

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**Wednesday, 9 July, 1980**

**Time — 2:00 p.m.**

**OPENING PRAYER by Mr. Speaker.**

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

**MATTER OF PRIVILEGE**

**MR. SPEAKER:** The Honourable Member for Winnipeg Centre.

**MR. J. R. (Bud) BOYCE:** On a matter of Privileges of the House, I have a Motion, Mr. Speaker. There appears in the Winnipeg Tribune an unsigned article, which alleges, and I quote, Legislative Counsel R.H. Tallin and Deputy Counsel A.C. Balkaran participated in political debate Monday during Committee review of a Bill introduced by Mr. Mercier.

My motion, Mr. Speaker, and it is a motion that you may want to take under advisement, because under the Rules if something occurs in Committee then only a Committee that is dealing with the matter can consider. In my opinion, Mr. Speaker, since this is an editorial comment, as it appears in the paper, it is not something which took place in the Committee but outside of the Committee and does reflect on servants of the House.

I will read my resolution and perhaps, Mr. Speaker, you can take it under advisement, but the Rules of the House also are such that I must raise this on the first occasion.

The resolution reads, and I have copies, Mr. Speaker:

WHEREAS there appears an allegation published in the July 8th edition of Winnipeg Tribune that "Legislative Counsel R.H. Tallin and Deputy Legislative Counsel A.C. Balkaran participated in political debate Monday during Committee review of a Bill introduced by Mr. Mercier";

AND WHEREAS such allegation reflects on servants of the Legislature;

THEREFORE BE IT RESOLVED that the allegations be referred to the Standing Committee of the Legislature on Privileges and Elections; and,

BE IT FURTHER RESOLVED that the Committee be empowered to examine and enquire into all matters pertaining to the allegations and things as may be referred to them, and to report from time to time their observations and opinions thereon with the power to send for persons, papers and documents and examine witnesses under oath.

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

**MR. WARNER JORGENSEN (Morris):** Mr. Speaker, if I may just speak briefly to the Resolution that is before the House. I am not going to take any objection to referring this matter to the Committee, although I don't believe that it would be necessary to do so.

**MR. SPEAKER:** The Honourable Member for Kildonan on a point of order.

**MR. PETER FOX:** I can realize that the Honourable House Leader wants to speak to the Matter of Privilege, but I would assume that unless we have a motion before the House, I don't know what we are speaking to. The honourable member referred a matter to you to determine whether it is a Matter of Privilege and he has it in motion form, and until you determine, Sir, I don't know what we are debating.

**MR. SPEAKER:** Order please. We have a Matter of Privilege that has been raised. The Chair, as always, must seek the advice of as many members of the Chamber who wish to offer that type of advice, and if there are members of the Chamber that are willing to offer the Chair advice, I would appreciate the opportunity of hearing it.

The Honourable Minister of Consumer and Corporate Affairs.

**MR. JORGENSEN:** Mr. Speaker, the point that I take exception to, and of course the Resolution is based on the article in the Tribune, and that is the content of the article itself, when it suggests, and I vehemently deny any suggestion that Legislative Counsel and Deputy Legislative Counsel took part in political debate.

As has been the custom in the past, when questions of a nature that are such that Legislative Counsel can offer his explanations to are raised in Committees, that very frequently is done. It has been done in the past, it has been done on many occasions. There was no objection taken at the time. As a matter of fact, I think that the Legislative Counsel was asked to give an interpretation of a particular part of the statute. And since the Attorney-General himself is unfortunately absent, and I think honourable members know the reason why he is absent, all the more reason why Legislative Counsel was asked to explain a certain portion of the Bill. But under no circumstances could that be construed, except by one with a most twisted imagination, to be a political debate. It was nothing of the sort.

And so if the Resolution is based on that article, as I presume it is, then the Resolution itself cannot be accepted as one that is based on a sound premise. It is simply the opinion of a reporter, who perhaps cannot make a distinction between what is political debate and what is an explanation of a section of a bill.

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

**MR. HOWARD PAWLEY (Selkirk):** Mr. Speaker, I wish to also indicate that insofar as the opposition is concerned, we not for a moment associate ourselves with any thought that either Mr. Tallin or Mr. Balkaran participated in political debate. They have been the most conscientious servants of the Legislature in years gone by. I know that their remarks from time to time can be misinterpreted as

they are attempting to provide information to all members of the House, but, Mr. Speaker, I think that this is based upon a quotation within a newspaper article and on that basis I concur with the Acting House Leader that there ought to be no reason, Mr. Speaker, to forward this to Committee.

**MR. SPEAKER:** I thank the honourable members for their advice and with the consent of the House I would like to take it under consideration and look at it when I have a little more time. Is that agreeable? (Agreed)

We will then proceed with Orders of the Day. Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

### ORAL QUESTIONS

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

**MR. HOWARD PAWLEY:** Mr. Speaker, first to the Minister of Consumer Affairs, a question that the Minister accepted as notice from me this morning, I wonder if he has a response pertaining to the method of collecting data under the two reports that were tabled in the Legislature by himself last week.

**HON. WARNER H. JORGENSEN (Morris):** I am sorry, Mr. Speaker, I have not had an opportunity to check that out as yet. I will try and get that as soon as possible.

**MR. PAWLEY:** Mr. Speaker, to the Minister of Finance. Last week the Minister of Finance brushed aside a suggestion from the Member for Transcona that there could be a projected 2.6 billion reduction in gross provincial product in Manitoba as a result of the drought this year in Manitoba. Does the Minister now, in view of the reports which have been released today pertaining to a projected 10 billion loss pertaining to the drought, does the Minister now have any projection as to the setback for Manitoba's economy in view of the fact that the drought is adding to an existing setback from slow growth from mini-depression, does the Minister have any projection as to the setback to the Manitoba economy arising from the drought?

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

**HON. DONALD W. CRAIK (Riel):** Mr. Speaker, not in terms of a number related to the gross provincial product. We have had some estimates made and as I indicated, we can get pretty close on the expenditure side, because of course we are making the expenditures, but we can't get nearly as close on the revenue side, and at this point in time it probably would still be highly speculative to try and put a figure on the reduction of the gross provincial product. We are getting more information all the time and hopefully we will be able to come up, shortly, with a better figure.

I would indicate to the House that the revenue picture, for instance, which we had speculated would

undergo a visible impact in both May and June did not occur, and it came as some surprise that it hasn't shown up to this extent. It may well be that there is not sales tax on farm machinery, otherwise it would have shown up, I am sure, and shown up fairly dramatically in the month of June. But there has not been a large impact, I should say there has been a smaller impact on revenues at this point in time than one might have speculated on. You can extend that to say that a month from now we will be able to tell more accurately; two months from now we will be able to tell more accurately still, and then it might be the time for a government to start making guesses as to the impact on the gross provincial product.

In the meantime, the figures that were used, for instance, by the Member for Transcona, are the types of figures which people can use for speculation. I would rather not have the government do that kind of speculation until, as I say, we've gained more hard information to go on.

**MR. PAWLEY:** Mr. Speaker, further to the Minister of Finance. Is the government preparing any plans to deal with the indirect impact of the drought upon municipalities and small business suppliers in Manitoba, the indirect impact, are any plans being prepared?

**MR. CRAIK:** Mr. Speaker, yes, we have had discussions with representatives of the financial community to try and come to grips as to where the vulnerable areas are and to get the message through that it was necessary for the financial community generally to take an unusually lenient attitude from here on in, as respects the soft spots in the economy. The soft spots are likely to occur in the small business community, as opposed, on a relative basis, to the farming community. It would appear that the impacts, when they occur, are likely to be on the likes of the implement dealers and other small businessmen located in the rural areas on a more highly proportionate basis than would occur with farmers alone. And we are, of course, monitoring, as we have indicated, the entire financial picture to see whether there are unusual things happening with regard to the impact of financial policy vis-a-vis the financial community, the banks, credit unions and others.

**MR. PAWLEY:** Mr. Speaker, in view of the statement today by Senator Hazen Argue to the effect that the federal government assumes no obligation for any cost-sharing pertaining to the drought support program as had been announced by our Minister of Agriculture in Manitoba, apparently due to a lack of co-ordination that had taken place, then I question, to the Minister of Finance, can the Minister of Finance advise whether or not, in order to develop further plans, in order to deal with the impact of the drought, can the Minister of Finance advise whether or not machinery is being developed to ensure co-ordination with the federal government preparation of new programs as may be required, in order to avoid confusion, as has happened with the Minister of Agriculture's program that he had announced, apparently without proper consultation at the federal level, in order to reassure Manitobans

that in the difficult months ahead, there will be some suitable co-ordination, federal and provincial.

**MR. CRAIK:** Mr. Speaker, it must be obvious to even the most casual observer of the scene that we have had statements made by at least three different sources at the federal government level, and they don't jibe. The Minister of Agriculture in Manitoba had prior consultation, his department had prior consultation with the federal department of Agriculture, that consultation is still going on, and it's not the federal Minister of Agriculture that is making the statements being referred to. They are being made, alarmingly, by other Ministers, but we have not had that statement from the federal Minister of Agriculture, and the discussions and negotiations are still going on; the officials are still going at their work. So I think the question, Mr. Speaker, more appropriately might be an expression of joint concern by both sides of this House as to who is really speaking at the federal level. I think it is getting alarming.

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

**MR. SAMUEL USKIW:** Mr. Speaker, the Minister of Finance alleges that the Minister for Canada, the Minister of Agriculture, has not responded in the same way that other Ministers have. The fact of the matter is, and I want the Minister to either confirm or deny, whether or not it is that the Minister of Agriculture did indicate that if there is some money left from the federal program just announced, they might allocate some of those dollars towards the provincial program and that is a very big question mark, Mr. Speaker. And that is a qualification that would indicate to me that there are no funds coming from the government of Canada for this program?

**MR. SPEAKER:** Order, order please. I find we are now getting into a debate rather than a question period seeking information.

The Honourable Member for Lac du Bonnet.

**MR. USKIW:** Mr. Speaker, I merely pointed out to the Minister of Finance that he was wrong in suggesting that there was no statement from the federal Minister. That is not the case. There has been a statement and we are pursuing the province of Manitoba on what their position is.

**MR. SPEAKER:** Order, order please. Has the honourable member a question?

The Honourable Member for Lac du Bonnet.

**MR. USKIW:** Mr. Speaker, I would like to know what the Minister of Finance's position is with respect to the statement given to the people of Canada, indeed the people of Manitoba, on the point of the federal assistance to the province's announced drought assistance program based only on the possibility that there might be some dollars left over from the federal drought relief program. What is the Minister of Finance's interpretation of that?

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

**MR. CRAIK:** Mr. Speaker, the provincial program was not undertaken on the basis that the money forthcoming from the federal government would be money left over from one of their programs. I think that's what the member said. The Member for Lac du Bonnet is suggesting that the provincial program was undertaken on the "if" basis that there might be money left over from the federal program. That's not the case. The provincial program was undertaken with prior consultation with the federal Department of Agriculture.

The statement referred to by the Leader of the Opposition or the Member for Lac du Bonnet with regard to some recent statement now about left-over funds by the federal Minister of Agriculture has not been relayed to the provincial government here in any official way. We have not been advised of that in an official way. Our position is that the officials are still working on this matter. They are getting it done and let's wait and see what they come up with. Now if we have a problem when they finish their negotiations, we take another approach to it.

**MR. USKIW:** Mr. Speaker, I recognize that there may be discussions on the part of officials, but I want to know whether or not either the Minister of Finance or the Minister of Agriculture has sought confirmation or otherwise of the Minister's statement, that is the Minister of Agriculture for Canada, who gave a statement to the people of Canada only a few days ago to the effect that there may not be or there may be, depending on whether there is any money left over from their program.

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

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, not to my knowledge. I've had discussions with the federal Minister but really have not seen the statement that he has made in any official way unless it has been sent to my department at some level other than directly to me.

I would also like to add, Mr. Speaker, while I'm on my feet a reply to some questions that I was asked earlier on the allocation of the hay in the Red Deer Lake area and at this point, Mr. Speaker, we have moved to stop any allocation of the hay in that particular area. Members of my staff will be proceeding up to that area tomorrow to work out with the municipality and meet with the farmers to see that there is a fair and equitable process taking place, if in fact that hasn't taken place, but an assessment is being made. As I say it has been put on a hold position.

And the Netley, Libau marsh area, I may have — I wasn't sure which one the member was referring to earlier, but the allocation of the hay there has been allocated to 13 different farmers and it was on a first-come, first-served basis. I've been informed that it's been on a first-come, first-served basis, Mr. Speaker. On the Libau side there are some 900 acres which have been added to the community pasture for additional pasture and that's the PFRA are in the process of allocating that particular

pasture. Also, there were two farmers allocated hay on that side on a first-come, first-served basis, and expect if the water levels were to drop, there could be more available.

In the Gypsumville area, the area in which there was some concern, and I was little confused earlier, when the member asked a question about the Netley Marsh. I'm informed that the land that was to be allocated in the Gypsumville area was already under a forage lease and was unable to be allocated to other people. That's the information which I have received from my department, Mr. Speaker.

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

**MR. USKIW:** Mr. Speaker, we now have the third interpretation of eligibility criteria. It's now first-come, first-served. I want to ask the Minister how in the world that is going to end up in being an equitable allocation policy. There are thousands of people, Mr. Speaker, that need hay supply and there is a limited amount of acreage available, and it seems to me that the Minister should have announced some policy with respect to eligibility criteria so that we can allocate on an equitable basis. On a first-come, first-served basis — perhaps the Minister would want to confirm that if I was there first, or you, Sir, then presumably we could have taken the whole acreage of a given area to the detriment of the rest of the community.

**MR. DOWNEY:** Mr. Speaker, I would like to just say that is not correct. The department had the responsibility of making sure that those individuals do not — there isn't any one individual who ties up the whole parcel, as I've indicated. The fact that those individuals who are on a first-come, first-served basis, were probably those in most of need because of the fact that we were in a critical situation and, Mr. Speaker, that was the process that was followed by the department. Mr. Speaker, the process of making sure that we were reacting to what was an emergency situation, was one which had to be acted upon and the department proceeded to do so. The instructions from the government were to do it an fair and equitable manner.

Mr. Speaker, I have confidence with the staff that that has been worked out. But if not, Mr. Speaker, if it appears as if some one individual has been allocated, I am quite prepared to take action, but at this particular point, Mr. Speaker, that hasn't been brought to my attention. The other programs have been servicing the needs of those people that are in need and we will continue to make sure that it is fair and equitable, and if, Mr. Speaker, they can be pointed out that there is no fair and equitable method, then we will act upon it.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet with a fifth question.

**MR. USKIW:** Mr. Speaker, I want to pursue the Minister's answer with respect to Netley Marsh. The Minister referred to Netley Marsh as being in the Gypsumville area — yes, that's what — well Hansard will confirm that. Perhaps he would want to clarify it then, Mr. Speaker.

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

**MR. DOWNEY:** Mr. Speaker, on a point of clarification, I said, in the Gypsumville area, that there might be have been some confusion earlier in my reply when I suggested that land that was allocated out, or had been allocated out on an emergency basis, that in fact that land, prior to this particular period, had a forage lease on it. It was presently under a forage lease and was unable to be allocated under these conditions in the Gypsumville area, Mr. Speaker.

In the Netley Marsh, Mr. Speaker, on the Netley side I indicated that farmers were allocated the land on a first come — first served basis. Mr. Speaker, once again, I want to make sure that the members understand that if it appears that it is not fair and equitable then it will be certainly corrected. Mr. Speaker, I would also like to say that the Libau side of the Netley Marsh, of which 900 acres were taken into the community pasture, the allocation of that for livestock was done by the combination of PFRA and the department; plus there were 3 other permits or parcels of land that were allocated to farmers on the same side on a first come — first served basis, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet with a sixth question.

**MR. USKIW:** Mr. Speaker, this morning the Minister indicated that there had been an error with respect to allocation in the Netley Marsh area and that he was correcting it. I wonder if he would indicate to the House just what was wrong with the allocation process and what are the corrective measures that have been undertaken to this point in time.

**MR. DOWNEY:** Mr. Speaker, to clarify it, it was the confusion between the allocation of hay in the Gypsumville area and the Netley Marsh area; that in fact in the Gypsumville area there was already a lease on the land and it couldn't be reallocated out, and that's the correction, Mr. Speaker.

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

**MR. JAY COWAN:** Mr. Speaker, my question is to the Minister of Health and I would ask the Minister if he has had an opportunity to acquire the report from the federal government in regard to asbestos samples in Winnipeg's water.

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

**HON. L. R. (Bud) SHERMAN (Fort Garry):** I have, Mr. Speaker, acquired the relevant parts of it. It's a report headed, A National Survey For Asbestos Fibres In Canadian Drinking Water Supplies. It was developed by the Environmental Health Director of the Health Protection Branch and published by the authority of the Minister of National Health and Welfare. I have the relevant sections of it, Sir, that relate to the Winnipeg drinking water supply and the questions raised by the Honourable Member for

Churchill and the Leader of the Opposition and in the media yesterday.

I can assure the Honourable Member for Churchill that I have asked our Public Health and Communicable Disease Control and Epidemiological Directorate to investigate and offer comment and assurances and information as quickly as possible relative to some of the allegations contained in yesterday's reports. Up to this point in time, Mr. Speaker, my Public Health Directorate advises me that, on the basis of the information available thus far, the level of the asbestos found in the Winnipeg distribution system, does not, in their opinion, constitute a hazard to the health of consumers. Further to that, Sir, included in the material made available to me has been an excerpt from a study headed, Effects Of Asbestos In The Canadian Environment, and it deals with the same subject and it makes the statement that, at the present time, there is no epidemiological evidence to indicate that ingestion of asbestos fibres in concentrations present in drinking water has resulted in any health hazard. The study includes references to studies undertaken in the Thetford Mines area of Quebec where, of course, asbestos mining operations have been established for some time; and also to the Duluth area of Minnesota where there is similar reason for suspecting potential hazard of that nature, if there is indeed any hazard. Up to this point in time there is no demonstrated hazard or evidence of such but I am continuing to pursue this and I have asked the city of Winnipeg officials for their reaction and their comments too, Mr. Speaker.

**MR. COWAN:** Thank you, Mr. Speaker. I would hope the Minister would be prepared to table the documents that he mentions so that the opposition can have an opportunity to peruse it also. My question, a supplementary, is to the Minister of the Environment, and I'd ask the Minister of the Environment if he can confirm that this report has been known to his department for at least one month and possibly more time and that they have not forwarded it on to the Minister of Health until it was requested by the Minister of Health, and that they have not made such a report and public and I'd ask them why they have refused to make the report public until it was broken by other media means?

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

**MR. JORGENSON:** Mr. Speaker, I'm not exactly sure just how long that report has been in the department. I will have to check and find out.

**MR. COWAN:** Thank you, Mr. Speaker. I will revert back to the Minister of Health while awaiting the Minister of the Environment to check out what I believe to be a fairly serious allegation. I would ask the Minister of Health if he can advise his department to look into a document entitled, An Overview of the Canadian Asbestos Problem, put out by the Science Council of Canada in 1978, and since the Minister read one pertinent section of his report, I will just read a couple of sentences from this to point out . . .

**MR. SPEAKER:** Order, order please. Does the honourable member have a question? The Honourable Member for Churchill.

**MR. COWAN:** Mr. Speaker, in view of the fact that the Science Council of Canada has said that ingestion of asbestos fibres was thought harmless . . .

**MR. SPEAKER:** Order please. The honourable member, is he reading a statement or . . . The Honourable Member for Churchill.

**MR. COWAN:** Thank you, Mr. Speaker, for your advice, very briefly, it just says that there has now been indications that fibres can penetrate the intestine and enter the bloodstream. In light of that statement by the Science Council of Canada, is the Minister prepared to direct his department to do further research in this regard, as well as table the reports and report back to the Legislature as to the results of that research into what may be potential hazards, or may not be potential hazards, of ingestion of asbestos due to high levels of asbestos fibres in Winnipeg's drinking water?

**MR. SHERMAN:** Mr. Speaker, I am prepared to do what ever is necessary to protect the health of the public of Manitoba insofar as my department and its related agencies are capable of doing that, and I certainly give the Honourable Member for Churchill the assurance that I am pursuing the subject. I will also ask for, and obtain as quickly as possible, a copy of the report to which he has just referred. But I want to deal, not only with the question he just asked, Mr. Speaker, but with the question he directed earlier to my colleague the Honourable Minister responsible for the Environment. The unpublished report to which he has referred and to which I have referred, A National Survey For Asbestos Fibres In Canadian Drinking Water Supplies, was made available some six months ago, Mr. Speaker, to my Executive Director of Medical Public Health, and there certainly should be no responsibility lodged with, or laid at the door of, my colleague the Honourable Minister responsible for the Environment, for any delay on the part of anybody in his department for passing on a commentary with respect to that report. Because a commentary with respect to that report was directed, as I say, some six months ago from an official in my colleague's department to the Executive Director of Medical Public Health in my department, and the Executive Director of Medical Public Health was asked at that time for an investigation and for some comments and some response. The response was, as I have indicated, Sir, that on the basis of his knowledge and his investigation, he and his colleagues don't see any hazard to the health of consumers.

Now this issue surfaced yesterday, because suddenly from some source the media became aware and legitimately aware of this report. But it was an unpublished report, as I have said, Mr. Speaker, at least that is the way it has been described to me, and my Medical Public Health Directorate did deal with it. We are now looking into it further on the basis of the questions that have been asked in the last two days. The evidence is still as I have suggested. That that

has been adduced thus far suggests that there is no health hazard, but I am not suggesting that we are satisfied with that. We will pursue it further.

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

**MR. BILLIE URUSKI:** Thank you, Mr. Speaker. I address this question to the Minister of Agriculture. Since these last two or three days in this House we have (1) had no policy from the government, or the Minister doesn't know what he is doing, or thirdly, he keeps changing his mind. I would like to know from the Minister of Agriculture, Mr. Speaker, what the government policy is with respect to the allocation of hay-cutting rights in this province? Is it the draw basis? Is it first-come, first-serve? Or is it, who do you know?

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

**MR. DOWNEY:** Mr. Speaker, unlike the last government, the last one doesn't qualify with our government. Secondly, Mr. Speaker, every effort has been put into making sure that any hays that are available are shared equitably and fairly amongst the cattle producers and the farmers of this province. That is one of the No. 1 concerns. There are different forms of Crown lands available to the farm community, some administered by the Department of Crown Lands, some by the municipal people and, Mr. Speaker, we have been working on a combination of these so that we do obtain the objective of having it allocated on a fair and equitable basis.

**MR. URUSKI:** Mr. Speaker, the Minister indicated earlier in his remarks about Red Deer Lake and he has indicated to this House that he has put the whole project on hold. Obviously, the Minister must have found something wrong in terms of the procedure that they have utilized with the municipalities in the area. Can he explain further the reasons why he has put it on hold, since for the last two days he has been denying that anything was wrong?

**MR. DOWNEY:** Mr. Speaker, I did not deny that there wasn't anything wrong at this particular point. I want to see that the staff people go out and meet with the municipal people and the farmers to discuss the concerns that have been brought to my attention by the different questions that have been asked. Mr. Speaker, we are proceeding to take a look at it and that is what I said I would do and, Mr. Speaker, that is what we are doing.

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

**MR. URUSKI:** Yes, Mr. Speaker, my final supplementary. Even though the Minister indicated it was up to the municipality to handle it, now the government is prepared to move into it after we have raised the question. I ask the Minister with respect to the Gypsumville situation, where he indicated that the land was under forage lease, could the Minister explain the reason for the notices put up by the

Minister of Natural Resource's Department, and then taken over and withdrawn by your department, on land that was originally, as I was informed by farmers, was a nesting area and was not being harvested for two or three years, and not what the Minister has told this Legislature today?

**MR. DOWNEY:** Mr. Speaker, I don't know what information the member is getting from the farmers out in that particular area. Maybe they would be prepared to write to me or to give me a phone call to let me know the specifics.

What I have indicated is that there was already a forage lease on the property and it wouldn't be proper to try and overlap that with another lease at this particular time, Mr. Speaker. The forage lease that is in place is the one that is an ongoing basis.

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

**MRS. JUNE WESTBURY:** Thank you, Mr. Speaker. My question is addressed to the Honourable Minister of Consumer and Corporate Affairs. Will the Minister be conducting an investigation into the landlord and marketing agency firm which is publicly advertising apartments for sale, even though they don't have the right to sell those apartments yet, apparently in anticipation of the passing of Bill 83. The building has not been registered as a condominium. Will the Minister be launching an investigation? This apartment building is on Roslyn Road.

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

**MR. JORGENSON:** Mr. Speaker, if the honourable member will give me details of that particular instance, I would happy to look into it.

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

**MR. VIC SCHROEDER:** Thank you, Mr. Speaker. I have a question for the Acting Attorney-General. In view of the fact that there was a judgment apparently recently handed down by the Court of Appeal in Austria, I am wondering whether we could be provided with a translated certified copy of that judgment, which is a document which we would be entitled to if the matter had been heard in the Manitoba courts.

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

**HON. KEITH COSENS (Gimli):** Mr. Speaker, I will take the question as notice.

**MR. SCHROEDER:** Thank you, Mr. Speaker. I also have a question for the Minister of Education. Approximately a month and one-half ago the estimates ended. At that time I had asked a number of questions which had not been answered. I have asked several times in the recent past about them and I have been told that they are pretty well ready. I am just wondering whether we could get those answers before tonight's committee meeting.

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

**MR. COSENS:** Mr. Speaker, I am having my people go through the Hansards covering that particular debate. I have delivered a great amount of that material to the honourable member or to members on that side of the House. I know of two particular areas where the information is not ready as yet, one of them to do with school budgets, and that material is being accumulated at this time, and I will be forwarding it to the Honourable Member for St. Vital.

As far as the reference by the Member for Rossmere, I would like him to give me the specific information that he is still seeking. To my knowledge I have transmitted all the information, with the exception of the one particular area, that had been requested.

**MR. SCHROEDER:** Mr. Speaker, I certainly will do that. There are approximately 25 unanswered questions, but I have a question for the Minister of Municipal Affairs. Could the Minister advise as to whether there has now been a change of personnel in the Local Government District of Alexander administration office?

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

**HON. DOUG. GOURLAY (Swan River):** There will be a change effective on July 28th.

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

**MR. WILSON PARASIUK:** Mr. Speaker, my question is directed to the Minister of Consumer Affairs responsible for the Rent Stabilization Board. The question to the Minister responsible for the Rent Stabilization Board is that a number of weeks ago when I first raised the matter of tenants receiving notices of exorbitant rent increases for the period prior to October 1st, which is the date that rent controls supposedly will run out, namely August 1st and September 1st, the period which is still covered by rent controls, I asked the Minister what these people should do upon receiving these notices. I was told by the Minister to contact the Rent Stabilization Board.

In view of the fact that on Friday most if not all of the staff of the Rent Review Board are going to be laid off, can the Minister assure me that the Rent Review Board is actually investigating these complaints of exorbitant rent increases for the period October 1st to September 1st?

**MR. JORGENSEN:** Well, as my honourable friend perhaps is aware, there will be a certain number of members of that stabilization board that will be retained for a period of time, so any work that needs to be done will be carried on by those people that are remaining.

**MR. PARASIUK:** In view of the fact that it would appear that these investigations aren't being carried out at present, can the Minister indicate how many

staff of the Rent Stabilization Board will be kept on, and how many are being laid off on Friday so that we can determine whether in fact there is adequate capacity in the Rent Stabilization Board to investigate charges that were levied some weeks ago?

**MR. JORGENSEN:** Mr. Speaker, I believe, and that would be subject to confirmation, I believe there will be about seven that will be retained in various capacities.

**MR. PARASIUK:** I'd like to ask the Minister, perhaps he didn't hear the other part of my question, I was asking, how many staff will be laid off? Is it a greater number than seven? Can the Minister specifically answer that question?

**MR. JORGENSEN:** Yes, I believe there are about 15 altogether, and seven of them will be remaining.

**MR. PARASIUK:** In view of the fact that over the last month, complaints regarding exorbitant rent increases have been far larger in number than any that any of us as MLAs have experienced over the last three years, would the Minister reconsider laying off 15 staff and effectively emasculating the Rent Review Board so it is not in the position to investigate this flood of complaints that is reaching us as MLAs, reaching the media and reaching, certainly, the Rent Review Board, and isn't being acted upon? Why are those people being laid off?

**MR. JORGENSEN:** Mr. Speaker, my honourable friend always gets exercised towards the end of his question. As I have indicated to my honourable friend, the Rentalsman's office will be investigating and is monitoring those complaints that are coming in, and that work will be continuing. Once this legislation is passed, then they can start to act on the basis of the terms of the legislation.

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

**MR. PARASIUK:** Mr. Speaker, this is a very critical issue, and that's why I'm asking the fifth question. In view of the fact that the complaints that have come in are for the period August 1st and September 1st and October 1st, the period that the Rent Review Board supposedly will cease to operate, and in view of the fact that the Rentalsman has had no extra staff attached to it at all, and has not the capacity right now to deal with this flood of complaints, why is the Minister laying off staff at the Rent Review Board and telling us rhetorically that the Rentalsman will look into this when he knows full well that the Rentalsman doesn't have the capacity to look into these matters, even though . . .

**MR. SPEAKER:** Order please. I find the question to be one of debate rather than one of seeking information. I would have to rule the question out of order.

**MR. PARASIUK:** I rephrase the question, Mr. Speaker.

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

**MR. PARASIUK:** Thank you, Mr. Speaker. My question to the Minister is, how many extra staff are on place in the Rentalsman's office to deal with the layoffs, to pick up the slack in rent review that will occur on Friday when there is a layoff of 15 staff, two-thirds of the staff of the Rent Review Board.

**MR. JORGENSEN:** I can't answer my honourable friend precisely. There will be staff taken on in order to deal with the volume of work that is necessary.

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

**MR. FOX:** Yes, Mr. Speaker. In view of the fact that the Payment of Wages Act is being amended to put bankruptcies in respect to mortgage holders and other firms ahead of collection in respect to workers, is the Honourable Minister going to inform us whether he's going to vote in favour of that or against that?

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

**HON. KEN MacMASTER (Thompson):** I'd like to ask the Member for Kildonan to exercise a little bit of patience and he'll see.

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

**MR. PAWLEY:** Mr. Speaker, further to some answers earlier from the Minister of Health to my colleague, the Member for Churchill pertaining to the report re asbestos within the city pipes, water supply, the Minister indicated that the report was within his department for some six months. My question to the Minister is, since he is the Minister responsible for health in the province of Manitoba, can he advise why that report was not made available to he, himself, so that he was aware of the report rather than, as yesterday morning, when the question was posed to him, he was totally unaware of the existence of this unpublished federal government report?

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

**MR. SHERMAN:** No, Mr. Speaker, except to confirm that the facts are as recounted by the Honourable Leader of the Opposition and are not unusual or extraordinary in any way. This was a report that was prepared, as I said, by the Environmental Health Directorate, Health Protection Branch in Ottawa, some of the relevant or salient parts having to do with health considerations ingestion, etc., were forwarded to officials of the Department of the Environment here and they passed them on to our medical public health directorate with some questions. They received the answers and were also advised at the time that if there was any other information they wanted, to ask for it, and that is the sum and substance of the file correspondence as it's been made available to me. There was never any indication that it should have

been brought to the attention of the Minister, it was an exchange between officials in the public service in two departments, and the opinion of the medical public health director in the Department of Health was as I described in an earlier answer, Mr. Speaker, so that there was really no reason for passing that exchange on to the Minister. That's not an unusual or an extraordinary turn of events.

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

## ORDERS OF THE DAY

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

**MR. JORGENSEN:** Mr. Speaker, before you call Bill No. 84, 97, 99 and then 80, I wonder if I could advise the House that the proceedings will be interrupted at approximately 3:00 o'clock to give Royal Assent to a bill that was passed this morning.

**MR. SPEAKER:** We will proceed with Bill No. 84, The Lotteries and Gaming Control Act. This Bill is standing in the name of the Honourable Member for Logan.

## BILL NO. 84 — THE LOTTERIES AND GAMING CONTROL ACT

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

**MR. JENKINS:** Thank you, Mr. Speaker. We have examined this bill, Mr. Speaker, and I'll make a few comments on the bill. The comments that I will be making will be my own thoughts, not necessarily those of caucus. There may be some other members of caucus that wish to speak to this bill as well.

In the main I have no great objections to the bill. There are times, Mr. Speaker, in our lives, that we have done things that we wish we hadn't done and we were able to reverse what we had done in the past. I was one of those who originally voted for the passage of the original bill for the introduction of lotteries here in Manitoba. I voted also in favour the second time around, and they always say that second hindsight is perfect, far more so than foresight. I wish now that I had had the wisdom that I possess today because if I was given my choice, Mr. Speaker, I certainly would not be voting for the introduction of lotteries, and such, as we see here in Manitoba today and in this country. I think there's been a terrible proliferation of this whole idea and I admit that I am one of those, in this province, was one of the people that helped bring it into being. But I've seen more people arguing, quarrelling over the division of spoils from these lotteries; who should be getting them and what not. It has seems to not have brought out the best side of human nature but seems to, unfortunately, have brought out the worst side of human nature.

I say to those people who voted against it in 1969 or 1970 or 1971 that I take my hat off to them. They were right and I was wrong. I think that when we are wrong in this House we should admit that.



Unfortunately, this bill that we have today is not dealing with doing away with that type of thing. I wish it was; I wish we could go back, turn the clock back and get rid of this thing. I think, as was pointed out the other day, that some of the advertising is really terrible and obnoxious. It appeals to some of the most basest things in human nature. Spend a buck and win a million dollars and all these sorts of things.

I wish I could give you the old proverb that my grandfather gave me about wishing but it wouldn't clear here in parliamentary language. My old Welsh grandfather was never known for his niceties in the English language but I can say to you, Mr. Speaker, that I, for one, certainly regret that I ever voted for the passage of this type of legislation in the first place. I think it was a bad step, not only in this province but all across this country. I think it's a terrible way of raising revenue and if the government is going to persist in raising revenue, then I'm certainly not in favour of this type of legislation. Thank you, Mr. Speaker.

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

**MR. RUSSELL DOERN:** Mr. Speaker, I want to take a position slight different from some of my colleagues in that I happen to support lotteries. Perhaps 180 degrees different than the Member for St. Boniface, the Member for Inkster and the Member for Logan. I want to say, Mr. Speaker, that I do not object to lotteries per se. I had the privilege of bringing in the first bill for lotteries in Manitoba. At that time —(Interjection)— No, I've only won 50 to date, Mr. Speaker. I don't buy that many tickets and I did once win 50 right on the spot a couple of months ago. But I don't think there is anything wrong with raising revenues in this fashion. I also don't feel that for the overwhelming percentage of people, the overwhelming number of people, there is anything wrong with buying lottery tickets.

Now clearly there are mad men among us and I did read an article of somebody who sold their house for 50,000 and then invested all their money in lottery tickets, then won a couple of hundred dollars in lottery prizes and said he's never gamble again. He was quite disappointed at having blown 50 grand in tickets, that he had only won a small amount of money. Well, that sort of foolishness we cannot protect the public against. There are no guaranteed winners; there are guaranteed losers by the millions. However, I have to remind people that before the introduction of lotteries in Canada there were a great number of other lotteries that were sold, particularly the Irish sweepstakes and particularly the Army and Navy. There were others, of course, in addition to that. —(Interjection)— Well, I'm getting heckled from the backbench, Mr. Speaker.

**MR. SPEAKER:** Order please.

### ROYAL ASSENT

**DEPUTY SERGEANT-AT-ARMS (Mr. Myron Mason):** His Honour the Administrator.

His Honour, Mr. Justice Scott Wright, the Administrator of the Province of Manitoba,

having entered the House and being seated on the Throne, Mr. Speaker addressed His Honour in the following words:

**MR. SPEAKER:** May it please Your Honour.

The Legislative Assembly at its present session, passed several bills which in the name of the Assembly, I present to Your Honour and to which bills I respectfully request Your Honour's Assent.

No. 2 - An Act respecting the operation of Section 23 of The Manitoba Act in regard to Statutes.

Loi sur l'application de l'article 23 de l'Acte du Manitoba aux textes législatifs.

No. 3 - The Powers of Attorney Act. Loi sur le mandat.

No. 4 - An Act to amend The Fatal Accidents Act and The Trustee Act.

No. 5 - An Act to amend The Public Trustee Act.

No. 6 - An Act to amend The Wills Act and The Mental Health Act.

No. 11 - An Act to incorporate The Brandon General Hospital Foundation.

No. 14 - An Act to amend The Law Society Act.

No. 16 - An Act to amend The Veterinary Services Act.

No. 17 - An Act to amend An Act respecting the Agricultural and Community District of Newdale.

No. 18 - An Act to amend The Surveys Act.

No. 20 - An Act to amend The Change of Name Act.

No. 21 - An Act to amend The Social Services Administration Act.

No. 24 - An Act to amend The Manitoba Club Act, 1931.

No. 25 - An Act to amend An Act to Incorporate the Sinking Fund Trustees of the Winnipeg School Division No. 1.

No. 26 - The Suitors' Moneys Act. Loi sur les sommes consignées en justice.

No. 27 - An Act to amend The Liquor Control Act.

No. 28 - The Sanatorium Board of Manitoba Act. Loi sur la Commission des sanatoriums du Manitoba.

No. 29 - An act to amend An Act respecting Victoria General Hospital.

No. 33 - An Act to amend The Public Libraries Act.

No. 34 - An Act to amend The Garage Keepers Act.

No. 35 - An Act to amend The Legal Aid Services Society of Manitoba Act.

No. 36 - An Act to amend The Highway Traffic Act and The Tortfeasors and Contributory Negligence Act.

No. 41 - An Act to incorporate the Bethesda Foundation.

No. 42 - An Act to amend The Credit Unions and The Caisses Populaires Act.

No. 43 - An Act to amend The Family Maintenance Act and The Queen's Bench Act.

No. 45 - The Investors Syndicate Limited Act, 1980.

No. 49 - An Act to amend The Ombudsman Act.

No. 50 - The Manitoba-Saskatchewan Boundary Act, 1980.

No. 52 - An Act to amend An Act to amend, revise and consolidate An Act Respecting the Congregation Shaarey Zedek.

No. 53 - The Winnipeg Foundation Act.

No. 73 - An Act to amend The Civil Service Superannuation Act.

**MR. CLERK:** In Her Majesty's name, the Honourable the Administrator doth assent to these bills.

**MR. SPEAKER:** We, Her Majesty's most dutiful and faithful subjects, the Legislative Assembly of Manitoba in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and Government, and beg for Your Honour the acceptance of this Bill:

Bill No. 106 - An Act for Granting to Her Majesty Certain Further Sums of money for the Public Service of the Province for the Fiscal Year Ending the 31st day of March, 1981 (2).

**MR. CLERK:** The Honourable the Administrator of the Government of the Province of Manitoba doth thank Her Majesty's dutiful and loyal subjects, accept their benevolence, and assents to this bill in Her Majesty's name.

The Honourable the Administrator was pleased to retire.

### ADJOURNED DEBATES ON SECOND READING (Cont'd.)

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

**MR. DOERN:** Mr. Speaker, I was saying that I favour the principle of lotteries in a sense of, I think, in general they are not harmful to society and they do, in fact, raise revenue. Mr. Speaker, I must also say in passing that I'm sure that the Member for Fort Rouge was heartened at the presence of the Honourable Justice Scott Wright in this Chamber in his non-political capacity. For a moment, I'm sure it must have felt good to know that there were two Liberals in the Chamber at the same time.

Mr. Speaker, in regard to lotteries, I want to simply remind members that the government does, in fact, obtain revenues from what might be construed as gambling. We think of lotteries as gambling but we do, in fact, obtain several million dollars from horseracing and there probably are other sources as well. I don't know if we get any money from circuses and gaming shows and, I suppose, we raise revenues from all these events that are held at the Convention Centre with roulette wheels and so on. What are they called again? —(Interjection)— Casinos. I'm sure that the government also acquires revenue from them and in some ways they balance the attraction of moving down south in a sense of for vacations or of buying illegal tickets or being involved in illegal stags and dice games, so on and so on.

Mr. Speaker, to me, I think some of the people who object to this as a principal feel that taxes should be clearly out front and should ideally hurt. So that when you know that you are paying your tax bill and you wince at putting that cheque in that envelope that that's the right way for taxes to be paid, but I don't see any harm from the fact that people are engaged in some recreation, in the sense

of recreation in terms of buying lottery tickets, and do not feel the pinch of paying the percentage of that ticket that goes into revenues, usually for the purpose of recreation in the sense of athletic organizations or our cultural organizations.

Mr. Speaker, I think that we must, however, comment on the sham of some of the government speakers on the bill who spoke harshly against lotteries. I believe the Minister of Fitness was one who did take a strong position against lotteries. I don't want to misquote anybody, but I believe he was one and I believe there were several others who spoke against and yet, when it comes to this particular legislation, they are voting in favour of it. Surely this is a contradiction. If they are opposed to lotteries in principle, they should be opposed to this bill. I think they will have to do some explaining into the paradox of their position.

So, Mr. Speaker, I simply say that I am in favour of lotteries. I think we have to be careful that they are properly run and managed. I think that we have to be careful that there are not too many of them. There was a time not too long ago when it looked like things were getting out of hand and that there was going to be such a proliferation that there was going to be hourly and daily and weekly lotteries. I never favoured that but it seems that about now we have a number of national and provincial lotteries and I say that there is no harm coming from it. I speak generally; I realize there are exceptions. Somebody throws away their life savings or their pay cheque, but in 99-44/100th percent of the instances, people are buying a lottery ticket once a week or once a month and gambling a few dollars. —(Interjection)— I just made it up. My colleague wants to know where I got that statistic. I tell him this is my impression. —(Interjection)— Yes, if he has other statistics, I'd be happy to hear his and we could compare the voracity of them. I say, Mr. Speaker, that I think there will be no harm coming from the bill. The government obviously shouldn't rely solely or extensively on lotteries for revenues, but for some portion of the general revenues to come from this source on a 2-billion budget, I see no harm in that.

**MR. DEPUTY SPEAKER, Abe Kovnats:** The Honourable Member for Wolseley.

**MR. ROBERT G. WILSON:** Thank you, Mr. Speaker. I wanted to say a few words on Bill 84. I'm standing up equally in support of the bill, wanting to place certain observations on the record.

I believe lotteries and bills such as this should be passed for charitable reasons only. One of the most questionable, and I would even go as far as to say the dishonest type of image that's created, is that for many many years governments put people in jail for running illegal lotteries, prosecuted people who sold Army and Navy tickets and spent just tons and tons of taxpayers money. When they found out it was what the people wanted, only then did they respond in a political way to make lotteries available to the general public and hopefully, and did, close down a number of illegal operations, boiler room operations, and moved into an area that put an awful lot of people out of work, and rightfully so, because the government made the announcement that they're going into the lottery field.

However, I find it rather amusing that anything that involves money, the government has a large large percentage of their police and Attorney-General's budget goes towards browbeating and spending untold amounts of money, I believe a very large percentage of the wiretaps that take place in the province are to trace out the football betting that takes place. This takes place wide open down in many of the states south of the border. It is well known to most members of this House, and I'm sure to the general public generally, that placing a bet on the NFL football games is not very difficult in the city of Winnipeg and yet continually you see a large large percentage of budgets going towards, not solving what I consider crimes of violence, crimes that involve organized crime, or crimes that involved anything but an area that the government is not involved in. They are filling that void and what apparently is a need, because obviously they wouldn't have any customers if there was no need.

So I would suggest that the government do its further study with the idea of putting truth into lotteries. If it's arrived at, and obviously it has been, that the citizens of Manitoba, the largest percentage of them, want to engage in some form of gambling, then we must supervise, regulate and control that industry to see that organized crime does not set a foot in the door, and not turn around and harass a local grocer or some accountant or whatever that may be involved in some form of amateur placing of bets or taking bets down to the track for somebody.

I believe not too long ago a Senator's wife down in the United States got in trouble for taking bets to a track and this is how ridiculous you can get when you have people in position of power, that are given a percentage of their budget to stamp out organized crime but rather than spend it in a wasteful manner, chasing the little guy, the man, the lunchpail crowd that has an interest, obviously, in placing bets on football.

I would like to see under the lotteries and gaming control more honesty in lotteries, when I say that these charitable fronts should be made to prove that 75 percent of the money raised goes towards their organization and not a 60-40 split or not a 50-50 split. I would suggest in many cases that the organization is only getting 50 percent of moneys raised and I think that is really being slightly less than honest with the people who are buying the tickets, feel that they are supporting charity and in fact they are supporting the private income of sharp entrepreneurs who have got in on a very very viable situation, obviously with the support and knowledge of the government of the day.

So with those few remarks I wanted to say that lotteries are here to stay. I would like to see more openness and truth when we're selling lottery and charitable tickets, to indicate what percentage ends up for charity.

In addition, and I've said this many times in the Throne Speech and the Budget Speech, I would like governments to try to, in a smaller way, make the lottery fund less political. I remember criticizing the former government who hoarded the lotteries moneys and used it for political purposes. I've seen a great improvement since our government has taken place and I see money going out all the time, however, I still see the funds sitting somewhere

between 2 and 4 million. To me the people that bought those lottery tickets in 1979 and 1980 want the money spent sometime before 1981 because they are living in Manitoba and they want to say, well, besides taking a chance, this money is going towards some good cause, the development of sports or whatever, and in addition to that this money is going towards a purpose, which is a good purpose, and not to sit in the consolidated fund of a government, gaining interest, waiting for certain pressure groups to come forward with suggestions as to how the money should be spent.

I don't believe governments have a right to hoard that money and most people that buy tickets and engage in lotteries and gaming sports of anything, if it's run by government for charitable reasons, they do it with the idea that it's a form of taxation towards a good cause, besides the opportunity they may win something but despite the media coverage that your chances are very remote, people continue to buy based on the feeling that they are giving this form of taxation to the government to be used for worthwhile causes and the hoarding of these lottery moneys is something that I will be monitoring and I'm sure that members of the opposition, who did not do so when they were in government, will also be examining them.

So take less in my opinion, since your governments have moved into The Lottery and Gaming Control Act, spend a little more of the law enforcement budget in fighting real crimes and admit to the people out there that the government is moving into the lotteries and gaming field and that while you will not condone football betting and some of the other things that take place, you will be taking a softer line towards the very fact that the citizens of Manitoba have given indication that they choose and want to engage in some form of chance.

**MR. DEPUTY SPEAKER:** The Honourable Minister will be closing debate.

The Honourable Minister of Fitness, Recreation and Sport.

**HON. ROBERT (Bob) BANMAN (La Verendrye):**

Mr. Speaker, I just very briefly want to say that, as I mentioned in my opening remarks, it's the government's intention to control to the best of our abilities the very things the Member for Wolsley mentioned, and several other members have mentioned. As the members probably realize, the provinces do have limited jurisdiction when it comes to the licensing of lotteries. We are guided to a large extent by what the federal Criminal Code has to say about gaming in general, and as a result our regulations that are put down, as well as the small piece of legislation which we have before us, hopefully will ensure Manitobans that the type of thing that the Member for Wolesley was talking about, whereby people who are in the field of promoting, will not do that at the expense and under the guise of some charitable organization.

Therefore, Mr. Speaker, we have asked for better disclosure than we have had in the past, to make sure that when people are asking for lottery licences to run their own lottery, that the people can rest assured that it is being done in a manner which the benefits will accrue to the organization named in the

lotteries. So, Mr. Speaker, the bill addresses that problem and that's probably the basic change from the old Act. It gives the government better control for the protection of the public in Manitoba, and I recommend the bill to committee.

**MOTION presented and carried.**

**BILL NO. 97  
AN ACT TO AMEND  
THE CITY OF WINNIPEG ACT**

**MR. DEPUTY SPEAKER:** Bill No. 97, an Act to amend the City of Winnipeg Act, in the name of the Honourable Member for Kildonan.

The Honourable Member for Kildonan.

**MR. FOX:** Thank you, Mr. Speaker. I adjourned this bill on behalf of my colleague, the Member for Seven Oaks.

**MR. DEPUTY SPEAKER:** The Honourable Member for Seven Oaks.

**MR. SAUL MILLER:** Thank you, Mr. Speaker. Bill No. 97 is in two sections really. As the Minister indicated in his notes and his remarks, there are those portions which the government is bringing in and the rest, which is the vast majority, are items which apparently the city of Winnipeg Council requested and the government has gone along with them and has included them in the bill. Certainly those are best left for Law Amendments Committee, or the committee that deals with them, so that the people from the city of Winnipeg, the representatives or their legal counsel, can answer why they feel they need these amendments, or what the objects are.

Mr. Speaker, there isn't very much in the bill as far as this government is concerned. There is the change with regard to prohibiting members of council from voting in a committee as well as in council. I suppose that's to correct what some may have felt was an anomaly because I think the previous Act referred to members voting in council. But I know at the time I just assumed that council or a committee of council are one and the same thing. However, if the legal fraternity feels it has to be clarified, so be it.

But I notice as well, that there's been the removal of the requirement, the disqualification, in the event that a member is violating his rights to vote where he has a pecuniary interest, and that he could be relieved of his council seat but in fact he will not be disqualified from voting and holding municipal office for three years, as has been the case in the past. And frankly, I have to go along with that. I think the electorate are the ones who should determine. If a person has so behaved that he loses his seat, then if at the next election that person wants to run again, the electorate is well aware of what happened and if in their wisdom they feel that nonetheless they want him or her back in council, they will so do. So that I think this is proper.

The one area which I don't agree with, I don't agree with at all, Mr. Speaker, is the one which would prohibit a person from nominated for and elected as both mayor and council. Now why are they objecting? I think we did something which is

quite unique and a step forward. We said that it was not right and it was a loss to the community when people of great ability who desired to run for mayorality, for the mayor's seat, had to be lost to the public service, if they didn't make it; because that's what's happened. In the last election in the city of Winnipeg, two people ran for mayor, both were councillors. Both were running in wards. One subsequently lost in his ward but won the mayorality, and he became the mayor of Winnipeg. The other won in his ward but lost the mayorality and remained on city council, and as a result the late Bob Steen became ill, the present mayor was the acting mayor, he had been named deputy mayor and he continued on as acting mayor until the mayorality could be held. It would have had to be held even with the new definition as to timing.

Now, I think this was a great advantage, because I'm looking back, thinking back to years when there were people on city council, with great ability, who were serving their communities well, who were highly regarded. I'm thinking of Jack Willis, I'm thinking Dick Wankling, people who have made their mark in this community, and when they felt that they wanted to run for mayor, it was all or nothing. If they didn't make it they were through, fini. So why turn the clock back, why turn the clock back? I think it's wrong to suggest that we must turf people out, you know, toss them on the scrap heap because they happen to lose that election because they're prevented from acting in either capacity.

We introduced that concept, the events in 1977 to 1980 proved us right, very much so, as to what happened in the city of Winnipeg. But now you're turning the clock back and now the incumbent is being told, you're the incumbent, you can run for mayor, if a sitting member wants to run for mayor in opposition to you, then he's going to have to withdraw from council, he'll stand for the mayorality, if he loses, that's the end of his career. That's the end of his public service and he may have given a lot of public service. A great deal of public service. Does it bother the Minister of Urban Affairs that Mr. Zuken ran against Mr. Norrie? Is that behind it all, to prevent somebody on council from aspiring to put his name forward for mayor, even when he knows that he's not going to make it. But he has a message, he wants to convey something to the voters. That's what democracy is all about. So I think it's a retrogressive step. I don't understand why it's there.

Now it's true, every incumbent would like to keep it, you know, would like this. The incumbent mayor has an edge and I suppose he's quite happy to say, no sitting member can run against me unless he's prepared to put everything on the line. But surely our business here in this Legislature is not to accommodate the personal aspirations of one person. And I know that when we introduced that concept in 1977, some of the major actors of the city of Winnipeg council today did not oppose it.

As a matter of fact, this was seen as a step forward because it opened the way for people that were sitting councillors, people in public life, to put their name forward, if they didn't make it, but they made it in their ward as councillors, then they would continue to serve the public. Not necessarily as deputy mayor either. Just a councillor or a member

of EPC, or what have you. But we don't lose those people. They're valuable people, they know their city, they've contributed a lot, they've worked a lot for the city, they're public spirited and they're prepared to serve. So why are we denying them? Why are we doing this?

Now I might hear, I suppose if the Minister was here, if we were going to close debate, he would argue well, I did read in the newspaper of somebody commenting the mayor's job was an onerous job, it's a tough job, you can't be a mayor and a councillor. Well, Mr. Speaker, I've been through that level of government in various capacities, including mayor, and I was a member of the Legislature at the same time. But the best example is right here in this House. Our First Minister is a Premier of this province and he's a member of the Legislature for Charleswood. Are his constituents suffering? I don't believe so. The Member for Gimli is the Minister of Education, he has a very heavy portfolio. But he's also the Member for Gimli.

So the argument that the mayoralty is such an onerous job that the mayor has no time, no time at all, for any ward that he may represent, I don't buy it because I've been there and that's nonsense. There are staff to look after ward problems, lots of staff. And let me tell you, if I was living in a ward and it so happened that my councillor of my ward was also the mayor, as a citizen I know I'd get action, because he is the mayor. So the argument that he hasn't got the time and he can't do justice to his community, his ward, is just not tenable.

So why are we doing this? Why is the Minister bringing this in? What does he hope to prove? Is he trying to protect somebody? Is he trying to make it easier for the present mayor to continue in office? And he can be challenged by either outside the city council now or by somebody who is willing to say, well, this is it, either I go for mayor and be prepared that I'm through on city council, because that's the long and short of it. And I think it makes for a poorer council in the final analysis and I think we lose good people. I think it would be much healthier if two or three councillors, perhaps even some non-sitting members, but certainly sitting members, with the experience that they have, should run for the mayoralty.

I think it would make for a better mayoralty campaign, but certainly it would make for a better city council thereafter, because if they are elected to their wards they are not lost to the community. Their experience, their skill, their knowledge is not lost. And I frankly felt there was a loss to Winnipeg when Dick Wankling had to leave the scene and when Jack Willis had to leave. I think they could have contributed a great deal with the experience that they had, particularly at the metro level.

So I deplore this particular section being here. As I say, I think it's retrogressive. I don't think it achieves anything except in a negative sense and in my opinion, certainly, if I could, I would prevent it. It's part of a much larger package and so it has to go to committee, otherwise I'd vote against it in second reading. But I can't vote against one section when there are 35 others that the city is requesting and probably should go. I wouldn't want to do that. I can't be that irresponsible. But certainly in committee I would hope that the Minister and the

government would have second thoughts and remove it, because it isn't for the people of Winnipeg, it's for the benefit of an individual incumbent; that's who benefits. The people of Winnipeg benefit nil, zip, nothing. There's no advantage to them whatsoever. But it is an advantage to somebody who's got the inside track. So what are we doing? Why are we playing these games? And that's what it is, it's game playing. It's a form of one-upmanship.

Mr. Speaker, the other items that I indicated I believe are requests by the city with regard to certain changes that they want, except I think for — yes, they are. No, pardon me, Mr. Speaker, there's one other item I believe; yes, one that the province instigated and this was requiring the approval of the Minister of Finance instead of the Lieutenant-Governor-in-Council for loans and guarantees by the city for community undertakings. When we brought this in, Mr. Speaker, we were really jumped on, oh boy, we were really criticized by members of the opposition and the city council for that matter because they didn't like the idea that somehow they had to go to the province to get approval before they undertook significant loans and building up of a debt. This was done, as some members recall, simply because in this day and age you can't separate the total indebtedness, the firms that evaluate or determine ratings for cities, provinces, countries, etc., look at the total picture. They don't just look at the one level of government and ignore the other levels. You cannot separate the fact of the municipal debt, provincial debt, and federal debt, it's looked on in total, particularly provincial and municipal, because the municipalities are creatures of the province and any lender knows in the final analysis, the province is going to have to come through. They can't let them go broke. You can't let a receiver foreclose on the town of Gimli or Stonewall, can't be done.

So what I find interesting, Mr. Speaker, is that they're retaining that but they're moving to the Minister of Finance, which is okay, that's perfectly all right. But what I find interesting is this, there is a government, the day it took office said, we are not going to be paternalistic with the city of Winnipeg. You people meddle too much in Winnipeg affairs. You had conditional grants. You shared 50-50 on their transit deficits. You shared with their road constructions. We don't want to do that. We're going to give them elbow room. We're going to give them a block grant and they can do with it what they will. The fact that the block grant is too small, that no matter how you twist it, there just aren't enough dollars in it, that's lost.

So here's a government who espouses the autonomy, respecting the autonomy of the city, treat them as adults, treat them as a power in their own right but are they removing this clause? No way, no way. If the city wants to borrow money you clear it with the province first. And I say that's the way it should be, but concomitant with that is a provincial responsibility to accept that the municipality, the city of Winnipeg, or any municipality, is a creature of the province and they simply can't be told, here's a pot of money, do with it what you will; that the province not only has an interest, has a stake, has a responsibility to work with the city to make sure that

the provincial aims and objectives are in harmony with the city aims and objectives; that the two are meshed together and they work together as a team.

So as I say, I find it amusing that they retain this clause but on the other side of the coin, they put out that whole pretense about city autonomy and freedom to do what they want and treating them like adults so they're masters in their own house; that's a sham. It was a sham when the block grant was announced, it's still a sham and if anything underscores it, it's the retention of the fact that the province of Manitoba whether through the Lieutenant-Governor or through the Minister of Finance, but the province of Manitoba has to give the okay for borrowings and if they don't get that okay they won't borrow.

The other item is one which was in the lists apparently submitted by the city and certainly I'll enquire when the city council representatives or their legal counsel appears at committee, and it's to authorize the city to regulate and enforce parking meters on private property, through agreements with the owners, and I'm wondering what is the city getting into? Are they going to start policing with the city police, permission to park on private lots? Either by putting parking meters on in which case the city police will be required to check on the meters or if it's not, whether a parking limit of a half an hour or an hour, or what have you, whatever it is, or the kind where you feed it into a coin operator things where you get a little slip that entitles you to park for a couple of hours. Are the city police going to get involved in that sort of operation, because they do. That's a very extensive expense to the city of Winnipeg and I won't blame the Chief of Police if he says, I need more manpower, because he certainly is going to need it.

Then to provide for the recovery of towing charges for vehicles, that's because they're now involved in parking on private property and if I park on private property and I've overstayed my welcome there because whatever I paid, the time I sat there is beyond the time limit, or I had no business being there in the first place because it's private and I shouldn't be there, then the city police are going to enforce it and of course, in order to enforce it they're going to have to call a towing company; and if the towing company comes and the city will maybe pay the towing company but now the city is saying, well, we're going to have to recover the charges, I can well understand it. Again, the city is getting involved in something, why? They got enough problems, believe me they got problems, why are they getting involved in this?

So those are the few comments I have, Mr. Speaker, on this bill and as I indicated, certainly this last item is something I'd be curious to hear from the city of Winnipeg itself — I don't expect the Minister to know or the Member for River Heights who is itching there — wants to speak on this bill and maybe he can satisfy me as to why the city should get involved in that and my concern that the city is undertaking an area of jurisdiction which will be costly to the city and they have enough problems enforcing the law and not getting involved in privately owned parking lots.

So those are the few comments I have, Mr. Speaker, and as I say, we're prepared to allow the bill to go to committee.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for Fort Rouge.

**MRS. WESTBURY:** Thank you, Mr. Speaker. I expected you to recognize the member on the other side first but I'm ready to go on this and I won't be holding it up for very long.

Mr. Speaker, this was an interesting . . . think the Minister in presenting it said that it was more or less a housekeeping item and there certainly seemed to have been a number of 'little' items that there's been attempt to deal with here. Of course having, as so many of the members of the Legislature have, having sat on that council for a number of years, I guess we all come off the council believing that we have a special area of expertise in the running of the city although I think that could be challenged by the people we were trying to represent.

Mr. Speaker, I was disappointed that there was no penalty included for people who vote in a conflict of interest situation. They lose their seat, yes, but I feel that there should have been a more specific and hurtful penalty. After all it's common policy around city council Chamber, as it is around here to say, I'll never run in this place again whenever things go a little wrong and losing a seat may not be very much of a penalty to some of them.

I'm particularly interested in the amendment prohibiting a person from being nominated for and elected as both Mayor and Councillor. I really don't see why we should get involved in that. We had a situation where the late Mayor, Robert Steen, ran in the Redboine constituency as both Mayor and Councillor and the voters of Redboine looked after it very handily. They voted for him as Mayor, as the rest of the city did, but they voted against him to be the Councillor, which was I think very interesting to all of us at the time. I really can't see why the Legislature has to get involved in that. Now we have a man who ran for both Mayor and for city council and after a period of months he decided that the demands on his time as Mayor made it impossible for him to adequately represent the area as a city councillor and he resigned and there was a by-election. I don't think that this is something that we should be legislating. It seems to me that the people of Winnipeg are quite capable of making that kind of judgment.

One thing I would like though, one change I would like — and I've suggested it before and it has not been accepted — I would have liked to see included in this bill, a provision for not only electing the Mayor at large but electing the Deputy Mayor at large and this is certainly no reflection on the present competent and hard-working Deputy Mayor. That at the time that the unification of the city came about, previous to that time the Deputy Mayor's job had been a part-time job, it had never been a full-time job. Sometime in the intervening years it has become full-time and the Deputy Mayor responds, or one supposes to the entire city, almost in the same way as the Mayor does and in that circumstance I would suggest that perhaps the Deputy Mayor should be on the same ticket as the Mayor, for election by the city

at large, otherwise the Deputy Mayor is elected by the council — and I know a number of members of this Chamber would like to see the Mayor elected in that way. Well, if the Mayor is not going to be elected by the council, why should the Deputy Mayor be elected by the council?

We can have a situation as we have had in recent years, where through a tragedy the mayoralty chair is vacated and there is no election necessarily held, if it's within the final 12 months, and the Deputy Mayor again, or somebody else, can become the Mayor at the wish of council. We have a council that is dominated by suburban interests. The probability will be then that the new Mayor or the Deputy Mayor will be a suburban representative; not necessarily too knowledgeable or sensitive on the concerns of the inner city. So I am disappointed in the fact that the government has not moved to make the Deputy Mayor's position one that is elected by the city at large.

There has been a change in the legislation recommended for the makeup of the Executive Policy Committee and I also have very strong feelings on the inadequacy of the Executive Policy Committee as it exists now and as it has existed for the past eight years. Again, a suburban-dominated committee, there is no requirement anywhere — and this I suggest should be a requirement at the city council level — that the members of Executive Policy should ever have served on Standing Committees. Indeed, I believe that there are some members of EPC who have never served on Standing Committees, Mr. Speaker, and accordingly sometimes seem to show rather a lack of understanding of how things work at the Standing Committee level.

I believe that in addition to the Chairman of the Standing Committees, who obviously should be on Executive Policy Committee and who can be elected by Council at large, there should be representation from each community committee. In 1977 we saw changes so that there are six community committees. I believe that the six community committees should choose their representative on Executive Policy Committee. It has been in the past couple of years that the ruling caucus of council has decided that Executive Policy Committee should indeed have a representative from each community committee, but it's not a true representative when it is chosen by the ruling caucus, not at all representative when you consider that it's not even a member of the majority group of a community committee, as happened in the City Centre-Fort Rouge area, Mr. Speaker.

So I feel that there should be some democratic changes made in the composition of Executive Policy Committee, and to me this is one of the serious failings of the present City Council, that adequate representation and representative representation from community committees is not present at Executive Policy Committee.

I have no quarrel with the suggestion that the clarification of the power of the council to resolve not to hold an election to fill a vacancy within 12 months. That makes sense. I feel that, and the Member for Seven Oaks referred to this, why should the city get into operating parking lots with parking meters? Well, Mr. Speaker, my answer to that is, why shouldn't they? Why should we legislate that they

should not be permitted to? If it requires a change in the Act to authorize them to regulate and enforce parking meters on private property, then I think that's good, and I think we should support it. I certainly would support it. I think the decision there is for the City Council to make, and we really don't have to treat City Council as a small child that has to be taken by the hand and led through every aspect of its city life and every aspect of its governing of the city. I think it would be a better City Council given more right to make its decisions in some of these funny little ways that it's been prevented from doing so.

In the regulation of motorized vehicles, too. I can remember a number of years ago, on two or three occasions actually, we were wanting to regulate motorized vehicles that are not registered under The Highway Traffic Act, or The Snowmobile Act. Minibikes, for instance, have been a source of great annoyance to residents of one part of Fort Garry. I can remember former councillor Ireton from Fort Garry, her constituents were greatly aggravated and annoyed by the use of minibikes on railway property in that area and it was very difficult to do anything about them and about the noise and nuisance that they caused in the neighbourhood.

Now, there's power in this amendment, Mr. Speaker, for the city to enact demolition control bylaws, and I'm sure the Member for River Heights, I hope that he is going to speak in favour of this as well because this gave me great pleasure, it is something that, as a city councillor, I have been calling for as a member of Environment Committee, as a member of the Fort Rouge Community Committee, I have been calling for, for many years. It's long overdue, it's essential for proper planning in my view, Mr. Speaker, and this is a very good change.

We have been told by the Minister that certain other amendments to Part 20 of The City of Winnipeg Act will be coming forward to deal with planning matters. I'm looking forward to that with anticipation and I expect to have quite a lot to say on planning at that point.

There are just one or two other matters that I regret were not covered in the amendments. I would like to see changes in the Board of Commissioners. In my view, the establishment of the Board of Commissioners, not the Board as individuals, but the Board of Commissioners as an established group, has formed a brick wall between the elected councillors and the departmental heads of the city. I think that this has been most unfortunate and it has worked to the detriment of the city for the past eight years, Mr. Speaker. Whether the fault lies with the staff people who are commissioners or with the elected people of commissioners, I don't know, because I, as a city councillor, who was not on Executive Policy Committee, could very rarely get a chance to question a commissioner, and I was there for eight years under the new Act, Mr. Speaker. When you're on a Standing Committee, of course you get plenty of opportunity to question the commissioner who reports to your own Standing Committee, but you do not get an opportunity to question or examine or even interview adequately the Board of Commissioners as a whole and it was only through my own brashness that I was able to attend

a Board of Commissioners meeting. We had been told that we ordinary councillors could not attend Board of Commissioners meetings and I made a point of going to one so that I established the fact that, to my view and in the view of the Board, I was entitled to go. Of course, they knew I was coming and, of course, they had something on the agenda that they knew I was very interested in hearing about and would approve of.

However, generally speaking, those Board of Commissioners meetings are in-camera, the press isn't there, the councillors are discouraged from attending. The councillors do not receive copies of the agenda; they do not receive copies of the minutes. I think that the Board of Commissioners is a brick wall between democracy, between the councillors who represent the community and the staff. In the old city of Winnipeg, Mr. Speaker, there was a very happy situation, it seemed to me, between the then aldermen of the old city of Winnipeg and senior staff people. Questioning and answering were free and easy. It never seemed to me, in those first two years of my service as a city councillor, that it was difficult to get answers from staff. But in fact, staff people did not even attend standing committee meetings unless they were invited or instructed to do so by the commissioners. I would see senior staff people and I would say, why don't you come to the committee meetings so that we can question you if you want to. Well, they would say, there was nothing from our department on the committee agenda. I would say, well, new business was there and that covers all departments. But they were instructed not to attend.

Now I had a good relationship with most of those senior staff people, Mr. Speaker, and when I wanted to I could phone up and ask them a question. But sometimes I felt it was important to get that question on the record, the answer on the record. But this was communication that was blocked most of the time, to me and to the people of Winnipeg through their councillor and through the staff. I would personally like to see the Board of Commissioners become a board of management responsible to the city council, as a whole, responding to the instructions of the city council and/or the Executive Policy Committee. The Board of Commissioners is an irritation, that Board is an irritation to senior staff, Mr. Speaker, and to councillors.

I will be speaking again, I imagine, when we receive the changes to Part XX of the Act.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for River Heights.

**MR. GARY FILMON:** Thank you, Mr. Speaker. I wish to address a few brief remarks to this bill in response to a number of things that have been raised by two previous speakers. I, too, agree with most of the provisions and because they are largely based on recommendations of the City Council, I think that they should be given whatever autonomy it's possible to give them under the provisions of the Act so that they, who are in the best position to know what their needs are and what regulations and legislation they need in order to best serve the

people who elect them, I think therefore, we should do everything possible to comply with their wishes.

Particularly, I'll start with the last point raised by the Member for Seven Oaks about the parking meters on private property. That, as a matter of fact, came up when I was Chairman of the Works and Operations Committee. We were approached by a number of delegations, principally representing, as I recall, the Victoria General Hospital and the Health Sciences Centre, whereby the regulations that currently exist, and they have meters on their own private property. The only penalty that they can give somebody — they were in the habit of giving parking tickets when somebody overstayed the meter — but it was thrown out of the courts because there is no power for private individuals to give a ticket on a private parking lot for having overstayed your welcome.

Many solicitors made presentations, and eventually the ultimate recommendation was that The City of Winnipeg Act should be changed to allow for this provision. The alternative that they had, as you could appreciate, was having those cars towed away, and I don't think that either of the hospitals wanted to do that to people who are visiting people in their hospitals, have their cars towed away as a penalty for not having paid the price in the parking meter. These were relatively short-term, you know, where the meters exist in front of the Health Sciences Centre, similarly around the Victoria General Hospital.

But that same provision could also be used to encourage parking being provided by other private individuals. It could be people in the River and Osborne area for the Osborne Village, or other things of that nature, where it's in the city's interest to have private individuals provide meter parking on private land, because the city has no opportunity to provide additional parking and there's a great dearth of parking in that area — (Interjection) — the McIntyre Block. That could be something in the vicinity of Portage and Main that would encourage the owners of that land to provide parking. They could then enter into an agreement with the city to patrol those meters just as they do the on-street meters and to carry through with their power to issue tickets and prosecute in courts and so on.

The Member for Seven Oaks has indicated that would be a cost to the city and not in the city's interest. He said the Police Chief would perhaps be concerned about that. But I suggest to you, from experience, that the city makes far more in revenues from the parking meters and the fines that they collect, over and above the outlay that they have, which is for commissionaires, not for regular salary police officers. So it is in their interests to enter into those kinds of agreements and I am sure that they would like to do it to accommodate various people such as the Health Sciences Centre, such as private entrepreneurs, shopping centres, private facilities, in various parts of the city, to add to the city's parking and to give them the opportunity as well, on a revenue basis, to provide that service of checking the meters and enforcing them.

So that is the background behind that particular part of the bill, Mr. Speaker.

The Member also spoke to what he called the anomaly of our government continuing to have the



province responsible for the approval of funding to the city, where we were saying that we wanted to give them autonomy in their financial affairs, principally through the block grants' program. The difference is, though, that we're not selecting their priorities in giving approval. Approval would be, of course, as to perhaps amounts of indebtedness, and levels of debts incurred, and major financial implications, but we would be not be doing what the previous government did by its 50-50 cost-sharing, and that is selecting individual projects. And what occurred — I think the best example I can give you of the folly of that, was whereby the previous provincial government, for reasons unto itself, decided to approve another bridge in the city of Winnipeg, that being the bridge crossing the Red River for Route 165. Well that corridor, Route 165, was the fourth priority transportation corridor in the city's transportation needs, the fourth priority, well behind several others. It was not the one that they asked for, it was the one that they were told that they could get.

I don't know why the provincial government did it. Many suggestions have been made. One of them was that it then opened up for development major tracts of land owned by Leaf Rapids Development Corporation on the other side of the river. That kind of priority setting, where they influence the city's planning, in fact control the city's planning, going into areas that the city didn't want to open up for development, going into areas that the city didn't want to open up with transportation corridors, was what we decided to get away from. Not being involved, as we have to be, as an influential partner in the financial capability of the city. That's another matter entirely. We are not going into their day-to-day planning and priority setting and that's what we got away from by the block grant system and I support it wholeheartedly, Mr. Speaker.

The other matter, Mr. Speaker, that was referred to was the area of whether or not the mayor, a person running for the mayor, should be allowed to run as well for City Council. I have some difficulties with that. In many respects, I agree with some of the remarks that the Member for Seven Oaks made. There is an advantage in encouraging your best people to run for the mayoralty and anything that discourages your best people for running for the mayoralty is something that we should attempt to avoid.

He did make a reference to the fact that Dick Wankling was lost to the city of Winnipeg and I am lost on that one because I was a member of City Council when Mr. Wankling resigned to become the executive director of the Saskatchewan Urban Municipality Association. He was in no way involved in the mayoralty election, so I don't know what the reference is there. But the problem which existed, in the current mayor's circumstances, and I might indicate that, going back to the 1977 municipal election where the late Mayor Robert Steen was elected to the mayoralty but defeated in Redboine ward, I have to submit to you that that was a fluke because there's no way that the electorate could have anticipated that; that just happened, and the good thing about that mayoralty race was that two of the best candidates from City Council set themselves forward to run.

So I'm in agreement with that aspect of it, but where I lose agreement is where they can hold both positions, that of councillor and that of the mayor. And the drawback is one that I lived with for approximately four or five months with Mayor Norrie, who was a member of our Community Committee in Assiniboine Park/Fort Garry and I know that it caused great difficulties and a great deal of inconvenience for the citizens of our area because Mayor Norrie, unlike people in the Legislature, whereby all of us have the same responsibilities in terms of our attendance here in the Legislature, we have the unique system of the community committees and their zoning hearings. — (Interjection)— Well, that's what I say.

The Ministers have the same responsibilities though in sitting in meetings in the House, whereas in the city you have the offshoot of the community committees who have responsibility to sit on zoning hearings. They always occur in the evenings, and so do the Community Committee meetings. There are two Community Committee meetings and two zoning hearings per month, in the evenings, and it's an extra added burden on the mayor to be there and he can't not be there because he's required for a quorum in many cases. If you have a Community Committee that consists of four people, a quorum is three, so if one person is away because of any reason, and we had many instances. In one case we had a zoning hearing called for an evening on which the mayor was called to Ottawa on the rail relocation issue. We had Councillor Smith, and it was in July and August, these were the operative months that I speak of, it actually went from June through September that we were involved together, but Councillor Smith was seriously ill and in hospital with a serious operation that kept him out of commission for a lengthy period of time. There were four others left, one of whom was the mayor and, of the other three, we all had holiday plans during during the summer for some period of time. We were going to be away from the city for at least a couple of weeks each and so out of six of the eight weeks, one of the three of us was going to be away. That meant that Mayor Norrie had to be there for a quorum. But he had to be superseded in his responsibility to the city to go to Ottawa, on one occasion to be involved with Folklorama, on another occasion to be involved with visiting dignitaries; there was a representative of a foreign country on another occasion and it was impossible for him to be there. That meant that in one instance three straight zoning hearings were cancelled because of the lack of a quorum.

Well, you can imagine that citizens coming out to represent their interests at zoning hearings and being turned back time and time again, every two weeks for a month and a half, is a very annoying and a very upsetting situation. There was no other way around it and no matter how we tried to work with it, the mayor, we had to sympathize with him, he was caught in that situation and he ought not to have been put in the situation of trying to carry both the councillor job and the mayor's job. I'm sure that his representations have convinced the Minister of Urban Affairs that this is an amendment that has to come.

So the alternative to that is saying that you can run for both and if you're elected to one then you

can resign the other. That, of course, brings up the issue of by-elections. There's a widespread public sentiment that says that that's going to cost more money and that we ought not to have that money wasted. I think it is about 50,000 to have an additional by-election in an area, so that's not a very good solution to it, unfortunately. So coming up with alternatives, weighing the alternatives, the Minister has come forward with this particular amendment and I believe that it's reasonable, under the circumstances, although I sympathize with the points that the member has brought forward.

Of course I have to say for the benefit of the Member for Fort Rouge that I, too, am favourably disposed to the power to enact demolition control by-laws and I believe it is absolutely essential in our historic building preservation requirements in the city, and I believe that it is a very good thing that we should all be pleased with.

She has made some comments about how Executive Policy Committee is selected and has suggested that we ought to be telling City Council how they select their Executive Policy Committee, and I think that that's totally wrong. I don't see any way that the provincial government should be telling the city how they should select people to any of their committees, let alone the Executive Policy Committee. I think that would be absolute folly on our part. We, as a policy, tried to, just I'm sure as a Premier selects his Cabinet, achieve representations that geographically made sense, that seemed to bring representation from all general areas of the city, all Community Committee areas. Certainly you have to consider the skills and the professional training and background of people that you put on your executive committee, because it's the most important. All of those things are important but those are decisions that ought to be left to those who are in the majority of City Council, to the majority wishes of City Council and certainly should not be legislated by the provincial government.

Similarly, her comments as to the commissioners preventing her from contacting and coming in direct communication with the director levels at the city, I think too, I can't agree with at all. I know that the Member for Fort Rouge did have a great deal of direct communication with several of the directors. She referred to the now Deputy Minister of Government Services as having been very helpful to her and being able to provide her . . . Well, he was a general manager, he was not on the board of commissioners and he certainly was accessible to her.

The difficulty, I think, Mr. Speaker, is that the Board of Commissioners is responsible for the management of the city's affairs. Council decides policy and the Board of Commissioners carries out that policy, and they have to be interested in streamlining the procedures and techniques of the people who are running the city, who are the administrators and the managers. It is a matter of time management, it's a matter of efficiency and they could not possibly have 29 members of council going to see any department head or director that they wanted at any given time to sit down and seek information. There have to be channels of authority through which the information has to flow and there has to be a set policy and a procedure, and that's

what the Board of Commissioners are responsible for. I say that you have to leave them that power to manage efficiently and well in the city, or else it would be absolute chaos if they took orders and instructions from all 29 members of council. I can't for a moment that kind of suggestion, Mr. Speaker.

With those few remarks, I would suggest as well that the penalty for the offence that has been committed in a conflict of interest situation, of losing one's seat, is the appropriate penalty under the circumstances and I can think of no other way to legislate a financial amount or anything of that nature that would make sense. Losing one's seat is the ultimate penalty and the one that I think is appropriate under the circumstances.

With those few remarks, I recommend the bill to proceed to committee, Mr. Speaker.

**MR. SPEAKER:** The Honourable Minister of Government Services.

**MR. ENNS:** Thank you, Mr. Speaker. Mr. Speaker, I don't rise to speak on this bill to bring any great expertise on the affairs of the city of Winnipeg but you know, Mr. Speaker, one of the advantages of having been around for a little while is that you can contribute to the history of legislation from time to time, and I listened with interest to the three speakers that I heard this afternoon on this particular bill, speaking particularly about the question of the mayor holding down the job as mayor and as councillor at the same time. I know that the two members that spoke weren't in this Chamber at least when the bill to unify the city of Winnipeg, Bill 36, was passed, so they may not necessarily have been aware of that history. The Honourable Member for Seven Oaks, of course, was very much in this Chamber and very much involved, but he has reason, he has good reason not to refer to the history that brings about this discussion on this section at this moment.

You see, Mr. Speaker, we sometimes have to ask ourselves, why is a particular clause of legislation standing in the books. Well, Mr. Speaker, we remember and I certainly remember that prior to the passing of Bill 36, in the concept of Bill 36, the studies of the then government went into, and indeed the information meetings that the Honourable Member for St. Johns conducted in various parts of the city, and let's recall what the concept was. Some of it wasn't all that bad. There were going to be 50 members of the new council of the city of Winnipeg. That's a large assembly, just about as large as this assembly. The people that were proposing that concept recognized that 50 independents sitting there would be very difficult to manage, so they had conceived and I, quite frankly, supported the idea that the mayor should be elected as a councillor to a ward, as all other 50 members, and then be elected from among his councillors. In effect, introduce a Cabinet system to City Hall. That, Mr. Speaker, was the original concept of Bill 36 and the Honourable Member for Seven Oaks will concur with that, as will the Member for Inkster, and certainly the Member for St. Johns, where he to listen to these few remarks.

What happened, Mr. Speaker, as happens to all governments from time to time, they had to have —

I won't say had to have, but certainly it would have helped to have had —the support of the popular mayor of the day, His Worship Mayor Stephen Juba, to Bill 36 to begin with, but he laid it on the line, Mr. Speaker, with the then government. He said: I'll buy Bill 36 but none of this business of being elected mayor by my peers of 49 councillors. He said: I want you to make that change that the mayor shall be voted in at large.

Mr. Speaker, I well recall a member of that group refer it to the then Member for Rupertsland, Mr. Jean Allard. He actively petitioned us in the House and the Opposition at that time, as well as abroad, to encourage, to influence the then Urban Affairs Minister, the then New Democratic government to in essence proceed with Bill 36 to unify the city of Winnipeg but to change that clause that called for the mayor to be elected from among his peers, from among his councillors, to that of being elected at large.

Well, Mr. Speaker, that's precisely what happened, of course. —(Interjection)— No, no. Bill 36, yes, oh yes. I'm not glib, Mr. Speaker, I'm not adding controversy at this point. I'm simply providing a little bit of history to the anomaly that we now have because, Mr. Speaker, this is an anomaly. In all other cities, the city of Brandon, the city of Portage la Prairie, the city of Thompson, the city of Dauphin, we don't have the mayor sitting as mayor and as councillor. The explanation for the anomaly is because of the background that I'm now giving, Mr. Speaker.

**MR. SPEAKER:** Order please. The Honourable Member for Seven Oaks.

**MR. MILLER:** I wonder if I can ask the Minister a question whether he'd . . .

**MR. ENNS:** Sure.

**MR. MILLER:** Mr. Speaker, I wonder if the Minister would throw back his memory, cast back, and realize that what he's talking about is 1971, and the amendment which made it possible for a person to run for mayor even though he's a member of council was not brought in until 1977.

**MR. ENNS:** Mr. Speaker, the concept remains the same. The concept remains the same. The original concept was that that is how the mayor should be or was going to be elected. It was withdrawn; it never saw print in the form of legislation. But in those original studies that were undertaken — I forget the firm, the name that was attributed to the urban studies — that studied the whole concept of one city, and in the information meetings, the concept certainly was being advanced, certainly was being advanced by the government of that day. —(Interjection)— By the government of that day, that the mayor should so be elected. —(Interjection)— Mr. Speaker, I won't argue with what took place or what didn't take place. Obviously I can't, Mr. Speaker, because I wasn't privy to the discussions, either in the caucus or within the government of that day. But I suggest to you, Sir, that sometimes when we now are faced with a situation of dealing with a clause or a section of the bill, we sometimes lose

sight what in my opinion, I believe, was its original intent.

The Honourable Member for Seven Oaks makes the analogy about the First Minister being the Premier here as well as being the MLA for Charleswood. Mr. Speaker, the difference is that we operate under the Cabinet system; that we operate in a different system entirely. He doesn't make the analogy, for instance, of holding down an MLA's job and being an M.P. in Ottawa, which would be quite difficult to proceed with. —(Interjection)— Mr. Speaker, I know that's not the case, but I submit that the initial reason for allowing the mayor to sit on council and as mayor at the same time, stemmed from that original concept in Bill 36. —(Interjection)— Well, the honourable member is — well, Mr. Speaker, six years later that was put in, but the concept was there in its initial stages in the working papers.

I'm trying to remember the White Paper and the particular urban expert that had a great deal of input in developing the position papers, because in it, it was perceived what was readily acknowledged would have been a difficult situation to work with. Fifty councillors, effectively independent councillors, despite acknowledging the party groupings that are there, whether it's the ICEC grouping or the NDP grouping, or what other grouping but, in effect, 50 individual independent councillors to make the system or required the leadership of a mayor who had the confidence of a majority of the councillors on that council. That, my memory serves me, was essentially perceived in these initial working papers that led to Bill 36. Of course, that called for the capability of a mayor holding down the mayor's job and a council at the same time.

Now the fact that that amendment came six years later only underlines the point that I am making. You withdrew from that position because of the politics of the day, because of the politics of one popular mayor, Stephen Juba, and in so withdrawing from that position to some extent, took away some of the features of the original concept of Bill 36, The City Unification Act, which could have in my assessment have made it work better from Day One. It is working out the rough spots, with experience; the system is developing, but it had its rougher years, and the original planners, the drafters, of the concept perceived that when they suggested that the mayor be thus elected and to do so, he would, of course, had to be in a position to hold down both seats. He would have to start as an elected councillor, then be elected a mayor from within his group.

Mr. Speaker, as I say, I don't pretend to be presumptuous on my part to add a great deal of other discussion to this urban bill, but I do recall that bit of history as to how the unification of the city of Winnipeg came about, and it crossed my mind that it might be worthwhile to put on the public record.

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

**MR. SIDNEY GREEN:** Mr. Speaker, it's always dangerous to try to rewrite history, and when I hear things which carry with them a germ of rationale but are completely contrary to what did occur, I think it's important that the record at least contain alternative

theories as to what history was. It's interesting, Mr. Speaker, if you would try to read the history of the Soviet Union, you will find that there is only one history and everything that is true has virtually been eliminated. So if I leave what stands, Mr. Speaker, we won't have anything that at least can be looked at as an alternative.

The honourable member is right about the White Paper. The White Paper envisaged a council of 50 members, which would have an elected mayor elected by the council on the basis that there would be the possibility of party politics at City Hall. The honourable member should be aware that the White Paper was a discussion paper, and from Day One there were acknowledged, stated and indicated differences of opinion with regard to the White Paper.

It was always my position, stated at the time, that the White Paper was not a model for city government. The White Paper was a mechanism to get from where we were to a unified city, and that it was impossible to get from where we were, mainly 12 municipalities and 12 administrations plus a second level administration, to a unified city without carrying the previous administration to the new administration. Therefore, Mr. Speaker, on December 31 as it were, there were 13 city governments. On January 1, there was one city government, but there was no recognition by any delivery of services that there was any change insofar as the city of Winnipeg was concerned. That, Mr. Speaker, in my view, was a virtual miracle. It was a virtual miracle that this change from 13 administrations to one administration took place, not without confusion within the administration, but without confusion insofar as the citizens receiving their services were concerned. Mr. Speaker, there were members and — the Member for — (Interjection)— no, no.

**MRS. WESTBURY:** Seven Oaks.

**MR. GREEN:** . . . St. Johns, said there was a great deal of philosophy in the city of Winnipeg. Maybe for him, but not for me. The philosophy of The City of Winnipeg Act, as far as I was concerned, was to equalize the condition of citizens within the city of Winnipeg insofar as their financial responsibility was concerned and to create responsible government in Winnipeg. Do we remember what it was like before? Do we remember that you could not open a paper without finding that one municipality was blaming Metro, Metro was blaming another municipality, everybody was blaming the provincial government, and the municipalities and the municipal councillors fed on controversy in civic government that didn't mean anything. And that's the way they existed. That's the way the mayor of Winnipeg existed; that's the way the Metro councillors existed; and all of the suburbs existed on the same basis. Therefore, it was impossible for the city of Winnipeg to know who is the responsible government and that was, Mr. Speaker, my philosophy insofar as the city of Winnipeg was concerned.

But the Act went forward on the basis that if this turned out to be a more responsive form of government, the community committees and the resident advisory groups and the requirement of public meetings by community committees — a legal

requirement that they hold public meetings, which I have always found to be difficult — that if that became a form of government which resulted in more responsiveness, then that would be chosen. But it was always, Mr. Speaker, my position that would not occur, that we would gradually revert to a more standard form of government within the city of Winnipeg, and indeed, that has happened. We don't have 50 councillors any more, we have 28, and I suspect that we'll have less, and that eventually there will be a municipal government in Winnipeg which will be much like any of the municipal councils that existed before, except that it will involve the administration of the entire city rather than the administration of the various community groups. Mr. Speaker, I believe that would be an answer to some of the suggestions here that the suburbs rule city council, because that was not intended, and if the member wants to hear the real story of the city mayor being elected by the populace, it lies in that.

If the member will look at the White Paper and then look at the bill, he will see that between the White Paper and the bill, more and more safeguards and power started to be built into the community committee concept. The executive policy committee had to have a certain representation of previous city councillors and suburban city councillors. The ward system was becoming a fetish as to what happened and what you had to do with it. Some of us, Mr. Speaker, — and I was on record at the time — said that if we do this, we are not going to have anybody thinking in terms of the city of Winnipeg rather than their ward and their community committee. In order to have somebody aiming at the voter in Winnipeg, it was my feeling and the feeling of others that we should instill in any city councillor who had the ambition to become mayor, which I reckon to be about 50 people, that they have to start talking outside of their ward, outside of their community committee and to the city as a whole. The only way that we could ensure that some people would talk that way was to tell them that if they hope to get elected to the chief office, they are going to have to appeal to those people.

The mayor of Winnipeg — to the Member for Lakeside — either coincidentally happened to be of the same position, but to my knowledge, lobbied not at all. Steve Juba lobbied not at all for that job. I don't think that he didn't want it; I don't think that he didn't claim credit, which I give him the credit, as to being the actual author of unification of greater Winnipeg; that Steve Juba had more to do with it than the New Democratic Party; that he was the force by which the unification came about, and we were the ones that fought the battle in the House; and probably wanted the job, but really did not in any way bring any pressure on any member of the government as far as I know with regard to an elected mayor. That came, Mr. Speaker, because of the change that took place between the White Paper and the Act, and that change had a — (Interjection)— Absolutely, there was a great danger, Mr. Speaker, that we were going to build a city which would have the characteristics, as has been referred to by the Member for Fort Rouge, and some by the Member for River Heights, and which would have no built-in mechanism where any of these people would be talking to Winnipeg as a whole, and unification

would have divided the city more than it would have unified it. What happened, Mr. Speaker, did take place. We did have people starting to talk over the heads of their community committee. Isn't it peculiar, Mr. Speaker, that the late Bob Steen was elected for the city and not for his community committee. It's an anomaly, but it did show that there was some dichotomy in talking at the complete Community Committee level and talking at the city-wide level.

The subsequent change, Mr. Speaker — it seems to me if the Member for Lakeside, the Minister of Government Services, would think about it — defeats his proposition. The mayor of the City of Winnipeg was to be elected in The City of Winnipeg Act by the populace as a whole and did not have to run against a councillor who did not give up his seat. You will recall that the first time he ran, he ran against Jack Willis. Willis did not run as a councillor and Willis became a non-entity in municipal life, although he had been the Chairman of Metro and probably would have been a very useful person in municipal life. We looked at that, we said, now isn't that a shame. This man could probably have performed a service but, by denying him the right to participate unless he went for the whole thing, we have ruled him out.

We said, Mr. Speaker, that the next time around there was again argument as to whether the mayor should be elected by the city or by the council, that we said he should still be elected by the city, but some people said, well, the only person who could get elected is Steve Juba, or let's say that that was a notion, and that nobody else will try, because then they lose their seat.

If we were protecting Steve or trying to worry about what Steve would say in terms of his own electoral chances, we wouldn't have permitted a councillor to run against him. So the change that we brought in defeats the member's argument. The change that we brought in said that a top-notch, well-known councillor could contest against the mayor. As a matter of fact, the mayor was against it. He said it couldn't be done and that he would not run on a Community Committee; he would only run for mayor. He was absolutely against it, said so, and we introduced it, Mr. Speaker, because we felt that if Bill Norrie, Wankling, June Westbury, or anybody else, or Bernie Wolfe, or Joe Zuken, wanted to run for mayor, he should have a right to run and he should have a right to run for his ward. If he got defeated in the mayoralty and was elected in his ward, he would not be lost to us.

I want the Member for Fort Rouge and the Member for River Heights to know that we did the same thing for them. I was a member of Metro Council in 1962; I sat there until 1965. I had to resign as a member of Metro to seek federal office, and therefore I ceased to sit on the Metro Council, I was defeated in Metro Office, and from that point of view it could have been the end. Maybe people will say that would have been good, but the fact is that that didn't happen with the Member for . . . We didn't tell the Member for Fort Rouge or the Member for River Heights that you run at the risk of losing your seat and being out and having to participate in another by-election. —(Interjection)— We say we are very good; I don't know if it is very good, but it made common sense that we do not say that a person

should be disqualified from serving because they happen to be seeking another office. If they didn't get that other office, then they could resign in the normal way and there is a by-election, and I don't think that is serious. I think that is a normal thing.

But it used to be the case and it was provincial governments, Mr. Speaker, that were afraid of running against established people. That was the position of the Roblin administration, that we are not going to let anybody from any municipality or from Metro. It was peculiar, some could, the Mayors could. I think the Mayor of Seven Oaks and the Mayor of St. Vital sat in this House as Mayors and MLAs. They didn't even have to give one up, but a person on Metro could not run for provincial office unless he resigned his Metro seat, and that is what had to happen. I could not run for — and it was not the federal law, it was the provincial law — I couldn't run for Parliament without resigning as a member of Metro Council, which I did. —(Interjection)— Before Metro, I don't know. The Member for St. Boniface says that could happen, but it couldn't happen, it was not the rule with regard to Metro. I had to resign when I ran for the federal.

We changed that in this House. We were the ones who said that Steve could have competition without elimination of the competition. We were the ones who passed a law saying a person could run for City Council and not be . . . And I believe it is a good law. I believe that it is still a good law and I do not believe that the Mayor cannot participate as an Alderman, if he happens to be elected to both. I buy that. I don't think it is the end of the world, it is not a crisis, but from what the Member for River Heights said was the big problem, I think it is good for the Mayor to get down into the grass roots and to the constituencies and do work that other councillors do. I know that the Premier does that, and there is nothing wrong with it. If that happens to hurt the quorum provisions, then look after the quorum positions, don't change the possibility. I mean if it means that where the Mayor is a member of the Community Committee, the quorum is reduced by one, fine, but don't change, in my view — and I repeat it is not something that I would make a big issue out of — don't repeat it, don't undo the situation.

Mr. Speaker, it is the Member for Lakeside who wants at least another perspective on it. I can tell him, Mr. Speaker, that there was considerable — it is not as if I am telling secrets out of school — considerable differences of opinion as to the intent and meaning of The City of Winnipeg Act. From Day One — and I said it at the time, I said it when I was Minister of Urban Affairs — I did not regard the White Paper as an ideal form of government, I regarded it as an expedient, an expedient of moving from 13 governments to one government; the ultimate form of that one government I did not think would take the form that was listed in the White Paper. I happened to disagree vehemently with some of the suggestions in there as to what you have to do to — the rag groups, the compulsory meetings of Community Committees, many of those things I disagree with. The requirement for an environmental impact statement, we had to immediately legislate out for the very reason that I gave that we would have to legislate it out, that it would then start being

a judge who said what such a statement was, rather than the municipality itself.

A lot of the things that my friend, the Member for Fort Rouge, says, I am concerned with. I do not think that where you have an executive policy committee and a commissioner form of government that you should be encouraging debate between the commissioners and their staffs, and try to find out where the differences exist. Just as I wouldn't do it with regard to Hydro, if I was in charge. I didn't do it before and I wouldn't do it again. I don't think that is the way you back up your administration. If they are not handling their jobs, there are other remedies to be taken, but you do not create politics within the administration, which is what would happen.

In any event, there are very broad . . . The issue of the elected Mayor, I can tell the member that it arose largely from repeated movements by the people who were looking at the specifics of the Act to build in power into the Community Committee, to build in almost taxation power to the community committee almost — almost, it was never done — to structure them; to build in all of the electoral and political impact towards the wards and the Community Committees. Some of us felt, who will speak for Winnipeg, and the person who will speak for Winnipeg is the guy who is looking to commend himself to all of the people of Winnipeg and not to a particular ward. We wanted some councillors, because we had the feeling that some politicians have ambition. By and large, most of them get up and profess that they have no ambition, but you know the name of the game almost contradicts that from the beginning, that some politicians have ambition, that they will see that if they wish to go for the brass ring they have to speak beyond their ward and have the knowledge that to be elected mayor, they are going to have to get all the votes, was to ensure that they would speak in that vein.

**QUESTION put, MOTION carried.**

### **BILL NO. 99 — AN ACT TO AMEND THE TEACHERS' PENSIONS ACT**

**MR. SPEAKER:** Bill 99, standing in the name of the Honourable Member for St. Vital.

The Honourable Member for Kildonan.

**MR. FOX:** Yes, bear with us for a few minutes; the Honourable Member for St. Vital said he would right back and I am sure he is on his way now.

**MR. SPEAKER:** Bill No. 99, An Act to Amend the Teachers' Pension Act, standing in the name of the Honourable Member for St. Vital.

The Honourable Member for St. Vital.

**MR. WALDING:** Thank you, Mr. Speaker, I apologize to the House for being a couple of minutes late.

I wish to thank the Honourable Minister of Education for making his speaking noted available to us on this side. We were able to compare those with what we found in Bill 99.

Mr. Speaker, the bill can be considered on two levels. First of all, the very technical matter of pensions themselves and superannuation and the

various formulae and figures that are used in here, and also on the level of the policy end of it.

Mr. Speaker, I am not an expert on superannuations or pension schemes, and I will take the Minister's word that the various formulae and calculations in here are correct and are intended to do as the Minister has explained to us. The Minister has explained in the notes that the main intent of the bill is to improve pensions for teachers, (a) by requiring a slightly higher premium to be paid and secondly, for a different consideration of years on which the bill is to be based. On both of those points and on the main reason for the bill, we have no objection whatsoever, Mr. Speaker.

The Minister has assured the House that this will not increase the amount of public revenues which are to go into the scheme because of the reasons given. With that assurance from the Minister, we can let the bill go through.

I had one concern that I think has been answered by the Minister, but I am not absolutely sure on it, and maybe I can just repeat it for him now, and that is the matter of the status of clinicians, who are being dealt with or referred to in another bill. It would appear from my reading of that bill, Mr. Speaker, providing their is no change — and we will get to that evening — that clinicians will be included under the status of teacher and as such will be able to enter the Teachers Retirement Fund. Again, I am a little unsure from the Minister whether that will be on a mandatory or a voluntary basis that they can elect to enter that fund. So if I can get the assurance from the Minister on that particular point, perhaps when he is closing debate he might wish to address that, we would be quite happy to see this bill go to Committee, Mr. Speaker.

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

The Honourable Minister of Education.

**MR. COSENS:** Mr. Speaker, I don't think there is any need to go into any great length on this particular bill. I believe I outlined the contents of the bill in some detail on the introduction. There has only been one or two concerns that have come forward and one of them, of course, dealing with the clinicians. The Honourable Member for St. Vital is quite correct that clinicians will be eligible to fall under this particular pension plan, the Teachers' Pension Plan, and, of course, I also add that perhaps about one-half of the clinicians in the province have been under the plan because they are teachers, as well as clinicians. So we are dealing then with a group who, up until this time, had not been deemed teachers or to have the rights of teachers. That group will be eligible then to join this plan, and in all probability, Mr. Speaker, I would expect that practically all will join it. At the present time, they are under a variety of employee pension plans that are operated by school divisions and again, I would say in all likelihood, those plans are not as good, or do not provide the same benefits that the teachers' pension plan has provided. So I would expect that 100 percent, in all likelihood, would join the teachers' pension plan.

**QUESTION put, MOTION carried.**

**BILL NO. 80 — AN ACT TO AMEND  
THE PAYMENT OF WAGES ACT  
AND THE REAL PROPERTY ACT**

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

**MR. FOX:** Thank you, Mr. Speaker. I don't intend to be very long on this bill, but I did want to add a few words to the debate. I would like to indicate that I think my colleague, the Honourable Member for Churchill did an excellent job. Unfortunately, the Minister wasn't here to hear his presentation.

The other thing that I wanted to bring into the debate was the fact that this government is again playing the shell game. Here we have an issue in respect to the Department of Labour that is being handled through the Attorney-General's Department, and it's part of the procedures that have been going on, which I think the public should be aware of, that this government is playing a shell game and that these Ministers that are speaking are speaking out of both sides of their political mouths. One is saying one thing and the other one is saying another thing. The Minister of Labour has indicated that he is a friend of labour, that he is looking after the working people, that he wants industrial peace, but unfortunately that is not what is occurring, Mr. Speaker. What is happening is another Minister or another member of his government are bringing in bills which are contrary to the intent of what the Minister of Labour says he is all about. And that's the thing that has to be indicated and reiterated continually so the public will be aware that this government is playing a game, that it's not being fair with the people of Manitoba. I want to indicate that the credibility of the Minister is gradually waning, because of this. The Minister of Labour says he's for the working man, when I asked him how he's going to vote on this, he says, I'll have to have patience. Mr. Speaker, the truth will out. We shall see whether he's going to vote against the Honourable Attorney-General in respect to this bill.

You know, I have spoken to a number of people in respect to this Payment of Wages Act, not just to organized people in the labour movement, but also to ordinary individuals, and every one of them indicates that they work for their wages and they work very hard, and they generally, not like the moneyed interests, like the banks, like the mortgage lenders, live from week to week, from payday to payday, yet this government, who professes to be on the side of the working people, is now reversing, something that has been in the statute for some time. The former Minister of Labour, the Honourable Mr. Paulley at that time, indicated that he wanted to put the law in its right perspective, that people were entitled to wages first, and this is what he did. As was indicated by the Honourable Member for Churchill, the Member for Assiniboia at that time concurred with that thrust, so at least one member of the Liberal Party has indicated that they were in favour of this. I don't know where the Honourable Member for Fort Rouge stands on this, but she'll have an opportunity to add her own views if she so desires in respect to this.

But I say, Mr. Speaker, that here we are, because the Honourable Attorney-General has, through some court cases discovered that the judges have ruled that employees are entitled to wages, and because the mortgage interests, the people in the finance companies have put up a beef, this government now is prepared to change and turn around the law. And as I said, they are playing a shell game. One Minister says one thing, the other Minister does another thing. One Minister says one thing, a backbencher does the opposite.

So this government is playing a shell game, and I want the government to be aware of that, Mr. Speaker. Thank you very much. I shall be voting against the bill.

**MR. SPEAKER:** Are you ready for the question?  
The Honourable Member for Brandon East.

**MR. LEONARD S. EVANS:** Thank you, Mr. Speaker. I would just like to add a few words on this particular piece of legislation to those that have already been offered by my colleague, the Member for Kildonan, and also by the Member for Churchill. I do not pretend to be an expert on labour legislation or labour relations' matters, but I do believe that this particular piece of legislation is at least symbolically a regressive piece of legislation, and perhaps not so symbolically, it can be classified as legislation that does not favour the working man. I believe, Mr. Speaker, that you can state that this, in some ways is part of a series of what I perceive to be anti-labour, anti-worker legislation, and actions taken by this particular government. And I think right back to the early period of the government in the fall of 1977, when in the very first session, the government took action to reverse certain progressive measures in employment standards that the previous New Democratic Party government had brought in, and also, with regard to the minimum wage, I believe. I stand to be corrected, but I believe with regard to minimum wages there was a move by the government to restrict an advancement in the minimum wage that had been proposed by the previous government.

So this is really one, and there could be other examples referred to, and I believe there are some items in the Statute Amendments Bill before us also that can be delineated as part and parcel of anti-labour action and legislation by this government. Well, why is the government doing it? Is there any great harm being done by this particular legislation? Is there any great outcry from the public at large, is there any great outcry by investors, is there any great outcry by employers? Because we do wish to get an understanding why the government would want to move in this way. My friend, my colleague from Kildonan did refer to pressure by the — I believe he referred to it, or my colleague from Churchill referred to the Bar Association of Manitoba, which has a Real Property subsection, and the Real Property subsection of the Bar Association has made it known, I believe to the government, that it is unhappy with this legislation, which in effect does allow for an element of protection for the working man that happens to be engaged in this particular type of work.

What this legislation does, it will make the Real Property subsection committee of the Bar Association very happy, because what it does is places mortgages ahead of wages. It places the financial interests before of the interests of the worker, and I say therefore, Mr. Speaker, that quite clearly, quite categorically, here is one very specific example where this government is catering to financial interests at the expense of the working people of this province that might be affected by the change in legislation.

I believe it was my colleague, the former Minister of Labour, Mr. Russ Pauley, who did bring in the original legislation, and I believe that it created no great hardship in the industry, and it did provide some measure of protection to workers. But now we've got a reversal of this, because as I understand it, in a couple of these clauses, Section 7, subsection (6) and also subsection (7), there is now a reference to placing Real Property mortgages ahead of a lien for wages. There is a priority now of Real Property mortgage and this, to my understanding, is the essence of this particular bill.

So it's obvious that the government has acceded to the requests of this particular group and I would hope that possibly, if not through our persuasive powers in this legislature, possibly when the bill reaches the committee stage that the government might listen to various labour groups, unions, who may make their views known on this matter, and possibly therefore persuade the government to change its position.

I would hope that that would be the case, but I'm not going to hold my breath, Mr. Speaker, and if it does come to pass that this legislation passes as it stands now, it will be just one more piece of evidence that is available to the people of Manitoba and particularly to the working people of Manitoba, that this government does indeed, favour mortgage companies and banks and other financial institutions over the welfare —(Interjection)— I said other financial institutions — over the welfare of the average worker. And I say, Mr. Speaker, that the average worker, when it comes next election time, may remember that this is just one more measure taken by this government that is not in the interests of the working people of Manitoba.

Thank you.

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

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

**MOTION presented and carried.**

## **BILL NO. 81 — AN ACT TO AMEND VARIOUS ACTS RELATING TO COURTS OF THE PROVINCE**

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

**MR. SCHROEDER:** Mr. Speaker, the Member for Logan adjourned the debate for me.

We have examined this bill. There are a number of legislative changes here, the first of which is that in all of the courts of the province, there will be an extension of time allowed for suitors in order that translations of Court proceedings or acts of the Legislature may be obtained. One of the concerns we have with respect to that provision is that in no instance, not under the Court of Appeal, Queen's Bench, Provincial Judges Court, Surrogate Court, or Provincial Court Judges Act, does this particular extension of time have a deadline on it. Ordinarily, when you're dealing with Court proceedings, there are such deadlines and in fact, even, for instance in the new bill dealing with education in this province where you have an arbitration board set up, there is a time limit of 30 days given from the time the board is set up until the time it is to make its decision, and we would hope that some consideration would be given to providing a reasonable time limit for such translation services to have been completed.

We welcome the addition of one judge to the Court of Queen's Bench. There are further provisions taking the matter of fees for jury trials out of the Act; the Act currently provides for a specific fee payable under the Act by a suitor who wishes to become involved in a jury trial if he or she has the right to a jury trial. The amendment being proposed would take that specific fee, which is currently 50, out of the Act and allow that fee to be charged by regulation. Certainly we would be prepared to agree that the 50 in terms of inflation may be now too low, but again, it's a situation where we are taking the matter of fees out of the hands of the Legislature and putting it into the hands of the administration.

As a result of this Act, we will become the possessors of a Chief County Court Bailiff for Manitoba, and that is a new position. Apparently, that position will carry with it only similar authority to that of a Deputy County Court Bailiff and I noted the fact that in examining the Attorney-General's discussion on this bill, he did not refer to this Chief County Court Bailiff, so we . . . —(Interjection)— I'm not sure as to the necessity. I would have liked to have heard the Attorney-General explain why we need this new Civil Service position.

The Act contains a provision allowing tort actions where judgments may be awarded in excess of 10,000 to be heard in County Court, providing the parties agree, and we welcome that change. Very often in the past, lawyers have been in a position when they're dealing with tort claims of not really knowing, where the limit is close to the 10,000, whether they are going to be receiving a judgment of under or over 10,000 and, to be safe, they've had to go into the Court of Queen's Bench, as opposed to the County Court, when sometimes it would have been much more convenient to go in the county court; and the reason they wouldn't go in the county court was the possibility that they might have been entitled to more than 10,000, which they would not receive in the County Court. So we welcome this change.

We note that the government proposes to add to the qualifications of a provincial court judge, that he or she must have practised law in Manitoba for a period of five years or that that person must have other equivalent experience. We do question the necessity for this. It would seem that it is up to the



government to appoint those people best suited for that particular post, as opposed to talking about specific terms of seniority. We further would suggest that the notion of equivalent experience is a very vague one. It might or might not apply to a law professor who had never taken out his or her call to the Bar. It might or it might not apply to someone who had been clerking in the Supreme Court or doing other equivalent work but not the work of a lawyer, or it might simply refer to someone who has been practising law in a neighbouring province, such as Alberta or Ontario, but we don't know. I would suggest that the legislation ought to be a little more certain, more precise and I would hope that would be changed.

We note that the matter of the judicial committee and its authority to deal with complaints has had some changes made to it, or there are proposed changes being made to it, and in general we agree with those changes, especially the removal of the power of the Chief Provincial Court Judge to make a complaint against a specific judge and then, based on that complaint, prior to any consideration by the judicial committee, to suspend that provincial court judge. The amendments will remove that power and we approve of those portions of the amendments.

The amendments, as well, will allow the judicial committee to examine relevant information from the records or writings which may be in the possession of a judge who is being investigated, and again we believe that that is an appropriate power for a committee doing that type of investigation.

The amendments clarify the power of the Chief Provincial Court Judge to transfer provincial court judges from one geographical district of the province to another and give any such transferred judge the right to a hearing before the judicial committee, at which time the onus of proving the necessity of such or the sensibility of such a transfer is on the Chief Provincial Court Judge, and we approve of that clarification.

We question the necessity or purpose of a change dealing with and taking away from the Minister his right to determine whether or not a judge may do work other than that of a provincial court judge. The Act currently allows the Minister to exempt a provincial court judge from his activities or would allow the Minister, for instance, to approve of a judge winding up his law practice or doing some other outside work. The amendments would take that power away from the Minister but they would give them to the Chief Provincial Court Judge. We question the necessity therefor. In addition to giving that power to the Chief Provincial Court Judge, the Lieutenant-Governor-in-Council would also have the right to make such decisions.

In general, Mr. Speaker, we are prepared to allow this bill to go to committee.

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

**MR. WILSON:** I just have a few brief comments, Mr. Speaker. I wanted to concur in many of the things the Member for Rossmere had alluded to. I was hoping under Bill 81, far more wide-ranging and reform-type introductions to the court system of Manitoba and I know there is a promised review by

the Attorney-General of the entire workings of his department and I look forward to, at some point or time, finding in the following sessions to come additional bills which will further upgrade the court system and bring it into a more modern approach.

I did want to comment on, in dealing with the qualifications under the qualifications of judges, I would like to see there be a more wide-ranging and encouragement of the type of outspoken comments that have been appearing in the daily newspapers, which are very common in the states south of the border, in which judges can make comments as to the lack of ability of the counsel and lawyer for the defendants; where he can actually postpone a trial because an accused person is not being properly represented. However, these unfortunate things are not taking place, where many people are occupying rooms, cells, or whatever, in our system because they have not been properly represented. They have been sold out because they did not have the legal fees for the member of the Bar to perform, and hence a guilty plea was entered.

I would like to see more outspoken comments by the judicial counsel and I would like to welcome the comments of several judges, no less Mr. Conner, and certainly Mr. Garson, Mr. Dewar, and others who have taken upon themselves to be outspoken in noticing the problems of the social system that is basically the responsibility of the political arena. But if, in our wisdom, we are asking people who have at least five years experience in the practise of law, who are usually very learned gentlemen with a lot of experience, I feel that their comments are certainly worth noting and, in many cases, are the type of things that politicians should take heed to.

I also would like to comment under this Section 11, Judge to devote full time to his duties. It is so vaguely worded that I'm afraid we're going to get into trouble under this section because many judges appear as lecturers, as guest speakers at law class graduations, and I notice, even in this year's Law Society of Manitoba income report, that certain parts of their money go towards the hiring of lecturers. I believe that 72,000 a year goes towards that. So I would encourage the Minister to possibly consider an amendment which would allow judges who have been asked, for educational reasons, and yet receives, say, 1,500 for a lecture tour per night, that they not be required to donate this money to some charity, or whatever; that it would be a flexible thing; that they could possible be paid for lectures because, if I read this section correctly, it says, "conduct any business, trade, profession or occupation", in other words, judges to be full-time.

Another comment that I made some time ago that was information that was fed to me by no less than two civil servants working in the court system that said, there's something terribly wrong because so many judges, who want to work full-time and who want to spend the greater part of the day doing duties, find themselves in a docket where four of the five cases are remands. The lawyers representing these particular clients know this but, because they have no conscience for the taxpayers purse because they have no consideration for the taxpayer, simply have all these cases adjourned and set over and this leaves the judge with time, which I'm sure he spends upgrading his knowledge on other cases still to come

before him, but should be looked at by what we'll call the efficiency expert in the Attorney-General's department, which hopefully, in his new reform of the court system that one of the positions that will be a new position will be an efficiency expert in the court system, to maximize the use of the courts.

So with those few words, I am prepared to support the bill.

**QUESTION put, MOTION carried.**

### **BILL NO. 77**

### **THE FAMILY LAW AMENDMENT ACT**

**MR. SPEAKER:** Bill No. 77, standing in the name of the Honourable Member for Fort Rouge.

**MRS. WESTBURY:** Thank you, Mr. Speaker. I wish to speak against that part of Bill 77 which includes The Family Maintenance Act, initially, Mr. Speaker.

When I read that this is to require children to support their dependent parents, I was very interested in finding out just what constitutes a dependent parent and so I looked for the definition of the bill which says: "a dependent parent is a parent who requires assistance for support and maintenance and (a) is widowed or does not have a spouse; or (b) has a spouse but, for any reason, is not receiving support and maintenance or adequate support and maintenance from this spouse". Well, I think that includes my husband because my husband has a spouse but is not receiving any support or maintenance, Mr. Speaker, and I hope he doesn't find out about this, or our children either. — (Interjection)—

Being a little concerned about this, Mr. Speaker, I went to the original Act and that says: "A parent includes a person standing in loco parentis to a child", Mr. Speaker. Well, now when we're talking about a parent, an adult child is to support a parent, what do we mean? I have looked at the two definitions here. Do we mean foster parents, natural parents, stepparents, parents-in-law, abusive or drunken parents, parents who abandoned and deserted their children, the fathers of illegitimate children; It's a wise man who knows his own father, Mr. Speaker, and you know, there have been instances where the fatherhood of a child was in some doubt and you could have some poor adult illegitimate grown child supporting half a dozen fathers because nobody knew who the father was.

Mr. Speaker, this really isn't acceptable. I wonder how you're going to enforce this, where a child has grown and moved out of the province, Mr. Speaker. I think other members might have referred to this earlier but my sister lives in New Zealand and I live here and, if our parents were alive, they'd certainly have trouble getting both of us to support the parent or the parents who are surviving.

I would suggest that this bill, if enacted, is going to be driving people from the province. This is a horrible thing to say, but I think there may be children who would rather leave this province, attractive though it may be, than stay here to support their parents.

The Member for Wellington asked, in his remarks, are we going to have welfare offices forcing a mother or any parent, a mother or a father, who is destitute,

to take their adult child to court? What a humiliating situation to put an elderly person in, Mr. Speaker. That question, I don't believe, has been answered.

There's also something worse than that which occurs to me. We could go back to the Dickensian times when we heard stores of aging parents kept in the worst room in the house because it was easier than putting them into a better facility and because it might cost the adult child, the family, something to keep those parents. There might be two or four parents for one family, elderly parents. I'm afraid that we may regress to the time when an ailing and an unwanted and a frightened parent may be shut up in the worst room of the house, eating whatever and whenever somebody decides to feed the parents, perhaps not eating balanced meals and perhaps not seeing a doctor when required, because sometimes these people can lose their initiative, lose their confidence, lose their will to live, perhaps, when they're treated badly.

Are we suggesting to our elderly people, you have lived responsible and contributing lives and the provision which you made for your senior years has been reduced through inflation; now society is not prepared to ensure a decent standard of life for you. Are we prepared to say this because I suggest that's what this bill is saying to our elderly people, Mr. Speaker. One would hope that all of us have been sufficiently good parents that our children will look after us, look after our physical, spiritual, and emotional health in our later years and look after our future needs, as I would hope to support my children if life deals harshly with them.

But, Mr. Speaker, can you legislate this kind of caring? I doubt that you can. We're exhorted to honour thy father and thy mother and most of us have reason to do so. Parents do have a responsibility to the lives they conceive and bear. Should those children who come screaming and kicking into the world also have a legal responsibility to support the parents who may have conceived them without love, without thought, and without any feeling of responsibility and without any carrying out of responsibility, Mr. Speaker? If children do not care for their parents, there is probably a good reason for it. As I have already suggested, love cannot be legislated into a parent-child relationship, Mr. Speaker.

When the Attorney-General was introducing the Marital Property Act in 1978, one of the reasons he gave to the delegations coming before committee that he could not legislate equal sharing during a marriage was that it would constitute an intrusion of the state into peoples personal lives. This old and seldom used legislation now has a new legitimacy with this bill and I would say it constitutes an intrusion of the most severe kind into peoples personal lives, Mr. Speaker. You know, if, as the Member for Wellington asked, if children don't pay whatever is assessed against them, is the government going to put them in jail? Are we going to put them in jail, keep the whole family in the taxpayers pocket? Are we going to garnishee their wages? How are we going to do this?

Mr. Speaker, the parent-child relationship is entirely different from the husband-wife relationship. Children do not choose their parents. Marriage is a partnership, one expects, in this day and age, in this

century. One chooses one's partner; parent-child relationship is not a partnership, Mr. Speaker. And the bill seems indeed to run counter to the whole spirit of the parent-child relationships. Should children who are abused by their parents be required to pay? Who's going to decide this 20 years later, 30, 40 years later? Are we going to force the families into court and, you know, many parents would rather live in the worst circumstances in the corner of a basement than take a child to court, because for a loving parent, that love is still there and, even if you're not treated well by your children, that love requires a responsible parent not to humiliate the child. Don't individuals matter any more, Mr. Speaker, the dignity of individuals? We're legislating dignity and love. We're trying to cover it all by a bill or two here.

This is a direction of policy, Mr. Speaker, that really gives me pause, because I just wonder how far the government is going to go in trying to shirk its responsibility to care for the elderly. Now this new thing is shirking its responsibility to care for the elderly by forcing children, adult children, regardless of their circumstances, to do that caring. To carry it far enough, there's no need to build any more personal care homes; there is no need to bring in preventative care for the children because you can have an adult child in another town in Manitoba who is responsible for coming in and giving the care to the parent. And everyone hopes that this will happen if the people are close enough to care, physically close enough to care, Mr. Speaker, but it's not always possible and how far are we going to allow the administration to go in making decisions on this sort of thing? Children have no control over how their parents spend their money. Can parents go out and spend it; live a little longer than they anticipated and put their children into poverty by becoming dependent upon them in their late years?

I'm almost finished, Mr. Speaker. Children in a good family situation will care for their parents, Mr. Speaker. I suggest that if the government is planning to use this legislation, I question their motives and I suggest it should not have been brought forward.

I also wanted to speak about The Marital Property Act, and I only have one sentence on that. Any debt that's incurred through default of payment from a spouse to another spouse is unreasonable. Any delay in the payment of that debt between spouses is unreasonable and that money is owed to and is the property of the other spouse, and interest should be paid and should be due immediately, and that is self-evident.

Thank you, Mr. Speaker.

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

**MR. J. WALLY McKENZIE:** I move, seconded by the Member for Rock Lake, that debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** The hour being 5:30, the House is accordingly adjourned and stands adjourned until 10:00 o'clock tomorrow morning (Thursday), but