the programming hasn't been done for the Day Care Program. We could let the government wallow in its obvious incompetence of not being able to . . .

**MR. SPEAKER:** Order please. I realize the honourable member has a Resolution here and he is entitled to talk about the program that is envisaged in the resolution, and I would hope that he would confine himself to the parameters that he has himself outlined in his resolution.

**MR. PARASIUK:** Yes, Mr. Speaker, I believe that I'm just coming to that point, having taken the opportunity to preface and provide a context for this resolution.

The government hasn't done programming with respect to day care. We are putting this specific proposal forward as a constructive approach, as a constructive innovative idea for day care in this part of the city. There are different ways of providing day care. We've talked about providing day care through institutions; we've talked about providing family day care; we've talked about providing day care in schools, and that may be one way of categorizing approaches to providing day care. I suggest that we should look at another type of categorization; namely, day care which is relatively close to the home, as one approach, and day care which is relatively close to the place of work. Both approaches have merit; both approaches have advantages and disadvantages which depend in large part on the circumstances of the individual and the circumstances of the family. What I'm suggesting is that we have to place more emphasis on the alternative; namely day care close to work, than has been the case to date. I think we've concentrated primarily on the provision of day care close to home.

I say that, although there are many advantages to that, there are also disadvantages, especially in terms of hours, in terms of transportation often. Because although a day care facility may be relatively close to home, it may be way out of the way in terms of the transportation route that person takes in going to work. It also provides for a fairly

lengthy separation between the parent and the child through the course of the day. So although day care close to home may be advantageous to a number of parents, a number of children, there is, I believe, a place for industrial day care, where a person can bring the child or the children and have them looked after in a day care facility close to the place of work. It provides benefits with respect to transportation; it provides benefits with respect to providing some close liaison between the parent and the child. I think the child may in fact feel a bit less alienated in that situation and it certainly may be possible for the parent to feel much closer to the child, knowing that the child is really within walking distance of the place of work of the individual.

My proposal provides this alternative. It provides an opportunity for people at work to be close to their children while they are at work. It has been done in a few other places. I think the Health Sciences Centre has a day care facility there, and it has worked out very well. They have shown leadership in that respect. But I suggest that it is very important for the government, as a major employer in the province, as the government which says, that yes, it believes in day care, it believes in the necessity and the benefits of day care, to show some leadership in developing a variety of ways in which day care can be provided to the citizenry so that they have a better choice to choose from.

Unfortunately, in my estimation, in many respects government doesn't practice what it preaches always with respect to employment. At times it mouths a lot of rhetoric with respect to affirmative action; with respect to new careers; with respect to fitness of its employees; with respect to trying to provide some ways of dealing with, say, problems of alcoholism amongst its employees or amongst employees generally, but it often lags far behind other employers in the province in trying to provide these special specific services to their employees, which would, in my estimation, lead to a more efficient, lead to a more productive Civil Service and administration. Although it mouths the rhetoric, often it doesn't practice what it preaches.

So I am suggesting that it should be enlightened in this respect, it should indeed take an opportunity which exists, which is golden, to move. It is a rare set of circumstances, especially with this government, for us to be in a situation where they actually have enough money to fund the program properly, and surely, Mr. Speaker, we know that this government has enough money to fund day care, if it means it. If it is not going through some cosmetic bookkeeping exercise of showing an expenditure at the end of the year, saying, well, you know, we were able to save money. If that is the approach that is involved in, of course they will get up and say, well, we can't afford this type of project, but if they are sincere in their commitment to day care, I feel that they have no alternative but to come forward and say, yes, there is a need there; yes, we have the money; yes, we can move in this direction.

Numerically, Mr. Speaker, the need for day care in the area of the legislative complex surely exists, and when I talk about the legislative complex I am just not talking about the Legislative Building as such, I am talking about the Law Courts Building; I am talking about the Woodsworth Building; I am talking

about the Norquay Building; I am talking about the Federal Revenue Building. Those are public buildings. There is the Provincial Garage with a number of employees there, men and women who undoubtedly have families, who undoubtedly require day care.

We also have a number of private facilities, employers in the vicinity. We have Great-West Life; we have the Hudson Bay Store; we have a number of insurance companies and investment headquarters along Broadway. There obviously is a need there amongst the employees for access to day care. Really we don't have day care being provided in the downtown area, in an area where there is obvious numerical need. If you start looking at some of the employees involved, you would really have to say that there are at least 2,000 provincial government employees in this vicinity, there are probably something in order of 1,000 federal government employees, and there are probably between 5,000 and 8,000 employees employed by private firms in this vicinity. So we know that numerically the need is there.

Now, of course, the question is, is there space? Do we have space within which to provide day care? Surely the answer there is yes. Look at the Norquay Building, the Woodsworth Building —(Interjection)— That is what I am coming to, because I think it is the best building, you are pre-empting my suggestion here, the one that I prefer. We could even try the church at the corner of Kennedy and Broadway, but the building I favour the most is the old Land Titles Building, which is right across the street from the front entrance of the Legislature. It is a beautiful old building. It has served the people of Manitoba well, and the Land Titles has outgrown its space and has gone into the Woodsworth Building, but that building still exists. It is a two-storey building or really a one-storey building with a deep basement. The dimensions of that building are very human. There is green space around that building. There is a park across the street, Memorial Park. In addition, in the park there is a washroom. So that facility, I suggest, Mr. Speaker, would provide an excellent location for a government-sponsored day care facility for its employees, for other employees in the area, and we could meet a lot of needs at the same time, and I think provide some very concrete tangible demonstration effects to other employers, who we feel should be looking at the alternative of providing industrial day care for their workers. I think this would provide excellent experience for the provincial government in terms of then looking and providing other centres for industrial day care in other parts of the province where you have a congregation of public employees who undoubtedly need access to day care facilities if no others exist in the vicinity, and which also could be used to provide access to day care to private or other employees.

Mr. Speaker, the numerical need is there, the space is there, in fact, the space is superb space. It is probably the most human building in the entire vicinity of the Legislative complex. It's not being used properly right now. We have a tremendous opportunity to show the rest of the people of Manitoba who do come here that there is a human element to government. I know people going to the University of Manitoba are always impressed by the

day care facility that's there. It adds a human touch to what's going on there, and I think we should be doing something like that in the vicinity of the Legislative complex.

What I'm talking about is not meeting a need that just exists on the part of women. I think what is important, is to stress that day care is needed by men and women, be they couples or single parents. Surely, and most importantly, they are undoubtedly needed by the children. I think we could have a tremendous impact on many children in Manitoba. We could have a tremendous impact on many workers in Manitoba. I think we can make them more productive and more efficient by this as a side effect, and that would be a very beneficial side effect, Mr. Speaker. I'm saying that we have the opportunity now. The need is there, the space is there, and the money is there. All we need now, Mr. Speaker, is some enlightened leadership, and I feel that we as a Legislature, surely should not let this opportunity pass by. We surely should not excuse any inaction in this respect, and I urge all members of the House, Mr. Speaker, to unanimously pass this resolution so we can show some enlightened leadership to the rest of the people of Manitoba.

Thank you, Mr. Speaker.

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

**MR. McKENZIE:** Mr. Speaker, a very interesting and a worthwhile resolution that the honourable member has brought before the House, and one that deserves the full attention of the House, I would suggest, Mr. Speaker.

I am somewhat confused by the comments of the honourable member in his presentation. I wish he'd been a little clearer, because I understand he has done considerable work in this field over the years. First of all I think, Mr. Speaker, he said that we don't believe in day care centres. May I recommend that he read the last budget that was presented to this House. In fact, I can refer him to page 31 if he would like to take a look. Mr. Speaker, Funding for day care centres will be augmented to permit an expansion in the number of facilities providing day care for pre-school children. The additional funding will also be used to extend day care to meet the needs of families and children of school age. More specifically, funds will be allotted to noon and after school care, as well as to a general augmentation in the numbers of pre-school day care services. Current day care charges, including provincial subsidies on a need-related basis will be retained. They are already among the best available in any province in Canada.

Mr. Speaker, I just can't accept — and that's the problem with resolutions that's coming across on occasion from members opposite; they're not serious about either the resolution or the way they make the presentation, because had this resolution when drafted had a little more favourable light, and recognizing that the government is doing something, I think that the honourable member in his remarks would have gained some attention from members of this House rather than taking a dim and negative attitude. Mr. Speaker, I don't accept his remarks right off the bat, because it's not factual, and therefore the whole tenor of the resolution and the

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tenor of the debate is meaningless. I would suggest, Mr. Speaker, if we're going to discuss matters that is for benefits and advantages of the people in this province, we should do it in a better tone and a better presentation that was made by the Honourable Member for Transcona, because I just don't accept that kind of a presentation and a negative attitude, when there it is in black and white where everybody can read it, and him stand up and say that we don't believe in day care.

Mr. Speaker, it does make it very difficult for us to deal with this important matter under those terms, the term he uses in his resolution, industrial day care, and I wonder what is his full meaning of the word industrial day care. It usually, in my terminology, refers to employer day care centres at or close to the place of work, which are primarily, I would suggest, Mr. Speaker, for the benefit of the employees of a single employer. If that's the intent of the honourable member, then I would have a better understanding of his resolution, but he didn't bring it out in that particular light, Mr. Speaker.

The other thing, Mr. Speaker, in going through the resolution, this concept received considerable attention in the United States. I believe it was in the 1960s and the early 1970s, when a number of these industrialized day care centres were established in the States, and the most notably, as I understand it, in the garment industry. In some cases, these centres were co-sponsored by management and by the unions, and many of the employer sponsored centres, as I understand it, closed shortly after they opened. Among the reasons, I'm led to believe, were the less favourable economic conditions in the States which required employers to terminate their sponsorship, was one of the reasons that was given. Another reason that was given, Mr. Speaker, was a lack of use of these industrial day care centres by the employees. So it is not a new concept that the honourable member has brought to the Legislature today.

Another common experience I believe in the States, was that while many employees indicated an interest in using the centres in the initial surveys that were circulated amongst them, only one-third of them actually did make use of the centre when it became time to set them up. So in general, reviewing that experience, Mr. Speaker, employees seem to prefer day care centres that were closer to their residences, to their homes, as we can gather from that experience.

The other thing, Mr. Speaker, industrial day care hasn't developed to any great significant scale across Canada as of this day. A number of Manitoba employers have contacted the office of the Child Day Care Centre over the years to gather more and more information and knowledge of this particular concept, Mr. Speaker, but as far as I know to date, none have pursued the matter beyond the feasibility studies that were prepared for them.

Of course on the other hand, Mr. Speaker, there are some day care centres in Manitoba that could be considered workplace centres. I think the ones at the three universities could be classed as workplace day care centres. I think the one maybe at Red River Community College might be classed in that category, as well possibly the one at the Health Science Centre, which serves primarily the

employees of the Health Science Centre. Of those that I mentioned, I think, Mr. Speaker, that only the Health Science Centre provides direct financial aid to the day care centre that's associated with it. The province of course funds day care centres, but the province up to now hasn't set up and established and built a day care centre, which I daresay is the wishes of the government. I don't think the government needs to do everything for the people in this province, and I think day care centres is one that proved to now that the people are quite able and are quite capable of handling it, if providing the government funds them in a manner that's spelled out in our budget.

I also in checking it out, Mr. Speaker, found that I believe there are five day care centres that are located in the downtown Winnipeg area, one across from the St. Regis; there are two or three in that general area. The figures that were provided to me, said there are some, maybe 210 children that are near their parents' place of work that go to those day care centres.

The other thing, of course, Mr. Speaker, based on the past utilization pattern for Winnipeg day care centres, it appears that parents that use the day care facilities much prefer having the day care centre in their own general neighbourhood where they reside. For example, it is my understanding that when a number of new day care centres opened in the suburban areas of the city in 1975-76, several of the inner city ones at that particular time suffered quite a severe decline in their enrollment, suggesting to me, Mr. Speaker, that when those opened in the suburban area, parents shifted their children from the downtown area to those areas that were closer to their homes.

Of course, Mr. Speaker, with regard to a day care centre for the provincial government employees, is another matter. The former Planning Secretariat of the former government investigated the demand for such a centre, I believe it was back in 1975-76, through a widely circulated questionnaire that went around, and the Child Day Care Office, as I understand it, was not involved in that particular study, and when I went to try to gather some results, they had no knowledge of what actually happened to that questionnaire. I suspect likely it wasn't favourable, or otherwise the government of that day likely would have proceeded with the industrial day care centre.

Independent of the Planning Secretariat's survey, Mr. Speaker, a community sponsored day care centre for 30 or 35 children, I believe, in 1977, opened at the church at St. Stephen's on Broadway across the way. This centre, Mr. Speaker, subsequently moved to more suitable or more favourable premises on Assiniboine Avenue, but during the period that that day care centre was located in St. Stephen's Church, I am told, Mr. Speaker, that approximately 6 to 8 of the 25 families using the centre were provincial employees of the province, and most of them continued to use the centre after it moved to Assiniboine Avenue, but there were only about 6 or 8 out of the 25 that are actually people that were working in the Legislature.

Mr. Speaker, the policies of this province have been that the province does not establish day care centres, but they certainly will fund them and they

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will assist them in every way possible. We want them to be community based. I know the honourable member is suggesting that we use the old Land Titles office. I was thinking that maybe we'd move the NDP caucus some place outside the building. That might be better, or maybe we could move our gang out. The space is a real problem in this building, as the honourable member pointed out; it's certainly a problem at the Norquay Building; it is certainly a problem at the Woodsworth Building; and whether in fact the government are prepared to use the old Land Titles' Office for a day care centre, I shall not get into that debate, but . . .

**A MEMBER:** Why not?

**MR. MCKENZIE:** Well, representation, I know, has been made to the city by the province on family day care and the matter has been pretty well taken care of. Now, with the funds that are mentioned in the budget that is before us, Mr. Speaker, I don't think that at the moment the day care centres in the province will be abused at all. I think they are going to be well taken care of. I think the Minister has indicated his keen interest in full development of the Day Care Program.

So, Mr. Speaker, I would like to move, seconded by the Member for Rock Lake, that:

Resolution 25 be amended by deleting all the words after the word Government in the first line of the first WHEREAS and substituting therefor, the words funds day care centres, and

In the second WHEREAS after the word facilities in the first line delete the words are not easily accessible to and substitute therefor the words may not be available to all, and

In the second line of THEREFORE BE IT RESOLVED add after the word of the words accepting an application for, and after the word public in the third line, add the words and other, and

That the BE IT FURTHER RESOLVED clause be deleted, Mr. Speaker.

**MR. DEPUTY SPEAKER:** Is it necessary to read the full amendment? Are you ready for the question?

The Honourable Member for Inkster on a point of order.

**MR. SIDNEY GREEN:** Mr. Speaker, I wonder if it's possible to have the motion read as if the amendment were there so we could know what it says. It's difficult to hear an amendment like that across the floor with several lines and several words taken out and know what it means. But if we could see what it would look like after it was finished, we would know —(Interjection)— Excuse me, I've now been given a document which shows me what what it would look like with the amendment. If the gentlemen on our side would like to see it, I'll look at it and I'll show them.

May I read it, Mr. Chairman, with the permission of the House?

**MR. DEPUTY SPEAKER:** If it's to be read out, I think I would probably prefer to read it.

**MR. GREEN:** I thought I would take your job.

**MR. DEPUTY SPEAKER:** Resolution No. 25, amended to read, moved by the Honourable Member for Roblin, seconded by the Honourable Member for Rock Lake, that:

Resolution No. 25 be amended by deleting all the words after the word government in the first line of the first WHEREAS, and substitute therefor, with the words, funds day care centres, and

In the second WHEREAS, after the word facilities in the first line, delete the words are not easily accessible to and substitute therefor with the words may not be available to all, and

In the second line of the THEREFORE BE IT RESOLVED, add after the word of the words accepting an application for, and after the word public in the third line, add the words and other, and.

That the BE IT FURTHER RESOLVED clause be deleted.

The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, I wish to speak on a point of order. You have obviously misunderstood me. I had no intention of reading, in your stead, the amendment that was proposed. I was intending to read what the Minister of Community Services gave me as being what the motion would read if the amendment were passed, so we would know what it means rather than having all of those clauses. He did pass on such a document to me, and I wonder, with the permission of the members, if I could now read it to the House? (Agreed)

Just as a point of order, Mr. Speaker, if the amendment moved by the Member for Roblin were passed, then the motion would then read as follows, as I understand it:

WHEREAS the provincial government funds day care centres, and

WHEREAS day care facilities may not be available to all people working in the vicinity of the Legislative complex,

THEREFORE BE IT RESOLVED that the provincial government consider the advisability of accepting an application for establishing a day care centre in the vicinity of the Legislative complex for public and other employees.

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

**MR. COWAN:** Thank you, Mr. Speaker. It now seems as if every time I stand I am speaking to an amendment of a resolution which I believed, in the original form, well represented the case and was positive, and would have resulted in a productive action on the part of the government.

#### NON-POLITICAL STATEMENT

**MR. COWAN:** Before getting into the actual debate on this amendment, I'd like to make a non-political statement if I can, and that is that I am certain the members opposite will be pleased to hear that the Public Service Alliance Component at the National Harbours Board at Churchill just ratified their contract and it is expected that that contract will be signed this afternoon. It was ratified about 2 o'clock. I know they share my interest and my concern over



that matter, so I thought they should be the first to know, outside of those who were called on this side.

### RESOLUTION 25 Cont'd

**MR. COWAN:** To speak to the amendment, Mr. Speaker, we must examine, in fact what not only has been added by that amendment, but what has been taken away by that amendment. The fact is that what they took out of the first WHEREAS were the words that the provincial government as a major employer, should set an example of leadership for other major employers in Manitoba with respect to the provision of industrial day care, and, and what they have put in that place was WHEREAS the provincial government funds day care centres. I wonder what it is they have against the provincial government providing that example of leadership. Why did they feel it was necessary to delete from the original resolution the suggestion that their government should provide leadership to other employers in the province? I would have hoped that they would have liked to have provided leadership. I would have anticipated, Mr. Speaker, that they would in fact, have gone out of their way to provide that sort of leadership and example to the other employers. So right off the bat, right from the beginning, I do have to object to the removal of those words and the replacement with them of the words funds day care centres.

Well, that, Sir, is a statement that we know to be true. It is a statement that is self-evident, and it does not in fact imply or have the implications that the original resolution did. I believe that one must examine very closely, not only the wording of the amendment, but must also examine very closely how it alters the concept of the original resolution. The concept in this specific instance was that there should be leadership, and the amendment implies that there will not be that leadership. And that is what we have been saying all along on this side; that it is a rudderless ship over there; that it is a ship that refuses to live up to its responsibility to provide leadership; that it is a government that has abdicated its responsibility to govern, as well as abdicated its responsibility to provide the example that is necessary to the private and other employers in this province.

I'm a bit confused by the substitution in the second WHEREAS, where they have taken out the words accessible to, and put in the words, may not be available to all people working in the vicinity of the Legislative complex. It seems to me to be, at first reading at least, a subtle difference, if any difference at all. So I don't believe that that, in any way, profoundly impacts upon the intent of that.

But then we get to the first BE IT THEREFORE RESOLVED, as it reads, it says, the provincial government consider the advisability of establishing a day care centre in the vicinity of the Legislative complex for public employees. They have removed that establishing a day care centre in the vicinity of the Legislative complex for public employees and put in its place, that the government would then, accepting an application for a day care centre in the vicinity of the Legislative complex for public and other employees. Well, if this were a community of the sort that would band together and provide that application, then one might not find a great deal of

difficulty in supporting that. But the fact is that, given the demographic structure of the area in which the Legislative complex is situated, it would be very difficult for one group to bring together under one umbrella the different factions that would in fact make that application. So what the government should do in this example is be the catalyst.

Now, there is no problem where you have a community or where you have a workplace that is fairly homogenous to have the applications come forward to the government and have the government fund it in that manner. But in this situation you do not have that particular situation and it is up to the government to provide the leadership and to be the catalyst. So we must object to that particular change, because we feel that what it will do, in fact, is bring about a situation whereby there can be no day care centre here, and that runs purely contrary to the intent of the resolution. In other words, they can wait a long time for that application and never get that application. I think they know full well that, in fact, would be the case, and that is why it is worded in such a way. It is an insidious attempt to get out from under the intent of the resolution, yet not have to come out publicly and state, we don't want to be leaders and we don't want a day care centre here. I wish they had the courage to make those sort of statements, because then the public would know. There is no argument that they are providing funding for day care centres; there should be no argument that they should not provide funding for day care centres in this building also.

And then, of course, the amendment goes further to delete the entire last BE IT FURTHER RESOLVED, and that BE IT FURTHER RESOLVED was that this industrial day care centre be available to other workers and families in the area surrounding the Legislative complex. Now, what they did do in the first WHEREAS, was put the other in. So we now could accept the fact that they have deleted the second WHEREAS by the fact that they have included the other in their first WHEREAS, except that they have again left out a very important part of the second WHEREAS, and that is to other families living in the area. So we have no longer the explicit demand that it be available to other families and other workers. We have a sort of general statement on their side which will in fact not provide the type of day care facility which was anticipated, suggested and argued for by my colleague, the Member for Transcona.

The Member for Roblin went to some great length to tell us why the industrial day care centre concept does not work. I'd like to address myself to those remarks for just one moment. While doing so, he indicated to us in some very specific detail why they do work. He suggested that at the universities; he suggested at the Health Science Centre there is one; he suggested at Red River Community College there is one and in fact those are buildings much like this particular complex, where you don't have a community right around it that can make the application, which the government is expecting to happen now, but where you have sort of an industrial complex that provides employment for a large number of workers who do not live in the general area but still could use day care facilities at their work site. So what he is saying is that in some

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instances industrial day care facilities are not the most appropriate course of action.

We have to agree with that. We are not so dogmatic to say that in every instance there must be day care facility at the workshop, or at the work site, but we do say that there are places, given their specific nature, where the industrial day care centre is the best avenue to pursue, that there are situations where it meets the needs much better than the other type of day care centres that we see in the province. And the examples that the Member for Roblin gave us point to the fact that this would be one of the situations, that the day care facility of the industrial style could work in this building. It has worked in all the other examples that he gave us.

I was somewhat surprised at the negative undercurrent of his remarks, and I am somewhat taken aback by the negative undercurrent of the amendment. Because I believe this is an area where the government can provide leadership and should provide leadership, and knows full well that it must provide leadership and it is not doing so. When we have a resolution put forward such as the one we're discussing today which has just been amended, it provides them with an opportunity to take the lead and to be the catalyst, and to bring forward a progressive program that will provide examples to others, and they refuse to do that.

The Member for Roblin also said that he would not take this opportunity to discuss the use of the Land Titles Building as a day care centre, and I just have to ask why he would not take the opportunity to discuss it. I can only anticipate that he wouldn't discuss it, because he knows it would be an appropriate site and he couldn't say anything against that suggestion from the Member for Transcona. The fact is, it would be an appropriate site, given the proper modifications.

But the Member for Transcona's original resolution, Mr. Speaker, did not go far enough in all respects, in my opinion. I don't believe it was intended to cover the entire waterfront, but was intended to use this particular building as an example and as a vanguard for other buildings. But the fact is in the north, as we have mentioned previously during debates and other times during the course of our activities in this House, the north needs, very badly, day care centres. We can look at the Thompson Government Building. I note your gestures, Mr. Speaker, and I am trying to bring it right back to the resolution, but I wanted to talk about it in general terms, if I can. I can't; I am notified by the Speaker that he, himself, is running a tight ship and that I will have to address my remarks specifically to the amendment at hand. I'm trying now very desperately to figure out how to bring in the Thompson Government Building and do that. Although it's not part of the Legislative complex, it certainly is part of the government's activities, and a day care centre could be well utilized there, as well as in Leaf Rapids, Gillam, Churchill and other centres through the north.

Having said that, I will return immediately to the amendment before us, and suggest that the amendment before us is not as explicit in its intent as one would hope it to be, that the government's actions in this regard are not as fully honest as one would hope them to be. Because upon first perusal

of the amendment, one could be left with the feeling that they are in fact supporting the idea of a day care centre here in the Legislative complex; in fact that it would be very difficult to provide an umbrella organization that would be able to follow that application through what sometimes seems to be a very tortuous and drawn-out process.

The situation would be that there would have to be a group making application, and we know full well that it would be very difficult to provide an umbrella organization that would be able to follow that application through what sometimes seems to be a very tortuous and drawn-out process.

I would ask whomever is going to speak to this subject from the government side next, to explain to us exactly what group that should be, to explain to us what they would see as being a group that is already in existence, that could bring such an application forward. Would it be a community group? Would it be a group of workers within this building? Or a group of parents within the building or within the area? Within the area. The Minister has already answered my question. He said it could be a group of parents within the area. But there is no real community here under which they can band together. There is no easy route for them to follow.

So what the Minister is telling me now is, yes, you can have a day care centre. We have no objection to a day care centre in this building, but we are going to make it as difficult as possible for you to get that day care centre. Because if they truly supported the concept, they would pass this resolution as it is. There is nothing wrong, there is nothing incorrect about this government going about and setting up the funding for the day care centre here, and operating it under the mechanisms that are given to them now. It may be a departure from procedure before, but the fact is that that is what the resolution asked for, an extension and a broadening of the concept so that we can use what happens here as an example for other industries.

I do believe that, notwithstanding the remarks from the Member for Roblin, which have some validity — he gave a very excellent presentation today in regard to facts and figures that he had in his presentation; it was one of the better ones that I have heard any member in this House give on a Private Member's Resolution. But the fact is that he only went so far, and he totally neglected to talk about how we can deal with the problem of industrial day care centres, or deal with the establishing industrial day care centres in a positive manner. He negated the idea right from the very start. He told us why it wouldn't work. He was very opposed to it on the basis of examples that he had given. But I am certain if I had taken the time to research the subject as he obviously has, or had that research available to me, that I could point out many more instances where it has worked, where it has been a viable project within the industrial worksite, and where it is functioning today. So I believe it is the manner in which you approach the problem that we determine whether or not we wish to see that particular concept broadened and supported.

I would suggest that from his remarks here today, that he approached it from the negative perspective,

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that he did not want to see that concept broadened. I would hope that the Minister responsible would. I would hope that the Minister responsible would be willing to, in this case, experiment a bit, to try a new attack on the problems that face single working parents, as well as families where both parents are working and children are involved. I would hope that he would be creative. I would hope that they would have taken this resolution in the most non-partisan way and grasped it to their breasts, and supported it wholeheartedly, and we would have our day care centre surrounding the Legislative complex very quickly. That would have been the example that the Member for Transcona wanted.

**MR. SPEAKER:** Order please. The hour being 5:30; when this subject next comes up the honourable member will have two minutes.

The hour being 5:30, the House is adjourned and stands adjourned until 2 o'clock tomorrow afternoon (Thursday).