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DEBATES
and
PROCEEDINGS

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LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 8, 1979

Time: 2:30 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Before we proceed, I should like to draw the attention of the honourable members to the gallery, where we have 50 students from the Virden High School of Grade 8 standing. These students are under the direction of Mr. Erickson, Mrs. Scott, Mr. Jones, Mr. Chapman and Mrs. Walker. This school is in the constituency of the Honourable Member for Virden.

We also have 33 Grade 5 students from the General Byng School under the direction of Mrs. Torfasson. This school is in the constituency of the Honourable Member for Osborne, the Honourable Attorney-General.

On behalf of all the honourable members, we welcome you here this afternoon.
Presenting Petitions . . . Reading and Receiving Petitions.

COMMITTEE REPORTS

MR. SPEAKER: The Honourable Member for Radisson.

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

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

MOTION presented and carried.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for Pembina.

MR. DON ORCHARD: Mr. Speaker, I beg to present the second report of the Committee on Economic Development.

MR CLERK: Your Committee met on Tuesday, May 8, 1979, to consider the Annual Report of Manitoba Mineral Resources Ltd., for the period from April 1, 1977 to March 31, 1978.

Having received all information requested by any member from Mr. Albert A. Koffman, President of the Board of Directors of Manitoba Mineral Resources Ltd., the report, as presented, was adopted by the Committee.

All of which is respectfully submitted.

MR. ORCHARD: Mr. Speaker, I move, seconded by the Honourable Member for Portage la Prairie, that the report of the Committee be received.

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Mines, Resources and the Environment.

HON. BRIAN RANSOM (Souris-Killarney): Mr. Speaker, I would like to table the May 8th Flood Report prepared by the Water Resources Division.

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

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, we note that the Manitoba government has apparently granted moneys to what is generally recognized as a great Canadian in the person of John Diefenbaker Memorial Centre in Regina. I would like to direct a question to the First Minister, if he could confirm that in fact such a grant has been made from Manitoba Lottery funds.

MR. SPEAKER: The Honourable First Minister.

HON. STERLING R. LYON (Charleswood): Mr. Speaker, there is a Foundation, if I am correct in the use of that term, which is in operation across Canada, which has agreed with the government of Saskatchewan to establish a memorial to receive the archives, papers, etc., of the Rt. Hon. John Diefenbaker. I believe the contribution from the province of Saskatchewan toward this library, or memorial, is in the nature of \$100,000 to \$150,000.00. Requests were made of the other prairie provinces, Alberta and Manitoba, to participate in this venture. The government of Alberta has subscribed an amount which I don't have in front of me but we can easily get for the honourable member, my recollection is that the government of Ontario has also participated in this library establishment, and the government of Manitoba made the determination to make a contribution of \$50,000, my recollection is from Lottery funds for this purpose. I think it is the kind of memorial, the kind of a library which will be of great benefit to all Canadians, particularly all future generations of Canadians to receive the papers of a distinguished westerner who was, at the same time, a distinguished Prime Minister of this country.

MR. PAWLEY: Mr. Speaker, a further question to the First Minister. I would ask if the First Minister, in order to satisfy Manitobans and the opposition that in fact the grant is a wise one, whether or not the First Minister would be prepared to table in the House the documentation and the justification that was provided to the Cabinet prior to Cabinet agreeing to the making of such a grant?

MR. LYON: Mr. Speaker, I'm sure we can supply to the Honourable Leader of the Opposition, for his information, the pamphlet material that was sent by the Foundation group soliciting the support of the various governments. I'm sure that that would be easily available to him.

MR. PAWLEY: Mr. Speaker, in view of the fact that western Canada has also produced another great Canadian in the person of J. S. Woodsworth, the founder of the CCF, I would ask the First Minister whether similar consideration would be given to any application for a grant by the Woodsworth Foundation.

MR. LYON: Mr. Speaker, without in any way trying to make invidious comparisons between the two gentlemen in question, one was the Prime Minister of Canada, the other was a Leader of a Party. My honourable friends, in their time of office, I think quite properly chose to memorialize the name of Mr. J.S. Woodsworth in the building across the way.

MR. PAWLEY: Mr. Speaker, then can I correctly assume from the First Minister's answer that in fact the answer is no; that no consideration would be given to a request by the Woodsworth Foundation for a similar grant in order to ensure the maintenance of the papers and historic documents pertaining to the founder of the CCF?

MR. LYON: Mr. Speaker, my honourable friend can make no such assumption at all, but I am merely suggesting to him that in the case of a former Prime Minister of Canada, who was a westerner, not only western governments but other governments in Canada are being canvassed to support this library and I daresay that most, if not all, governments, provincial governments in Canada will do precisely as Manitoba has done, not on a narrow partisan basis, but because a great Canadian is being honoured.

MR. SPEAKER: The Honourable Member for Logan.

MR. WILLIAM JENKINS: Thank you, Mr. Speaker. My question is to the Minister of Labour. Can the Minister of Labour inform the House when he expects the tests at Weston and Lord Nelson Schools will be completed, and how soon will the parents and the government, and hopefully the Members of this Assembly know the results of these tests?

MR. SPEAKER: The Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson): I reported that to the House once already, Mr. Speaker, but have no hesitation in saying that the letter to the parents said 4 to 6 weeks.

MR. JENKINS: The Honourable Minister didn't answer the first question, a part of the question. I asked the honourable minister when he expected that the test would be completed at these two schools. Could the honourable minister inform the House when these tests at Weston and Lord Nelson Schools will be completed?

MR. MacMASTER: I would hope and expect this evening, Mr. Speaker.

MR. JENKINS: Could the honourable minister also inform us how many adults are being tested for lead-in-blood samples at Weston and Lord Nelson Schools, and are these people the teaching staff and the custodial staff in these two schools?

MR. MacMASTER: Several adults in the area have volunteered and, in fact requested that they be tested at the same time the children are being done, and I don't have the exact number, Mr. Speaker.

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

MR. JENKINS: Thank you, Mr. Speaker. If the demand is there, would the minister consider extending the lead-in-blood level test samples if more people in the area made application to have these tests taken? Would the minister take that under consideration, and has he met with any adult groups in the two schools?

MR. MacMASTER: Our role is to attempt to accommodate the people in this particular regard, Mr. Speaker, and in an accommodating manner we would do what we thought was necessary and appropriate.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I would like to direct a question to the Attorney-General. Has the firm of Campbell Sharp, Chartered Accountants been retained by the Manitoba Liquor Control Commission for a marketing study, or are they under consideration for the same?

MR. SPEAKER: The Honourable Attorney-General.

HON. GERALD W.J. MERCIER (Osborne): Not to my knowledge, Mr. Speaker.

MR. DOERN: Mr. Speaker, can the Attorney-General confirm that Mr. Lorne Parker and/or the firm of Campbell Sharp contributed to the Premier's \$3,000 a month allowance in 1976-77?

MR. MERCIER: No I cannot, Mr. Speaker.

MR. DOERN: Mr. Speaker, is it a current condition of a government contract for Campbell Sharp or any other Manitoba firm that they must make a contribution to the federal Conservative war chest?

MR. MERCIER: Not to my knowledge, Mr. Speaker.

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

MR. DOERN: Mr. Speaker, to the Attorney-General, was the Member for Crescentwood expressing government policy when he told Mr. Parker that he and/or his firm should not or could not contribute financially to the campaign of one Richard Mercier, a federal Liberal candidate, since firms that do business with the Lyon government must be both provincial and federal PC contributors and supporters?

MR. MERCIER: Mr. Speaker, I can appreciate my brother needs all the help he can get but I am

not aware of this matter, Mr. Speaker.

MR. DOERN: Mr. Speaker, I'd ask the Minister whether he is aware of Richard Mercier's comments on the radio to that effect, that his supporters and financial contributors were pressured or coerced by a member of the government backbench to decline from supporting his campaign?

MR. MERCIER: Mr. Speaker, I wasn't listening to any radio programs yesterday morning, Mr. Speaker.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, just a further supplementary to the question by the Member for Elmwood. Is the Attorney-General prepared to investigate the allegations by one Richard Mercier as to the comments made, alleged comments by the Member for Crescentwood?

MR. MERCIER: Mr. Speaker, I'm afraid my brother hasn't been talking to me in the last three or four weeks.

MR. SPEAKER: Orders of the day. The Honourable Member for Wellington.

MR. BRIAN CORRIN: Mr. Speaker, my question is for the Honourable Attorney-General. I would ask, Mr. Speaker, whether the Attorney-General approves of the existence of the Legislation under which Jean-Claude Parrot has just been sent to gaol, whether he approves of it in our province and whether he approves of it being . . .

MR. SPEAKER: Order please, order please. The question of whether or not a Minister approves of some other jurisdiction's legislation is not a question for this House. Orders of the day. The Honourable Member for Wellington.

MR. CORRIN: Yes, well perhaps my supplementary, Mr. Speaker, will place it in perspective and will put it within the bounds of order. I would ask the Attorney-General whether he would authorize his staff, his personnel, to prosecute the violators of this law, of this back to work Legislation, within the bounds of our province, whether he would instruct them to enforce that Legislation in his province?

MR. MERCIER: Mr. Speaker, there was no such action taken in the province of Manitoba during the time a couple of months ago when this Legislation was in effect.

MR. CORRIN: Thank you, Mr. Speaker. Mr. Speaker, I would ask the Attorney-General whether in fact he is aware and can state for the record that there were no such violations, and I will ask him if such violations should come to light, whether he would enforce the law?

MR. SPEAKER: Order please, order please. It's a hypothetical question. Orders of the Day. The Honourable Member for Churchill.

MR. JAY COWAN: Yes, thank you, Mr. Speaker. My question is to the Minister of Labour. Can the minister indicate if any progress has been made in regard to determining which plants and work sites will be next to be included in his so-called Lead Control Program.

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: There's no definite numbers or particular ones that are to be included in the Lead Program, the very responsible one that we have in place in Manitoba at the moment.

MR. COWAN: Yes, thank you, Mr. Speaker. A supplementary to the minister. On April 24th the minister indicated that testing would be done, lead-in-blood testing would be done on employees at the CEA Simon-Day Plant, located next to the Canadian Bronze Plant in the city. Can the minister indicate what the status of that testing is at the present moment, and when we can expect the results?

MR. MacMASTER: I believe I reported on this, Mr. Speaker, but I'll do it again. Our people met with the Safety Committee in that particular plant. First they reviewed the minutes of the Safety

Committee for the past previous month, and there had never been any reference made to a lead problem or queries about lead, but nevertheless we went in and met with the Safety Committee and they themselves, the workers and the employers on the Safety Committee determined, I believe it's 15 people in a variety of places that worked throughout the plant that they would select to have the samples taken. Samples were taken, tested, employees to the best of my knowledge were informed, and the average run in that particular plant was .02.

MR. COWAN: Yes, thank you, Mr. Speaker. Well, now if the minister has the results from the testing in that plant, can he indicate not what the average was but what the outside limits was, what the highest reading was for the workers at that plant?

MR. MacMASTER: I'd have to get those figures, Mr. Speaker, but if the concern of the Member for Churchill is, was there any over .08, there certainly wasn't.

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

MR. COWAN: Yes, thank you, Mr. Speaker. A supplementary to the minister. It seems as if 18 workers at Canadian Bronze have escaped being tested by his department for lead-in-blood levels. I'm wondering if the minister has anything to report as to why these 18 persons were not tested, and what arrangements have been made to ensure that all employees at suspect plants are being tested in the future?

MR. MacMASTER: Mr. Speaker, with the turnover in the particular industry, it's not always possible to test everybody that is in that particular company. We found that in the Canadian Bronze that we're talking about, we ended up with 14 more samples, 14 more people tested than there was on the original list. What had happened is the list had been submitted, and within the following week or 10 days when the tests were set up that there was 14 extra people that had been employed. We also found that, I believe it was 11 or 12 that were on the list that we hadn't located and they hadn't been tested. Our people went back in and we found eight of those people, and we tested them. We found that three had quit and one was in jail. So that was the 12 that we had missed in that particular instance.

Since then our departmental people have been talking to the Safety Committees, and it's now been determined that there is 15 other people that work in a workshop, I believe they described it as a machine shop adjacent to the foundry, and it wasn't thought that it would be necessary to test these people. Now I believe arrangements are being made to again meet the Safety Committee to see if they would then request that all those 15 people working in that particular shop be tested. It may be determined again in co-operation — a word that I've used before here — that in co-operation with the Safety Committees it may be established that that Safety Committee may in fact want a random sampling of those particular people, and if that's their desire that's what they'll get.

MR. SPEAKER: The Honourable Member for Churchill with a fifth question.

MR. COWAN: Yes. Thank you, Mr. Speaker. To the Minister, he indicates that it wasn't thought that it was necessary that those 15 people be tested. I would ask the Minister then, who made the decision that those 15 people were in safe working conditions? Was it the Safety Committee or was it the company management or was it the union or was it the Minister's department?

MR. MacMASTER: Mr. Speaker, there was no secret with the government people or with the company or with the union people that those 15 were not being tested. The conclusion has been reached that a meeting should be held of the Safety Committee to see if, in fact, it's their desire to have all those people tested.

MR. SPEAKER: The Honourable Member for The Pas.

MR. McBRYDE: Yes, Mr. Speaker. A question to the Minister of Resources in regard to the Carrot River near The Pas. The Minister's report indicates an increase in the water level of that river and I wonder if there's been any change in when the expected crest of the Carrot River will occur in The Pas area.

MR. SPEAKER: The Honourable Minister of Mines, Resources and the Environment.

MR. RANSOM: I'm not aware of any change in the date, Mr. Speaker, but I'll be happy to investigate that specifically for the member.

MR. McBRYDE: Mr. Speaker, I wonder if the Minister could give some indication of what sort of watch is being kept on the Carrot River and the Saskatchewan River in light of the possibility of ice jams on either of those rivers that could cause a considerable back-up.

MR. RANSOM: Without knowing the specifics of the situation, Mr. Speaker, I believe that the departmental employees stationed in the area will be keeping a daily watch on the developments there.

MR. McBRYDE: Yes, Mr. Speaker. I wonder if the Minister could tell me or give some assurance that the dikes at the PASCO land project are being patrolled regularly as one of these dikes did collapse a number of years ago. I wonder if the Minister could just advise me on that matter, Mr. Speaker.

MR. RANSOM: Yes, Mr. Speaker. I'm quite certain that's the case and I will inquire to make certain that that's the case.

MR. SPEAKER: The Honourable Member for Burrows.

MR. BEN HANUSCHAK: Mr. Speaker, I wish to direct my question to the Honourable Minister of Economic Development. Can the Minister now provide us with the information he promised last night namely, the names of the six firms who were to have been the ultimate recipients of the welfare grant in the amount of \$5,000-plus paid to a longtime public welfare recipient, namely Southam Publishing?

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. J. FRANK JOHNSTON(Sturgeon Creek): Mr. Speaker, I thank the honourable member for giving me the opportunity to explain this again. Southam Company held in Edmonton a show where small companies, or any companies, could display their goods so they could gain more sales.

It is the policy of the Department of Economic Development to assist small businessmen, who my honourable friend has called "welfare recipients" for a whole week, assist small businessmen to attend these shows and show their products so they can sell more, do more business and create jobs in the Province of Manitoba.

There were six companies that we supported to that particular show, and we paid the cost of being at the show for each one of them, and the amount we paid for them is worked out on a formula. I promised the honourable member that he would have the names of those companies and how much was paid for each one and how the formula was worked out, and I can assure you we will have them; and we don't regard small business in Manitoba who asks the government to assist them to create jobs and sell more products made in Manitoba as welfare recipients.

MR. HANUSCHAK: Yes, Mr. Speaker, could the minister then explain why these, as he calls them Incentive Grants, were not paid in the same manner as the hundred-odd others that were paid directly to the small firms concerned rather than to one multi-millionaire to distribute to someone else subsequently?

MR. JOHNSTON: The list of grants that the honourable member refers to in the Economic Development Department Report is the total number of grants — they cover all different types, Mr. Speaker, and we are not afraid to show him the circumstance on the basis that any one was made, and we still don't call small business "welfare recipients" in this province.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. HARVEY BOSTROM: Thank you, Mr. Speaker. My question is to the Minister of Highways with respect to Provincial Road 304 which is still a continuing problem in my constituency. My question is — will the minister assure that that particular PR304 which leads to the community of Bissett will be properly gravelled in order that it will be open by the coming weekend, the opening of the fishing season in Manitoba? I ask this question, Mr. Speaker, out of concern for the many businesses in the area that depend on the tourist industry for their livelihood, and if the road is not in shape or closed down this weekend, it will result in permanent damage to those businesses

for this coming summer period, as many tourists who suffer as a result of that road being out of shape will simply not come back in subsequent weekends over the summer period.

MR. SPEAKER: The Honourable Minister of Transportation.

HON. HARRY J. ENNS (Lakeside): Mr. Speaker, in answer to that question, I want to assure the honourable member that I am as concerned about everybody that has to use that road, business people or residents, that that road will receive the maintenance that we can give it just as soon as the weather co-operates.

I'm told by the weather people that we're looking forward to what hopefully will be more seasonable weather in the next few days. The department is aware of the member's questioning on this particular piece of road. I've enquired and they've indicated to me that maintenance, increased levels of maintenance and gravel will be applied to that road just as soon as the road base, which has been in very soft condition, along with many other roads throughout Manitoba, but as soon as the weather permits, the heavy machinery and the regravelling of certain stretches . . . if that weather occurs, that that, in fact, will be looked after.

MR. SPEAKER: The Honourable Member for Wellington.

MR. CORRIN: Yes, my question, Mr. Speaker, is for the Attorney-General, and it's relative to the matter I raised just before. I would ask, in view of his responses, whether he has at this particular juncture yet had occasion to express his dissatisfaction with this legislation; this being the legislation that empowered the imprisonment of Jean Claude Parrot to his federal counterpart in Ottawa?

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: I've not had an occasion, Mr. Speaker.

MR. CORRIN: I would ask then, Mr. Speaker, if indeed the minister is dissatisfied and I trust he is; he shares my concern with this infringement of human rights, whether or not he will express such a dissatisfaction in an overt fashion by communicating with the honourable federal minister and I would ask in this regard whether he would express his opinion as to whether he feels that this particular legislation is constitutional' and I would ask whether he regarded it .

MR. SPEAKER: Order, order please. May I point out to the honourable member he's asking for a legal opinion. The question is out of order. The Honourable Member for Wellington.

MR. CORRIN: On a point of order, Mr. Speaker, I would ask whether or not it is improper to ask the Honourable Attorney-General who is, after all, responsible for the enforcement of law in all constitutional matters to give an opinion as to whether something is legal and constitutional; if not, then I would ask who among members opposite I should address such a question to?

MR. SPEAKER: Order, please. The honourable member has no point of order. The Honourable Member for Flin Flon.

MR. CORRIN: Mr. Speaker, I had a supplementary question.

MR. SPEAKER: The Honourable Member for Wellington.

MR. CORRIN: Yes, I would ask, Mr. Speaker, whether or not in view of this legislation the honourable minister would now consider it a necessity that there be enshrined a Bill of Rights within our country that will protect persons from this sort of improper infringement of their civil liberties?

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: No, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Flin Flon.

MR. THOMAS BARROW: I direct my question to the Minister of Labour, Mr. Speaker. Is it a fact that on provincial affairs, you said that your Apprenticeship Plan in the north was not effective?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

MR. MacMASTER: With all respect, Mr. Speaker, I missed your question to the Member for Flin Flon.

MR. BARROW: During a program on Provincial Affairs, I think you stated publicly that your Apprenticeship Plan was not effective, it wasn't effective, it needed some brushing up. Is this a fact?

MR. MacMASTER: No, Mr. Speaker, I never said that the Apprenticeship Plan or Program was not effective. What I've said, and there's many people have been asking for it over a period of years, is that a review of the content of the Apprenticeship Program be looked at and we intend to do this with the co-operation of industries and the trade labour movement over the coming year.

MR. BARROW: Could the minister maybe not now, but during his Estimates, inform the House of any changes in that plan, specific changes?

MR. MacMASTER: Mr. Speaker, I don't have any specific changes to speak about today. What I've suggested is that the year 1979 is a good year to review the contents of the Apprenticeship Program to see if it's really fulfilling the needs of our young people that are coming into the work force, and I believe that the trade unions and industry are certainly in agreement that we have a look at the content of the trades themselves, the content of the Apprenticeship Program.

MR. BARROW: Is the honourable minister aware that the Chairman of the Board, John Atwell, the Directors — Jack Redhead, Roy Simmons are unaware of any discrepancies or changes to be made, and they are of the illusion that the Plan is working very well? Don't you think that these people should be informed before the public of any changes or problems in the plan?

MR. MacMASTER: Mr. Speaker, I don't propose any changes; what I've suggested is that a review take place. Unions and industry, for example, have said if we wish to talk about one specific area that might be the aerospace industry. People are saying now, for example, that millwrights that are coming through their apprenticeship these days, do not have the exact qualities and skills that are required in some of the industries. This has been widely discussed throughout the province for a period of a number of years. In addition to that, we have a great concern for the fact that millwright and toolfitters are not extinct, but there certainly isn't enough of them to fulfil the needs of industry. So these are the types of things that we propose to review, just review and discuss with unions and industries over the course of 1979, to see if there isn't something better we could be doing.

MR. SPEAKER: The Honourable Member for Flin Flon with a fourth question.

MR. BARROW: Is the minister aware that employers in other provinces are taking graduates from this plan, and hiring them through the results of this plan as is?

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

MR. BARROW: While I'm on my feet, Mr. Speaker, I would like to ask one more question on another subject. The subject of jurisdiction in the Flin Flon area has been brought to this House many times. You were well aware of it, even before you came into the House, Mr. Minister. The Minister of Mines agreed the problem is there and that it would be solved. The former Minister of Labour said she'd look into it, which she never did. I would like to ask this question. Have you made any progress toward putting them under the Manitoba jurisdiction?

MR. MacMASTER: It's my understanding, Mr. Speaker, that discussions are taking place right today.

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

MR. SAUL CHERNIACK: Thank you, Mr. Speaker. I have two unrelated questions for the Minister of Health. Firstly, I want to thank him for sending me a copy of the agreement between the Health

Services Commission and the Manitoba Medical Association, and in relation thereto, I would ask him if he could clarify the change in the agreement from the previous agreement, which eliminates the phrases that provides that the association is recognized as the sole and exclusive bargaining agency for all medical practitioners. The former clause limiting that to practitioners who are participating in the plan and the present clause deleting that limitation of participation and makes them now bargaining agents for practitioners who are not participating in the plan. Can he explain that?

MR. SPEAKER: The Honourable Minister of Health.

HON. L.R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, primarily the reason was because of the desire on the part of the MMA to have that provision, but I will explore the question in more depth and attempt to respond to the honourable member in more detail. As I recall, it was a matter of desirability on the part of the MMA, which appeared at least to have general acceptance.

MR. CHERNIACK: Mr. Speaker, I want to thank the minister and tell him that the Member for Seven Oaks pointed out to me that there was a change also in the definition of medical practitioner, and possibly that change took care of this variation in Article 2.

The next question dealing with the same agreement, Mr. Speaker, is the granting to the association the sole right of allocating the amount of the overall increase agreed upon. I'd ask him to clarify for us why it is that the Health Services Commission has given up its participatory right to deal with the setting up of the schedule and having turned it all over to the association?

MR. SHERMAN: Mr. Speaker, primarily the granting of that right is seen as a method of expediting settlement, recognizing the ability and capacity of the profession to make decisions and determinations in the area of fee schedules, based on its own experience, based on its own professional competence. In the past there has been considerable unhappiness, dissatisfaction with the influence of government in determining the distribution of individual fees, and this is really an attempt to provide a global amount of money, although this is not achieved in total by what is expressed in the agreement, but really an attempt to provide, in relative terms, a global amount of money and say to the medical profession, you're competent to deal with it yourself, you know what specialties, what procedures are recompensed fairly in relative terms with other medical associations across the country. You know where there are shortcomings. You know where shoring up is required

MR. CHERNIACK: Mr. Speaker, just en passant, the member referred to the fact that the association did not like the government setting these things. Does the minister now consider that the Commission is the government? That's the question that I'm just sliding in with the other question. Would the minister consider, reflect on, and inform us as to whether or not the Commission does not grant to the association an overall lump sum payment, but rather sets up a schedule on a fee-for-service basis, that the manner in which the allocation of the increase is made may well determine that the total moneys paid in a year could exceed the agreed upon increase of 6.88 percent? Is my question clear enough for the minister to respond?

MR. SPEAKER: Order please. I believe the honourable member's question might tend to be argumentative. The Honourable Member for St. Johns.

MR. CHERNIACK: Mr. Speaker, I appreciate your concern. It may tend in your mind to be argumentative, but I don't quite conceive how it could be and the minister, I think, will inform us if it is so. It is a question of interpretation, and I remind you we've already passed this minister's Estimates. I know of no other way to get elucidation from him.

MR. SHERMAN: Mr. Speaker, I don't agree that there is any danger that the agreed upon percentage increase can be exceeded under this method, but I'm quite prepared to explore the implications of the honourable member's question and respond to him in fuller detail. It is not in any way I suggest, Sir, an argumentative question, but it is one that carries with it some complicated inferences and implications, and for the sake of brevity my answer would be no, I don't believe that there is any danger of the general fee increase agreement being exceeded under this arrangement.

With respect to his first question, as to whether I'm considering the Health Services Commission as the government or not, or synonymous with government, the answer is no, except in the rhetorical sense. In terms of negotiating with the MMA, they do and have been negotiating on behalf of the

Province of Manitoba, and therefore on behalf of the government. I simply use the term rhetorically.

MR. SPEAKER: Order please. The time for Question Period having expired we'll proceed with Orders of the Day.

ORDERS OF THE DAY — ORDER FOR RETURN

MR. SPEAKER: The Honourable Member for Elmwood."

MR. DOERN: Mr. Speaker, I move, seconded by the Honourable Member for Winnipeg Centre,

THAT an Order of the House do issue for a return of the following information:

1. The number of pamphlets printed of the 24-page brochure "Catch our good nature!"
2. The total cost of these pamphlets.
3. The average cost per pamphlet.
4. The number of pamphlets printed in the French language.
5. The total cost of the pamphlets printed in French.
6. The average cost per pamphlet printed in French.

MOTION presented. MR. SPEAKER: The Honourable Minister of Tourism.

HON. NORMA L. PRICE (Assiniboia): Yes, I'll accept the motion, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I move, seconded by the Honourable Member for Burrows,

THAT an Order of the House do issue for a return of the following information:

1. The number of pamphlets printed of the 40-page brochure "Le Manitoba province sympathique."

2. The total cost of these pamphlets.
3. The average cost per pamphlet.
4. The number of pamphlets printed in the English language.
5. The total cost of the pamphlets printed in English.
6. The average cost per pamphlet printed in English.

MOTION presented. MR. SPEAKER: The Honourable Minister of Tourism.

MRS. PRICE: Yes, Mr. Speaker, I'll accept the Order for Return.

MR. SPEAKER: I declare the motion carried. The Honourable Government House Leader.

HON. WARNER H. JORGENSON (Morris): Mr. Speaker, I move, seconded by the Minister responsible for Manitoba Telephones, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee of Supply with the Honourable Member for Radisson in the Chair for the Department of Civil Service and the Honourable Member for Emerson in the Chair for the Department of the Attorney General.

CONCURRENT COMMITTEES OF SUPPLY

SUPPLY — ATTORNEY-GENERAL

MR. CHAIRMAN, Mr. Albert Driedger (Emerson): Committee come to order. I'd like to refer members of the committee to Page 13, Estimates of the Attorney-General, Resolution 14.(1)(b) — the Honourable Minister.

MR. MERCIER: Mr. Chairman, just briefly, members will note that the Estimate of expenditures for the department for the fiscal year 1979-80 totals \$35,123,600, an increase of \$3,580,100 over the previous year. This is an 11.3 increase over 1978-79. The main reasons for this increase are as follows:

(a) The increased cost of law enforcement, Item 7, a difference of \$1,447,800; new positions \$396,900; cost of salary adjustments under the collective agreement and annual merit increases, \$929,100; Legal Aid \$307,800; increased costs of goods and services, \$133,900; Sheriff's escort program takeover from the RCMP, \$88,100.00.

During the present fiscal year, two programs were proclaimed: gun control, effective January 1, 1979, and personal property security registry, effective September 1, 1978. I would propose that these programs be discussed as their individual budgets are being reviewed.

Total staffing for the department has increased by 17.4 staff man years. I would be prepared, Mr. Chairman, to explain the detail of staffing for each program as we proceed through all the departmental programs.

MR. CHAIRMAN: 1.(b)(1) — the Member for Wellington.

MR. CORRIN: Yes, at the outset, Mr. Chairman, I would like to remark that it's my opinion, and I believe an opinion that's shared by my colleagues, that there has been in the past year an insufficiently vigilant position taken by the Honourable Attorney-General and his department with respect to the protection of civil liberties, human rights within our province. It's our contention, and I've mentioned this in debate last week on second reading of The Personal Investigations Act, it's our contention . . .

MR. CHAIRMAN: The Honourable Minister on a point of order.

MR. MERCIER: I would think, Mr. Chairman, that human rights would fall under 3.(b).

MR. CORRIN: Mr. Chairman, more properly, I think that since that deals with the Manitoba Human Rights Commission and what we are concerned about is the civil liberties of our citizens from the federal point of view, I would prefer to discuss it at this juncture, because it really bears — first of all it bears a relation to the work done by the Honourable Minister's Deputy Minister inasmuch as he presumably would be primarily responsible for interprovincial and federal-provincial relations, and because the purview of this matter is essentially federal and since it is the federal government which quite frankly is the bane of our existence and the bone of our contention, I would ask respectfully that we be allowed to use the full latitude of this particular item in order to discuss this.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, I would just like to make sure that we proceed point by point and program by program. I'll leave it to you to determine.

MR. CHAIRMAN: Might I suggest to the Member for Wellington that this item could possibly be discussed under the Minister's Salary, which leaves it wide open for any parts of discussion that you would want.

The Member for Wellington.

MR. CORRIN: Traditionally, Mr. Chairman, I'm aware and of course you're familiar with the fact that there's generally given wide latitude, quite a berth, in order to accommodate members present when the Estimates of the department are tabled and it is customary of course, after the initial ministerial statement is presented to the Committee for a rather broad and generous response to be made by the opposition. I suppose that is what it was my intention to do, Mr. Chairman, and I think it would be inappropriate for it to be done under the Minister's Salary at the conclusion of the Estimates, and particularly, Mr. Chairman, in view of the fact that the topic of my discussion is one that is considerably topical and important at this particular juncture in our history.

Mr. Chairman, you are not unfamiliar with the fact that we have before us in this country today a rather unprecedented situation. We have a situation whereby a person, otherwise of good repute, whether you agree with his philosophy or not, and an otherwise law-abiding citizen, has taken it upon himself, as it were, to challenge the right of the federal government of Canada to legislate a way to derogate the basic fundamental liberties of the people, the working people, of this country. I tell you that this is just the thin edge of the wedge, because, Mr. Chairman, as surely as day follows night it must be perceived as being a fundamental encroachment, a fundamental denial of the rights which we have always presumed to enjoy in this Nation.

And I suggest, Mr. Chairman, that in view of the fact that it is not in itself out of context, if anything, Mr. Chairman, I would suggest . . .

MR. CHAIRMAN: Order please. The Honourable Minister on a point of order.

MR. MERCIER: I appreciate, Mr. Chairman, that the member wishes to make a point with respect to this matter, but this is a federal statute, was a federal prosecution, was an offence in the province of Ontario, and I leave it to you to determine the relevance of subject matter like that to these Estimates.

MR. CHAIRMAN: The Honourable Minister has a point of order. I would suggest to the Member for Wellington that we are not in order in discussing that item at this time. If he wants to go on a wide-ranging debate of that nature, that would be best taken up under the Minister's Salary. The Minister in his opening remarks used them only for clarification and normally the reply to the Minister's statement hinges on the information that has been given by the Minister.

The Member for Wellington.

MR. CORRIN: I would then ask the Minister if he could advise members present whether or not he or his departmental officials, and I note that we're dealing with an Item under Salaries for Planning and Management in his department and would include senior departmental officials of course, whether any of those persons who were responsible for Federal-Provincial relations have taken the liberty, indeed exercised the liberty in this context, of communicating with federal counterparts and expressing dissatisfaction with respect to the legislation, the back-to-work legislation that was brought forward by the Parliament of Canada earlier this year, that legislation which has now resulted in the imprisonment, the incarceration of an otherwise law-abiding person; namely Jean-Claude Parrot.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, the matter is within the federal jurisdiction and to my knowledge there has been no communications directed toward the Federal Government with respect to this matter.

MR. CHAIRMAN: Order please. It is my contention that the subject under discussion is out of order at this time. The Member for Wellington.

MR. CORRIN: Mr. Chairman, with respect — and I say that not differentially — but with respect I would ask you to remember that we are dealing with Planning and Management and Salaries, and it is very much appropriate for me to ask the Minister under that particular Item whether or not any senior personnel, people who are managing his department, planning his department, are being paid salaries as senior administrators in and for that department, are conducting negotiations or communications with their federal counterparts. It's particularly relevant for me to do so, Mr. Chairman, when I address myself to a particular point, a topical point, one that is before not only this province but all the Houses of Canada, and Mr. Chairman, I suggest to you that instead of trying to assist the Honourable Minister to evade this question that you allow not some latitude, but you allow the normal progress of debate . . .

MR. CHAIRMAN: Order. Is the Member for Wellington reflecting on the Chair? The Member for Wellington.

MR. CORRIN: Mr. Chairman, with respect it's not my intention to do that, but Mr. Chairman, I must suggest that if you're going to take the position that such fundamental constitutional issues are beyond the purview of debate because they're not essentially of a provincial nature, because they're enacted or proclaimed by Federal Legislation, then I suggest to you, Mr. Chairman, with respect and with deference, that you have been misled and that you are not addressing yourself to those matters that you should. Mr. Chairman, I would ask you if that's your interpretation, where you would appropriately think that all questions dealing with Federal-Provincial relations as between the Solicitor-General's department and the Attorney-General should be discussed in this Committee? Perhaps you could provide me with that information.

MR. CHAIRMAN: I might suggest to the Member for Wellington under Rule 64 (2), "Speeches in the Committee of the Whole House must be strictly relevant to the Item and Clause under discussion." The Member for Wellington.

MR. CORRIN: Mr. Chairman, I would ask through you the Honourable Attorney-General whether or not it's his intention to direct his staff, staff who are being paid salaries and are involved in the management of his department and assist him in that respect, to direct a letter to the Federal Government indicating either displeasure, dissatisfaction, or countenancing the actions of that government with respect to their — and this is my word — their categorically reprehensible conduct regarding the enactment and proclamation of such legislation as is now before the courts in the Parrot case. I would ask him if he could issue a response?

MR. MERCIER: Mr. Speaker, it's a matter completely within federal jurisdiction. Just last week the Supreme Court, in fact, in the Hauser case from Alberta, upheld the jurisdiction of the Federal Government to prosecute under its own legislation in the provinces, and they have the complete authority to pass that legislation and to commence the prosecutions, and it is not my intention to interfere with their jurisdiction.

MR. CORRIN: With respect to that and a supplementary to that, Mr. Chairman, I would ask the Minister, in view of his response and his indication that he would not interfere in the jurisdiction of the government because he believes same to be constitutional and intravires, I would ask him whether he would share my opinion that such legislation, if it were constitutional, and Mr. Chairman, I would not acknowledge that, I would not on behalf of members on this side of the House indicate that sort of limitation within our framework of law, but if indeed it were declared to be constitutional by the courts — and soon I believe there will be a challenge issue in this regard — I would ask him whether or not he feels that there is indeed a need in this country for a Bill of Rights that would enshrine the liberties of the subjects of Her Majesty and citizens of this country, and whether or not he would agree with me that to accept the paramountcy of the Federal Legislature, the Federal Parliament in this regard is tantamount to acknowledging the right of that Federal Parliament to implement and institute a system of slavery within our provinces and within our country, and I would ask him whether he agrees that that sort of power, that sort of jurisdiction should be vested in any Legislature anywhere in a free democracy?

MR. MERCIER: There is a Federal Bill of Rights, Mr. Chairman.

MR. CORRIN: Mr. Chairman, I know that that wasn't intended to be a facetious remark but I must say that initially I interpreted it to be so simply because' as my learned friend is full well aware, that Bill of Rights has no teeth and certainly can be excluded simply by a wave of the magic federal wand. It does not apply in areas where it is excluded, and as we now well know, of course, it doesn't even apply to areas of law that predated it. It's a totally toothless, ill-effected, although well-intentioned, piece of work and I would suggest, Mr. Chairman, and I would ask whether the Minister would agree that it's in need of major restructuring, major revision, and I would suggest whether he wouldn't agree that it would have been far better to present that bill and to maintain that bill in the original form as it was when the Right Honourable Prime Minister, Mr. Diefenbaker first presented it to this country.

I would ask, if maintained in that form, if he wouldn't agree that it would be far more effective and would have been far more effectual in dealing with the problems that have been presented, and in this regard I would only have the Minister give consideration to several of the decisions of the Supreme Court of Canada that have been made under the purview of that particular bill, all of which as he is of course aware, by and large, all of which have vitiated the very foundation and philosophy that originally prevailed upon members of his Party to introduce the bill to the people of Canada and the Parliament of this country.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, in constitutional discussions I have offered that gratuitous advice, that if the federal government could accomplish the purpose they wish to with respect to a Bill of Rights rather than entrenching it, could simply make the existing Bill of Rights applicable to all federal legislation in departments by a fairly simple amendment to the Canadian Bill of Rights. In order to make it effective, that's what they would have to do.

MR. CORRIN: Is the Minister then indicating that he agrees with me that all legislation, federal and provincial, in this country should be subject to a fully comprehensive Bill of Rights, one that would simply enshrine certain liberties to be sacred and would be subject to review only by the Supreme Court of this country. And I'm talking about ultimate review, of course, by the Supreme Court of this country. And I would ask in that respect whether he would agree with me that that

should include such legislation as the Federal Wiretap Legislation; the Official Secrets Act, which I would remind the Honourable Minister although I'm sure he doesn't need to be reminded, allows for secret trials in this country, allows for trials to be conducted behind closed doors wherein the accused, the person charged under the Act, is precluded at his peril, is precluded from giving out any information to anybody respecting the nature of the charges or the evidence before the Court in his case. I would admonish the Minister if he is not aware of that to review the particulars of the now infamous true case in order that he apprise himself of that fact, that very unfortunate fact. And I would suggest, Mr. Chairman, that it's deplorable that we, who so often mouth platitudes reviewing our liberties and proclaim our allegiance to our way of government, avow our common supportiveness across party lines for these sorts of principles, should allow in this time and this age for this sort of legislation to be enforceable within the bounds of our country, and I note within the bounds of our province.

Peter True didn't live in Manitoba, he lived in Quebec, but if he did live in Manitoba he could have been brought before our courts, Mr. Chairman. He could have been brought before our courts and secret trials could have been held, and one of our taxpayers, one of our citizens would have been subject to this plight.

And I would also suggest, Mr. Chairman, when the Attorney-General is considering my question that he should consider the effects, contemplate the effects of the War Measures Act, a piece of legislation that virtually sanctifies the Parliament of this country to declare all the liberties customarily enjoyed by way of law or custom or right in this country to be abrogated and rescinded. And I suggest, Mr. Chairman, that it's a matter of high degree of importance and significance in light of the fact that we now have in this country a system of legislative slavery, and that's what it is, back to work legislation is nothing more or less. It is legislative slavery, that a man or woman should be told that he or she must work, and that the right to civilly disobey it has been removed now, that that is contempt of Parliament and ultimately in contempt of our courts, and I suggest, Mr. Chairman, that that is wrong, that that is so wrong. And to be indifferent in the face of that and in the light of that, Mr. Chairman, is essentially immoral.

As the Honourable Minister knows, I'm not given to speaking in this manner, in this sort of spirit on many occasions, but I tell you, Mr. Chairman, that on this occasion I feel that it's important that I muster all the indignation that I can demonstrate because the substance of this matter is so vital, so fundamentally important to this country and to this province, that I feel that the Attorney-General must go forward immediately and express the opinion of his government and not only the opinion of his government, the opinion of all the members of this Chamber, the displeasure of all the members of this Chamber, the displeasure, I hope, of all the peoples of this province with the iniquities that are being perpetrated by the federal government. It is intolerable; it's reprehensible; it's deplorable; and somebody has to speak. We are, Mr. Chairman, in the midst of a federal election campaign, and this, Mr. Chairman, is indeed the time to proclaim our position. This is the time for all the parties, the three major parties and the other parties to express their positions for the record. The voters are entitled to know where the parties stand on such a fundamental issue, so I would ask the Minister again to reiterate, Mr. Chairman, whether he would indicate that he shares my concern and shares my belief that there should be a Bill of Rights in this country, immediately proclaimed, that will have effect on a permanent basis and will have effect and impact on not only the provincial level but also the federal level?

MR. MERCIER: Just for clarification, Mr. Chairman, is the member referring specifically to the Back to Work legislation, legalized slavery I believe he called it?

MR. CORRIN: I'm referring to the need, Mr. Chairman, for legislation that will be so comprehensive, so simple yet so broad, that it will enshrine certain fundamental liberties, and one of those liberties I think that we would wish to enshrine would be the right of each person to work or not to work as he or she pleases.

MR. MERCIER: Mr. Chairman, perhaps this is a subject matter that would might more appropriately be dealt with under the Labour Department, but I wonder how the member would reconcile that with the provisions in this province that relate to firemen, that do not grant them the right to strike, and require compulsory arbitration?

MR. CORRIN: Well, I'm not aware of such legislation, Mr. Chairman, but I can categorically indicate, if there is such legislation and I must say that I would have to review the contents and the substance of such legislation before expressing a definitive view, because I am not aware that that is the case. But if the Honourable Minister is correct in his opinion that there is binding arbitration in force with respect to firefighters all throughout this province, and I tell you I'm not sure of that, I would

indicate that it seems to me that that is wrong. And in terms of the political elements, I'm aware that that is not a popular position; I'm sure that everybody would agree and we all respect the need for such essential services to be in existence in our communities and within our society, but I suggest, Mr. Chairman, that people serving the public are by and large responsible. They are well-intentioned, and they are not given to making irrational responses, and we have clear evidence, Mr. Chairman, within our own city and province of this fact.

Just last week, Mr. Chairman, we had a situation that, I'm sure, thought by many to be a mounting crisis. It certainly led to speculation as to whether or not there would be a critical loss of service respecting the Police Department of the city of Winnipeg, and yet, Mr. Chairman, when the chips were down, the Police served the public interest; the police did not withdraw their service. Mr. Chairman, the option was there. They well could have held us all up for ransom but they didn't, and the reason is because the source of people that are attracted to that sort of service, police, fire protection, emergency protection services, those even dealing, Mr. Chairman, with fighting the flood in our Red River Valley, are not the sorts of individuals any more than those that are elected to this Chamber, that will simply put down their duties and responsibilities and walk away.

You know, we talk about it, but it doesn't happen and it doesn't happen because people understand. They have respect for the system, they understand that the system only works when there is that ingrained and inured quality of respect and dignity implicit and inherent in the system. So they don't walk away, any more than they walked away in any droves or numbers when they were under the ultimate threat during two world wars. It's only the very small minority that turn their back and walk away. People are willing to sacrifice, quite literally willing to sacrifice everything for God and country.

I suggest that I would have sufficient — speaking for myself and I think most members of this Assembly — I would have sufficient faith that if such legislation pertained and applied to firefighters in this province, that it will never come to pass that they rely on it in any labour relations pertaining to their status as civic or municipal employees.

MR. CHAIRMAN: The Member for Wolseley.

MR. ROBERT G. WILSON: Under Planning and Management, I wanted to draw some observations for the Minister that as we get to them I may or may not be here to discuss them, so I wanted to, under the latitude of this section, be able to raise possibly what is a yearly observation of one pertaining to production in the planning and management of his department.

I've been alarmed at some of the demands for a new Law Courts Building, the backlog in the courts, the cry from the legal profession for more money for legal aid cases, and I think a general review has to take place at some point in time where we have to look at the production that is going on over in those buildings, and I would wonder if the Minister is still going ahead to adhere to their wishes for a new building and is going to lease the IBM building as rumoured, or what are the plans for the new Law Courts Building, that's supposed to be one of the things that is going to help the backlog.

MR. CHAIAN: The Member for Wellington on a point of order.

MR. CORRIN: Mr. Chairman, I don't wish to be obstreperous, and I will respect the Minister's privilege to respond to that question, but I address myself to you, Mr. Chairman. I would ask, since you have advised me that my question should be dealt with under some other item, I would ask whether you would agree that the question of provincial judges' court facilities would more properly be discussed under the appropriate heading, which would be the Law Courts, or government services for that matter, but I would be willing, and I think it's important that this be discussed during the course of these Estimates. I would ask whether you would agree with me that they should be dealt with under Item 5, being Law Courts and matters relative and pertinent to that area of discussion. I say that with respect to the Member for Wolseley. I only do it to find out whether the law is being equally applied, Mr. Chairman.

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

MR. MERCIER: On the same point of order, Mr. Chairman, I think 2.(b) Criminal Prosecutions would be the appropriate point to discuss backlog.

MR. CHAIRMAN: The Member for Wolseley.

MR. WILSON: Well, maybe I should ask you, Mr. Chairman, through you to the Minister, what

is the game plan for these Estimates? I've been sitting at several Estimates and under this section there is some kind of latitude granted, and I sat here for the last hour listening to the Member for Wellington and I'm just wondering, did he want me to wait till under the individual sections to bring up matters that I have concerns about or am I allowed to make a personal observation of what I think has gone on in the court system in the last several years and put it on the record?

MR. CHAIRMAN: Order please. Normally when the Minister's Estimates are being considered, he makes an opening statement, the members of the committee are allowed to reply to the statement. In the instance of the Attorney-General, he indicated only for clarification purposes where he would want them discussed and indicated the pleasure of having them gone through item by item. So I would suggest to the Member for Wolseley that he deal with it under the section which the Minister suggested. The Member for Wolseley. The Member for Wellington on a point of order.

MR. CORRIN: On that point, Mr. Chairman, I would indicate and express my support for the member's contention that he should enjoy the same privileges as I have, and have been accorded other members of this committee and similar committees during these Estimate reviews, and I would indicate for the record that he should have the entitlement to express his broad overview, give in synopsis his opinion with respect to the general administration of this particular department over the last year.

MR. CHAIRMAN: The Member for Wolseley.

MR. WILSON: Then basically I will refrain from going into many of my observations at this time, hoping to fit them in somewhere. However, I would want to respond to the Member for Wellington pertaining to strikes in essential services. I believe he said that everyone should have the right not to work if they didn't want to .

MR. CHAIRMAN: The Honourable Minister on a point of order.

MR. MERCIER: Strikes in essential services should be discussed in the Legislature. The Minister of Labour I believe is about to enter his Estimates and I think that's obviously the more appropriate forum.

MR. CHAIRMAN: The Member for Wellington on a point of order.

MR. CORRIN: Mr. Chairman, I know that the Member for Wolseley doesn't need, nor does he solicit my counsel, and since it's free legal advice it wouldn't be worth any more than he paid for it anyway. I would suggest to him that it is his entitlement to discuss the matter of these strikes, or the right to strike rather, under this particular item simply because the Minister has indeed misdirected him in advising him that that's solely within the purview of labour. In view of the fact that I have just discussed, and the Minister just participated in a discussion relative to the constitutional status of that question, then I would suggest on behalf of the Honourable Member for Wolseley that he should in fact be accorded the right to speak relative to the constitutionality of that sort of legislation and express his views. That's a fundamental right too, Mr. Chairman.

MR. CHAIRMAN: To the members of the committee, it is not my intention to restrict discussion or debate on any of these items. The only thing that I am trying to do is to keep a certain format going. There is ample room under each individual item to discuss these areas instead of having a wide-ranging debate, and also under the Minister's Salary at the end. I'm at the discretion of the committee, whichever way you want it, and the Minister. The Member for Wolseley.

MR. WILSON: I feel that under Planning and Management that I am making a personal observation that I'm very unhappy with the production that's going on in the Law Courts Buildings. If there's going to be a new Law Courts Building that is going to help alleviate that situation, fine.

I am not happy with the fact that I see so many of the judiciary and legal profession hitting out golf balls at the St. Charles Golf and Country Club and other golf courses in this town when they should be working an 8 hour day, the same as I have to. I take exception to the fact that under Planning and Management, it means that the government of the day is supposed to plan so that they can get increased production out of the courts.

In other words, if a judge has five cases in front of him, four of them shouldn't be remands, so that he only deals with one half-hour cases and at lunchtime he's through for the day. I want

to see that man working a whole eight hours like everyone else has to. Certainly his salary warrants it, and this is the type of thing that I am getting fed to me by the Civil Service and other members who are working within the Court system that say half the problem is lawyers remanding cases, the other half is the judges having such a weak work load that they are finished by noon. These are my personal observations, and I am saying under Planning and Management — I'm asking what type of futuristic thing is going to happen that is going to say to me that these things do not take place or that there is plans to have a new Law Courts building which is going to have judges given a certain number of cases, and I would rather see the citizen sit there all day and at 3:30 the judge says I'm holding over the docket to the following day, rather than him go there and have it remanded and at noon everyone is finished. I would rather see the Court working eight hours a day and the citizens going to the courts, even if they have to come back another day. To me it's more important the rights of the taxpayers rather than the rights of the accused to have to worry whether he is going to be remanded that day or not. I'm more concerned with production and I am convinced that that's part of the problem.

I am also convinced that Legal Aid is part of the problem and I am going to wait till that section, which I do every year, and draw some of my concerns pertaining to the abuses and possible suggestions for changes that could take place. One of those would be the collection of many of these judgments by the Crown against people to help bolster the Legal Aid Fund rather than a lack of enforcement of these judgments that are awarded against people that don't seem to be collected and/or people that receive a Legal Aid certificate are not paying the half that they're supposed to pay. In other words if the certificate says that only partial fees are to be paid by Legal Aid then there should be some effort to collect the balance. There is another Bill coming forward too I'm asking clarification for, Bill No. 43, which in my layman's opinion seems to indicate that we are now going to suggest that awards . . .

MR. CHAIRMAN: I am informed that no Bills are allowed to be discussed in here. The Member for Wolseley.

MR. WILSON: Anyway under Planning and Management it would seem to me that — we'll try to keep it down to getting into the individual section, but it seems under Planning and Management that the government of the day should be planning to make improvements and to me production is one of my personal concerns.

MR. CHAIRMAN: The Member for Elmwood.

MR. DOERN: Mr. Chairman, I wanted to raise some questions with the Minister in relation to questions that I put to him this afternoon in relation to the policy of either himself or his department or his government in relation to firms doing business with the government and I would like some clarification in that regard. I wonder if he could tell me, for example, whether the aforementioned firm of Campbell Sharp Chartered Accountants, are doing any work for either his department or for the Liquor Control Commission? Is he aware of them undertaking any marketing studies? Are they being used as auditors? Are they under consideration for any of these jobs?

MR. MERCIER: I'm certainly not aware of any work they are doing, Mr. Chairman, and my officials are not aware of any work they are doing either for the Department or for the Liquor Control Commission.

MR. DOERN: Could I just hold for ten seconds, Mr. Chairman? I am just wondering again, could the Minister indicate what auditors are being used either in the Attorney-General's Department, outside auditors. Are there any being used by the Liquor Commission or the Attorney-General's Department? If so, who are they?

MR. MERCIER: Mr. Chairman, the Department uses the Provincial Auditor, the Liquor Commission, I will get the name for the member when we return this evening of the firm.

MR. DOERN: The name of Campbell Sharp does not ring a bell. —(Interjection)— I am wondering and I don't want to delve too far into the Liquor Control Commission although I imagine it could be brought up anywhere. I don't see it in the Estimates. I assume it's either at the beginning or at the end.

MR. MERCIER: The procedure was last year that if there was any discussion of it, it was discussed under Salary.

MR. DOERN: I don't want to get very far into that other than to ask just this one question, ask the Minister whether he is aware of any marketing studies being considered by the Liquor Control Commission?

MR. MERCIER: Mr. Chairman, not any specific enquiries. As the Member for Elmwood will be aware in the Throne Speech there was an indication there would be a commission or group appointed at some point to discuss the possibility of expanding the sale of liquor in the private sector. To date there has been no appointment of anybody to undertake that task.

MR. DOERN: The one area where there is some consideration being given was outlined in the Throne Speech. Then this whole question about taking away or let's say breaking up the government monopoly and possibly allowing liquor to be sold by private stores and operators plus possibly the sale of beer or other spirits in groceries, etc., this is what we are talking about. The government definitely has that in mind.

MR. MERCIER: Mr. Chairman, there was no reference to the sale of beer in grocery stores and we do now have in the rural area outside of the city of Winnipeg about 165 private liquor vendors. The very brief comment in the Throne Speech was referring to the possibility of the expansion of the sale of liquor in the private sector.

MR. DOERN: Before any such decision is taken or this policy is flushed out other than an expression of government intent or government thinking, I suppose there might be some commission or study or research done in this general area.

MR. MERCIER: Mr. Chairman, I believe that the procedure probably would be to appoint probably three men, a three person commission to undertake the review, but there has been no decision on that yet.

MR. DOERN: Does the Minister know personally or professionally, Mr. Lorne Parker of Campbell Sharp?

MR. MERCIER: Mr. Chairman, I don't know what relevance frankly this has to my Estimates. I know Mr. Parker is the father of two children whom I know very well.

MR. DOERN: So I'm just saying, does the Minister personally know Mr. Parker?

MR. MERCIER: Yes.

MR. DOERN: He has met him, etc. I was also wondering whether the Minister knows any other members. Does the Minister know any other members of the firm of Campbell Sharp, Chartered Accountants?

MR. MERCIER: I've had no dealings at all with that firm. I don't know the firm at all, Mr. Chairman.

MR. DOERN: So there has been no direct approach made to the Minister either in person or through the letter, through the mail, or by phone call, no direct approach from this firm to the Minister to do some marketing research for the firm? The Minister doesn't recall that?

MR. MERCIER: No, there's been no direct approach.

MR. DOERN: Pardon?

MR. MERCIER: No.

MR. DOERN: Did the Minister, or has the Minister discussed this question of potential work or contract for this particular firm with the Member for Crescentwood?

MR. MERCIER: No, Mr. Chairman. As I have indicated we have not even — it is my function, my responsibility, to recommend to Cabinet the names of people who might be on such a study or do such a study, head such a study or be on such a commission to undertake the commitment

in the Throne Speech and I am not yet in a position to make any recommendation.

MR. DOERN: So it is the Minister's responsibility to make recommendations and also, I assume, that it is obviously known, based on the Throne Speech and maybe in general conversation, that the Minister is looking for people to serve on this Commission, or may require a firm to implement such a study.

I also wanted to ask the Minister whether he would have any comments on whether or not it is the policy of his government, or his department, or himself, to require that firms that do business with the Attorney-General's Department — I suppose that would largely be Law firms or any firms dealing with the Liquor Control Commission — would be 100 percent true-blue Tory firms. Is there any official or unofficial policy to that effect?

MR. MERCIER: No, Mr. Chairman.

MR. CHAIRMAN: (b)(1) — the Member for Elmwood.

MR. DOERN: To continue, Mr. Chairman. If any member of his Party is making suggestions along those lines; namely, indicating to businessmen or business firms that they have to be 100 percent on the Tory side, namely, federally or provincially, I'm asking the Minister whether he is prepared to either reprimand anyone in his Party for representing himself or his government on those terms, whether he's either prepared to reprimand them or go further along those lines?

MR. MERCIER: Could you repeat the last part of your question?

MR. DOERN: It has been suggested that a member of your backbench has made remarks to a businessman that unless his firm — yes, freedom fighters — unless his firm or himself fully backs the Conservative Party federally and provincially they will not be able to either undertake work with the Provincial Government or will not be considered for potential government work, that they feel that it's not good enough to be a provincial Conservative supporter and contributor, one has to be both a provincial and a federal — both a federal and provincial Conservative supporter or contributor, and I'm saying that if somebody is representing the government or the Minister on those lines, is the Minister prepared to investigate that kind of representation that is being made on behalf of himself or the government?

MR. MERCIER: Mr. Chairman, if such representations were made, I have not authorized anyone to make any such representations on behalf of myself.

MR. DOERN: . . . Minister whether he is prepared to go further than to simply not take any action or simply to ignore the matter. Is he prepared to make a clear statement in that regard? Is he prepared to investigate whether that has been done in regard to a specific contract, or is he prepared to reprimand any member of his backbench who might represent the government in those terms?

MR. MERCIER: Mr. Chairman, is the member suggesting that there has been a criminal offence committed which should be investigated?

MR. DOERN: Mr. Chairman, I am not a lawyer. I am a member of the Legislature. I assume that if it is a condition of doing work with the government that a business firm must contribute to the Provincial Party and/or to the Federal Party that that is wrong, and that that whether that's a question for the Privileges cannot be tolerated' Elections Committee or whether it's a question for the Attorney-General to investigate as something that is either unethical or illegal, I'm not prepared to say. I'm simply saying to him it has been alleged or stated that one of his backbenchers went to a Winnipeg businessman and told him that if, and only if, he severed his connections with the Federal Liberal Party and supported the Conservative Party provincially and federally, not one or the other, but both, that they would not be considered for government work or a specific government contract. That strikes me as a very bad practice and one that must be either ill-advised, unethical, or illegal, that it surely is not a condition of any businessman in Manitoba that to do work for the government, no matter what his business, whether it's a legal firm here or whether its Chartered Accountants, or Architects, Engineers, no matter what contractors, anything where they could be appointed and the work can be dispersed or dispensed as a Minister sees fit. If it's a condition of employment, then surely that is a regrettable and unethical thing.

MR. CHAIRMAN: The Membur for Wellington.

MR. CORRIN: Yes, Mr. Chairman. Going back to the subject matter brought before us by the Member for Wolseley, I too have a concern about the state of our courts and, of course, as we all know, this matter is currently under review by the Knox Commission. Mr. Chairman, the Member for Wolseley has made a very serious allegation. He's indicated that he is aware, he is familiar with a practice by judges of not working a full day, and he alleges that they are not overworked but in fact underworked, and by inference and implication he indicates that if there is a backlog, that has been partially caused and affected by the working habits of the judiciary in this province. I would suggest very respectfully that I personally have no knowledge of this allegation, but certainly the Attorney-General I think should, and must address himself very shortly to the rather scurrilous imputations made by the Member for Wolseley, particularly if he is to protect the members of the provincial judiciary under his jurisdiction.

Mr. Chairman, also to that very same point and I think of utmost importance if we're to address the entire problem, and I bring this to the minister's attention because I think it's something of which Mr. Knox should be informed immediately. Mr. Chairman, it's my information and I know that it's accurate that members of the minister's department are indeed in fact engaging in private practice within the Province of Manitoba. There are a number of members of the Attorney-General's Department, lawyers who are carrying Full-Practice Certificates who are carrying Private Members Bar Insurance liability insurance, that's errors and omissions professional insurance; they are offering services to the public and although I feel that it would be improper of me to relate the names, although I can do this simply by showing the honourable minister lists which disclose the names of those individuals in his department, but I think it would be improper to bring them before this committee publicly. TF250

It's my opinion and the opinion of members of my Party that this practice should be stopped. Frankly, I don't know whether this practice has been ongoing for any length of time, it may well have predated this government. But surely, Mr. Chairman, if there is a critical backlog in the Courts, and if there is now an ongoing examination and evaluation of the performance of the department and of course that means the performance of solicitors in the department, I think Mr. Knox and the Attorney-General should address themselves to the rather questionable practice of having members of the civil service compete with members of the private bar, and I might note, at no cost to themselves because presumably there is no overhead, so it's not really competition, is it, unless the two Parties are in comparable situations?

I would indicate that it indicates to me that either these individuals are remiss and neglectful of their duties, or they do not have in fact sufficient work to keep them preoccupied in their daily occupations. I would indicate that there are individuals, and I don't like to do this, but I think it's important to mention, that there are individuals not only in the Criminal Prosecutions Branch, but also in the Civil Branch, as well as the Legislative Counsel's office, who are holding private errors and omissions insurance in order that they may practice privately in our province.

It's my opinion, Mr. Chairman, that the salaries and the remuneration awarded to these individuals is by and large very generous. I'm not suggesting that it's in any way beyond the scope of their significance, but I am suggesting that it is ample and adequate remuneration. I would suggest that in light of that, that immediate consideration should be given to the enactment of an appropriate administrative policy, and one that would obviously preclude and prohibit members of the minister's department from competing with members of the private Bar for business in the Province of Manitoba.

I would suggest, and I presume that we would agree on this point, that there is something most unconscionable about this situation. I think of all the many solicitors who are, the young solicitors particularly who are taking considerable risk in striking off into enterprise on their own, having to bear considerable overhead charges in their formative years of practice, and they are being I think put at some jeopardy having to compete with members of the Attorney-General's Department who are practicing with no overhead charges of any significance whatsoever.

Mr. Chairman, although I don't like to tell tales out of school I have received complaints from members of the practicing Bar in this city who are aware of this practice, and who have indicated to me that they are unable to compete with the rates being charged, which apparently are in some cases much beneath the minimum rate structure of the Manitoba Bar Association. They are simply unable to compete with the public service private practitioners and I would indicate that it would be my wish that those members who are carrying on those practices be admonished not to continue and frankly I think it's incumbent on the minister to contemplate the nature of the practices within the department of these individuals in order to assess their utility to the department.

Quite frankly, I worked for three years for the Public Service and I don't remember having had time in my particular area of work to do private practice. I don't remember having had free evenings

available, or certainly I didn't have free days available, and I could not have seen myself carrying on two practices of law in those circumstances.

I would also indicate that there may well be conflicts in such activities. I would only be speculating but if a person who is doing that sort of work did so in inappropriate circumstances, I would suggest that they would be putting the minister in an ethically embarrassing situation because they are his representatives, and I would suggest that in certain circumstances that may be the road to ruin.

I feel that it's incumbent on the minister to simply foreclose on the procedure and have all those members of the department who are doing that give some suitable explanation as to their activities, and advise the minister what sort of work they've been involved in in order that he can appraise himself of that and be assured that there have been no conflicts; that the government has not been put in that sort of jeopardy.

I would ask the minister if he wishes to peruse the list; I would ask that he meet with me perhaps privately after committee adjourns for Private Members' Hour and we will soon ferret out the individual offenders.

MR. MERCIER: Mr. Chairman, I'd like to respond to that because I have had, and senior members of the department have had the very same concern that he has expressed, and he is correct. This practice did exist prior to my assuming responsibility in the department and it was for that reason last year we issued through the Deputy Minister a directive to the lawyers employed on staff with respect to carrying on the practice of the law, and I particularly sympathize with his concern over conflict of interest. I wish, Mr. Chairman, that he would have brought these particular complaints directly to me because, as I say, an administrative direction was issued last year and I'd be more than happy to receive his complaints in private at 4:30 after these Estimates conclude for the afternoon, to deal with the particular persons he obviously has some information about.

MR. CORRIN: I'm pleased, frankly I'm pleased that such an administrative directive has been circulated amongst members of the department. I am very disappointed with certain members of the department. I presume that they will make their explanations directly to the minister and in some cases those explanations may be suitable; in other cases, they unfortunately may be totally inappropriate and appropriate action may well have to be taken.

I would indicate to the minister though, that it might be advisable in these circumstances for the department, the ministry, to communicate directly with the Law Society of Manitoba in order to advise the Law Society of the directive that has been issued and the obvious ethical implications that arise. If, and I suggest this most respectfully but if in fact such a directive has gone forward, there is no question that there is simply no latitude for any member of the department to conduct any private practice for remuneration within this province and I would suggest that there is an ethical transgression inherent in such circumstances. They are lawyers working for lawyers and they are bound by the code of ethics that we all must abide by, and in these circumstances they not only, I think, have to answer to you, Mr. Minister, I think they're also required to come before a committee of their peers, and give a response as to why they don't adhere to the conditions of practice, the terms of practice that are applied for their benefit and the benefit of the members of the public within your department.

MR. CHAIRMAN: The Member for Wolseley.

4MR. WILSON: Well again I would like to re-emphasize what the minister has said, that this was a loose ship that was inherited from the former government and the former Attorney-General must have known that this was going on, and I'm very pleased that through the appointment of Mr. Knox and the minister's awareness in issuing of the directive that this moonlighting practice will cease because one cannot single out the lack of production in the courts and then find out that their own particular government staff is moonlighting, much to the detriment of the backlog of cases and probably in some cases a percentage of win-loss situations pertaining to reports in newspapers where if they remand the case long enough the witnesses will disappear.

I wanted to take these few minutes to respond to the Member 't think it was worth responding to except that for Elmwood. I didn' the media was busy with pen in hand and I cannot think of anything so ridiculous as to suggest that his serious charge, that every firm that wants to do business with the government has any merit, because that is one of the few privileges we all have, is to how we vote, and I think at least 75 percent of the people out there, if they were to be truthful, would not tell anyone how they vote on election day. And as far as the practice of some people suggesting it would be nice if you were a Tory in order to indicate some support for our Party, I must remind the Member for Elmwood that during the election the senior citizens at 185 Smith

Street, some of them were given memberships in the New Democratic Party. It was an indication that the building was the gift and their new accommodation was a gift from the then-government.

At 444 Kennedy they appointed a superintendent who was a clearly card carrying member, and what I'm getting at, Mr. Chairman, is that what the Member for Elmwood is saying is not worth spending too much time on but the fact is that some people actually would believe that, that a firm has to be a Conservative firm in order to do business with the government and I just wanted to put on the record that that is absolute nonsense. I am not the backbencher the Member for Elmwood is talking about and I have even had people that I have attempted to get on boards and commissions, and to this date I have not been able to find one person who I've recommended to sit on one board, or one commission. I have been slightly annoyed to see Liberal lawyers appointed to boards and commissions where my hard working people have been ignored. So I have the opposite view from the Member for Elmwood. We are not getting our Conservative members on the boards and commissions.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, just to answer a question from the Member for Elmwood, the auditors for the Liquor Control Commission are a firm by the name of Abbott Harrison and Company.

MR. CHAIRMAN: The Member for St. Vital.

MR. WALDING: Well, I notice it's almost 4:30, Mr. Chairman. It's obvious I'm not going to have very much time to say very much on this topic. I did want to go back to what the Member for Wolseley was saying, and my colleague the Member for Elmwood.

MR. CHAIRMAN: If the Member for St. Vital will be here tonight, I'll recognize the Member for St. Vital first. Gentlemen, in accordance with Rule 19(2) the hour of 4:30 having arrived, I'm interrupting the proceedings of the Committee for Private Members' Hour, and will return at 8:00 p.m.

SUPPLY — CIVIL SERVICE

MR. CHAIRMAN, Mr. Abe Kovnats (Radisson): I would draw the honourable members' attention to Page 17 of the main Estimates, Department Civil Service, Resolution No. 24, Item 1.(b) Other Expenditures—pass. The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Chairman. I wonder if the Minister at this time could give us the answers to the questions that I raised with him at the beginning of his Estimates on Friday morning, namely the number of meetings that individual members of the Committee were informed of, the attendance of the members at those meetings, and the remuneration that each member received in total for the year 1978? If the Minister could give us the data for Mr. Hunter — how many meetings he was informed of, his attendance, the remuneration. Mr. Duncan, I think we've established on Friday, was not informed of any meetings but I would require the remuneration. Mrs. Allen, the same information, Mr. Pankiw, Ms. Bradshaw, Mr. Hart and Mr. Brown for the time that he was a member of the Commission. If the Minister has that information I would appreciate it very much.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Mr. Chairman, we are putting that information together. I would like to believe I'll have it for this evening for the Member for Logan.

MR. JENKINS: I thank the Honourable Minister and I'll be looking forward to receiving that information from him when we proceed to that item this evening.

I would like to pursue now with the Honourable Minister his Civil Service Commission graph chart that he has in the Report of the Civil Service Commission for administration and for the Annual Report for 1978, and ask him who at the present time is the director of Research and — Recruitment and Selection, pardon me. Recruitment and Selection at the present time, who is the present director?

MR. MacMASTER: There is one director on that particular side, Mr. Chairman. The director of

Personnel Services Division is the director of those groups underneath. Have you got this chart here? —(Interjection)— Yes, that's the same one, yes. On the lefthand side Personnel and Services Division is the director of that. Did you want his name? Terry Edwards.

MR. JENKINS: Could the Honourable Minister inform us what classification the gentleman in question is and besides his Personnel Services title and director of Recruitment and Selection, what other functions does this gentleman perform in holding this office?

MR. MacMASTER: All the particular sections that are underneath there, your classification staffing, staff training, health — employee health counselling, and the man in question, the director is a Senior Officer 1.

MR. JENKINS: I would like to ask the Minister since Mr. Best was the director of Recruitment and Selection, what is Mr. Best and where is Mr. Best at the present time? Has he been transferred to some other part of the Civil Service Commission?

MR. MacMASTER: Mr. Best is on an education leave, Mr. Chairman.

MR. JENKINS: I thank the Honourable Minister. Could the Honourable Minister inform the House whether he's on educational leave by his request, or by request of the department, and what salary if any is he receiving at the present time?

MR. MacMASTER: The gentleman in question is on education leave on his request and he's getting 75 percent of his salary at the moment.

MR. JENKINS: Thank you. The gentleman in question, Mr. Best, is he on educational leave for one year, two years, and what does the Minister envisage will be Mr. Best's role when he completes his educational leave and returns hopefully again to the department that he is on educational leave from at the present time? Would he be going back as Director of Recruitment and Selection or has that been abolished altogether?

MR. MacMASTER: The gentleman is studying manpower training and administration and the Member for Logan may or may not be familiar with the fact that the particular gentleman has been upgrading himself over the last number of years and chose to top it off, I suppose, with a year and a half — I believe that was the specific question — of university education and will come back to us if he chooses because he may find that there are other places he would prefer to work. But he will certainly come back to us extremely well qualified for a variety of jobs.

MR. JENKINS: Thank you, Mr. Chairman. If the person in question does decide to come back, does the Minister — within the framework of the graph that he has laid out, the chart that he has laid out here for us — where would he see in particular Mr. Best fitting in?

MR. MacMASTER: Mr. Chairman, he might be over-qualified somewhat for it, but he would certainly be an expert in the section directly under staff training and development but there may be other areas in government that his services as I said with the qualifications that he will end up with, there might be a variety of other opportunities for that particular gentleman.

MR. JENKINS: Thank you, Mr. Chairman. Now, Mr. Hart is the full-time Civil Service Commissioner at the present time. The Minister can nod if I'm correct. I wonder if the Minister could give us the qualifications and the staff qualifications of Mr. Hart at the present time, SO1, SO2, 3 or what?

MR. MacMASTER: The gentleman is a Senior Officer 5, which is the standard classification for that position.

MR. JENKINS: I wonder if the Minister could inform us who is the Director of the Employee Relations Division, what's his class and what functions does this gentleman carry out on behalf of the Civil Service Commission?

MR. MacMASTER: His name is Mr. Gerry Irving, Senior Officer 1, responsible for those underneath, which is negotiation, staff relations, public sector co-ordinator and your compensation research.

MR. JENKINS: Yes, thank you, Mr. Chairman. How many staff does Mr. Irving have under him at the present time?

MR. MacMASTER: Ten, Mr. Chairman.

MR. JENKINS: Could the Honourable Minister give us a breakout then in the three little boxes under Mr. Irving, give us the person who is in charge of negotiations, staff relations, the name of the person, his classification, the same thing for public sector, compensation research and what is the function of the compensation research at this time?

MR. MacMASTER: The numbers, there was two or three questions, I appreciate that we can get along a lot faster as long as I don't forget them and I'm sure the member will remind me. There are 3 in negotiations, 2 in public sector and 3 in the compensation research and there's 2 secretarial support in there and the compensation research is in the annual report, I'll dig that out and give the member the page number.

MR. JENKINS: Yes, I also asked the Minister who heads these various little boxes and what are their staff qualifications?

MR. MacMASTER: They are functional groups, Mr. Chairman, that report directly to the Director.

MR. CHAIRMAN: (b)— pass — the Honourable Member for Burrows.

MR. HANUSCHAK: Yes, Mr. Chairman, I would like to go back for a few moments to the manner of appointment of Civil Service Commissioners, which was a subject of considerable debate on Friday.

I believe that during the course of the debate the Minister in his usual fashion, referring to this side of the House said, well over here there are only two or three who know anything about trade unionism, about collective bargaining, about hiring procedures and so on and so forth. Well, Mr. Chairman, whatever the number was that the Minister used, I would like him to know that there is a much larger number than that who are quite conversant with employment practices, perhaps even much more conversant with the laws and practices in general as related to employment than there are on the government side — their leader seems to be the expert in the operation of peanut stands because he frequently makes reference to peanut stands — and I don't know what the job description is for an effective manager of a peanut stand but he seems to know.

You know, Mr. Chairman, the reason why I wish to participate in this debate at this time, is to express my displeasure, my concern, over the fact that this Minister had taken away a right from me, as a member of the Legislature. He had taken away a right from all of the members of this House, including his back bench, and I'm surprised that his back bench has remained silent during this debate because you would think that they would say to their colleague, their Minister, hey, you can't do this to us. We have certain rights as legislators, provided for us under certain legislation which this Minister has taken away from them.

You know, Mr. Chairman, this reminds me of a meeting that I had two or three years ago with the head of state of Ghana, which has a military rule, and in the country of Ghana at that time they had appointed a Commission to conduct hearings to determine whether the people of Ghana wanted to reinstitute an elected form of government or not. And at the time that I was meeting with him the hearings were approaching an end, so I was asking him how the thing was proceeding and he said he really had no way of knowing what the ultimate decision of the people would be and so I said, "Well, what if the people should decide that they want to reinstitute an elected form of government?" His answer was, "Well, if that's what the people will want, that's what we will let them have." So I said, "Well, when would you let them have the elected form of government?" "Ah," he says, "that's a very very important responsibility to assume, so we will return the elected form of government to the Ghanaians when we feel that they are ready to assume that responsibility."

Now here the Minister is doing exactly the same thing, Mr. Chairman. On Friday, the Minister said that he wants to proceed with caution in the appointment of Civil Service Commissioners, and, Mr. Chairman, he said that he is the one who is going to exercise that caution. He is going to exercise the caution on my behalf, and on behalf of the other members of the House. Now, Mr. Chairman, I repeat to you again that that is a denial of the rights that we are entitled to, that have been enshrined in legislation and which have been and should continue to remain the exclusive

responsibility of the members of the House and not of some member of the Treasury Bench.

Now, Mr. Chairman, if the Minister wants to proceed with caution, as he says he does, and I hope that he does proceed with caution and I would want to see him exercise caution, then Mr. Chairman, the caution is built into the Act. All he has to do is proceed in accordance with the provisions of the Act.

Let's take a moment or two, Mr. Chairman, to re-examine the general intent of the Civil Service Commission Act. The Civil Service Commission Act does not speak of appointments of Commissioners for a month, or six months, or a year, or two years, or for any definite period of time. The Civil Service Commission Act says that the Lieutenant-Governor-in-Council shall appoint the Civil Service Commissioners, meaning for an indefinite period of time, and then they're entitled to hold their term of office as long as they do their job, and who's to determine whether they are doing their job or not? Not the Minister; not a Committee of the Treasury Bench; not someone from the government caucus; but the Legislature. And the only way that a Commissioner can be removed is by a two-third vote of the House.

Now, the Minister is denying me and denying other members of the House to review the performance of the Civil Service Commission; to pass judgment upon the performance of the Civil Service Commission; to exercise the right, which the Civil Service Commission Act gives me and gives the other remaining 54 members of this House presently entitled to their Seat. That right is being denied us because the Minister took it away from us, Mr. Chairman, he took it away, he says he is the one who is going to exercise the so-called caution. What type of caution he is going to exercise I don't know, that I don't know.

So you see, Mr. Chairman, away back, 60 years ago when the Civil Service Commission Act was first enacted, it was envisaged then that it would be best to remove the Civil Service Commission from the influence of government entirely, and what the legislators of the day said at that time, they said, "We will pass legislation which will make it the responsibility of the government of the day to appoint the Civil Service Commissioners, but in appointing those Commissioners the government will have to know that governments are elected, that governments are defeated, and some of the government members may continue serving on the other side of the House, and they will have to continue living with the acts and the deeds of those Civil Service Commissioners regardless of which side of the House they are on." That is the cautionary check that has built and controlled, that is built into the Act. "And," as the Act goes on to say, "the Civil Service Commission reports to the House." It reports to the Legislature, and the Legislative Assembly, in accordance with the procedure set out in the Act can deal with the Civil Service Commission, the Commissioners, and take whatever action it may wish to at any time. But the Minister has denied us that right.

Now, you see what the Minister has done by, in the case of at least three that I know of, three commissioners, where he set a definite expiry date, now, and if he continues being cautious in that manner, because I don't know how he's going to or how he intends to appoint subsequent commissioners or re-appoint the present appointees, if he's going to continue this practice, Mr. Chairman. Then, you know, the Civil Service Commission's hands become tied, they become beholden to government, they have to because if you're appointed a Civil Service Commissioner, Mr. Chairman, and you know that your term of office is going to expire say at the end of this calendar year and you would like to be re-appointed as a commissioner, then you are going to do the obvious thing, Mr. Chairman, you are going to do the obvious thing, you will want to make certain that you are sensitive to the government's needs, to its political needs, being sensitive to whatever will earn you or will hopefully reassure you that re-appointment. Because you are going to be at the mercy of the government of the day. So that is not caution, that is not caution. If the Minister wanted to be cautious, then what he should have done was proceeded exactly in accordance with the provisions of the Civil Service Act, because otherwise you know if the Commission just ignores the existence and the presence of government and proceeds with its work in whatever other fashion it chooses to, then it runs the risk of not being reappointed by this government, because the government will take a look at the type of appointments that the Commission has made and will say to this commissioner and that one or the whole lot, "Look, we don't like the way you're doing your job, and you're fired." And others are reappointed.

But the dismissal, the termination, Mr. Chairman, that ought to be the responsibility of the Legislature and not of a Minister. Now, you know, the Minister told us on Friday that he wants to proceed with caution, and we don't know what he means by caution. Does he mean that he will check-out the commissioners' party membership; that he will check-out their financial contribution to his party; does it mean that he will examine the type of people that the Commission appoints, and if they're not the right kind then he'll fire them and goodness knows what will constitute the right kind in his mind, we don't know. And I really don't care to know because what I really want is to regain the right, which he took away from me, because I don't want him to be concerned

with that at all. I want him to look around the province of Manitoba and select the best appointments that he feels he can live with, and then let us, the Legislature, be the judge of their performance, and determine whether they should be removed or not.

So here again, Mr. Chairman, as we have seen from time to time in the course of the last Session and this Session, this demonstration of arrogance on the part of the government, this demonstration of a lack of concern for the Legislative process, just the complete flouting of what the Legislature stands for and what our whole democratic process stands for and what it's to mean.

And one other concern that I have, Mr. Chairman, is, how do we know, how do we know that this government is not going to go beyond just the appointment of the Civil Service Commission, insofar as handling the appointments in this fashion. Who is next? The provincial auditor? The Ombudsman? Now, if the government should find a way or a need to change provincial auditors, are they going to proceed with the same type of caution in filling the position of provincial auditor by making an appointment from year to year, or whatever, then have the Minister say, in his own defence, in justification of his own actions, "Well, people of Manitoba, I'm proceeding with caution. I don't want to just fly with the wind. I want to find the best appointee to this position," and what will constitute the best appointee in his mind, again, goodness will only know.

I suppose it would mean that if he finds an appointee who will audit the books according to his satisfaction and will present the portrayal of the government's financial affairs in a light satisfactory to government, then that will indicate a satisfactory appointment. Is that the type of caution that the Minister would also want to exercise in the appointment of a provincial auditor? Is this government also going to exercise similar caution to what this Minister appears to be exercising in the appointment of an Ombudsman, Mr. Chairman? And so it goes, and so it goes.

But in all of those cases, Mr. Chairman, if there is to be any disciplinary action taken, if there's to be any — in fact, even disciplinary action under the Civil Service Commission, even if some Civil Service Commission were to have committed some infraction of the law, which would require immediate summary action by the Minister responsible for the Commission, then that Commission could only be removed from service until the next sitting of the Legislature, and then the matter has to be brought before the House.

But in this case, playing this little game of musical chairs by, you know, appointments will expire in December, so all right, after the Session ends, it's unlikely the House will sit again before December. So if the Minister is dissatisfied with the performance of one commissioner, so he lets him go in December and in comes another. And then we come to the House, whenever the House will sit again, and if we raise our concerns about the performance of a previous commissioner, the Minister will say, "Well, yes, I agree with you that there were problems, but look, I was a very capable, competent Minister, I recognized these problems, and I changed commissioners. So, case closed."

This can go on indefinitely this way. That, Mr. Chairman, I don't like. And particularly what I dislike even more, is when the Minister takes something away from me without asking me, when he robs me of a right, which is what he did. He robbed the Legislature of their right, he robbed his own backbenchers of a right that was guaranteed them under the law. And he took it away from them. Took it away from them, Mr. Chairman.

Now, the other concern that I have, Mr. Chairman, is by appointing Civil Service commissioners in this fashion, when it becomes known, clearly known to everybody, in the whole country of Canada, that here is a commission appointed, which by nature, and I'm not blaming the commissioners, I'm not in any way casting any aspersions on the commissioners, Mr. Chairman, but by the very nature of the appointment, where the commissioners know that their life expectancy as commissioners is dependent upon doing a good job for the government of the day, then they will have to cater to the needs and the wishes and the whims and the whatever else of the government of the day.

That, Mr. Chairman, in turn will reflect itself in the erosion of the quality of the Civil Service which the province of Manitoba has had, because here is what a likely applicant for a job in Manitoba will say to himself. He will say, well, I'm working in this province, or I'm working in the private sector, or wherever else, here is a job opening in the Manitoba public service. But, knowing how the commission is appointed and knowing that the commission is going to be removed by government, or may be removed by government, it may not be reappointed because there is an expiry date to their appointments, then if I apply for a job and if I am hired, it may make my appointment look as if it's a political one, and if this government should be defeated in the next election, then I don't know whether I'll have a job or not, because the next government, the succeeding government, most likely will not play games of this kind with the appointment of a commission, and the succeeding government will say, well, we don't know whether we want the Civil Service that the previous government had hired or not, because of the manner in which the government kept the commission

under its thumb, under its direct control, by saying to the commissioners, look, you're being appointed for one year. You're being appointed for six months, you're being appointed until such and such a date, which is imposing a degree of control upon the commission.

So that will have an erosive effect upon the quality of our Civil Service, and it will destroy the reputation of the public service in general and of the public service in Manitoba in particular.

So therefore, Mr. Chairman, I would call upon the Minister — he can rectify this whole thing very simply. All he has to do is get up in his seat and say to the committee, yes, I have erred. I have erred, there was a section in The Civil Service Act which I had overlooked, which wasn't drawn to my attention. Now, I've been made aware of it, I have erred, I'm going to correct the Orders-in-Council as quickly as possible. It doesn't take a Minister long to correct an Order-in-Council, he can do that in a matter of minutes. He can give us a commitment that it's going to be done and an Order-in-Council can be round-robined through the Minister's offices and before we leave for dinner hour, the correction could be made.

So the Minister could make that correction. And let the Minister make the correction, and let the appointments be made in accordance with the Act, and not have the Minister write in certain terms and conditions of his own into the Orders-in-Council making the appointments, going beyond the Act, writing in terms and conditions which in fact deny us, the members of the Legislative Assembly of certain rights and responsibilities, Mr. Chairman, because this is something for which we ought to be held accountable for to the people of Manitoba. But we can't exercise that right because the Minister took it away from us — took it away from us single-handedly. So I would want the Minister to stand up today and assure the people of Manitoba that he will correct the Orders-in-Council today in accordance with the Civil Service Act and restore the rights to this Legislative Assembly which we have been denied, which he has taken away from us in the course of making the Civil Service Commission appointments by imposing an expiry date on them.

MR. CHAIRMAN: (d)—pass — the Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Chairman. I waited, I thought maybe the Minister was going to make some reply but since it seems he is not going to do it, well then — I don't intend to at the present time continue on on the Commission membership as such, but waiting with anticipation for this evening for the Minister when he gives us the answers to the questions that we asked on Friday and I asked again this afternoon, I may have some more to say upon how the Civil Service Commission operates. But I would like to go back again to the graph and ask the Minister, on the left-hand side we have a Mr. Edgeworth, who is Staff Officer I in charge of the Personnel Division. I wonder if he could give me a breakdown on the five boxes below that. How many people are involved and how many are in the support staff staff?

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Classification in staffing, there is 12; Staff Training and Development, there's 5; Employee Health Counselling, there's 2; Personnel Records Administration, there's 12; the Regional Offices in Brandon and Thompson, there's 3; and there's 10 secretarial staff scattered throughout that as support staff.

MR. JENKINS: I thank the Honourable Minister for that information. I now go to the breakdown of departments for the year end 1978, and looking at Civil Service I see, Civil Servants established in jobs as of December 1978 is 20, and just totting up the figures that we have here, we have Civil Service Commissioner, 10 people in the Employee Relations, plus the Director. That makes 12. We have the Director of Personnel Services Division which makes 13. Classification and Staffing is 12. That makes 25. We find another 3 in Staff Training and Development, makes 30, plus another 2 is 32, plus 12 is 44, plus 3 is 47, and 10 in Support, the secretarial staff, which makes a total of 57.

The Minister gives us the figures here. Civil Service on Page 14 of the Civil Service Commission: In December 1976 it was 29; December of 1977 it was 28; December of 1978 it's 20. Now how can the Minister explain the difference in the total numbers that he has given us in the graph and what he has given us on Page 14 as the Civil Servants established in established jobs as of December 1978. Are some of these term or part-time employees or casual employees that are working in the Civil Service Commission since we — I believe they came up with the total — 47? — and your figures only show 20.

MR. MacMASTER: Mr. Chairman, in the year which the report was made there was 20 with 6 vacancies that were in the Civil Service Commission, and there was 51 staff man years involved

in the personnel functions of Management Committee that came over, and to further explain what took place, that equalled 77 in the entire operation. Is that clear to the member? There was 20 in the book with 6 vacancies. There was 51 staff man years in Personnel Management Committee, and today there's a total of 62 staff man years in the amalgamated group. Do you want me to go over that once more?

MR. JENKINS: I think I have that.

MR. MacMASTER: Okay.

MR. JENKINS: That seems to clear up that discrepancy in the figures. So that Minister's now telling me that there are in the Civil Service Commission as of now 62 people. Are these people all established civil servants? I mean they are regular civil servants? With the exception, I guess, of

MR. MacMASTER: Yes, they are, Mr. Chairman.

MR. JENKINS: Thank you, Mr. Chairman. That seems to clear that portion up. And now I'd like to deal with Page 6 of the Civil Service report for 1978 dealing with the appeals. From here I can understand. It'll be a bit of the information that we're requiring this evening, that there were 15 Civil Service Commission meetings, there were 22 appeals received, 17 were heard, 11 appeals were denied, 6 granted, and 5 not accepted. I find this, you know, for a staff as large as what the government employs in the Province of Manitoba that there were only 22 people in the whole year of 1978 that were not happy with their treatment. Either they were passed over for promotion or they were reduced to a lower status in the Civil Service, and I wonder if the Minister could explain why there just seems to be a dearth of appeals. I don't think that this has been the case in the past. We see that the type of appeals, if we go on here, 13 of them were for reclassification, 1 for selection, and 3 only for layoff. I think that when we get a little bit further into the Orders for Return we'll find that some civil servants were fired, and does the Minister tell us that some of these people that were fired and laid off and what not and only 3 people have made appeals on layoff? We see none here for dehirng, I think is the new term that someone seems to have come up with. I find it, as I say, very strange that the Commission only heard 22, or only received 22 appeals and only heard 17. Can the Minister give us an explanation why there seems to be really not that much work that the ommission actually was involved with. The Commission took some 15 meetings to hear and consider, I guess, 17 appeals and we look here, of the 13 that were appearing before the Civil Service Commission under the Appeal of Classification 7 were denied and 6 were granted; Selection, one was initiated, one was denied; On layoffs, 3 were initiated and 3 denied, and also could he give us the reasons why the other 5 that appeals were not accepted. Were these people heard by the Commission or were they just notified by letter that their appeals would not be heard. I think the Minister should make some of these details known to the Committee before we go on to something else.

MR. MacMASTER: The 5 appeals that were not accepted did not fall within the jurisdiction of the Commission and the Member for Logan must remember that the people that appeal to the Commission are those that are excluded from the bargaining unit.

MR. CHAIRMAN: (b)—pass — the Honourable Member for Logan.

MR. JENKINS: I just want to get this straight. The Minister is saying that these 22 appeals that were received were for people not covered under the process of the Collective Bargaining Agreement for the MGEA, is that correct? Would these be people that were not part and parcel of the bargaining unit, not covered by the wage contract or the master agreement that covers members of the Civil Service. Is that what the Honourable Minister is saying?

MR. MacMASTER: With the exception of the reclassification group and in the MGEA Agreement that group you cannot file a grievance on classification, so the others were excluded employees. The member will be familiar with many union agreements where classifications are grievable but with the MGEA Agreement it's not grievable so if there's a dispute on a classification that may be appealed by a union member in the MGEA.

MR. CHAIRMAN: The Honourable Memeer for Burrows.

MR. HANUSCHAK: Yes. Mr. Chairman, I'd like to ask the Honourable Minister, when he said on Friday about the manner of appointment of the Civil Service Commissioners that — he says, "I think what we can't be accused of, if it stands as being accused, is walking with some caution." Could he explain to me what types of caution, or what cautionary measures does he think that he could better exercise than the Legislative Assembly? We're not dealing with, you know, some new Board or Commission which has been untried and untested, but the Civil Service Commission has been around for longer than most of us in this Chamber have lived. But the Minister is speaking of wanting to exercise some caution. What reservations does he have about what? About the Civil Service Commission per se, or what? That we don't know. And why is it that he wants to assume that right and not let the Legislature have the right to exercise the caution which all of us would want to exercise?

MR. MacMASTER: It was an accommodating caution as much as anything, Mr. —(Interjection)— well, let me finish. It was an accommodating caution as much as anything in regard to the ones that I was specifically involved with. Mr. Hunter — I don't recall all the debate but I know that he was going to fill in and I suppose see if he could adapt to it and to see if he was comfortable with it. Miss Bradshaw, of course, has a very immense responsibility with the Director — at least immense as far as I'm concerned — with the Director of the Women's Bureau, and may find that that combination of things may work for her benefit in that particular role or it may not. Mr. Hart — it was a brand new position for him, a major step, and I'm not sure whether he was totally comfortable with moving up to it but he was certainly prepared to try it.

I suppose, Mr. Chairman, it's kind of a no win thing. If all three had been appointed for life and all three, for a variety of reasons, had decided to resign — they didn't feel comfortable with it, weren't prepared to stay with it — I'm sure that the opposition would have said, "Half of the Civil Service Commission is resigning because of this particular government." I don't think that really resolves this particular issue before us and the member's question, but those were some of the cautionary things that we were certainly giving consideration to.

MR. CHAIRMAN: The Honourable Member for Burrows.

MR. HANUSCHAK: But, Mr. Chairman, those are all reservations, if one would call them that, which the appointees to the commission had and not the government, because every one of them that the minister had referred to — he said that Mr. Hunter wasn't sure whether this would really be his cup of tea or not; Miss Bradshaw had some reservations about her ability to take on this additional workload; Mr. Hart had some reservations because this was quite a new challenge to him. Well, Mr. Chairman, if it should have so turned out that all or any of these three people would have concluded that this is not the appointment, this is not the responsibility that they would want to continue to have, then they could have resigned, because there is nothing in the Civil Service Act that prohibits a Civil Service Commissioner from resigning from his appointment; he is free to resign at any time at all but, in this case, why did the government set a time limit for them? Why did the government have to say to these three people, "well, if you have some doubts as to whether one of you will feel comfortable in this position, whether you can accept this great challenge, whether you can accept this additional workload, we're setting a certain time limit for you, and then we will take a second look at you as to whether we want to re-appoint you or not."

It would have been no problem, Mr. Chairman, and I'd like the minister to explain to me what problem would have developed had the minister proceeded in accordance with the Act, made the appointments, period, and then, if at some time in the future as is not uncommon, when someone accepts an appointment and for any one of a variety of reasons finds that he must resign, then if that should happen, the appointees would be free to resign.

So, I must repeat again that these, you know, that the minister didn't indicate to me when he said that he wanted to proceed with caution, he didn't say, "Well, we the government had some concerns, doubts, reservations, question marks in our mind," there was none mentioned by the minister; the minister said, "Let the people appointed . . . they had some questions in their mind." Well, they could have resolved those at the appropriate time, in the absence of the expiry date contained in the Order-in-Council making their appointments.

MR. CHAIRMAN: (b)—pass; Item 2 — the Honourable Minister.

MR. MacMASTER: There is another pretty major point that should be obvious to the Members for the Opposition that the Commission has undergone a tremendous re-organization structural stage and I suppose you could call it interim to the point that it's now first time being discussed, going back to its original structure of some approximate ten or eleven years ago. There'll be legislation

introduced in this House endorsing some of those major moves, so there has been some pretty major things done in regard to the structure of the entire Civil Service Commission.

MR. HANUSCHAK: That's very interesting . . . It's indeed interesting, Mr. Chairman, that now on the second day of debate of this issue the minister indicates that he is going to bring in legislation endorsing some of the . . . I suppose, endorsing, and also legalizing — if that's the correct term — make it possible to bring about some of the changes in the whole system of operation that the minister and this government want to bring about.

Well, Mr. Chairman, why did the minister proceed in this sort of reverse, or backward, fashion? You know, the House has been in Session for two and a half months now, more than two and a half months, March, April, two months and three weeks; the minister has had eleven weeks with which time to bring in a B1-1 for first reading, and on to second reading, and by now, it could have received third reading and the bill would have contained whatever changes he wanted to make, and we would have had an opportunity to debate the principle of those changes, rather than to have to deal with Orders-in-Council, which really do not fall four-square within the parameters of the Civil Service Act, which appear to be somewhat of a departure from the Act.

I'm really surprised that it wasn't until today that the minister even gave us a glimmer of a hint that there's going to be legislation brought before the House dealing with the Civil Service Commission. Now, my question to the minister is: Is it then the intention of the minister to bring in legislation which would remove the right that is presently contained in the Civil Service Act, the right given to the Legislative Assembly, to deal with matters of termination of appointment, of removal of Civil Service Commissioners, and placing that right in the hands of government? Does the minister intend to bring in an amendment to the Civil Service Act to that extent? In other words, if the Act passes, if the bill passes, that the Legislative Assembly will not deal with matters of termination of appointment of Civil Service Commissioners, but rather the government will deal with it because the Act will give the government to make appointments in such a way as would enable it to deal with that matter on its own?

MR. MacMASTER: Absolutely not, Mr. Chairman. The legislation, in general, that will be introduced will be gathering the authorities that have been scattered and placing them back in the hands of the Commission.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Chairman. That is encouraging to hear, at least that the minister is not anticipating bringing in legislation which is going to change the terms of appointment of people to the Civil Service Commission because, as was stated the other day, that if anything is undermining the impartiality or independence of the Commission, it has been the temporary appointments of three members to the present Civil Service Commission. I don't like to beat a dead horse, but to get back to that very item, I think this is one of the problems that the minister has at the present time. I think that the Member for Burrows has said that the way out of the minister's present dilemma is very simple: He can, during the Private Members' Hour, when he probably will not be in the House, rectify that situation quite readily; he can make the terms of appointment, which seems to have been the common usage of this Legislative Assembly for many years, that people when they were appointed to the Civil Service Commission was an indeterminate length of time, only to be removed by gross misconduct and then, only by a two-thirds majority of the House, or by resignation if they wished to retire, or by age — I believe the age is 65 when, I think, Commissioners have to retire; and I think if the minister and his government want to have any credibility whatsoever, I think that they will have to agree that the temporary appointment of three people, and some for varying times of 3 months, 6 months, 9 months, a year, certainly doesn't fit with the intent and the spirit of the Act, and the way that it's operated for many, many years.

So, I think the minister — well, I know he's new in this position, but nevertheless, I don't know what legal advice he received, or he or the previous minister received for these temporary appointments, but having had a chance to look at the Civil Service Act, I would say that he got some very bad legal advice, and it has got him, his government, and he in particular, into a lot of hot water in this House, because we only stumbled upon this thing by accident, that the appointments that have been made to the Civil Service in the time of this government, have been on a temporary basis; and I think it is incumbent upon the minister to at least rectify that, if he has as he has stated, and I think Hansard will also bear it out, that he's quite satisfied with the present CIVIL Service Commission. And if he's satisfied, that must include the three temporary members. Surely to keep them on a string, as he is doing at the present time, is certainly putting the people that are there under, as I said before, a definite cloud of suspicion, because every

that they make to the Civil Service is going to be suspect; and I don't think that the minister or even members of the Treasury Bench and the backbench contemplate that they're going to be the government here in Manitoba, forever, because we're all subject to the will of the people; whenever elections are called and we have no guarantee that we will be returned to government, or even be returned to this House.

And the fact that the Civil Service Commission has operated as well as it has over the numbers of years that the Commission has been in being in this province, I don't think that it ever, that I can recall, having followed the proceedings of this House over many years before I even came into this House, that I'd ever heard of Civil Service Commissioners being appointed for a pro tem period. It seems to be a radical departure from the norm that we have seen over the many years that the Commission has been in operation, and as I said, the minister by these actions, perhaps maybe it's not the minister, maybe it's the First Minister's idea, that this is the way that Civil Service Commissioners will be appointed in the future. But it certainly is not the intent and spirit of the legislation that is presently before the House, and the minister has assured us, and I thank him for that assurance, that they do not intend to make changes in the Civil Service Act with respect to the appointment of people to the Civil Service Commission, because if this Commission is to have any credibility in the minds of not only the Civil Service and the employees of the government, regardless of what political party may be in power, if they're going to have any credibility whatsoever with these people, and with the people of Manitoba, then we have to ensure that perhaps the . . . well, not perhaps, but we have to make sure, doubly sure, that the method of appointment which, in my humble opinion, and I'm not a legal expert, but it certainly is in violation to the intent and spirit of the Act and should not be countenanced by this government or any other government.

Perhaps the appointment of Civil Service Commissioners should be ones that are made on recommendation of this House as a whole, as we do for the Ombudsman. The office of the Ombudsman is not within the purview of the government alone, it is within the purview of the Members of this Legislative Assembly, because I know that when we passed the Ombudsman Act, and set up the office of the Ombudsman, that if the person that was chosen was a person that met with a favourable response, not only from us when we sat on that side of the House, but from members of the opposition. I believe that there was a committee struck up to go over the list of people that were recommended to serve in the office of Ombudsman. Perhaps we should take a look at that Act and if there is going to be changes to the Civil Service Act, that these changes that I am talking about, the spirit of the Act as it is set up for the office of the Ombudsman, perhaps that should be the method by which we appoint people to the Civil Service Commission.

If both sides of this House agree upon the appointments of the people to the Civil Service Commission, then I think that you will establish for that Commission an air of independence and impartiality, that I think members on both sides of the House and the public at large will accept. But if the Minister is going to continue the method that he has set in place, not only he but his predecessor and the government, Lieutenant-Governor-in-Council, then I say to the Minister that any of the decisions, any of the appeals or any of the appointments of prospective applicants for permanent employment within the Civil Service are certainly going to be suspect.

They are certainly going to be subject to people putting political nuances on appointments and decisions of that commission, so I think it behooves the Minister to tell this House what he intends to do with the temporary appointments that he and his predecessor have made to members of the Civil Service, namely the three people that are there now on a pro tem basis.

I think that the Member for Burrows pointed out quite plainly that the Minister as I said, has a very very simple answer. He can go out right now or he can send a notice to his office in preparation of an Order-in-Council — and I'm sure that the Cabinet can get together and approve it in very short order. They can do it over the supper hour — and I think that the Minister should assure this House one way or the other what his intentions are with these three members of the Civil Service Commission that we have at the present time.

MR. CHAIRMAN: (b)—pass; (2) — the Honourable Member for Logan.

MR. JENKINS: Mr. Chairman, it seems that the Honourable Minister doesn't want to reply. I know we can't get him to reply if he doesn't want to then it becomes very evident and clear that the Minister doesn't intend to do anything about it. He intends to continue the practice that he has embarked upon and by his silence he condemns himself and he condemns that treasury bench, that this is the method that they intend to pursue and to keep on this course. Well then, we have no alternative but to talk about this. If this is the type of arrogance that this government displays and this Minister in particular — we used to have a term for that in the army, if you didn't answer when the superior officer asked you a question we used to call it dumb insolence — I know we

can't use that in this Chamber but I think for the Minister to sit there and absolutely refuse to assure the House one way or the other, borders on sheer arrogance. It's none of your damn business, you're not entitled to know what our future intentions are with members of the Civil Service Commission. We may appoint them on a week-to-week basis, or a day-to-day basis, whatever mood or fancy seems to strike us at the time.

Surely the Minister can get up, it's not that hard, get up and assure this House, yes, we will make the appointments, we will make them of an indefinite length of time. Truly, is that too much to ask, Mr. Chairman, of this Minister? They were caught in a mistake. Good Godfathers, everybody makes mistakes. There's nobody perfect in this world. That's why they put erasers on the ends of pencils so you can erase out some of the mistakes that you make. Nobody in this Chamber has ever said that they have never made a mistake, but for the Minister to sit there and not to say anything, absolutely nothing after the Member for Burrows and myself have asked him, what are his intentions in dealing with these three members of the Civil Service Commission?

Maybe if that's the regard in which he holds them, he'll be faced with maybe three more resignations. That's a very distinct possibility. If I was Mr. Hunter and I read that the Minister said he is proceeding with caution, but when he had had it pointed out to him that they have erred, refuses to get up and simply say, Mr. Chairman, I have made a mistake, I'm going to rectify it, it's very simple to do. But the Minister hasn't said that. In fact, the Minister seems to be quite satisfied that these people will remain under this political cloud that he and his government, his treasury bench, have cast these people under.

I don't know Mr. Hunter, I don't know Miss Bradshaw, I wouldn't know her if I bumped into her in the hall, I don't know Mr. Hart either. But the Minister and the government must have had some consideration of the capabilities and impartialities of these people when they made the appointments, but the Minister has said, well, three months, six months, I think the Chairman, Mr. Hunter, has until the end of the year. But the Minister has said no, he's not going to — now, I want to apologize, Mr. Chairman, because I'm putting words in his mouth — how could I when he hasn't said anything. He hasn't said a word on this subject when it's been pointed out to him that I think that he, as the Minister responsible for the Civil Service and responsible for the Civil Service Commission, to say something on behalf of these three members, and to take them out from under the cloud of suspicion that he and his government have cast them under.

I think that the Minister, if he doesn't want to answer, then that's his responsibility, and then we have only one answer, that this government intends to carry on in the same arrogant manner, with disregards to the intent and spirit of the legislation that has been on the legislative books of this Assembly, as the Member for Burrows said, longer than most of us are years old.

They don't even intend to change it by legislation because that was made quite clear. The Minister said that they are going to bring in amendments to the Civil Service Act clearing up some of the things that they see wrong with it, and one of the things that they must see wrong with it is, that the appointments to the Civil Service Commission are of indeterminate length, but when he was asked that, he said, oh no, we don't intend to touch that, Mr. Chairman, we don't intend to touch that whatsoever.

Well, if he doesn't intend to touch it, does he not intend to live with the Act as it's set out? He's just going to defy the Act altogether, just ignore it as if there never was a Civil Service Act. That is the only conclusion I can come to, Mr. Chairman.

I'm going to ask the Minister once more if he's going to, and I realize now he's probably not going to get an opportunity to answer, but I think this evening when we come back here after the supper hour — and I hope that the Minister has had time to contemplate and think about it a bit — that he will come back into this Chamber and say to this Committee that he is going to change his mind.

MR. CHAIRMAN: The hour being 4:30, and in accordance with Rule 19(2), I am interrupting the proceedings for Private Members' Hour and will return at 8:00 p.m. this evening.

PRIVATE MEMBERS' HOUR

MR. SPEAKER: Order please. In Private Members' Hour on Tuesdays, the first item of business is Private Bills. On the adjourned debates on the proposal of the Honourable Member for St. James, Bill No. 33. The Honourable Member for Kildonan.

MR. PETER FOX: Stand, Mr. Speaker.

MR. SPEAKER: Second reading, Private Bill No. 40, standing in the name of the Honourable Member for Crescentwood.

MR. MINAKER: Stand, Mr. Speaker.

MR. SPEAKER: The second item of business is Public Bills, adjourned debates. On the proposal of the Honourable Member for Inkster, Bill No. 29. The Honourable Member for Rhineland. (stand) As well as the next one, Bill No. 34. (stand).

SECOND READING — PUBLIC BILLS

BILL NO. 37, AN ACT TO AMEND THE MUSEUM OF MAN AND NATURE ACT

MR. MINAKER presented Bill No. 37, An Act to Amend The Museum of Man and Nature Act , for second reading.

MOTION presented.

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

MR. MINAKER: Thank you, Mr. Speaker. Mr. Speaker, the Association of the Museum of Man and Nature has petitioned amendments to their present Act with the objective of two main objectives in mind, one to presumably improve the overall management of the museum as well as to maintain a better financial base for financing of the museum, and for the information of the members of the House, in 1978 at their annual meeting that was held last June, the membership of the association requested that an overall review of the management and finances of the museum be taken into consideration and the Board of Governors at that time established a committee formed from the Board of Governors, to review these two main areas of concerns of the museum.

The committee that was struck called for presentations, not only from the public but from members of the staff, members of the association, members of the Board of Governors of the museum, and the inquiry lasted some six weeks. And coming out of this inquiry, certain recommendations were put forward at a general meeting of the association dealing with the general makeup of the Board of Governors, general makeup of financing, dealing with the appointment and selection of Board of Governors, and dealing with the Board of Trustees.

At that special meeting, or meeting of the membership called to deal with this matter, there was a unanimous approval of the Board of Governors present. The bylaws of the association call for a 2/3 vote majority at a general meeting, and when the general meeting was held to deal with the proposals put forward by the Board of Governors, the 2/3 vote majority was achieved and what we have before us, Mr. Speaker, was a request for changes in the Act which will allow the museum set up its own trust fund that would be a foundation fund with appointed trustees having the administration of the assets of this fund, similar to a fund such as the Winnipeg Foundation Fund, which we are familiar with, and the foundation would reserve the right to refuse gifts if it wished to do so and would also as I mentioned earlier, have the rights to administer the funds of the foundation.

And the museum believes that there will be additional funding available to it if these amendments take place and if they actively seek out this funding, that they wish to have a broad resource base, not only from the different levels of governments but hopefully also from corporate and foundation funding. I used earlier the example of the present Winnipeg Foundation that exists today, as we all know, that provides a strong foundation of financing for various operations in our city, non-profit organizations.

Mr. Speaker, in addition to the establishment of the foundation fund, the committee and the Museum Association have recommended that the numbers of the Board of Governors be changed from 21 to a number of 20, and further they have through their enquiries and through their hearings and presentations that they received during their review of the overall operation of the museum, they had the opportunity to consider the boards of other museums in Canada and it was found that an admixture of government appointees and elected board members appeared to work very well. The amendments call for one-half of the Board of Governors to be appointed by the Lieutenant-Governor-in-Council, with the understanding that as is the practice in many of the boards that are appointed, that the Museum Association would put names forward for consideration for appointment, and the government to give consideration to these names.

The remaining membership of the board, the other half would be elected from the Association Membership, and that the terms of office would be such that the first set of appointments, either elected or appointed members, half would have a one-year term and the other half would have two-year terms.

Mr. Speaker, there are other areas where it deals with a quorum of the Board of Trustees. It is recommended that the Board of Governors will appoint four members to a Board of Trustees which will administer the finances of the foundation fund. It is also the objective of the museum that only the interest from the foundation fund would be used as far as revenue towards the operating expenditures of the museum. In this way they feel that donations will come to the fund, and they know that the fund will stay intact. The capital will stay intact.

The amendments also deal with the borrowing by the corporation, which really is not a change, it presently exists in the Act, and the only other area that the Act put before the House at this time deals with, is that the Board of Museum would also designate the Foundation Chairman and the Vice-Chairman of the foundation.

Mr. Speaker, I am sure there will be questions raised during the debate on second reading of this bill and hope that when I close the debate that I'll have all those answers for the members, and I hope that I will receive the support of the Legislature so that we can have this bill passed and enacted, so that the museum will operate in an even more efficient way and a better financial way than it has at the present time. Thank you.

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

MR. FOX: Mr. Speaker, I move, seconded by the Honourable Member for Elmwood, debate be adjourned.

MOTION presented and carried.

PROPOSED RESOLUTIONS

RESOLUTION NO. 11 — LEAD CONTAMINATION

MR. SPEAKER: The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Speaker. I move, seconded by the Member for Flin Flon that:

WHEREAS recently disclosed information from the scientific community throughout the world indicates that previously believed safe low levels of lead in blood have significantly adverse effects on the human body; and

WHEREAS recently disclosed information indicates that lead contamination and subsequent lead poison has reached crisis proportions in Manitoba's lead using industries; and

WHEREAS the health effects to the individual contaminated by lead are many times irreversible and have been proven to result in statistically reduced life spans for workers and other persons exposed to lead contamination; and

WHEREAS the cost to society and to the economy generally that result from increased worker compensation pay-outs, increased medical costs, and lower levels of production are substantial.

BE IT THEREFORE RESOLVED that this government consider the advisability of immediately instituting a royal commission to investigate and make recommendations to the Legislature for the purpose of protecting workers and the general public from the harmful effects of lead contamination within the work place and the environment.

MOTION presented.

MR. SPEAKER: The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Speaker. I am somewhat hesitant, or I was somewhat hesitant to introduce this resolution before the House, because I'd hoped that given the information that has come forward in the past number of months, that the government would have taken upon itself to institute a Royal Commission into the problems in the lead-using industry, because indeed the information, the facts, the data, all hard data that has come forth prove without a shadow of a doubt, that there is a crisis today in Manitoba's lead-using industry.

But the government has chosen to adopt an ostrich-like posture on the whole question, Mr. Speaker. They stick their head in the sand and deny that a problem exists, and every once in awhile one of the members from this side of the House, one of the members of the NDP Opposition or one of the members of the trade unions, or one of the members of the work force or the general public, who are indeed affected and concerned by the lead poisoning crisis in the province, come along and kick them in the butts and they put their head up again, and they do something right

then and then they stick their heads back in the sand again. And that has been the whole basis of their knee jerk reaction to the very serious problems, the very serious health problems within the workplace and the very serious health problems within the environment, that we have brought before them, that we have shown them to unconditionally exist without a shadow of a doubt. So I had hesitated for quite some time in bringing the resolution forth, while calling upon the members of the government, calling upon the minister, the First Minister, to do something about the lead poisoning problem in the province and having received no satisfaction or very little satisfaction, I must say, in their efforts, I feel compelled now to bring it before the House by means of a formal resolution.

Sometimes, Mr. Speaker, I feel like my Metis brothers and sisters when talking to the government and feel as if I'm talking to the wind when I start talking about the many problems that confront the workers of this province and lead being one of the most topical, if not one of the most important ones at this time. But we will continue, we will continue to bring forth new information because it seems as if our bringing forth the new information is the only information that the government is getting. It seems as if they are not going out on their own and trying to discover how extensive this problem is, and trying to discover how to more adequately deal with the problem. It seems as if they wait for us to prod and push them. They wait for us to initiate an action and then they pick up on it in an ad hoc basis. But an ad hoc basis is not a good basis upon which to govern, Mr. Speaker. It is a poor basis upon which to govern and the Member for The Pas says that's the way govern, and indeed it is the way they govern. And in certain instances, in certain instances it may be less detrimental to the public as a whole than other instances. But in this particular case, where we have the safety of workers, we have the safety of the general public, and we have the health and safety of our school children placed in constant jeopardy because of their refusal to act in any sort of a systematic and organized and comprehensive manner, then the ad hoc system of government takes on far far more disastrous proportions, than it would in other instances.

I'd like to take opportunity to review the historical perspective of this problem since last May when it was first brought forth before the House and before the Minister at that time of Labour, the Honourable Minister Price. At that time, we had indication at one plant, just one plant, Mr. Speaker, in the Province of Manitoba, had high lead in air levels. Now we're not talking about lead poisoning here — well, we're talking about lead poisoning of a work site — but we're not talking about lead poisoning of the workers. All we had indication was that that one plant, Canadian Bronze, had high lead in air levels and so we brought it before the minister. We brought it before the House. And do you know what their answer was in May? Dr. Krywulak, who is the Occupational Medical Consultant I believe for the Province of Manitoba, said the problem is not severe at all. He says we do not have any special urgent problem at present and he was talking about lead poisoning in the Province of Manitoba.

On July 18th of 1978 the minister mimicked the words of Dr. Krywulak. She said there hasn't been any detrimental reports come back to my department of high levels of lead poisoning in any workplace. In other words, according to the minister at that time if we were to take her words at face value, there was no problem, or at least no severe problem. But just one day later, just one day later, the minister tabled in this House a report, a lead in air survey that they'd done at Canadian Bronze, that showed that the threshold limit values for lead in air were being exceeded by 59 times the acceptable limit — 59 times the acceptable limit — and that, Sir, has to result, without a doubt has to result in lead poisoning in the workplace. For any worker who is exposed to that level for any length of time, they are going to suffer lead poisoning, there can be no other way that it will occur.

And yet when we had that report before us, we pressed the government, we pressed them for an intensive investigation at that time, an intensive investigation into the problem. We asked them — and I'm going through a letter that was sent to the Minister of Labour in this regard on July 27, 1978, the Honourable Norma Price — asking for that intensive investigation, and why did we want it on the basis of one plant showing these high levels of lead, Mr. Speaker? Well, we wanted them to define the parameters in the extent of the lead contamination problem in the Province of Manitoba. We wanted to know where the lead contamination was resulting in lead poisoning, and how badly the workers were being affected at that time. We wanted them to disclose the work sites with lead contamination, so that not only we knew where the problem existed but that the workers knew and the workers should take precautions to protect themselves against the very serious problem of lead poisoning. We wanted them at that time to isolate the workers with high lead in blood content.

Now remember at this time we didn't know that there was a specific problem with high lead-in-blood content, we had assumed it from the results of the Canadian Bronze Test. We wanted them to look at the threshold limit value for lead-in-blood, which we felt was out of sync with what was happening in the rest of the countries in the industrialized world.

We wanted them to determine the effect that lead particles, brought into the house by workers, had on the other members of the family, their wives or children? Were they indeed bringing the contamination from the workplace into their own homes and placing their own families in jeopardy.

We wanted them to examine the content indications of collating agents. This is a question that the Minister is finally bringing up in this House, should we be collating people with lead poison or should we be looking at other methods of treatment.

We also wanted the investigation to be directed towards long-term solutions, the development of long-term solutions, the development of worker awareness to the lead contamination problem, educational programs in regard to hygiene we wanted a comprehensive instruction and work improvement orders to be put on employers who were allowing their workers to be poisoned by high levels of lead in their workplaces. We wanted them to deal with the problem of implementing proper engineering and maintenance procedures to alleviate these high lead-in-air levels that existed throughout the lead-using industry. We wanted them to streamline the departmental testing facilities so that people could get their tests back sooner, and we wanted implementation of worker rotation programs in areas of high lead-in-air contamination where the problem was shown to exist and where engineering controls could not be implemented immediately. We are not saying that they should not take precedence, but that they could not be implemented immediately.

And we asked the Minister to take all that into consideration, and they rejected that call for an intensive investigation. They rejected it and they said that they haven't had any complaints to that effect, that there were other industries that were being subjected or other workers in other industries that were being subjected to high levels of lead-in-air, which would result in lead poisoning.

On February 26, 1979, the new Minister of Labour, at this time we came in and we said to the Minister of Labour, we said, "Since we last discussed this topic, since we last acquainted your government with the problem as we saw it, there have been some new revelations come to life. Fifteen or fourteen workers at Canadian Bronze were found in the first six weeks of this year to exceed the lead-in-blood levels that are commonly acceptable in the industrialized world." And I'm not so certain that the levels which are 80 micrograms per hundred grams of whole blood are what we should be using in this province, and the Minister has indicated that he expects the levels will come down shortly. So, what we found at that time was 14 or 15 workers in that plant were exceeding the outdated standards which, in my opinion, and I think in the Minister's opinion, were too high. How did the Minister react to that? He said, "I don't think the member should take assumptions from the benches behind him," — and I believe it was the Member for Logan who was asking him a question with regard to lead poisoning crisis in the province — "that there is an additional problem in the lead industry today that hasn't been there for some period of time. In fact, it's improving. The entire industry, day-by-day, and I think his assumptions are absolutely incorrect." Again, we see the ostrich-like pose, the head into the sand, denying that there is a crisis, denying that there is a problem.

The Minister also went on that day to say that, "The lead contamination and the lead poisoning problem in the province is a situation that has been evident in Manitoba for 20, 30 and 40 years." Well, it may well have been evident for 20, 30 and 40 years, but it wasn't evident to his own government, or evident to the previous Minister just 10 months previous. They had at that point denied that there was a severe problem.

On February 27th of this year, we see the Minister come out with a so-called Lead Control Program, and he tells us at that time it is a program that was put together and accepted by the workers and workers' organizations and companies, and yet we have on file letters and criticisms of that program from the International Union of Moulders, from the Canadian Association of Industrial Machinists and Allied Workers, from the United Steel Workers of America, from the Manitoba Federation of Labour, and from many many individual workers in the lead-using industry, that they had not participated in the development of that program; they did find that program unacceptable; and what they wanted instead was a Royal Commission to be called by the government for the purpose of dealing with the lead poisoning crisis in the province of Manitoba.

And the Minister at that time was telling us, "Don't worry, the problem is not severe." And then, a month later, in Flin Flon the company doctor, the company officials at the Hudson Bay Mining and Smelting operation, an operation that was being inferred by the Minister was a fairly safe operation, demanded that their women workers of childbearing age in the smelter either be transferred out of the smelter, or demanded that they do be transferred out of the smelter, and that anyone wishing to have jobs, any women of childbearing age wishing to have jobs in the smelter, would have to present certificates of sterilization. Now that, Mr. Speaker, to me is abhorrent. It is also the wrong solution. It is no solution to the problem. You see, the reason they needed those certificates of sterilization, or the reason the company demanded them was that the workplace was

contaminated. The workplace was dirty, Mr. Speaker, so what did Hudson Bay Mining and Smelting do in response to a dirty workplace that they could have cleaned up? They could have sterilized their own workplace. Did they choose that option to make it safe for all the men and women working in there? No, they chose the option of sterilizing the women of childbearing age. They chose the option of treating the worker instead of treating the workplace, for it is the workplace that is sick ' it is not the worker that is sick, it is the workplaces that are sick.

And we have the Minister at that time, in an article in the Tribune, on March 22nd, saying, "Commenting on a recent decision of Hudson Bay Mining and Smelting Company Limited of Flin Flon to ban women of childbearing age from working in its smelter, Mr. MacMaster said the company was acting very cautiously." Very cautious, indeed, Mr. Speaker, very cautious indeed. It ended in a discrimination suit which is presently before the Canadian Human Rights Commission, which went before the Manitoba Human Rights Commission, and is now presently before the Canadian Commission.

The Member for Flin Flon indicated to me that he had read an article where in the States, a company called American Cyanomid (?) that had imposed this same kind of sort of compulsory sterilization on its workers, had to pay fines of \$24,000 because the courts in the United States said that is the wrong way to deal with the problem. You deal with the workplace, not the workers.

On March 26th, when I had many times in this House questioned the Minister as to the acceptance that his program was receiving by the workers and the unions in the province he said, "I don't know of any program that's in place," and we're speaking of his so-called Lead Control Program, "in Manitoba that unions are objecting to. I know that the cheap political move," and those are his words, "by the Member for Churchill would like us to believe that some people are objecting to it but that isn't the case." Well, Mr. Speaker, on February 16th he had a letter from the International Moulders and Allied Workers Union objecting to the program, calling for regulations. On March 1, 1979, a letter from the Canadian Association of Industrial Mechanical and Allied Workers that said, "We want to put the record straight, because you are not giving the people the straight goods on this, so we want to put the records straight. CAIMAW was not consulted on this program, they think that the proposed program is inadequate, and they have called for a Royal Commission."

That is the type of co-operation and voluntary acceptance of the program that the Minister would like us to believe existed.

The Moulders Union wrote him again on March 7th and said that the Minister had represented both the union and the union representatives' positions, and he wanted the Minister to correct the impressions that he left that the union was working on this program and had accepted the program.

And I note that my time is rapidly coming close to an end, so I will go through the other points very briefly.

On March 29th, where a problem didn't exist a year before, 10 out of 22 workers tested at North West Smelting and Refining were lead poisoned, had very high levels of lead in their blood, had to be taken off work, put on compensation and treated.

The people at CEA Simon-Day Limited on April 9th said, "We are concerned, test us." At the beginning of April we had the Weston School report, 40 percent, 119 out of 295 tested students showed levels from 25 to 50 micrograms per hundred grams of whole blood, and that is unacceptable in any modern industrial society.

Now we find that the Minister is questioning the lab techniques that are being used. Mr. Speaker, I could go on for far too long. As a matter of fact, perhaps I have gone on for far too long, but I will tell the Minister that I will not and the members of the opposition will not drop this subject until not only we are satisfied, but the workers are satisfied, the unions are satisfied, the general public are satisfied, the parents of the school children are satisfied that there is indeed progress being made towards alleviating this very serious lead poisoning crisis in the province of Manitoba. Because all we know now, Mr. Speaker, after several months of ad hocism from that government, is that we know there are more questions than answers, and that's why we want a Royal Commission.

We want a Royal Commission because his Lead Control Program is not working. Canadian Bronze had 15 people off at the beginning of the year just recently we found that another 3 of those 15 had to be taken ; off again — back at work a couple of months, poisoned again. Is the program working there? Can't be, because if that's how the Minister wants the program to work, then he obviously didn't develop that program to protect the workers.

Why don't they want a Royal Commission? Because, Mr. Speaker, there are very serious problems out there, and if we found out the exact extent of those problems, industry by Royal Commission that would be taken out of the political arena would be forced to clean up their workplaces. Industry

would be forced to make the necessary changes. What we are asking for is a Royal Commission that once and for all takes it out of this political arena and puts it in a scientific and medical community where it belongs so that we can get some straight and some comprehensive and some unbiased opinions as to what the problem is and how, as a province, we should be dealing with it.

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: Well, Mr. Speaker, the Member for Churchill is right that he has been making reference to this particular problem for a period of time, but the problem has been with us for a lot longer than probably he or I have certainly been in the House, probably been alive, so that problem goes back many many years.

The first, I suppose, significant indication in Manitoba was in 1976 when there was 78 people who it was determined had something greater than .08 in their blood, which was considered to be lead; in 1977 there were 58; and in 1978 there were 59. It should be noted that of the above total of 195 persons with high lead-in-blood level, only 48 were removed from the workplace and accepted payment or claims by the Workmen's Compensation Board of those totalled numbers in those three years. In other words, within the three years 147 persons with high lead-in-blood counts either remained at work in the lead industry or sought employment in another field.

Under our particular program, which was instituted in January, 1979, all workers having a lead-in-blood reading of .08 or greater will be removed from the workplace. Those workers with .07 to .08 will be moved to areas where contamination is less a problem, and the particular area in which they were in will be examined by responsible means to determine what the cause of the particular problem was.

It is interesting to note that of the 533 samples that were taken at H. B. and S. last year, the average was .022, and I believe that there was absolutely none of those particular people who had over the acceptable limits.

There are several steps that we're taking, that we consider to be responsible steps.

An In-plant Air Sampling Program to measure airborne lead concentrates is taking place. A review of ventilation and air pollution is taking place. A review of the plant housekeeping practices and control removal of the lead-bearing dust from exposed surfaces, is taking place. A program of promotion of in-plant personal hygiene is taking place. A routine of blood sampling to identify cases of high exposure and contamination is taking place and follow up action to ensure correction of the causes of the problem is taking place in non lead using industries.

On request our Workplace Safety and Health Department will do exposure or control tests as an audit on the conditions in a non lead using industry. Results have just been received on a recent case where a joint safety committee requested samples of 10 of the workers in their particular plant and that's the plant that the Member for Churchill was talking about, the one where they requested, not the safety committee, but a representative of the union which is fine, requested that that particular plant be looked at and our people met with the safety committee and they took samples. The safety committee, both workers and employers, jointly, co-operatively, decided they would take random samples. They took them and the average worked out to being .022.

The review of the blood levels in the children in the schools near the industry is under way and of course I'll be reporting on that as soon as I have the details of that particular study. If by chance the House is not sitting, I would assure the Member for Churchill and the Leader of the Opposition specifically, that the total analysis and the results and the methods of following up on that particular study will be made available to them.

You may recall that that 1976 study — there really wasn't anything done about that study even though the numbers that the Member for Churchill points out were evident and I can't accept the fact that because there was just a few, it wasn't important. I don't think the members opposite would accept that from me as Minister of Labour if I said well, in that particular plant there was only a handful so we didn't really concern ourselves. And that was the expression that was quoted by the Member for Churchill and I must assume that that was researched by him to be a position that was taken by his Party at that particular time. So in summary . . .

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Mr. Speaker, I am wondering if the Minister could indicate from where and when that particular quote was taken.

MR. MacMASTER: I can get the copy of the article out of the newspaper for the member if he wishes to read it, where he is quoted and questioned as to why something was not done and he

said well I suppose there is 6 or 8 and the government chose not to do something, and I'll get him that particular piece of paper.

So in summary, Mr. Speaker, and I don't intend to talk for a long time about this, I'd like the record to show that there is now a meaningful lead program under way in Manitoba. That action is being taken to have the contaminate problem alleviated in industry to the degree that modern technology is capable. And I think that's what we're all talking about — proper technology, proper ventilation system, proper cleaning-up procedures, proper washroom facilities, proper rules and regulations as apply to the workers in the industry.

I recall many years ago, there was a fairly major problem in the refinery at Inco where it was called a nickel rash. It was a combination of an awful lot of things, a combination of areas that had to be cleaned up and a combination of certain systems that the men had to learn to live with; not smoking in certain areas, not eating their lunches in certain areas, a lot of personal hygiene things we managed to work that particular problem out — union, company, and the government at that particular stage. And I really would like to believe that this can be worked out the same way; I'm reasonably sure that it will be.

Action is being taken place to assess whether or not there is a problem in the workplace where lead is not used but contaminants may come from another source, and action is being taken to remove from the workplace those workers with high lead in blood levels, and to correct the source of the lead in blood — that this government is concerned about this problem as it is about many other problems in Manitoba and is taking action to insure the welfare of the workers and the public in general. The tests which have been and are being taken show that while there is a lead problem it is not as widespread or as serious as the Opposition would like us to believe.

So, in view of the comments that I have made, and in view of the knowledge that I have of what we are doing, and I really think the knowledge that the members opposite have on what we are doing, I cannot in any way support the establishment of the Royal Commission that's requested in this Resolution.

MR. SPEAKER: The Honourable Member for Churchill with a question?

MR. COWAN: Yes, would the Minister answer one question for me please? He mentioned that 147 persons in the years that he had indicated in his report showed high levels. Was that 147 tests on 147 people or was it 147 tests on a lesser number of persons, because according to the reports more than one test many times is done on one individual worker? I'd ask him to clarify whether the 147 number refers to tests or actual individuals.

MR. MacMASTER: The information I have is that during those three particular years there was 78 people found in 1976, there was 58 people found in 1977, and there was 59 people found in 1978, people that were found to have more than .08. But the point, and I think it's an extremely important point, and I'm not trying to look for any great political placards out of it, I'm just simply saying that during that period of time, of which we were partly government, there was not a system in place where the person was specifically removed and the person was specifically sent to the Compensation Board and the person was specifically treated and the area was looked at from whence he came. Now that's what we are talking about. You know we can't divorce it that we're only concerned about the person after they're hurt. We're moving into the industry and we're trying to clean it up, because there's just no reason, there's no commonsense to pulling people out if you're going to put them right back into the same environment, so we're endeavouring to clean up the environment when they go back in. And now we're going to be expanding into other areas, and I have assured the member that I'll bring it to his attention as we progress into other areas. We've been extremely busy and I like to think we've been doing a very credible job, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, I wish to involve myself in this debate for reasons which arose as a result of the Member for Churchill having done what I consider to be an excellent job in bringing public consciousness to this issue. I really don't know that anybody should be trying to minimize the effort and the persistence and the energy which the Member for Churchill has demonstrated in dealing with this problem. I think, Mr. Speaker, that there has been a tendency to try to minimize the Member for Churchill's efforts by pointing a finger at the previous government and saying you are to blame.

I think, Mr. Speaker, that the story of the first envelope has no greater demonstration of accuracy than this particular story, and now, Mr. Speaker, I'm going to do a dangerous thing. I don't have

the documents and I suppose that if there was a Royal Commission, all of this would be examined, but I don't have the documents, I don't have the records, I don't have the memos, I don't have the material before me with respect to what happened vis-a-vis lead, under the previous administration. What I do have is the First Minister's statement to the effect that the government has sat on this problem for two years. I think he said that there was a report at the end of 1976 — what was the date on that report to the Health Department? I believe it was the end of 1976, again I am talking from memory, and the government sat on it for two years. Well, that brings us into 1978 and 1979.

Now if the government sat on it for that length of time, Mr. Speaker, the greater percentage of time it was being sat on by the Conservative government, because they were in power during that period. And were it not for the attempt to suggest that we are to blame, I think that, Mr. Speaker, I wouldn't be involved. I would suggest that perhaps the Minister is entitled to whatever credit there is for doing something now. I'm not faulting his efforts a great deal. I think the Member for Churchill would like more to be done and he is certainly entitled to ask for that, and he is certainly entitled to say that we don't know enough and there should be a Royal Commission.

But let's go back to what the facts are. Mr. Speaker, I am talking from memory. I'm trying to put together things but I've said it before and nobody from the other side has suggested that I'm misleading. Obviously the former government didn't sit on it. The former government obviously asked for a report. That doesn't mean sitting on it. It means that there was a concern for lead, and let me say that that concern did not arise as a result of somebody from the Opposition saying that there are terrible things happening. There was a routine, and when I say routine I don't mean small, but normal government pursuit of dealing with the lead problem. Wasn't there? And I happen to think that it stemmed from what was turned up in Toronto — that in Toronto there was a lead industry that contaminated the area around it, and again, without the documents and without the memos, my sort of impression is that that was part and parcel of us looking into lead problems, and we looked into them in two ways.

One was to try to determine contaminants in the atmosphere, and that's one that I would have some responsibility for, and the other was on the workplace. And on the workplace it was referred to the Department of Labour, the Department of Health, and the Workmen's Compensation Board. And the Minister will not deny that there were group committee looking into contaminants within the workplace a threewhich would include lead. And I say that, Mr. Speaker, from memory.

The other area, I am helped somewhat by the Minister of Mines. It would seem that the lead study was done in a controlled school and a closed school for the purpose of finding out whether contaminants were having any effect. When the study was obtained, it went back I gather and I am simply gathering, to the Department of Environment, for the Department of Environment to set these levels. And are you suggesting they didn't do it? That they sat on it, that the report lay dormant and nothing happened? Mr. Speaker, the Minister of Mines got up in the House this year and said that in June of 1977, and I would put two and two together and that's all I can do, in June of 1977 a regulation was passed under the Clean Environment Act, and that's by the previous government removing lead from the requirement of making an application under the Clean Environment Commission, because emission standards had been established nationally and they would be applied in the province of Manitoba. That's what the Minister said. I remember clearly because the Member for Churchill had asked him what is the status of lead contaminants under the Clean Environment Act? And the Minister got up and said well obviously the Report in June, excuse me, the Report in the late part of 1976, must have become, and again I am surmising the basis for which, in June of 1977, the old government, the previous administration, dealt with emission standards for lead.

Now, why is it, Mr. Speaker, why is it that the government would suggest that, and there must be civil servants involved as well, that all of these people who got these reports and did the energy of obtaining them, then did nothing whatsoever. It just, Mr. Speaker, is an indication of some weakness on the part of the government, and an apparent suggestion that the Member for Churchill had got them all shook up.

Mr. Speaker, I would suggest that parliamentary skins have to be a little bit thicker than that, that from time to time the opposition is going to make an important point, that you can deal with that point by trying to dismiss everything that the opposition says, or you can deal with it in a proper way. This report is dated 1976, I'm sorry, I'm interrupting myself, I don't know the date, but it says 1976, Department of Health Annual Report. Is that where the report appears, in the Annual Report? No, there was a separate report with respect to those schools. Yes. And I believe it was dated 1976. Because the 1976 Annual Report doesn't come out until much later and nobody would be aware of the Annual Report, so I would think that the government must have been aware of the report, the previous government, sometime, and I'm sort of guessing from the report that I read, sometime toward the latter part of 1976, in which case, they did what they were going to

do.

They then took — I gather, and I say that because somebody in the House said that the information was sent over to the Clean Environment Commission, they took that and they used it for the preparation of standards. As to what was done relative to the children who showed higher levels, that would be a matter for the Health Department, and I am again going to surmise that they, at that time did not consider these levels to be such as required concern, although I don't know that. I don't know, I wasn't the Minister of Health at that time, I was the Minister of Health many years before.

But Mr. Chairman, the Minister needn't feel sensitive about some of the steps that he has taken because I don't think anybody has criticized those steps. The Minister needn't try to deflect whatever responsibility we all hold in this area by suggesting that somebody on the other side is to blame for the present level of lead, or by suggesting people sat on it. Because all of those areas were being looked into, and if we look at the sequence of events themselves, as disclosed by the Minister of Mines when he gave his Estimates, he said, in June of 1977 they had progressed to the point that they exempt that particular contaminant from an application under The Clean Environment Act because standards had been set federally, and it was going to be inspected federally.

Now, is that not the case? I asked the question rhetorically, because I was advised that that is the case, and if that is the case, I don't think, Mr. Speaker, that there is any need to try to find people to pin the blame on, I think there is a need for action. The Minister has demonstrated some willingness to act, the Member for Churchill says that obviously there are many more questions to be answered, the Minister's actions are not deprecated in any way, but there are many more questions to be answered, that originally when the matter was raised it was considered to be unimportant. Perhaps at the present time there are also additional factors to be considered and therefore the Member for Churchill, who I repeat deserves every bit of credit for having raised the question in the first place and having dealt with it in the best traditions of a parliamentary representative, now says that he thinks that a Royal Commission should be established. I'm inclined to think that some type of greater in-depth inquiry is necessary, and I think that the member's proposal is a very reasonable one and not to be dismissed because it happens to come from a member who, it seems to me, members of the opposition have taken an attitude of bitterness to, not because he hasn't done a good job, but for exactly the reverse reason.

You know, when you start yelling crude remarks relating to a person's previous nationality, citizenship and things of that kind, it must be because he has hurt you very badly. It must be for that reason, there can be no other reason, because the crudeness of those remarks would come only from people who in desperation feel that they have to do something.

I may say, Mr. Speaker, that the Member for Pembina is laughing, that my father came here as a citizen of Russia, and Canadian people and the Canadian way was to regard him as in every way a citizen when he took out his citizenship papers. There are some people who sanctimoniously believe that third and fourth generation Canadians have a greater claim to be recognized. Obviously the voters of Churchill didn't think that way. So what you are doing is insulting the voters of Churchill, that's what you're doing.

You know, Mr. Speaker, there's a very wonderful story about how people cannot see their own subjectivity. It dealt with a man in the south, in the United States, who was getting a blood transfusion, and as the doctors were coming with the blood, he said, "Are you sure that that's third generation American blood?" As they were coming to save his life, he said . . .

MR. SPEAKER: The honourable member has five minutes.

MR. GREEN: "Are you sure that that's third generation American blood?" And they took that to a southern racist, and they showed it as a cartoon, and they said, "What is your comment on this cartoon?" And you know what his comment was? "He must be awfully low crushed to ask for only third generation American blood."

Now, until you people see what you are doing when you deal with the Member for Churchill in that way, you won't understand yourselves, but that's what you are doing. And that's the kind of crude remarks that we're getting from members of the opposite side. They must be awfully crude to only ask for third generation. —(Interjection)— Well, Mr. Speaker, I think that the Member for Churchill stands in the best tradition of Canadian parliamentarianism, better than some who have fourth and fifth generation Canadian blood. And certainly he has dealt with this issue in a way which will be of value to all of the people of this province and should be commended for it, Mr. Speaker.

MR. SPEAKER: Is there consensus to call it 5:30? (Agreed) The Honourable Government House Leader.

Tuesday, May 8, 1979

MR. JORGENSEN: Mr. Speaker, I move, seconded by the Minister of Labour that the House do now adjourn. I would like to advise the House that the Standing Committee on Economic Development will meet on Tuesday, May 15th, to consider the report of the Manitoba Development Corporation and the Communities Economic Development Fund. If those two reports are not completed on Tuesday, then the committee will meet on Thursday.

MOTION presented and carried and the House adjourned until 2:30 p.m. Wednesday afternoon.

Committee of Supply to meet this evening at 8:00 p.m.