

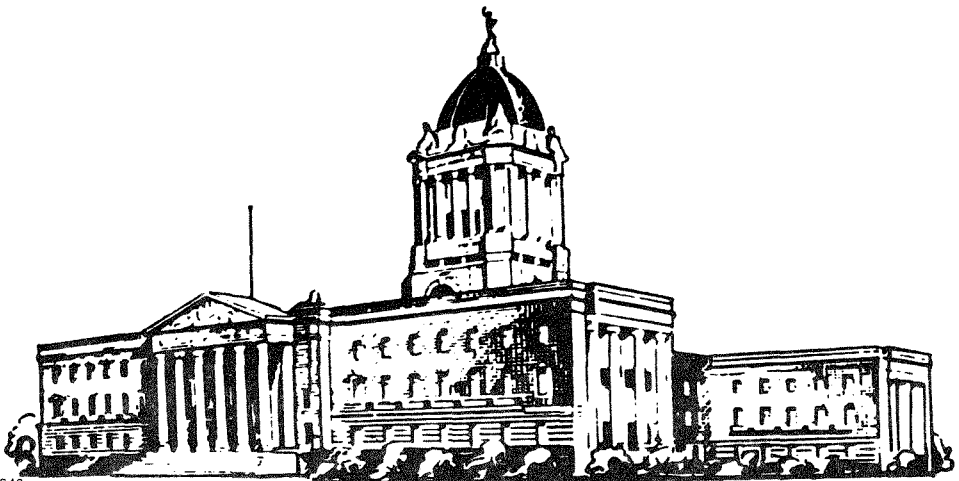


Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

*Published under the
authority of
The Honourable D. James Walding
Speaker*



MG-8048

VOL. XXXI No. 94B - 8:00 p.m., THURSDAY, 23 JUNE, 1983.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 23 June, 1983.

Time — 8:00 p.m.

ADJOURNED DEBATES ON SECOND READING BILL NO. 66 - THE CHILD WELFARE ACT

MR. DEPUTY SPEAKER, P. EYLER: Order please. When last we met the next item on the Order Paper was Bill No. 66, the proposed motion of the Honourable Attorney-General, standing in the name of the Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, I adjourned the debate on behalf of the Member for Fort Garry.

MR. DEPUTY SPEAKER: The Member for Fort Garry.

MR. L. SHERMAN: Thank you, Mr. Speaker. I appreciate the opportunity to offer some comments on Bill 66 and I would say at the outset that it's not our intention to delay the passage, or the process of this important piece of legislation through the House and into committee, but I think a number of points and comments require to be made, notwithstanding our general disposition to approve the bill on second reading.

We don't have any major problems, save one, with these amendments to The Child Welfare Act outlined here in Bill 66, Mr. Speaker, but we do have some other concerns about child welfare and about the substantive nature of Bill 66 itself, and the possibility that it only represents a certain temporary stopgap measure on the way to rather revolutionary, indeed perhaps, even traumatic reform of and change to the child welfare system in this province.

Speaking for myself and my colleagues, I can say that we have some very serious concerns and worries about that. I have some very serious concerns about the general direction intended by this government in the child welfare field. There are a lot of questions wafting around about child welfare and the various Children's Aid Societies and other child welfare agencies, who are charged, by statute, with the responsibility for the welfare of children at risk in our province and in our community, Mr. Speaker, and there are a lot of questions wafting around about the government's intentions vis-a-vis CAS, particularly CAS Winnipeg, and child welfare programming and administration, in general.

There are a lot of questions because there are a lot of rumours. The Minister of Community Services has contributed in part to the general area of uncertainty which prevails in this field at the present time. He has initiated, or been party to the initiation, of a fairly substantial number of reviews, task forces and investigations of various aspects of child welfare and child care programming. He has accepted interim reports and recommendations from some of those

carrying out investigations for him. He has commented on those interim recommendations and proposals. He has engaged in considerable speculative public discussion about the directions in which we are headed in the future of CAS Winnipeg, etc., and as a consequence contributed in my view, in no small measure, to that cloud of uncertainty that now hangs over the whole child welfare field and hangs, in particular, over the current and future status of a number of professional child care workers.

So, Mr. Speaker, what we're looking at here is a situation that, at the kindest, could be described as unsettling. I can tell you, Mr. Speaker, that many dedicated and experienced child care workers and professionals of my acquaintance, particularly many of those connected with the Children's Aid Society of Winnipeg, are very concerned and are very worried and are feeling very insecure these days because of that wide uncertainty that I've referred to, that wide uncertainty that currently surrounds the future of CAS Winnipeg and the government's intentions in child welfare, generally.

That, Sir, is not directly at issue, perhaps in the bill in front of us, Bill 66, but I submit, with respect, that it is certainly indirectly at issue because Bill 66, as it clearly enunciates, proposes a number of amendments to The Child Welfare Act and there is clear evidence, and in fact I think clear testimony on the record from the Minister of Community Services and his government colleagues that a new Child Welfare Act is in the offing.

So the first question that arises is why are we faced at this juncture with amendments to a Child Welfare Act, currently on the statute books in Manitoba, if in fact a new Child Welfare Act is just a few months down the road? I don't object to the amendments contained in Bill 66 to The Child Welfare Act, although we have difficulties with one particular clause in the bill and I intend to make reference to it in the course of my remarks, Mr. Speaker. But as I said at the outset, I have no objection to Bill 66 in principle and my colleagues have no objection to it in principle, and at the conclusion of my remarks I think it's my House Leader's intention and my colleagues' intention to propose that the bill proceed to committee stage.

But I do have serious concerns about what is perhaps brewing in the child welfare field, and why we are dealing with amendments to a Child Welfare Act that apparently is slated for the trash heap in the not-too-distant future, and for total replacement by a new Child Welfare Statute. So that question troubles us at this juncture, Mr. Speaker, and requires to be put on the record.

If one looks at Bill 66 and its contents, one finds that there are some nine amendments being proposed to the current Child Welfare Act, and of those nine, we on this side have little argument with any more than one or two, Sir. But I think the point needs to be made at this juncture that it's not simply a case of our expressing support for the amendments that are being proposed in Bill 66, but that the source of those amendments is important and ought to be recognized.

The amendments, of course, are presented in a piece of government legislation and would appear superficially, perhaps, to be initiatives entirely conceived by and promoted by this government. But that's not the case, Sir, and I think it's important to make this point because of the whole question of uncertainty and dispute and criticism that's been swirling around CAS Winnipeg in recent months.

The truth of the matter is that of these major amendments that appear before us in Bill 66, most of them, the vast majority of them are the products of the thinking and the disposition of CAS Winnipeg and its board and its officials. As I said, Sir, there are some nine major amendments contained in this bill . . .

MR. B. RANSOM: On a point of order, Mr. Deputy Speaker.

MR. DEPUTY SPEAKER: Order please. The Member for Turtle Mountain on a point of order.

MR. B. RANSOM: Yes, I draw to your attention, Sir, that there are no less than about seven private conversations going on in the House. I find it difficult to follow my colleague.

A MEMBER: Hear, hear!

MR. DEPUTY SPEAKER: If members wish to pursue private conversations, I'm sure they can do so outside the Chamber.

The Member for Fort Garry.

MR. L. SHERMAN: Thank you, Mr. Speaker. Mr. Speaker, I was making the point that there are some nine major changes proposed to The Child Welfare Act in this bill, and I want it noted for the record that seven of those nine changes were proposed by the Children's Aid Society of Winnipeg. I want to make that point because the whole present and future status of CAS Winnipeg is central to what we're talking about here, to this bill, to the studies that are under way, at the behest of the Minister at the present time, and to any future Child Welfare Act that comes into force in this province.

We have been subjected in recent months, in fact, in the past year-and-a-half, to wide-ranging criticism of CAS Winnipeg and its philosophy and its management and its administration and its efficiency. There have been substantial and fairly militant criticisms and expressions of opposition reported in the media, carried out publicly, where the critics and the opponents of CAS Winnipeg are concerned, and a good many activities have produced - calculated or not - a resulting suspicion in much of the public's mind about the efficiency and the competence of CAS Winnipeg.

I think, Sir, that that has been unfortunate. It has been unfair and it has been unrepresentative. I don't intend to get into the reasons for the criticisms of, and the attacks on CAS Winnipeg in the past 18 months - that could well be the subject of another debate. But I think it should be recognized and all members of the House, I would hope would do so, that CAS has been under some attack, under some siege from a number of groups in the community, who have portrayed it as

being inefficient, incompetent, and outdated, in terms of its approach to its statutory obligations; namely, the care and well-being of children at risk in our community.

Whatever the motives have been for those kinds of criticisms and those kinds of attacks, Mr. Speaker, the fact remains that they have been somewhat exaggerated, somewhat one-sided, and in my view, exceedingly unfair. One of the things that has bothered me is that there has been very little response on the part of this government, in particular the Minister of Community Services, in defence of CAS Winnipeg and the observance by that agency of its responsibilities.

Now, it can be argued and it has been by some members of the government, that it's not the government's responsibility and it's not the Minister's responsibility to defend CAS Winnipeg. But, Sir, surely when we're dealing with a major child-caring agency, which is a beneficiary of substantial and significant funding by the taxpayers of Manitoba, through their elected government. We're dealing with an agency that has the prime responsibility for carrying out statutory obligations in the child welfare field in Winnipeg.

It is certainly the responsibility of the Government of the Day to ensure that the integrity of such an agency is protected against and defended against unfair attack and criticism. Surely it's the responsibility of the Government of the Day to ensure that the true story and the true picture of such an agency is presented; and surely it is the responsibility of the Government of the Day to ensure that the public, i.e., the taxpayers who fund that agency are not given exaggerated, unbalanced and irresponsible information about such an agency and its duties and the observance of its responsibility, so that I reject that suggests that the government has no responsibility to defend CAS Winnipeg. The government has a responsibility to defend the truth and to ensure that the public is not misled by distorted or unbalanced information, particularly where that information applies to agencies that are the beneficiaries of taxpayers' money and public funding, such as is the case here. I've been rather dismayed by the fact that the Minister has been apparently reluctant to stand up and defend the CAS of Winnipeg in some of its difficulties and some of its troubles of the past year-and-a-half.

So that's why I want to make the point at this juncture that when we're looking at Bill 66 we're not looking at inspirations that have necessarily flowed from the Department of Community Services. I have great admiration for that department and certainly look back with gratification on my own association with it, Sir. But, in fairness, it should be recognized that of the major amendments proposed to The Child Welfare Act in this bill, and they number nine, seven of them came from CAS Winnipeg. If the government doesn't want to recognize that, Sir, the opposition does and I want that placed clearly on the record.

Let's take a look at those amendments just briefly. One of them has to do with the fact that parents can be ordered to undergo examination; that was a Children's Aid Society of Winnipeg proposal. One of them has to do with the fact that proceedings should now be open to the media; that was a Children's Aid Society of Winnipeg proposal. One of them has to do with the fact that parents now should have access during wardship; that was a CAS Winnipeg proposal. One of

them has to do with the fact that the courts must now allow the cross-examination of parents. That was a CAS Winnipeg proposal.

A fifth says that if the court finds the child should not be made a ward and the CAS decides to appeal, the child goes back to the parents rather than stays with the CAS. That was a CAS Winnipeg proposal.

A sixth, Sir, says that children enjoy a certain status under the process of appeal and during the period of appeal and that was a CAS Winnipeg proposal.

A seventh constitutes an order against molestation or annoyance or harassment of the applicant or the child in cases of child welfare and custody question, and that, Sir, was a CAS Winnipeg proposal so that what we're looking at is a sweeping reform to the Child Welfare legislation in this province which originated in the councils of the CAS of Winnipeg. — (Interjection) — As my colleague and House Leader, The Honourable Member for Turtle Mountain, suggests, Mr. Speaker, it doesn't sound like an organization that should be destroyed.

So, let us give credit where credit is due, Mr. Speaker, as we approach this controversial question of child welfare and child welfare reform and the future of our children's aid societies.

I want also to suggest, Mr. Speaker, that much of this work that has come from the CAS Winnipeg and much of the initiative and imagination that has found its way into proposals of this kind has come against considerable odds because as the government carries out its reviews and evaluations and examinations of the system, it does so in a spirit unfortunately of rejection, at least apparent rejection, of the input of the Children's Aid Society. It does so in an atmosphere of isolation where CAS Winnipeg is concerned and this is one of the basic difficulties that professional child care workers with CAS Winnipeg have at the present time. It's certainly one of the primary concerns of the President of CAS Winnipeg and Chairman of the Board and board members themselves, the fact that the government of the day apparently is moving ahead to implement changes in this field without consulting CAS Winnipeg and without receiving and requesting very much input.

Certainly some of the ideas of CAS Winnipeg in recent months and years have found their way into this legislation that's in front of us at the present time, but that came as a result of a system in which CAS Winnipeg did the pushing, took the initiative, did the work, made the effort to get those ideas across despite resistance, despite closed doors, despite a tendency on the part of this government to shut them out and refuse to listen to them. It didn't come because the CAS of Winnipeg has been invited into the councils of government on this subject and asked to contribute its ideas to child welfare administration and child welfare reform.

Mr. Speaker, I would hope that before proceeding with anything declamatory in the field or form of new child welfare legislation in this province that this Minister and this government agrees to sit down and seek out the assistance, advice and counsel of these professionals to whom I have referred. I would hope they're not going to work arbitrarily on development and implementation of a new Child Welfare Act without drawing from the CAS of Winnipeg all the information, all the advice and professional counsel that is available from that great resource.

There are very distinct impressions abroad at the present time, Mr. Speaker, that suggest that regardless of what the Minister has said in discussion in this Chamber, during his Estimates, in question period and in other aspects of the current Session, the CAS of Winnipeg is doomed for termination that this government's mind is made up to dismantle the CAS of Winnipeg and replace it with six smaller agencies.

The Minister of Community Services has been asked about that in this House by me and by others. He has suggested that is an interim proposal from Judge Kimelman, and it's a concept that has been given some abstract consideration by his department and perhaps is continuing to receive abstract consideration but it is by no means a firm determination. But, Sir, the stories and the impressions keep surfacing; they keep reappearing among professional child care workers in Winnipeg and, in particular, among professionals associated with the Winnipeg Children's Aid Society.

It's very clear that they have had some pretty firm and tangible evidence laid before them, laid before the president and chairman of the board, Mr. John Sinclair, laid before other members of the board, with whom I've had conversations incidentally, laid before professional workers attached to the agency that this government and this Minister have made up their minds that CAS Winnipeg is doomed, is finished and is headed for extinction like the dodo; and that it will be replaced by some new concept developed and conceived in the hothouse of the current NDP Government and the Minister's office, which suggests that some of the bureaucrats providing advice to the Minister in this field know more about child welfare, know better what is good for us in Manitoba in terms of child welfare than do the professionals who have worked in this field for a long long time. That impression, as I say, is very clear and it's very unfortunate because it has created a very insecure and unsettled atmosphere in the child welfare field.

One of the tragedies that's resulted from the kind of speculation, debate and testing of the wind that has been engaged in by the Minister for a year or more now in this field has been the effect that that kind of activity has had on morale in CAS Winnipeg itself. The professionals and the child care workers attached to that agency do not know where they're headed, Mr. Speaker. They do not know what the future holds for them. They barely know what the present holds for them because of the atmosphere of uncertainty. The biggest service that this Minister of Community Services could perform in the social services field in Manitoba at the present time in my view, and particularly in the child welfare field, would be to offer some kind of clear reinforcement and clear reassurance to CAS Winnipeg and to professional child care workers associated with that agency of their future, of that agency's future and of his faith in that agency.

Admittedly, it has not all been a perfect track record. Who has got a perfect track record? Who in a field like this, with all the emotional challenges and financial challenges that are encompassed in its range, could hope to have a perfect track record? Who in any activity in life? Who in this House has a perfect track record? But given the difficulties and the challenges that it faces I believe that CAS Winnipeg has done its job and done it well and certainly deserves better than to be

catapulted or shunted into a state of uncertainty and limbo, which is destroying and sapping the morale of the professional workers who were associated with it; and make no mistake, Mr. Speaker, that has an impact and an effect that is felt every day on its clients. How can the workers in that agency do the kind of job for their clients that their statutory responsibilities required them to do when they live under this constant cloud of uncertainty of not knowing where they stand and where their agency stands from day to day?

That has been a particular disservice to the agency and to child welfare in Manitoba in general, Mr. Speaker, and I would entreat the Minister to try to correct that situation as quickly as he can to make some definitive, reinforcing, reassuring statement that lets the people of this agency know that their work is respected, that certainly there are some difficulties and certainly there are some refinements and improvements that require to be made, but they do not live, breathe and operate at the present time under the fear of imminent termination as a professional organization.

I don't think that there's any clearer evidence that would suggest to me or to any thinking person, Mr. Speaker, that anything constructive would be achieved by replacing CAS Winnipeg with four, five or six smaller agencies. We discussed this issue during the Minister's Estimates and I put some questions to him at that time, which I asked him to think about, and I would continue to ask him to think about. The answers still are not available.

In the first place, CAS Winnipeg is the outgrowth of a determined effort to rationalize a fragmented child welfare system in the City of Winnipeg. All we would be doing by accepting the recommendation to go to six smaller agencies would be turning the clock back.

In the second place, Sir, everybody in this House surely is familiar with the truism of politics and bureaucracy and public service which has demonstrated again and again in the past, and will continue to do so in the future, that when you go from one agency to six agencies, you go from one bureaucracy to six bureaucracies, and you go from one budget to six budgets. You usually go from \$1 million to \$6 million.

In the third place, Mr. Speaker, what is the rationale on which those six smaller agencies would be based? Is it going to be a geographic rationale? I put this question rhetorically to the Minister some days ago. Are we going to have one agency in East Kildonan, and one in St. James, and one in Fort Garry, and one in St. Boniface, and one in the Core area? If so, we're going to wind up with one agency that's carrying 90 percent of the caseload, 95 percent of the caseload. That will be the one that's in the Core area. That is not to say that there aren't child welfare problems in the other areas which I've mentioned. But realistically, pragmatically, and honestly, Mr. Speaker, let's face it, we know where 90-95 percent of those problems are. You'd find one smaller agency faced with 95 percent of the total caseload.

In the fourth place, Mr. Speaker, if you're going to do it along ethnic lines and cultural lines because the Native community wants child welfare agencies of their own - I think that is a legitimate request and one that I subscribe to, and one incidentally that CAS Winnipeg subscribes to - but if you're going to extend that to apply across the ethnic and cultural spectrum, you're

going to wind up, in my view, with a regrettable and retrogressive measure that will ghettoize our society and will fly in the face of the Manitoba mosaic of which we're so proud, the social mosaic to which we continually point with pride. I don't think that is the way to go about building a unified cultural and social Manitoba mosaic by splitting up our social service agencies along the lines of ethnic and cultural demarcation.

I do think that the Native community has a case for its own child welfare system, and in fact one of the first public speeches that I made when I was Minister of Health and Community Services, shortly after our government was sworn in in 1977, Mr. Speaker, was to an annual meeting of CAS Winnipeg, in which I said that I believed the time had come to establish a separate Native child welfare agency. The CAS of Winnipeg has subscribed to that view themselves. They have worked very hard in the past year here at CAS Winnipeg to achieve what they call the devolution of responsibility of many of their clients and their wards, the devolution of responsibility for Native and partly Native clients, the turning over of that responsibility to the Native community itself. But they have made the point, and it requires to be made that that can only be done realistically as the Native community is equipped to accommodate and meet that responsibility.

For example, Mr. Speaker, I think it's important to note that in August of 1982 - that's less than a year ago - CAS Winnipeg referred the names of 212 Native children in agency care to the 27 Manitoba Indian Reserves. The Native community has been able to find homes for 20 of those children, and CAS and the Native community together are still attempting to find homes for the other 192.

Now I don't cite that, Mr. Speaker, as any kind of an unfavourable record, but the point is that the Native community is only beginning to be able to meet that challenge. They deserve the right to do it and we support their right to do it, but let us do it right; let us give them the right; let us ensure that they have the right which they are entitled to, but let's ensure that it's done right, and that we don't have children suffering emotionally, physically, or any other way because of too hasty an attempt to produce a system that recognizes Native cultural heritage, and attempts to observe it before the infrastructure is in place; before the support system and the knowledge is in place to make those transfers of Native children into Native environments possible.

So the CAS of Winnipeg and the Native community and Native child welfare agencies are working on that challenge of finding homes for those other children who have been referred to the Native community for placement. It's not something that's going to happen overnight, but it is something that has the endorsement of all reasonable Manitobans. Certainly along with the government of the day, it has the endorsement of those of us on this side of the House, and demonstrably has the endorsement and the participation and support of CAS Winnipeg.

In fact, CAS Winnipeg was one of the original voices suggesting and calling for establishment of a Native child welfare agency. All they ever did in terms of indicating there should be some careful and slow approach to that was put the caveat on the suggestion

that said, let's make sure we've got the infrastructure, and the people, and the finances, and the resources, and the professional knowledge in place before we do it. Let's make sure the homes and the foster parents and the adoptive parents are there; let's not saddle either the Native community or the children themselves with a situation that will result in trauma or tragedy; let's do it right.

What's wrong with that, Mr. Speaker? That has been a very creative and a very pragmatic and a very supportive approach, and that's a CAS philosophy, and a CAS position. Why there should be so much sort of concerted effort to discredit CAS Winnipeg at this point in time escapes me, and escapes us. I think that is a factor and a feature that is central to this bill that we're addressing at the present time.

One other point I want to raise in the few minutes remaining to me, Mr. Speaker. I said at the outset that we agreed with most of the amendments proposed in this bill, but we had extreme difficulty with one, and that is the clause that repeals the existing measure in this statute that provides for the Examination for Discovery procedure where child welfare cases are concerned. I cannot understand, and we cannot understand, Mr. Speaker, why the government would draft a bill that would take the Examination for Discovery procedure out of the child welfare process? The Examination for Discovery provision means that all the trivia, all the incidentals, all the vested interest positions can be sorted out in the lawyer's office prior to going to court, rather than having to go through that kind of process in court, rather than perhaps having to subject the court, the judge, and the parties themselves to irrelevant and inconsequential and perhaps in some cases unimportant questions and examination.

You can do all that in the respective lawyers' offices before you ever get into court on your case. Then you go into court with the facts with the clear case in front of you, with the clear issue that needs to be addressed. It's a time saving, efficient, proven historic device. And why the government would draft amendments to the bill that takes that provision out of the existing statute is something that escapes us, and we suggest that the clause in Bill 66 that does that should be eliminated from Bill 66, so that the clause in the existing statute providing for examination for discovery remains on the statute books.

Those are our primary concerns with this legislation, Mr. Speaker, and on behalf of my colleagues I wanted to place them on the record. I reiterate what I said at the outset of my remarks, we agree with the principle of the bill, and we are prepared to proceed with it, and to see it move into committee, but I do want to recommend to the Minister, and the Attorney-General at this juncture as it goes into committee that they restore the examination for discovery procedure in the child welfare process.

Thank you.

MR. DEPUTY SPEAKER: Are you ready for the question?

The Honourable Member for Roblin-Russell.

MR. W. McKENZIE: Mr. Speaker, before you put the question, a matter of personal privilege, as a member

that's been in the House for many years. I regret very much that the questions that have been raised, not only on this bill but other bills, this is not the first time, the Ministers that are responsible for the bills are not in their places to close debate or give us the answers from these many questions that are raised on these bills.

I regret it very much, Mr. Speaker. I've been in this Legislature a long time. I've never seen this in my lifetime in this Legislature, where Ministers who are in charge of the Treasury Benches and responsible for the Crown, and the people of this province don't have the courtesy to come here and respond to - This is an example of that tonight. This is not the first time - to the many questions that were raised by my colleague, the Member for Fort Garry, and I'd like to put that on the record, Mr. Speaker. I regret it very much.

MR. DEPUTY SPEAKER: The Honourable Minister of Natural Resources to the same point of privilege.

HON. A. MACKLING: Well, Mr. Deputy Speaker, on the same point.

I think it should be understood that Ministers are obliged to attend a great number of meetings, and obligations to meet with the government, government business both in the afternoon and the evening — (Interjection) — Well the honourable member says don't bring in bills.

The honourable members know that the calling of these bills is done with some consideration for when members of the opposition wish to speak on them. And, Mr. Deputy Speaker, bearing that in mind, I have called the bills and the House Leader has called the bills in accordance with the order indicated as preferable by opposition members.

So there is a problem for Ministers always to arrange their schedules to conform with the bills that the opposition want to speak on. We have commitments. We can't always be here in accordance with that scheduling. Ministers have indicated that they are prepared to look at the arguments that were addressed when their bills are discussed and they're not available in the House. Certainly they are prepared to discuss them when those bills go to committee.

So I think the comments made, while I recognize that there is some merit to it, should reflect also the consideration that the government must give to the opposition which we have done.

MR. DEPUTY SPEAKER: The Honourable Member for Turtle Mountain to the same point.

MR. B. RANSOM: Yes, Mr. Speaker, on the same point.

We recognize that Ministers cannot always be present, but surely there is someone else in the House that can adjourn the bill on the part of the Minister so the Minister can close debate. It has always been the tradition that when questions are raised during debate that the Minister responds to them in closing the debate so that the opposition knows then whether they should prepare amendments to go to the committee.

If the Minister indicates that he's going to restore the offending provision, then there's no problem. Mr. Speaker, it's simply tradition that has been done. It

allows for full debate of that laws that we're passing to govern the people of this province.

MR. DEPUTY SPEAKER: The Minister of Natural Resources to the same point.

HON. A. MACKLING: Yes, Mr. Deputy Speaker.

I think that the Honourable Member for Turtle Mountains point is well taken. There are bills which I think, in this case, the Honourable Member for Fort Garry indicated agreement with all of the principles in the bill except one, and in light of the generality of his endorsement, I didn't feel that it would be necessary for the Minister to respond at any length to that.

But certainly tradition is that we take an adjournment so the Minister can — (Interjection) — Well, the honourable member's interrupting me. I didn't interrupt him when he was speaking.

But the Honourable Member for Turtle Mountain is right and so therefore on behalf of the Minister, I move, seconded by the Honourable Minister of Municipal Affairs, that debate on this bill be adjourned.

MOTION presented and carried.

BILL NO. 76 - THE CROWN LANDS ACT

MR. DEPUTY SPEAKER: Bill No. 76, On the proposed motion of the Honourable Minister of Natural Resources, standing in the name of the Member for Lakeside.

MR. H. ENNS: Mr. Deputy Speaker, in addressing some comments to Bill 76, An Act to amend The Crown Lands Act, allow me to say at the outset that it will be our intention to move this bill forward to committee.

I would also like to indicate to you, Mr. Speaker, and for the public record that I speak on this bill with a matter of vested interest. I have been personally a lessee of Crown land for the last 23 years and so I make those statements in this day and age where conflict of interest is uppermost in members' minds. I would hope that the fact that I have been a lessee of Crown land for these many years does not prevent me from making some comments about this bill.

Mr. Speaker, I appreciate, of course, the fact that there are some aspects of Crown lands that touch on different areas of use. There's a tendency in my particular case of referring to Crown lands principally as those being that are leased to residents of Manitoba for agricultural purposes.

There are, of course, other reasons - recreational, and even in some instances in the north commercial reasons where Crown land is being leased. But I believe it's fair to say that in a large percentage of the administration of Crown lands, the changes that the Honourable Minister are introducing does reflect on the agricultural Crown land use and is addressing those problems that he perceives in the amendments before us.

Mr. Speaker, I can't help but make some comment, and I would make one or two comments which aren't particularly the immediate concern of the Minister although he is responsible for the overall management of Crown lands. I do recognize that his colleague, the Minister of Agriculture, has some responsibility in the

administration of those lands that are under agricultural lease. But when the Minister says that and makes the point that we have a fairly successful Crown Lands Act in Manitoba which seems to have satisfied the approaches of successive administrations, Mr. Speaker, it leaves one to comment that of course there have been some substantive changes made, particularly some four years ago in Crown lands, that I can't help but mention to the Honourable Minister and say that perhaps it's to some extent the reason that those changes were made that leads him to make this kind of a statement that by and large we have a pretty Crown Lands Act on our hands.

I must say to the Honourable Minister, and this is one of the areas that may not be directly his responsibility, but one of the departures that were made in the Crown lands policy was the availability of Crown lands for purchase, particularly by long-time lessees of agricultural lands where Crown lands were part of a viable cattle operation. That policy has neither been renounced by members opposite, has neither been endorsed by members opposite, but I gather it is floating in kind of no-man's-land and, Mr. Speaker, I don't want to berate this point, but simply let me say that to me that is not quite the open way of dealing with this kind of an issue.

I would appreciate if this government would screw up their courage and either condemn the past administration for their policy of allowing certain Crown lands to be sold under very specific conditions, which is what they objected to when that policy was introduced, but now have done nothing really to change that policy. In fact you have chosen, in my judgment, in terms of public administration, the worst positions. You have allowed yourself the right to sell Crown lands from time to time, although you have not publicly endorsed that policy and, ergo, people that are involved, are interested in Crown lands, don't know from day to day whether or not their application for purchase of Crown lands is acceptable, it meets the rules, it meets the conditions, or whether it's being turned down or accepted for different reasons. Are they leaving that policy in place so that they can look after friends or when they get into a tight position that they can then sell a couple of quarters of Crown land, or just what is the situation? I say this not too harshly to this Minister because it's really the Minister of Agriculture that I should be directing these comments to. But I'm simply saying that your government, this Minister, who now says in introducing these amendments, that it seems that we have satisfied the approaches of successive administrations. "It has worn well," is his phrase. Then I think, Mr. Speaker, I would like to hear from this Minister his position on that question of the sale of Crown lands.

Mr. Speaker, also, just while I'm on that subject, and again not laying it on this Minister's doorstep but, you know, at a time when the cattle industry is not all that rosy - we heard question periods to that effect just this very day in the House - cattle prices have not increased, but we have increased very substantially, are increasing by 100 percent the rent of Crown lands. In my particular case, the leases were going up from \$2,200 to \$2,900.00 - that's a one-year jump - with notice that's going to take up two more jumps like that.

Now, that's really helping the cattle industry along, but then, Mr. Speaker, I shouldn't complain, I know

what the average householder in the City of Winnipeg had to face in this first year in tax increases. I know what all other average, ordinary little people have had to face with the event of this New Democratic Party Government. You have taken in excess of \$1,000 to \$2,000 of every Manitoba's disposable income away from them; in your first 14 months of office, you have accomplished that.

My cattle prices haven't increased. No cattlemen's prices have increased, but you have increased the rental of Crown lands by 50 percent this year and you've already served notice that it's going to increase by another 50 percent next year. Mr. Speaker, I don't think that's fair, not when we're in danger of losing packing plants that employ 2,000-3,000 people in St. Boniface, when we know by the Minister of Agriculture's own admission that our cattle industry is in difficulty. I don't think that's fair.

You see, Mr. Speaker, that's when people lose faith in the credibility of what government is all about. When they ask workers to accept six and five guidelines in terms of wage increases, when they ask other people, except of course the civil servants, to restrain themselves in their demands, and then they go ahead in their own areas of administration, like the administration of Crown lands, and increase the rental rate by 50-100 percent.

Mr. Speaker, this same group passes legislation governing all landlords, and says you can't increase your rent by more than 8 or 9 percent unless it's exceptional circumstances, but they are the biggest landlord in this province of Crown land and they increase their rent on Crown land by 50 percent in one year.

So, Mr. Speaker, I can't help but make those comments while I'm dealing with this bill. I've acknowledged that it's perhaps the Minister of Agriculture as much as the Minister of Natural Resources that I should be addressing these remarks to.

Now, Mr. Speaker, another question that comes into play with the changes that are being made is the Minister speaks about tightening control, increasing the speed of reaction to unauthorized use of occupancy of Crown land, increasing the penalties, you know, where provision for stricter penalties and the means to ensure the swift response of governments, something like that. You know, Mr. Speaker, we Conservatives are supposed to be the property class, the ones that are worried about these kinds of things. It's always amazing to me that here we have the people's government, in one piece of legislation after another piece of legislation, setting out these harsh penalties, increasing the penalties. In all too many cases, Mr. Speaker, as was the case just a few days ago when we were examining in committee stage Bill No. 12, The Water Rights Act, the difficulties when the people upon whom these laws are being posed weren't all that clear. It wasn't all that clear in the statute as to when they were breaking the law and when they were not breaking the law.

Mr. Speaker, I haven't heard - I live in the Interlake area, we have a lot of Crown land leased in that area. I, myself, have had the privilege of being Minister responsible for these same Crown lands. I, myself, have had the privilege of being Minister responsible for the Department of Agriculture. I can't really say, Mr.

Speaker, nor has the Minister introduced this information in the introduction of this bill that there is a great deal of difficulty about the government not having the capability of getting onto Crown land to put out fires or to do other, you know, to properly administrate unauthorized use of Crown lands. The Minister says there are many cases, however, where prompt preventive action is needed; for example, fire prevention and control. Well, Mr. Speaker, in rural Manitoba, I want to tell you if there's a fire breaking out, it doesn't have to be Crown land, it can be private land, it can be anybody's lands. If a fire is jeopardizing the community, if a fire is raging out of control, municipal or provincial machines will move in and they will fight that fire, and ask questions later. There has never been a case in my judgment, I've had municipal equipment onto my Crown land that I leased. Without my knowledge they were fighting a fire that could have gone out of further control.

So, Mr. Speaker, I don't know why this government is that preoccupied with tightening the control, increasing the speed of reaction to unauthorized use or occupancy of Crown land, and then to bring upon these additional heavy penalty clauses. Mr. Speaker, we are supposed to be the law and order boys in this spectrum of politics. We believe in what President Reagan and others, when they talk about law and order, and let's enforce the law. Where do these social democrats, where do they get off pre-empting our show? So, Mr. Speaker, I don't really understand that in this legislation.

Now, Mr. Speaker, all of these are not substantive issues that I'm going to take issue with the Minister, nor are they the kind that I'm going to attempt to block the passage of this bill, but I raise them because perhaps between now and committee or third reading, the Minister may have some second thoughts about the harshness with which this government, this Minister wants to treat, in this case, particularly the farmers, rural people, cattlemen, ranchers on the issue of the use of the Crown land resources of this province.

Well, Mr. Speaker, one other area that I wanted to mention was the fact that, and here I must confess I have a problem, because I think if the records were investigated, I'm probably close to two or three months past due with respect to my payment of the lease myself right now, but the Minister is introducing a section here that says that he's going to reduce the notice. It's been found that the present provision, three months' notice, are enough to defeat some of the purpose of the notice. For example, a tenant in default may still get substantial use in a season if we do not shorten his period of notice from three months to one month. So what the Minister is suggesting is that instead of three months' notice, one month, and bingo the lease is gone.

Well, Mr. Speaker, I've stated my vested interest in this bill, and I hope the Minister will not take advantage of that, but surely again, there's room for a period of a bit of milk of human kindness on reasoning and on understanding, that there, for instance, is a difference between the casual hay farmer, the annual grazing lease, or one of these things where that, in fact, can take place, where a person applies for a piece of property to lease it, and then takes the hay crop off or runs his cattle off, and then cancels or disappears without ever paying the lease.

Mr. Speaker, for a person who has a permanent or lifetime lease, as I do, well surely you're not going to jeopardize a viable ranch operation for the sake of three months. Mr. Speaker, this government is harder than the Royal Bank. You talk about money-grubbing bloodsuckers, you're looking at the socialists. Any reasonable banker will give you five or six months. My friend, Dave Blake, if he were here, he would support that, but not this government of the people; three months, one month, Mr. Speaker, and the operation goes kaput.

Mr. Speaker, I'd like to know how that matches, for instance, now we're talking about the landlord - in this case, this government is landlord - I'll have to defer to my friend, the Honourable Member for Tuxedo, I wonder how that matches with some of the conditions or changes they're making to The Landlord and Tenants Act about when somebody else is the landlord, and how much notice that they have to give. I'd ask the Honourable Minister would the Minister — (Interjection) — oh, Mr. Speaker, I'm prepared to defer to the Honourable Member for Elmwood, but I'll carry on with my comments. For instance, would the Minister simply undertake - I'm asking this seriously - to check this clause with that what his colleague, the Minister of Housing, is introducing in The Landlords Tenants Act? In the Landlords Tenants Act, a landlord cannot kick a person out, cannot evict a tenant on 30 days notice, but you, as the chief land baron of Manitoba are prepared to kick Manitoba farmers and ranchers off land. — (Interjection)—

I don't think you want to do, Mr. Minister. I think if I talked to the Honourable Member for Springfield, he might even prevail upon you to reconsider that, or the Member for Thompson. There are after all, times in the cattle industry where the prices are down, where there's been a bad situation, and the rancher may well be in difficulty. You mean to tell me that you're going to take away a lifetime lease that a rancher has developed and built and worked for his sons because you're not going to grant him three months to pay the lease? I think, Mr. Speaker, on reflection, the Honourable Minister will, even tonight if he has a good night's sleep and rolls over in his bed, if his wife — (Interjection) — the Member for Wolseley's not here, I can say this, if his wife makes him a nice cup of coffee in the morning, maybe some orange juice, butters the toast, he'll reflect on what I'm saying, and in fact just make that commitment. As I say I make the very constructive suggestion.

I can appreciate the problem of defaulters, if you're talking about annual permits, casual hay and grazing leases, where the user comes and goes and bingo you're gone, but where you've got a 10, 15, 20 year business relationship with a rancher, and he for some reason can't come up with that lease because his fuel dealer, his bank, or everybody else is pressing him for his money, surely the government is not going to be that heartless to destroy a ranching operation — (Interjection) — surely, you can take a look at that and perhaps separate the classes of leases that we are talking about.

Mr. Speaker, the only other issue that I want to raise with him is the question of access to leased land. Mr. Speaker, I appreciate the fact that as a lessor of Crown land that certainly other people, for other uses, resource

uses, have access to it. I'm very pleased, Mr. Speaker, and again using my own land as an example, most of it which lies in a game refuge, the West Shoal Game Refuge, because of its proximity to the City of Winnipeg, I have many birdwatchers that come out individually and indeed in organized tours. They have always been welcome to watch the birds on my property. I like to tell them where Ferdinand the bull is, because I don't want to unnecessarily alarm them.

I also want to tell them that, yes, I have cattle in this fence and I would appreciate their closing the gates. Even if they don't close the gates, I'd like to know that they're on the property because I may have \$50,000 or \$100,000 worth of livestock running on that property and I want to at least be able to go back and check and make sure the gates are closed.

So this clause that seems to widen the old act, to use the Minister's explanatory notes, the old act technically prohibited a person even from entering on Crown land except by permit. This is not intended as many uses such as fishing, hunting, camping, berry picking, etc., are obviously to be permitted.

I do not argue with the honourable member, but I would ask the Minister to take into account some rights of the lessee, whom after all is paying the rent, whose rent is being increased dramatically.

Again, Mr. Speaker, I say to you, and I look to the Minister of Housing, does the landlord who rents to tenants, does the tenant not have some pretty reasonable say as to who gets into that apartment and who doesn't? I don't think even the landlord can get into that property without very specific conditions. A landlord cannot walk into an apartment any time of the day or night.

But I'm being asked to pay \$3,000 rent for a property, and I don't object. The Minister can walk on my property anytime and leave all the gates open, but he's passing an amendment here that says all the rest of you can come and berry pick on that property, all the rest of you can come and mushroom pick on that property.

So, Mr. Speaker, I would suggest that there should be some consideration being given under the old act which prohibited a person even from entering on Crown land except by permit. Maybe that permit is too strong in terms of what the Minister wants to do, but certainly I think the lessee deserves the right to be notified of people entering that Crown land. I don't expect that I can stop people, nor do I want to stop people from entering on Crown land, but I would like to be notified that that's happening. That seems like a reasonable suggestion to make, Mr. Minister.

So, Mr. Speaker, I hope that I have contributed in a constructive way to the bill. As I said, we want to see this bill proceed and I would hope that the Minister takes some of these suggestions to heart.

MR. SPEAKER, J. Walding: The Honourable Minister of Natural Resources will be closing debate.

HON. A. MACKLING: Mr. Speaker, if the honourable member would send me back my notes I would recall, however, I . . .

Mr. Speaker, I thank the honourable member for his comments and I say that sincerely. I think the honourable member has indicated a manner of dealing

with a bill, in this House, which reminds me of the kind of constructive criticism that I do recall in times past, and I haven't seen that, and I regret to say that, for some time.

There is no question that the amendments that are provided for in this bill are brought to my attention, and then brought forward as amendments to The Crown Lands Act based upon the experience of long-time civil servants in the administration of Crown lands.

As the notes indicate, to which I referred when I introduced this bill, by and large, we have a very effective reasonable administration of Crown lands in this province. The chief administrators have determined through their long experience some weaknesses in the administrative processes and these are not large philosophical policy considerations being advanced by me as Minister responsible for the Crown Lands Act, rather they are significant changes, yes, designed to facilitate administration of Crown lands for the benefit of all Manitobans.

I appreciate the criticism of the honourable member, the constructive criticism, that perhaps in addressing problems perceived by administration, the wording may be such that it will create other problems. I'm prepared to look at that and I certainly will discuss those constructive criticisms with my staff before we deal with the bill in Law Amendments Committee.

But I would like to make comment in a general way about some of the observations that the honourable member made. While some of them were made in lighter vein, nevertheless some of them, I felt, were somewhat unfair.

The honourable member pointed out that there had been a significant increase in the pricing of Crown lands. I appreciate that and I'm sure that the Honourable Minister of Agriculture, if he were here, would agree that it is with reluctance that Crown lands rentals have been increased. But unless there is some increase, what happens is that the rentals get way out of line and then there has to be a very significant increase, a much too large increase later on.

I know that such, I think, occurred in respect to cottage lot rentals. Although this bill doesn't deal with that I just refer quickly to that. That was a substantial increase as the honourable member pointed out, but I know that Crown land rental is still considered to be very reasonable.

I know that just recently I was looking at a concern of a resident out in the country in respect to a Crown land rental, and I looked at the amount of the rent, and I know what my neighbors are paying for agricultural Crown land, and the Crown land rental was well something close to half of what the commercial rental was to my knowledge. So that I don't think despite the fact that there has been a substantial increase that the Crown land rentals are top of the line by any means.

Now, the honourable member's concerned about the notice provisions. As I've indicated I will look carefully with my staff about that, because I think that, by and large, it wasn't the area that the honourable member was concerned about that the administrative problems concern, but it is the lack of ability of the department to move more quickly to address problems that exist in non-conformance of requirements of a lease, and then to have to leave it for three months before you can do anything, it means the whole season is gone.

— (Interjection) — I didn't hear what the honourable member says. — (Interjection) — Oh sure, the honourable member says there's two sides to the coin. Unless the honourable member, he might have a trick going; I never use trick points.

The Honourable Member for Lakeside did draw attention to his concerns, and they are legitimate concerns in respect to access to Crown land. There has been a long-standing concern on the part of Crown lessees respecting people coming onto the land, particularly in respect to hunting. The birding, I don't think has been a really significant problem. The mushroom pickers - and the honourable member forgot about the mushroom pickers - but the berry pickers and others, these people, Mr. Speaker, love nature, love the land. I haven't received large numbers of complaints about people abusing their rights of access to Crown land. I admit — (Interjection) — yes, the Honourable Member for Emerson says it happens - that there has been concern brought to my attention in respect to hunters, particularly big game hunters, because it can be that because of the lack of snowfall or a mild early winter a rancher may want to leave his livestock somewhat longer on the Crown land pasture and that can pose a problem.

But I think that given the difficulty for the province, for the people of Manitoba, to sustain wildlife habitat and sustain areas where people can enjoy the privilege of the hunt, we are concerned to allow access, providing it's reasonable to do so. Now, I indicate that there have been problems and we'll have to continue to look at that, but the benefits have far outweighed the problems thus far.

Well, there was one other thing, and when the honourable member was arguing on this point he compared access in that respect to access in a formal suite or in an apartment somewhere. Well, there is considerable variance in the comparison; I don't think that's a fair comparison.

Then he pointed out that the desirability of notice to the lessee - and I think he's right there - that it is important that people who go onto land, even though it be Crown land, if it's occupied Crown land it is common courtesy and certainly highly desirable for those people going onto the land to let the occupant know, the user of that land know, what they're doing there so that there can be a proper understanding and appreciation for each other's interests in what's going on. I think that is important.

I think that it's incumbent on us as government to try and get as much understanding out there on the part of users, and perhaps we will have to do much more by way of public relations. I'm one of those that am kind of reluctant to spend a good deal of money in public relations, but I appreciate, perhaps, that we have to do more of that.

So, Mr. Speaker, I appreciate what the honourable member has offered by way of criticism, constructive criticism. I will have an opportunity to dialogue with my department and should there be any merit in some of those arguments that we are creating some problems while trying to address other problems, certainly, I'll be prepared to look at that. I don't promise that dialogue will necessarily result in change, but certainly I have an open mind to the kind of criticisms the honourable member brings.

Thank you, Mr. Speaker.

QUESTION put, MOTION carried.

HON. A. MACKLING: The next number was No. 18, Mr. Speaker.

**BILL NO. 18 - THE LEGISLATIVE
ASSEMBLY AND
EXECUTIVE COUNCIL CONFLICT OF
INTEREST ACT**

MR. SPEAKER: On the proposed motion of the Honourable Attorney General, Bill No. 18, standing in the name of the Honourable Member for St. Johns.

MR. D. MALINOWSKI: Mr. Speaker, I adjourned this bill on behalf of my colleague from Thompson.

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Mr. Speaker, in looking at Bill No. 18 today, I would like to take a slightly different approach than we might normally take on the bills we've been debating.

You know, I've looked at the different approaches, and even though I'm relatively a new member to this House I'm finally beginning to get a handle on some of the different kinds of speeches that one sees in this House. One, on occasion, sees what might be classified as a research speech where members quote from documents that they have researched rather extensively, either from the press or other sources. That tends to be rather rare, Mr. Speaker, unfortunately, but does occur once in awhile.

Then there is the speech which might be classified as the heckling speech where a member gets up and tries to antagonize the members of the opposition, to get some banter back and forth and then to respond to that. I think we saw that best yesterday when the Leader of the Opposition quite successfully killed out the clock by antagonizing members on this side and then responding in a rather vicious way, Mr. Speaker.

Then there is the desk-banging speech, which only the Member for Arthur can give in his very unique style. It consists largely of a great deal of theatrics, a lot of noise and not much substance.

Then, Mr. Speaker, there is what might be called the recycle speech. You hear it and you say I've heard that before somewhere. I've talked to members who have been in this House for a considerable period of time and they told me you haven't seen anything until you've been here a few years and you've heard the same speech from the same member on 15 different bills over a period of 10 years, and it hasn't changed except the member gets up and says we're speaking on Bill No. 18. It depends whether they're in government or in opposition, but the members opposite, they're creating all these problems, they continue on for awhile and then they conclude by saying that's why I'm either for or against Bill 18.

MR. A. ANSTETT: When governments change, they trade speeches.

MR. S. ASHTON: Well, that's I suppose one aspect, as the Member for Springfield points out.

Today, as I said, I'd like to take a slightly different approach, Mr. Speaker. I would like to put us in the position of someone who has read Bill No. 18, who has looked at the debate, perhaps has sat here for the entire debate. We have a number of members of the general public in the galleries today, let's assume that they've had the privilege of being able to go through the debate. I went through it myself in Hansard; it consists of 24 pages, I think it was debated on five different days. We've had a number of speakers. Let's put a member of the public, the general public, in the position of reviewing this debate.

Now, it started off on December 17, 1982, Mr. Speaker, when the Attorney-General introduced the bill. As is tradition with second reading, he gave a brief opening statement and he set out what Bill 18 is all about, Bill 18 being The Conflict of Interest Act. He stated at that time that it sets out the allowable limits of pecuniary relationships between, on the one hand, MLAs or Ministers of the Crown; and, on the other hand, the Government of Manitoba. He said that bill was aimed at promoting public confidence in the integrity of the process of government. There were basically a number of provisions, specific provisions, Mr. Speaker. One would require disclosure of any possible conflict of interest prior to any particular vote and also disclosure following the election of the individual of such interests, and the Attorney-General outlined that in his opening statement, fairly clear and straightforward, a number of basic issues. As I said, two or three major aspects of the bill.

One would think that the members of the opposition would have no trouble coming up with a consistent attack in debate. However, Mr. Speaker, think again. Read the 24 pages of Hansard in which this thing has been discussed and put it in the context of what we're doing here in second reading, we're debating the principle. I think members of the general public perhaps aren't used to that with the various readings, but I think it's accepted that in second reading, you debate the principle. You indicate whether you support the principle or whether you're against it, Mr. Speaker. Well, what did members of the opposition indicate when it came down to the principle?

Well, let's see, there were a number of people who spoke. The first was the Member for Fort Garry. In reviewing debate, Mr. Speaker, I think it would be fair to say, reading from Hansard, that the Member for Fort Garry said he supported the concept of conflict of interest legislation, disagreed with some of the things which we were doing in this particular legislation, but supported the concept.

Well, let's move next, Mr. Speaker, to the Member for Morris. The Member for Morris got up and one of the first things he did, Mr. Speaker, was say he was totally against the bill in principle. He said on a number of occasions, in fact quite clearly, Mr. Speaker, that he was not interested in conflict of interest legislation, period. He was against the principle. So there we have a slight contradiction - the plot thickens, Mr. Speaker.

We get to the Member for St. Norbert. Did he say he supported the principle? No, Mr. Speaker, he said it was "wrong in principle," and that's a direct quote. He said it's wrong in principle.

Well then, it does get a little more consistent afterwards, Mr. Speaker. I think the Member for Rhineland followed a little more closely on the previous speaker, that being the Member for St. Norbert, and said he was against the bill.

Then we get to the Member for Tuxedo, Mr. Speaker. He says, and I quote, that he "is not opposed to the bill in principle."

A MEMBER: Can't make up their minds.

MR. S. ASHTON: Thus far, Mr. Speaker, we have the Member for Fort Garry, and we have the Member for Tuxedo saying they're not opposed to it in principle; the Member for St. Norbert, the Member for Rhineland and the Member for Morris saying that they're going the other way. Something of a split, I think, something of a split.

Then along comes the Member for Roblin-Russell to clear it up, Mr. Speaker. I couldn't make much sense out of his speech, but . . .

A MEMBER: What else is new?

MR. S. ASHTON: . . . it was all bad, it was all bad, Mr. Speaker, so I assume that he's against it in principle. So the member of the general public is saying to himself or herself, where does the opposition stand? Here we are talking about the principle of the bill and some are saying they are in favour of the principle, some are saying they're not in favour of the principle. Well, a somewhat muddy situation, Mr. Speaker, but perhaps we can take these 24 pages of Hansard and try and net out something a little more basic than that, perhaps specific issues which cause concern to members opposite. Maybe we can do it that way, Mr. Speaker. If they are somewhat confused as to whether they support the principle or not, maybe they have some areas of agreement in terms of specific problems they have with the bill. Well, the member of the general public, I think, will pick up one definite theme from a good number of the speakers.

The argument goes like this, Mr. Speaker. It says we haven't had a problem with conflict of interest in the past, so why do we need this bill? I think that's a fair enough statement of what some members said, Mr. Speaker. Now, if I was a member of the general public, I would think back to what the Attorney-General said. He, in that speech, Mr. Speaker, did not say that it was a significant problem, but he did say that one of the purposes of the bill was to promote public confidence in the integrity of the process of government. Why would he say that, Mr. Speaker, because there's a major problem in Manitoba because of conflict of interest? No, that wasn't the argument. He basically set forward the argument, Mr. Speaker, that one not only has to be doing the right thing, but has to appear to be doing the right thing. One has to be beyond reproach, Mr. Speaker, and that's the argument of the Attorney-General. I think if I was a member of general public, I would have some sympathy with that.

We all know in reading the newspapers, there have been cases where members in democratically elected bodies have been somewhat less than honest. Well, Mr. Speaker, perhaps that's stating it rather bluntly,

but that is true, I think, in the case of the United States with Watergate, there was a general conclusion there that the former President of the United States was being somewhat less than honest and forthright, as was the Vice-President, who was convicted on bribery charges. Now here, Mr. Speaker, is the largest democracy on earth, the highest political office in that country, and the holders of the two highest political offices both ran into severe problems in terms of the law.

Well, we can look elsewhere, Mr. Speaker. I know down east there are periodic scandals there. I know the recent revelation, I believe, in New Brunswick about the activities of the former Liberal Government, as anyone who knows that area can testify to, or Nova Scotia. Probably the Member for Inkster can best testify that politics are a little bit different there. — (Interjection) — The Member for Tuxedo says "he reflects that, that's why he's here."

I think if one looks at it, one can see that there are occasions where there is a bad apple. I hate to get too close to home, but I do recall part of my election in 1981, a certain member of this House who was convicted on a number of very serious criminal charges, and who now is in Stoney Mountain Penitentiary. You know, I'm sure if we . . .

MR. G. FILMON: Is that a conflict of interest?

MR. S. ASHTON: Well, Mr. Speaker, the Member for Tuxedo says, is that a conflict of interest? What I'm saying, Mr. Speaker, is in terms of public perception, that members are, by and large, honest. I would say most people would say that most of the time, members of the Legislative Assembly and other elected officials are, by and large, honest and forthright.

By introducing this bill, Mr. Speaker, we're not disagreeing. What we're saying is, we want to give the member of the general public who is sitting up there watching this debate, looking through the bill, some extra confidence in his or her elected official. I don't think one can really consider that as the most serious argument members opposite have against this bill.

Well, let's move to their second one, Mr. Speaker. That one is the argument more or less put forward by the Member for Fort Garry, who I think if one is to pull out of his statement, basically argued this. He's in favour of one withdrawing from a meeting if one has a perceived conflict of interest, but in terms of the prior disclosure aspect, I think that is the problem that he sees with it. I think that's fair enough to say.

Others were less kind to the bill. I think they just disagreed with everything. In some cases, I don't think they'd read the bill, which makes it a lot easier to just damn everything, but the Member for Fort Garry said that. I say, Mr. Speaker, how does that really give members of the public that extra amount of confidence in their elected officials. The Member for Tuxedo himself pointed out from his own experience as a city councillor in Winnipeg, the difficulty the city solicitor had in defining what is a conflict of interest. It's a difficult thing, Mr. Speaker.

What it does in this situation, if one accepts the argument of the Member for Fort Garry, is put the entire onus on the individual to decide what is or is not a

conflict of interest. That is the essence of the problem, Mr. Speaker. I think it's fine. I think most people in that situation will declare a conflict of interest. You know, some people have alluded to the other bill on the municipal side there in terms of the situation with municipal councillors. Well, I've spoken to a lot of municipal councillors in my area, and they are interested in getting a definition of that. I spoke to the urban municipalities in the northern area of the province; there was a meeting. They weren't dead set opposed to this kind of legislation, Mr. Speaker, in fact, they looked forward to it defining what a conflict of interest exactly was. As the Member for Tuxedo himself pointed out in that little story he told from the time when he was in council, there is a difficult situation.

I think if one takes that argument, Mr. Speaker, one can see that that doesn't really get to the bottom of it either.

So let's move a little further, Mr. Speaker. Now we start getting into the real arguments, if you ask me, Mr. Speaker, and that is that it would discourage candidates from running.

Now, "Joe or Jane Public" is listening to this and saying we'll discourage candidates from running. You know what the first response to that will be, Mr. Speaker. Why would they not run? What have they got to hide? That would be the response of the general member of the public. What is wrong with disclosing your interests to prevent a conflict of interest? They're going to say, Mr. Speaker, if that person doesn't want to run simply because they have to disclose their assets, then perhaps they have the wrong idea about public service in the first place. As all members of this House are probably aware, Mr. Speaker, as I have become very aware in the period I've been in office, when one is elected to a position in this Assembly, one is immediately a public figure. You know, one is a public figure, no matter where one goes, one is still a public figure.

A MEMBER: Even to a demonstration.

MR. S. ASHTON: Well, Mr. Speaker, someone says, even to a demonstration. You know, I remember an argument in which those members opposite were trying to say that one is a public figure right down to the last little thing, including going to a demonstration. But what about in terms of disclosure of possible conflicts of interest? Then, those members they want to draw a dividing line. They want to say when you go to a demonstration you are a public official. But when it comes to possible conflicts of interest where you might, as a legislator, be voting in your personal interest rather than in the interest of your constituents, we want our hands off there, Mr. Speaker, because it might make some people not want to run for a political office.

As the Member for Springfield tells me, Mr. Speaker, the Member for Sturgeon Creek puts it quite properly. You can't have it both ways. That, I think, Mr. Speaker, is applicable to this bill, you can't have it both ways. If you are going to be a public official, you have to accept that the normal definitions of privacy do not apply.

Now I found that, Mr. Speaker, one could get phone calls at virtually any time of the day. We had a discussion on this prior to the debate on this bill, on another bill,

which people were explaining the times they got phone calls. I think the same sort of thing applies there, Mr. Speaker. If you want a private life, you don't get involved in public office. It just doesn't work out that way. You know, you're in the public eye. People expect to get hold of you at any time. They expect you to be open with them. Especially for members who come from smaller centres, one knows this is the case, Mr. Speaker.

You know, one of the arguments I've heard is that this will particularly discourage candidates in smaller centres, but I don't know. Every smaller centre I've been in . . . and Thompson's a fairly small city, I think members opposite would concede. It was a bit smaller than the Leader of the Opposition realized when he up there a couple of years ago, and that lives on in political history in Thompson. But we have 13,000 people.

You know, there's very little that goes on in that community that people don't know about. There is very little in the way of ownership that people don't know about. All one has to do is talk to anybody who's been there for any length of time and they know who owns what, they can tell you. They can pick up a list of political contributions, as I have, and I can give it to anybody who's been there for five or ten years and they will see five companies, Mr. Speaker. But they won't be fooled; they know they're all owned by the same individual.

MR. A. ANSTETT: Who's that?

MR. S. ASHTON: Well, the Member for Springfield says, who is that? I don't want to get into personalities, Mr. Speaker.

People in small communities already know these things. For members opposite to say this is going to discourage candidates from running I think is pushing it a little bit too far. You know, I think that kind of knowledge is already there. It certainly is there in a place the size of Thompson, and I would presume that since we are the third largest city in the Province of Manitoba, it would be that much more applicable in other small centres.

So, I've gone through three arguments that I've tried to pull out of the rather jumbled approach the members opposite have taken on this bill. Then we get to another one. This I think, Mr. Speaker, is getting closer to the bottom line. It's getting much closer to that bottom line.

Well, Mr. Speaker, a number of members said, this bill, it's not for this reason; it's not for that reason; it's an attack on wealth. I heard that directly, Mr. Speaker, from two members. The basic argument was that it was an attack on wealth. It was the envious, the greedy NDP trying to prevent people with some kind of wealth running for public office.

Now, which two members stated that, Mr. Speaker?

MR. A. ANSTETT: They ought to do a tally between the two sides. They'd get a shock.

MR. S. ASHTON: Well, one of them, Mr. Speaker, was the Member for Morris. We'll start with the Member for Morris. He spent a considerable part of his speech rambling on on this basic argument. He said, Mr. Speaker, the reason is simply to embarrass all those who have accomplished something in life and have

turned some of that into some material wealth. He went on to say, I believe there is a strong feeling, certainly amongst the backbenchers within the members opposite that, indeed, wealth is something you despise, indeed, the fruits of hard work, are something you despise also. He went on further to state - I think he felt that it was to embarrass and discourage people that own assets other than their homes to come into politics.

A number of questions I think would come to the mind of that person in the general public listening to this or reading through Hansard and that is, what statements were made by backbenchers which would indicate that. Well, Mr. Speaker, I haven't made any statements of that nature. The Member for Springfield hasn't made any statements of that nature. I can't think of anybody who has made statements of that nature. What would lead the Member for Morris to state that?

The only thing I can think of, Mr. Speaker, is that the Member for Morris has a rather twisted view, first of all, of members on this side of the House, which I suppose one can concede as being a possibility in the highly charged partisan atmosphere we develop in this House sometimes. That's the first thing I can see as being the reason, Mr. Speaker. But there's a second thing as well. That is that members opposite have to assume that when we do something it's for a negative reason.

Now, I say that for a reason, Mr. Speaker. I'd like to diverge for a couple of minutes to explain exactly what. There is a person in my constituency, a person who came from Ontario a number of years ago. He was a strong Conservative in Ontario. Actually, he was employed by the party there for awhile. He came to Manitoba, attended some meetings of the Conservative Party in Thompson and within six months, Mr. Speaker, he was no longer active in the Conservative Party. Within a couple of years he actually supported and does to this day, the NDP.

You know what he told me, Mr. Speaker, is the reason why he did not support the Provincial Tories here in Manitoba? He said because he went to that meeting and he asked - well it wasn't MacMaster, it wasn't any particular individual - he asked people about their general orientations and what was happening and he got two reasons why people were Conservatives. One was because they'd always been Conservatives; their mothers had been Conservative, their fathers had been Conservative, so they were Conservative. The other reason, Mr. Speaker, they said, is because they were against the NDP.

There are two basic reasons, Mr. Speaker, none of which are particularly positive, none of them which are particularly positive, Mr. Speaker, and one which is distinctly negative. He analysed that and compared the situation to Ontario where the Conservative Party has been in power for forty-odd years. He said there's one big difference. In Ontario, you have a government which tries to develop new areas, is trying to do new things. If you've got ideas, you have a bright mind, you get involved with the Conservative Party. He said, not Manitoba. They're against everything, they're against but they're not for.

I think one sees that when one reads the statements of the Member for Morris. You know, there's no evidence to suggest that anybody in the backbench or the front

bench has ever said anything about an attack on wealth. But here he is in his speech, dwelling on that as the major part of his opposition to this bill. Can't he realize, Mr. Speaker, that some of us are trying to achieve some positive goals as well as some negative ones?

You know, I was elected in the riding where there was a swing against the Conservatives; there was a real negative reaction no doubt, Mr. Speaker. But I didn't run because I was against the Tories; I ran because I had certain things I wanted to do for my community, for my province. What's wrong with that?

You know, Mr. Speaker, I would be tempted . . .

MR. A. ANSTETT: Well, I don't know, Steve. I was against the Tories.

MR. S. ASHTON: Well, we have one member who was against the Tories. I know their slogan was "Don't Stop Us Now," and some of us felt we were doing a public service by stopping them.

But, Mr. Speaker, I'd be willing to give my colleague, the Member for Morris, a fellow rookie if you like, the benefit of his inexperience on this particular thing. One could dismiss those comments as coming from a sense of naivety. Well, Mr. Speaker, it isn't just that.

Another member also referred to the same general approach in debate and that member was the Member for Tuxedo, as we all know, a former Minister in the previous Conservative Government, a person who perhaps while not a veteran, has certainly been in this House longer than I have, and longer than the Member for Morris. What did the Member for Tuxedo say in his speech, Mr. Speaker, apart from his rather confused discussion of the principle of the bill? Well, Mr. Speaker, he said, and I quote: "In this particular case, that's right, people opposite are obviously assuming that anyone who has achieved anything and has anything of value, has achieved it by some illicit or ill-gotten means." That's the kind of principle that lies behind this kind of disclosure legislation. He went on to say, Mr. Speaker, "Secondly, a person's wealth or lack of wealth should not be a matter of public concern or criteria for election and it certainly is not a matter of conflict of interest." He went further to say about damning people and discrediting them because they are people who have achieved things in their lives.

I can develop a whole scenario about how I feel that the Member for Tuxedo has a rather strange idea of, first of all, wealth and second of all, success. Is the Member for Tuxedo saying if one is wealthy, that's a symbol of success? Is that what he's saying, Mr. Speaker? Conversely, if one is not wealthy, one is not successful? Well, Mr. Speaker, the Minister of Finance says, only through hard work. Clearly, wealth can come from a number of sources. You can inherit it, you can marry into it, and you can work for it. Now, if you can consider the first two as a symbol of success, I would say the biggest item of success there is being born in the right family. I mean, really, is that what we're talking about? I thought that was the kind of thing one heard in the Dark Ages, the Middle Ages, the feudal system. I think it goes a little beyond that, Mr. Speaker. I don't think there's any real argument implied there.

It went a little further and it stated that he felt that there was some assumption that wealth was gained by illicit or ill-gotten means. Mr. Speaker, we're not saying that we want disclosure by the Mafia, of laundered money. We're not saying that, Mr. Speaker, let's be serious. What we're saying, Mr. Speaker, is we want disclosure of possible conflicts of interest. Contrary to what the Member for Tuxedo may think, Mr. Speaker, holding certain interests does bring up that possibility. He says it can't. He doesn't say in some cases it can, some cases it can't.

By his statements, Mr. Speaker, he's basically arguing that any kind of wealth that is held by an individual has no bearing on conflict of interest. I think that is clearly wrong. Any definition of what a conflict of interest is has to be tied into pecuniary interest. One of those pecuniary interests is the wealth one holds; the interest one holds in a company; the kind of land one owns, in what location. Well, the member opposite shakes his head.

I remember the kind of public perception that can happen. The Member for Lakeside, with the location of Alcan in his area, do you remember that? Do you remember the fuss about land holdings there? — (Interjection) — The Member for Arthur, pardon me. It in the Member for Lakeside's area. Well, I remember it, Mr. Speaker, and I remember it was a very difficult situation for that member. I'll be willing to give that member the benefit of the doubt as saying that was merely a coincidence, Mr. Speaker. Try telling that to the member of the average public, who suddenly has this information sprung upon him. I think the first reaction, Mr. Speaker, was maybe there is something wrong. You know this kind of thing doesn't happen when you have prior disclosure; everybody knows right off the bat. You don't have this sense that somebody was hiding something and it was taken from them by force, this information, and that somehow there's some guilt because it was an item that was slipped by the press on the front page of the newspapers. With prior disclosure you don't have that problem, Mr. Speaker.

That's the response to the argument put forward by the Member for Tuxedo. You know, really, there are cases where the wealth one holds, the interest one holds can lead to a conflict of interest. If he doesn't think that, he should talk to that mythical person from the general public that I referred to earlier. That mythical person will say, yes, there are situations in which that occurs.

The bottom line again, Mr. Speaker, is not that argument about wealth this way or that way or the other, or about the bill itself. The bottom line of it, it comes down to the old negative. I hear quite constantly from members opposite, I hear negative comments ranging from really petty personal insults, to this kind of, oh, you don't know anything about wealth; we all know you don't have any holdings in this, that, or the other. I like that, Mr. Speaker, it's so presumptuous. Really, they are going to tell me what I own or what I don't own? Do they know? No, they don't, Mr. Speaker, there's no disclosure at the present time. I've got no problems indicating what I hold. Neither would I have had any problems a number of years ago, nor will I have any problems in the future. I'm a public official, Mr. Speaker. I find my personal life tends to revolve around my public office. The same thing should happen with my financial life, Mr. Speaker.

So, for the member opposite to talk about, well we're against wealth, and we want to punish the wealthy and keep the wealthy out of politics. Really, Mr. Speaker, that's such absolute nonsense. We are interested, Mr. Speaker, in an open democratic system in which anybody can run, with wealth or without it as well. If one looks at the experience in this province or any other province over the past years, there has been more of a tendency for people without wealth not to run.

I know in my constituency, there are a number of people who have considered running for different levels of public office. Do you know the reason they felt they shouldn't run, Mr. Speaker? They felt rather awed by the kind of people who were running. They felt that they might be laughed at because they were only a housewife, a miner, a store clerk. I think, Mr. Speaker, in the 1980s, that attitude simply has to go. If they have the right ideas, if they're going to work hard, they've got as much reason to run as anybody regardless of whether they have wealth or whether they don't have wealth.

The argument from members opposite that we are trying to discourage people with wealth from running, Mr. Speaker, is just as ridiculous as this kind of mentality that we have out there that if one doesn't have that, if one is not well established in the business community, that one shouldn't run for city council. It works both ways, Mr. Speaker.

So, as I said, Mr. Speaker, I've tried to take a slightly different approach today in debating this bill. I've tried to put it in the perspective of a person of the general public sitting in the gallery, going through this debate. I've indicated my own concern about the fact that that individual in the public might have been somewhat confused by the rather muddy arguments of members opposite; that that person might not buy some of their basic arguments on the specifics of the bill. I've gone through that, Mr. Speaker. I think there's one thing that members of the public can realize if they read these debates, and that is that the members opposite have lost that ability to look at things in a positive sense. I realize they're in opposition, and opposition has to take the position many times of opposing government legislation, but there are different ways of doing it. You can get up and try and put forward an argument, as did the Member for Fort Garry, that part of it's okay, part of it isn't, so we think you should not put this bill through. That's basically his kind of argument.

Really, Mr. Speaker, to get into the kind of diatribe of the Member for Tuxedo, the diatribe of the Member for Morris about us being against wealth, about making statements against wealth, which none of us have ever made, really it comes right down to the same bottom line that that former Tory from Ontario told me about. He said, you look at the Manitoba Tories, you look at them. They've got one major problem, they are a negative party. They call themselves the Progressive Conservatives, they should be the negative Conservatives. They're against this, they're against that. He said, you try and get out a sense of positive idea of where they're going and you can't, and this is coming from a Conservative, Mr. Speaker, a person who worked for the Conservative Party in Ontario, a die-hard Conservative. He spent no more than two or three years in Manitoba. He realized there was a big difference.

It's not just on bills such as this, Mr. Speaker. I would suggest to members opposite they look at their stand, read some of their speeches from other bills, read some of the speeches - farm lands, The Highway Traffic Act. Read some of those. Compare their position with the position of their colleagues in other provinces, particularly in Ontario, which is just across the border, you know, Ontario. Look at their stand on highway traffic.

Look, Mr. Speaker, at the stand of Conservative administrations when it comes to foreign land ownership. — (Interjection) — The Minister of Natural Resources says: "Don't give him that kind of information." I can give it, Mr. Speaker, because I know they have been getting it from a lot of people, but they still haven't learned their lesson. They still get up, as did the Leader of the Opposition yesterday, and ramble on with this tired old rhetoric - I'm in the Berlin Wall of a police state. You know, I read it back in the paper, I couldn't believe it.

But I realize, Mr. Speaker, that what may be their biggest problem is our biggest asset as a government, because we're a government which is trying to do positive things. We may not be perfect, Mr. Speaker. Members will chide us for not fulfilling our campaign promises fast enough. We've tried, Mr. Speaker, in that area. They may chide us for perhaps going a little too far in some areas, and I know they have, even when we've made promises to the people that we would, as in the case of ManOil. But really, Mr. Speaker, we're a government that's trying to do something positive.

We felt in this case, in the case of Bill 18, that this might help to improve the perception of the general public of politicians, because we know that that perception is not always the best, Mr. Speaker. We feel this is a step in the right direction.

If members opposite have any better ideas, let's hear them, but let's not hear the same old negative approach that they've taken on this and other bills. Let's hear something positive, Mr. Speaker. If they don't like this bill, if they don't like one section of the bill, as the Member for Fort Garry insinuates, it will be going to Law Amendments fairly soon, let's hear proposed amendments.

You know, I'd be really interested, Mr. Speaker, to see if they come up with anything more than your usual diatribe in committees, the usual tactics like six-month hoist or whatever, whether they come up with any real solid amendments to measure such as this. I suspect they won't, and I think that is sad, Mr. Speaker, because as much as members on my own side will criticize me for perhaps giving members opposite advice, you know, I do think it would be a lot better for the public of Manitoba if they had two positive choices in the next election, if they had one party which said they were going to do this and one party which said they were going to do that; instead of one positive alternative, Mr. Speaker, one government that says what it's going to do, the New Democratic Government, and an opposition that is just against things. I think it will be that much more positive, Mr. Speaker.

Members opposite talk about the perception of public officials, they've mentioned it on this bill. Really, when it comes down to it what bothers people about politics, Mr. Speaker, it's not necessarily the insinuations there might be something illegal going on, but the sense that

they've heard it all before. You know, everytime they hear "budget," it's the same thing. The government brings down the budget, the opposition goes out and criticizes it. Everytime there is a bill, the government does it this way and the opposition goes out the other way. That's what gives people a negative view of politicians, Mr. Speaker, is the perception that it's so predictable.

You know, I find in my constituency, when I go back there, people don't want to talk politics with me, they want to talk concerns, but they never want to talk politics because politics has a bad name. It's either positive or negative; you end up arguing, that's it. That's the perception they have.

It shouldn't be that way, Mr. Speaker, it shouldn't be that way. It can change if members opposite recognize that problem that we have today with that kind of a scenario. You know, maybe they feel that this is the best way for them to get re-elected. Perhaps that's it, Mr. Speaker. I know that's an item that is very big on their mind. I've sat here as a member with a margin of 72 votes, and I've heard the jokes: "Ah, but, "Landslide," you're only going to be here one term." Well, I say this, Mr. Speaker, to members opposite who have thrown that to me, I work hard in my constituency. I work hard, not just because I want to run for re-election and win again, I work hard, Mr. Speaker — (Interjection) — Well, Mr. Speaker, it's not hard to double my margin when I've got a 72-vote margin. But I say this, Mr. Speaker, it comes down to this, I worked hard in my constituency, I go around knocking on doors when it's minus 30 below. I talk to my constituents, and why? Because I want to get re-elected, Mr. Speaker? Well, no, I want to do a good job.

I grew up in Thompson, that's my home town. I know a lot of people there. I've got a lot of credibility at stake here, and I will say now, Mr. Speaker, for the public record, if I lose next election and I can stand up and tell my former constituents that I feel I did the best I could, that's fine with me.

So, for those members opposite now to harp on about elections, ah, we'll be back in next time, you'll be back home. Really, Mr. Speaker, that's political macho talk of the worst kind. Perhaps they should start thinking a little bit. Perhaps they should start talking to some of their constituents. They're not interested whether they're in or we're out so much as they're interested in somebody doing a good job. That's what they're interested in, Mr. Speaker. That applies to governments; that also applies to oppositions as well.

In this case, Mr. Speaker, as indicated by their approach on this bill and many other bills that we're debating in this Session, Mr. Speaker, I say this, no matter what happens in the next election, the government is trying to do something positive.

The members opposite have completely failed on that score and that's the bottom line. They can go to their constituents and talk all they want about electoral macho talk. I think they might even be mistaken, Mr. Speaker. I've talked to a lot of people out there, they don't want that, they don't care about the bottom line, they just want somebody to do a good job including those members opposite.

MR. SPEAKER: Order please. The Honourable Member for Roblin-Russell.

MR. W. MCKENZIE: Mr. Speaker, I have a question for the Honourable House Leader.

When backbenchers are espousing policy in bills, is that considered policy of the government?

MR. SPEAKER: Order please, order please. This is not question period.

Are you ready for the question?

The Honourable Member for Emerson.

MR. A. DRIEDGER: Mr. Speaker, I move, seconded by the Member for Niakwa, that . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please. Will the honourable member mind repeating that, I wasn't able to hear what he had to say?

MR. A. DRIEDGER: Mr. Speaker, I move, seconded by the Member for Niakwa, that the debate be adjourned.

MOTION presented and carried.

BILL 91 - THE REAL ESTATE ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs. Bill 91.

The Honourable Member for Emerson.

MR. A. DRIEDGER: Thank you, Mr. Speaker. I have a few short comments. I think possibly I can conclude my remarks before the closing hour on Bill 91. I just want to flag a few concerns. Unfortunately, I hope that somebody's going to draw these remarks to the attention of the Minister of Consumer Affairs.

I'm wondering why he brought this bill in actually. Basically, the introductory remarks were very short. He indicates in his remarks better protection to the public and a reduced administrative burden to both the industry and the securities commission. The context of the bill is basically removing the bonding requirements for a salesman in the real estate business. I'm glad we haven't got the conflict of interest bill passed yet, because possibly I would not be qualified to speak on this, because I happen to have a real estate company, and happen to be the broker.

The concern that I have is why the removal of the bonding requirement for a salesman? What can happen is that - first of all, the broker has to be bonded; at the present time the salesman has to be bonded. The Minister indicated there was very few cases where the bond had been required in terms of inequities taking place. That, I think, only indicates the reason why the bond is there. What happens now if you take a broker that has got 10 or 20 salesmen that are registered with his company, and only the broker is bonded and responsible for the trust money, and this could be trust money that the salesman gets in terms of cash or cheque or whatever the case may be, and the broker is the one responsible. Even if you crank up the broker's bond to some degree, what you're doing is putting the

total onus on the broker in terms of bringing forward the requirements or making sure that every salesman is responsible. I don't think any individual can really justify or guarantee that each one of your salesmen is going to be a trustworthy individual. You accept it at face value and when you hire the individual, you have the confidence in him. He has to go through the requirements to get a licence, but how can you guarantee that the individual, if he ever writes up an offer to purchase, for example, and there's cash that would be part of the down payment, trust money, that the individual is going to turn that money over. The onus has been on the broker, as well as the salesmen, when they're bonded that they have to guarantee that the money will be handled properly; it's trust money.

By removing this onus for the salesman to be bonded, I think what it does, it creates a possibility of an individual to misuse the funds, and the individual salesman is not responsible, the broker is the one that is responsible. That is the only thing this whole bill is all about. I don't know where the Minister of Consumer Affairs brought this forward, who has been promoting this kind of a thing. He says because of administrative costs. Well, if everything is proper and it's not being misused, why would you want to bring in a bill to disrupt this thing and give the opportunity for misuse of trust money?

That's very dramatic, because if a salesman, the concern I have - I have these questions that I'd like to raise with the Minister when he replies to this bill - if a salesman is going to misuse trust money - not turn it in - if it be cash, or cheque, or whatever the case may be. In most cases, if it's a cheque, there's no problem because it's made out to the reality company, but if it's cash, for example, Mr. Speaker, and the salesman is going to misuse that money - not turn it in or whatever the case may be - the broker is responsible. Is the broker then going to lose his broker's licence because of that?

There's many aspects. It's a little bill; it looks innocent enough, but until you've been in the business and realize that bonding of the salesman makes the salesman responsible. They're conscientious of the money that they get into their hands. Removal of this is going to put pressure on the salesman as well as the broker in terms of handling the funds that are coming across in any deal. The other aspect of it is that it says that a broker's bond which is currently - these are the Minister's statements - about \$10,000.00, well, I'd like to say, Mr. Speaker, that it is very very seldom that in writing up an offer, that on the deposit that it's going to be anywhere around the area of \$10,000.00. I don't think that is relevant either.

In fact, I think the whole bill is not relevant. I think it would serve the best interests if the Minister would withdraw this bill, not proceed with it, because like I say, I've been trying to figure out where has the pressure come forward to proceed with this bill?

MR. SPEAKER: Order please.

When this bill is next before the House, the honourable member will have 35 minutes remaining.

The time being 10:00 o'clock, the House is adjourned and will stand adjourned until 10:00 a.m. tomorrow (Friday).