

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 17 May, 1985.

Time — 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: Mr. Speaker, I'd like to table a Provincial Tax Comparison which has been updated to May 1, 1985.

MR. SPEAKER: Notices of Motion . . .

INTRODUCTION OF BILLS

MR. A. ADAM introduced, by leave, Bill No. 44, An Act to amend An Act to incorporate Les Révérends Pères Oblats in the Province of Manitoba; Loi modifiant l'Acte pour incorporer Les Révérends Pères Oblats dans la Province de Manitoba.

HON. M. HEMPHILL introduced, by leave, Bill No. 45, An Act to amend The Public Schools Finance Board Act.

MR. A. KOWNATS introduced, by leave, Bill No. 46, An Act to amend An Act to incorporate "Niakwa Country Club".

INTRODUCTION OF GUESTS

MR. SPEAKER: Prior to Oral Questions, may I direct the attention of honourable members to the gallery where we have 30 students of Grade 8 standing from the La Porte School in Minnesota under the direction of Mr. Evenmo and Mrs. Clairmont.

There are 20 students of Grade 11 standing from the Sisler High School under the direction of Mr. Harper. The school is in the constituency of the Honourable Member for Inkster.

On behalf of all of the members, I welcome you here this morning.

ORAL QUESTIONS

Manitoba Hog Producers - assistance to

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Thank you, Mr. Speaker.

I direct a question to the Honourable Minister of Agriculture. Mr. Speaker, the situation for the Manitoba

hog producers is really becoming a crisis situation, and I ask the Minister what he and his department and his government are doing to help resolve the issue? It's my understanding that private farmers and citizens are attempting to make treaty with the American states involved in the embargo. Surely, the department can offer some direct assistance in this manner.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Mr. Speaker, to advise the honourable member, our staff have been in contact with Ottawa, and in fact the Premier and myself, through the Alberta Minister, were in contact with representatives from Ottawa while we were at the Alberta Conference to raise our concerns with respect to the movement by three United States states in putting into place a non-monetary trade barrier on the shipment of hogs. Using the pretext that the drug, chloramphenicol, is in fact the major cause for concern on a health basis to U.S. consumers, it is really being used as a pretext.

In discussions with the hog board and with the Federal Minister of Health, there is presently consideration being given to ban the drug, although knowingly knowing that this in fact is being used as a pretext for the ban of hogs. We're pleased to note that one other state of the United States - I believe the State of Minnesota - the governor of that state has now indicated that he is not prepared to go along that route to ban Canadian hogs and primarily Manitoba hogs.

But clearly, Mr. Speaker, very strong action has to be taken at the Canadian level and has to be taken at the Canadian level primarily as a result of the Shamrock Conference in Quebec City when our Prime Minister and the President of the United States agreed to move towards freer trade. What we have witnessed in the last several weeks since that meeting is really an abandonment by the Canadian Government of Western Canadian interests over interests in other parts of this country. What we have seen is the caving in of Canada by Canada of the pressure by the European economic community about beef imports into this country and trading those interests off for the allowance of tobacco and blueberries for shipment to Europe, and maple syrup from Quebec and tobacco products there. As well, on the West coast, Sir, there has been a movement to prevent the shipments of rapeseed millings into the California market has been an expansion of the California market, and again, the Minister of the Wheat Board has placed an embargo on greater shipments of rapeseed millings into the California market, thus trading off the millers of Western Canada, the processors of Western Canada, for the millers in Eastern Canada.

I think Canada has to take a firm position to stop this kind of trading off and this kind of . . .

MR. SPEAKER: Order please, order please. Order please.

The answer to a question should not be a speech.
The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I appreciate the Minister may wish to talk about blueberries and maple syrup; I was asking about hogs, what happens to be germane to many hog producers here in the province.

What is he specifically doing? Has he informed his government about the costs involved through a stabilization board? Hog prices are on a downward trend as a result of this backlog. How many thousands and hundreds of thousands of dollars is it costing the taxpayers of Manitoba through the Hog Stabilization Board? Has he given that kind of estimate to his Department of Finance and to the government, generally?

HON. B. URUSKI: Mr. Speaker, the honourable member should be aware that the whole matter of trade - he would like to simplify the matter that this is a hog issue - this issue goes beyond just the matter of hogs because the matter of trade goes far beyond, as the Premiers of Western Canada have indicated in their communique.

Mr. Speaker, we are making representations to the Government of Canada, who is responsible, and should he held responsible, for the whole matter of trade in terms of international trade in this country. What is being done by governors in the United States is not legal, and it has been recognized that it is not legal by the Federal Government of the United States. We are hopeful that either the use of the temporary ban - because we know the drug has a very short body retention - that shipments can in fact be moved quickly if that ban is imposed in a temporary way; we have asked for that ban. If that isn't forthcoming, Mr. Speaker, then other action at the Canadian level has to be taken.

There is no doubt, Sir, that the impact of, first, the trade barrier by the United States, the monetary trade barrier, has had an impact on Manitoba hogs and Canadian hogs, and on the price of hogs, but it has not affected the price of hogs in the United States one iota.

MR. SPEAKER: Order please, order please. Order please.

The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, it's not normally my practice to pick up on matters that members make from their seats. I like to respond to direct statements, but I did overhear the Premier indicate that politics perhaps had something to do with the fact that the State of Minnesota, governed by a Democratic governor, was allowing hogs in.

MR. SPEAKER: Question.

MR. H. ENNS: I remind the Premier that the State of North Dakota has a Democratic governor; the Minister had indicated earlier on in this Session that he has made specific requests . . .

MR. SPEAKER: Question.

The Honourable First Minister on a point of order.

HON. H. PAWLEY: On a point of order. I may be wrong, but I believe I am not, and the honourable member

would be embarrassing our good friends in North Dakota, which I am sure he wouldn't want to do. I think it's South Dakota, not North Dakota that is involved, and Iowa and Nebraska. North Dakota, I want to commend them, have kept themselves clean of this approach so far.

MR. SPEAKER: Order please, order please. That is not a point of order. Order please.

If the Honourable Member for Lakeside has a question seeking information, would he please ask it.

MR. H. ENNS: Mr. Speaker, my question was simply leading up to the fact that will the Minister, who some time ago indicated his relationship that he was endeavouring to cultivate with American states immediately south to us, has he made any personal intervention in this regard? It's obvious that his Minister of Agriculture is satisfied with lecturing us about the failings of the Federal Government, about the failings of everybody else but himself and his department in this matter; has the First Minister done anything to personally see that this matter gets resolved?

HON. H. PAWLEY: Mr. Speaker, the Minister of Agriculture has made representations to the Federal Minister, and those that are responsible at the federal level, for which this is principally a matter of responsibility federally. I think though that the honourable member's suggestion is constructive and I think that indeed it would be helpful to pursue this matter with the governors, though the principal responsibility relies and must rely, by way of obligation, on the part of the Federal Government to pursue this matter vigorously insofar as the restrictions involving hog importations into the United States.

SOME HONOURABLE MEMBERS: Oh, oh!

Flyer Industries - number of buses

MR. SPEAKER: Order please.

The Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you.

Mr. Speaker, I direct my question to the Minister responsible for Flyer Industries and would ask him if he has obtained for me the answer to the question I asked him two days ago with regard to the number of buses being produced this year at Flyer Industries?

MR. SPEAKER: The Honourable Minister of Culture.

HON. E. KOSTYRA: Thank you, Mr. Speaker.

Yes, I do have the answer. The order book for Flyer Industries at the present time consists of orders of 75 buses for the City of Winnipeg; 123 buses for the Toronto Transit Commission; and 25 buses for the City of Chicago.

MR. R. BANMAN: Mr. Speaker, will the Minister confirm that, based on those figures and projected losses that Flyer is looking at this year, that it will cost the Manitoba taxpayer more than \$50,000 for every bus produced; in other words, we are going to lose, as Manitoba

taxpayers, \$50,000 on every bus that we produce at Flyer?

HON. E. KOSTYRA: Mr. Speaker, no, I can't confirm those figures. I can confirm that Flyer Industries is continuing to experience difficulties and is continuing to lose money and, as indicated in the past, the Government of Manitoba is working on a variety of options to bring an end to the considerable financial drain of Flyer Industries on the government, on the taxpayers of the Province of Manitoba.

MR. R. BANMAN: Well, Mr. Speaker, if the Minister couldn't confirm that figure, I wonder if he could confirm that, based on the loss last year and the number of buses produced, we were subsidizing each bus; in other words, it was costing the taxpayer \$40,000 on each bus produced at Flyer last year.

HON. E. KOSTYRA: No, Mr. Speaker, I can't confirm that. The loss figures last year have not been confirmed at the present time. I have not received the Annual Report nor the Auditor's Report so I can't confirm what the loss figures were for last year; I, therefore, can't confirm what the loss figure per bus is for last year also.

MR. R. BANMAN: Mr. Speaker, several months ago, the Minister indicated that he was in negotiations with several companies who were interested in possibly acquiring the assets of Flyer Industries. Could the Minister inform the House whether or not any of those negotiations are now to a point where we might see the government enter into an agreement, either of joint venturing or of the sale of Flyer Industries?

HON. E. KOSTYRA: Mr. Speaker, the discussions and negotiations have been continuing for some time and at the time when any of those are concluded or decisions are concluded, then I'll certainly provide the member and the public with information when those decisions have been reached. At the present time, no decision has been made with respect to any of those matters.

MR. R. BANMAN: Mr. Speaker, since we are and have in the last two years lost more than \$30 million at Flyer Industries, can the Minister tell the House how Flyer intends to finance those losses? In other words, will Flyer be borrowing or will the government be giving them more money so that they can continue the operation?

HON. E. KOSTYRA: The operations are continuing at Flyer and at the present time there is no further need of any further cash transfer from the Manitoba Development Corporation, from the government to Flyer. I don't see any need for that in the foreseeable future.

MR. R. BANMAN: I wonder if the Minister could inform the House whether or not the Board of Directors of Flyer Industries have informed him that the losses this year will be in the neighbourhood of \$13 million to \$14 million.

HON. A. ANSTETT: Mr. Speaker, on a point of order.

MR. SPEAKER: The Honourable Government House Leader on a point of order.

HON. A. ANSTETT: Yes, Mr. Speaker, I raise a point of order with respect to a practice which has been indulged in this Session more frequently than it has in the past, Sir, and that is the practice of bringing to the attention of this House information for confirmation, allegations, some of them not well researched, some of them totally spurious for the purpose of gaining the attention of the House and, more directly, the attention of the people of Manitoba through the media.

That is a serious allegation I make, Sir, but now we have had this honourable member do it three times in a series of questions. I ignored the first two, Sir, but I wish to draw your attention and the attention of members opposite as well as the whole House to our *Beauchesne*, Fifth Edition, Citation 362: "It is the Member's duty to ascertain the truth of any statement before he brings it to the attention of Parliament."

I refer you also, Sir, to *Beauchesne's* Fourth Edition, Citation 177, which reads the same; and *Beauchesne's* Citation, Fourth Edition, 178: "It is not in order to ask merely whether certain statements made in a newspaper are true, but attention may be drawn to such statements if the member who puts the question makes himself responsible for their accuracy."

But more importantly, Sir, and historically, I think it is relevant. This practice was established in parliaments far older than this so that these kinds of allegations could not be brought to the House purely as a way of gaining attention to an issue. The purpose of question period, Sir, and you've said this repeatedly, is to gain information, not to seek confirmation.

Sir, *Erskine May*, 20th Edition, Page 338, Item 2: "The facts on which a question is based may be set out briefly provided the member asking it makes himself responsible for their accuracy, but extracts from newspapers or books, paraphrases or quotations from speeches are not admissible. Where the facts are of sufficient moment the Speaker has required prima facie proof of their authenticity."

Sir, I submit there's been a constant breach of our rules, more frequent this Session than I've ever seen it in the past, where information which has generally been documented as not authentic, has been brought to the House by members of the opposition. We, Sir, on this side have attempted to accommodate the desire of honourable members to gain information wherever possible, but this breach of the rules lately has gone too far, and I ask you, Sir, to bring it to the attention of all honourable members in terms of their requirements under, not only the rules I have quoted today but, Sir, your constant request for members, not to persist in this activity; and, Sir, the rules you distributed to us at the beginning of this Session which contain, Sir, the same admonition.

MR. R. BANMAN: To the same point, Mr. Speaker, the House Leader has indicated that a person should be responsible for the questions that he asks. I would like to point out to the Minister that I have documentation which indicates clearly that in the last years of operation, which we are privy to some information to, Flyer lost \$40,000 on every bus they produced.

And, Mr. Speaker, it is six months since the company has closed the year end. I believe when we are losing \$40,000 to \$45,000 a bus of taxpayers' money, we have a right to ask that question in this House.

MR. SPEAKER: The Honourable Member for Lakeside to the same point.

MR. H. ENNS: Just on a further point of order, Mr. Speaker, Manfor which is a company that is causing serious hemorrhaging of public money, is one of the next pieces of business before a Standing Committee of this House. We have yet to see an Annual Report. Our members have to have some means of preparing themselves for examination of that corporation's affairs, and what my member was doing is, I submit, in the tradition of this House.

MR. SPEAKER: The Honourable Government House Leader to the same point.

HON. A. ANSTETT: Mr. Speaker, I have not suggested for one minute that members have no right to ask questions for information.

I have suggested, Sir, that our rules specifically require the members not to provide information unless they can attest to its authenticity. That is the rule. — (Interjection) — That is the rule.

MR. SPEAKER: Order please, order please. Order please.

HON. A. ANSTETT: And we have persistently seen, when members have alleged that, the facts when they've come out have proven them inaccurate. If the member has that documentation, Sir, he is privileged to make that public if he wishes to. But to ask the Minister to constantly confirm allegations is patently against our rules and the member knows that.

MR. SPEAKER: Order please, order please. I thank the honourable members for pointing out that we have rules and guidelines that I sent to members that should be followed; and if they are followed we can proceed to make some progress with Oral Questions.

The Honourable Member for Elmwood.

Highways - bilingual signs

MR. R. DOERN: Mr. Speaker, I would like to direct a question to the Minister of Highways and ask him whether he has a program or policy in place to put bilingual signs on Manitoba highways?

MR. SPEAKER: The Honourable Minister of Highways.

HON. J. PLOHMAN: No, Mr. Speaker.

MR. R. DOERN: Mr. Speaker, I'd then like to direct a question to the First Minister and ask the Premier when he intends to make good on his promise to install bilingual highway signs, a promise that he made when he addressed the SFM's annual meeting in 1982.

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I don't recall that commitment at all. I think there is a Government Information Release dealing with that meeting, which is May of 1982. If the honourable member would refer to that Information Service release, he would probably be more enlightened as to what was said.

MR. R. DOERN: Mr. Speaker, the Premier seems to have trouble with that point which I raised with him several months ago, I would ask him whether he would discuss the matter with Maurice Gauthier or Roger Terin, both of whom were quoted in the newspaper saying the Premier had, in fact, made that promise, but ask him if he can explain the discrepancy between his recall and that of several other gentlemen who were present at that meeting.

Manfor - IMI performance bond

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. D. BLAKE: Mr. Speaker, my question is to the Minister responsible for Manfor and it follows the question I asked him a day or two ago, in regard to the fact that IMI, the major contractor in renovations to the sawmill, that the Manfor operation, the fact that they are in receivership, has he been able to ascertain that the work and the renovations to the sawmill were performed satisfactorily and are functioning correctly and are not responsible for some of the layoffs at the sawmill operation?

MR. SPEAKER: The Honourable Minister of Business Development.

HON. J. STORIE: Mr. Speaker, I believe I answered the member's question. Perhaps he was not here when I did so. But to my knowledge, yes, Mr. Speaker, the services provided by IMI have been completed and there are no outstanding issues Manfor has to take up with IMI.

MR. D. BLAKE: I wonder if the Minister can inform us if the complete payout of the contract has been completed now and that there's no holdback on the contract?

HON. J. STORIE: I will take that question as notice. There is normally either a holdback or a performance bond. If it is a performance bond, as the member probably knows, that is in effect and will continue to be in effect for a number of months after the contract is completed in any event.

MTS - toll-free line for weather information

MR. D. BLAKE: I have a question for the Minister responsible for Manitoba Telephone System. There has recently been installed, a telephone service in the Westman region allowing the subscribers to phone in and obtain up-to-date weather information. That is presently a long distance line that they're required to

pay for and I wonder if the Minister would consider the advisability of installing a toll free line, that they may obtain that information cost free.

MR. SPEAKER: The Honourable Minister of Labour.

HON. A. MACKLING: Mr. Speaker, I am not familiar with the issue that the member has raised. I'll certainly look at that and the suggestion that he's made and I'll respond later.

MR. D. BLAKE: I thank the Minister for that answered. The number is 727-5533 when the Minister is looking into that. It would be of considerable benefit to the people of that region if they had a toll-free service.

Broadlands - road conditions

MR. D. BLAKE: I wonder if I might take the liberty, Mr. Speaker, to direct a question now to the Minister of Highways and ask him if he has received a petition from the people in the Broadlands area, east of Pine Falls, petitioning the deplorable and unsatisfactory conditions of a road into their community there.

MR. SPEAKER: The Honourable Minister of Highways.

HON. J. PLOHMAN: Well, Mr. Speaker, I don't know exactly what road the member is talking about and maybe he could refer to the number. Perhaps he could give me more detail on it.

IDA - performance growth rate

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: My question is for the Minister of Finance. I was wondering if the Minister could indicate whether he's had the opportunity to review the forecast on Manitoba's economic performance recently prepared by the Investment Dealers' Association of Canada; and whether he could indicate what the projected growth rate was and how that compares to the Canadian economy in general?

HON. V. SCHROEDER: Thank you very much. Yes, Mr. Speaker, the forecast of the IDA, Investment Dealers' Association of Canada, indicates that our performance as compared to Canada's is improving considerably from where it had been.

They are saying the provincial output will match overall growth for Canada and break the historical trend established during the mid '70s and early '80s of below average growth. The expansion is being led by a resurgence in construction investment and strong service sector growth, and they go on to mention farm income stabilization programs as having helped to reduce the volatility in farm income levels.

They point out the contributing factor of large Hydro electric projects and so on. Overall, I think it's a report that has done a fairly good job of assessing the provincial economy and where we're heading.

MR. S. ASHTON: A supplementary, Mr. Speaker, I'd like to ask the same Minister, in regard to suggestions

in this House that there is somehow a crisis of confidence in the investment community here in Manitoba, I'd like to ask him whether or not the projections prepared by the Investment Dealers' Association support or reject this claim.

HON. V. SCHROEDER: The report very clearly indicates that we've been doing a fairly good job in the province. Manitobans have worked hard to recover from the recession. They point out that in terms of policy implications just for instance and I'm quoting, "The government has been able to contain the deficit," and they go on to point out, "the deficit as a proportion of gross provincial product is down this year."

They're pointing out that unemployment as compared to other parts of the country, is lower; although they suggest that it may go up slightly this year because of that large increase in interprovincial migration to Manitoba over the last several years as compared to the drop in our total population during the Tory years.

Obviously, that will have an impact, the fact that our population is growing; but on the other hand that growth in population will also lead to new business opportunities. Overall, it's a good report for Manitoba.

MR. S. ASHTON: Finally, I'd like to ask the Minister if the Investment Dealers' Association commented on the ability to finance the province's financial operations, and also the upcoming development of Hydro?

HON. V. SCHROEDER: They, as other business groups as construction associations and so on, have been very positive about the Limestone project. They have read the Federal National Energy Board report which totally refuted all of the Tory claims about losing money as a result of moving forward with Limestone production and in fact, the NEB stated - not the Government of Manitoba, the National Energy Board, a Federal Government entity - stated that we would make a larger profit by commencing construction two years early than we would if we did not do so.

They have read those reports and as a result of having read those reports, the Investment Dealers are telling Manitobans and Canadians that investment in Hydro development in Manitoba is a risk very well worth taking. They are confirming what other independent groups are saying and the only groups that aren't on side at this stage it appears, are the opposition in Manitoba.

Social assistance - no. of people on

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

MR. G. MERCIER: Mr. Speaker, a question to the Minister of Finance, following upon the questions from the Member for Thompson.

Could the Minister of Finance also confirm or inform the House that the number of persons on social assistance under the New Democratic Party government since they assumed office, has increased threefold to over 7,000 people?

MR. SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: Well, Mr. Speaker, I'll take the specific question as notice. Clearly, there have been

increases across the country. But the policy enunciated by the former Minister of Health, under the Lyon government, of exporting our social assistance cases is one that we didn't think was appropriate to follow.

When you look at our unemployment rate in this province, we've done very well compared to other parts of the country. In fact, again, the Investment Dealers' Association indicates that in 1983, 1984 and 1985, employment growth in Manitoba is going up by a larger portion than Canada as a whole, three years in a row. I don't think, Mr. Speaker, the people can expect us to do a great deal better than that.

I quote again from the report: "The strength of Manitoba's recovery relative to other western provinces is reflected in the reversal in provincial migratory patterns. Positive net migration since 1982 follows a decade of consecutive yearly declines in net provincial migration. This return to positive net migration will have the effect of increasing the unemployment rate by two-tenths of a percentage point in 1984. However, the unemployment rate will remain one of the lowest among the provinces."

So we expect that sort of thing to happen with large numbers of people coming back here, but while they were in office we had a decrease in . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please. Order please.

The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, could the Minister of Finance then confirm or inform the House that there are presently 46,000 unemployed people in Manitoba, almost 20,000 more than when this government took office? In the last year, the April, 1985 compared to the April, 1984 statistics, the unemployment rate has been going up in Manitoba, and there are more unemployed people in Manitoba now than a year ago, whilst the national average has been going down . . .

MR. SPEAKER: Order please.

MR. G. MERCIER: . . . unemployment across Canada has been going down . . .

MR. SPEAKER: Order please.

MR. G. MERCIER: . . . Manitoba is going . . .

MR. SPEAKER: Order please, order please. The question is argumentative and puts information of historical interest before the House. If the honourable member wishes to seek information, would he do so?

Inflation rate rising

MR. G. MERCIER: Mr. Speaker, could the Minister inform the House whether the Consumer Price Index announcements of today confirm that Winnipeg during the last year has recorded the second-worst rate of inflation among the 15 major cities known, and that the reasons for the higher prices are with respect to gasoline taxes which are being increased by this

government, higher housing charges because of higher electricity charges which are being increased 23 percent since this government took the hydro rate freeze off, and home ownership costs which are attributable to the Land Titles Office fees this government has doubled?

MR. SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: Mr. Speaker, the member really is getting to the very bottom of the barrel. He is suggesting to Canadians, to Manitobans, that it costs more to live in Winnipeg than in other Canadian cities. That is an absurd misstatement of the truth.

Mr. Speaker, if he would look at Statistics Canada's statements as to the cost of living compared to 1981 in Winnipeg today, he will find that in Winnipeg, for instance, it's 124.4. In Thunder Bay, just a few miles away in Ontario, it's 127.4; in Ottawa, it's 127.2; in Quebec, it's 126.8; in St. John, New Brunswick, it's 126.7; in Montreal, it's 126.7; St. John's, 127.1; Regina, 125. In all of those cities, it's above what it is in Winnipeg.

There are several cities where it has gone up slower than in Winnipeg, four out of the major Canadian cities. To suggest that in Manitoba, the cost of living is higher than in those other places is completely, Mr. Speaker, distorting the truth.

What he also doesn't recognize in these numbers is that in some of those other parts of this country some terrible disasters have occurred since 1981. For instance, in Vancouver, in British Columbia, there are 60,000 fewer people working today than there were in 1981. That has an impact on prices; that has an impact downward, because people just can't buy. People are selling at fire sale prices and so on. But even so, in Vancouver, the cost of living has gone up by the same amount as it has here in Manitoba where we have thousands more people working than in 1981.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please.

The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, this Minister did not answer the question. We recognize we have a low cost of living in the City of Winnipeg and in the Province of Manitoba, but under this government it is getting worse. Would he confirm this, that over the last year Winnipeg's Consumer Price Index has increased greater than Canada's increase, and that over the past year the City of Winnipeg has had the second-worst rate of inflation among 15 major Canadian cities?

HON. V. SCHROEDER: Mr. Speaker, the member wants to look at a very short period without looking at the overall. What he wants to do, Mr. Speaker, he never wants to look at the forest. He wants to find a little sick tree and attack it, and say that's the problem with Manitoba. The negativism of this opposition is just really incredible.

Several years ago, you'll recall, Mr. Speaker, the Member for Sturgeon Creek, who is red-faced now and all uptight about all this sort of stuff, was telling us how inflation in Manitoba would be way above . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please. Order please.

The Honourable Member for Lakeside on a point of order.

MR. H. ENNS: Mr. Speaker, I ask you to call the Minister of Finance to order.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

MR. H. ENNS: When that noise settles down on the other side, Mr. Speaker, I really do appeal to you to help with the decorum of the House. If the Minister does not want to answer a question, he doesn't have to answer a question. That's a long-standing tradition and rule in this House, but surely it's not necessary to abuse the privileges of the question period the way he's doing.

MR. SPEAKER: The Honourable Government House Leader to the same point.

HON. A. ANSTETT: I appreciate the sensitivity of the Opposition House Leader to the fact that members opposite aren't getting the facts they want from the Minister of Finance, but instead facts they find unattractive to their positions. But that's not the purpose of question period. The purpose of question period is for the opposition to ask the questions. They have no right, Sir, to dictate the answers.

Sir, the fact of the matter is that if the facts the Minister of Finance presents make Manitoba look good nation-wide, that's to the credit of the government. The opposition should be embarrassed for asking such foolish questions, if they don't like the answers they're getting.

MR. SPEAKER: Order please.

The Honourable Member for Lakeside to the same point.

MR. H. ENNS: I want to indicate to you, Mr. Speaker, that we will prevail on getting a ruling from you with respect to this question on the validity of the point of order. My colleague for St. Norbert asked a very specific question, something which your guidelines have asked us to do, whether or not the Minister of Finance could confirm that Winnipeg had the second-worst inflation record in the past year. That's all he asked, Mr. Speaker.

The Minister of Finance has several options. He can ignore the question and not answer the question, or he can take it as notice, Mr. Speaker. But, Mr. Speaker, he cannot, according to your guidelines, go on and make a speech of his liking that has no reference to the question asked. Mr. Speaker, I would ask you to rule whether or not I had a legitimate point of order.

MR. SPEAKER: The Honourable Government House Leader to the same point.

HON. A. ANSTETT: Mr. Speaker, Item 5 on the Guidelines for Question Period which you circulated at

the beginning of this Session contains no provision in the five items listed that dictate the form of the answer to be provided by a Minister to a question. That, Sir, has never been the practice of this House.

Opposition members sometimes find the questions answered in the form they wish; other times, they find that the answer does not conform with their desire, but may well be the facts. It's not up to the opposition to dictate the answer and, Sir, Beauchesne's Citation No. 358 supports that contention.

MR. SPEAKER: Order please, order please. Order please.

I would remind all members that questions should be short, concise and to the point, and that answers should also be short, concise and to the point.

MR. SPEAKER: The time for Oral Questions has expired.

INTRODUCTION OF GUESTS

MR. SPEAKER: May I direct the attention of honourable members to the gallery.

We have 40 exchange students from the Louis Riel High School in Ottawa, under the direction of Mr. Waldy.

There are 60 students of Grades 6 and 7 standing from the Kleefeld School, under the direction of Mr. Friesen. The school is in the constituency of the Honourable Member for La Verendrye.

On behalf of all of the members, I welcome you here this morning.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, prior to calling the Orders of the Day, I seek your guidance and advice. We have had several points of orders raised during this particular question period as, indeed, happened just yesterday. It was my understanding, Mr. Speaker, that those did not impinge on the time for the normal question period allotted to the opposition.

MR. SPEAKER: The time for Oral Questions has expired.

MOTION OF CONDOLENCE

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, we have a condolence motion this morning.

Mr. Speaker, I beg to move, seconded by the Minister of Labour,

THAT this House convey to the family of the late Donovan Swales, who served as a member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement, and its appreciation of his devotion to duty in a useful life of active community and public service; and that Mr. Speaker be requested to forward a copy of this resolution to the family.

MOTION presented.

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, this morning we made a condolence motion to one that is remembered by, I suspect, very few in this Chamber. Probably no one in this Chamber would have sat here during the time that the late Donovan Swailes sat in the Chamber.

A number of us knew Don Swailes intimately on a personal basis and, therefore, it is an occasion that is moving for many of us insofar as our recollection of the contribution that was made to the Province of Manitoba by this man, who was very short in stature, but was a giant by way of vision in contribution to the province.

On December 10th, it was, of 1984, in Victoria, British Columbia, Donovan Swailes died at the age of 92. His passing marked the final chapter of a life which was dedicated to service and the improvement of the human condition.

Mr. Swailes was a former member of the Winnipeg City Council; was first elected to the Manitoba Legislature on October 15, 1945, as a member of the CCF, the Co-operative Commonwealth Federation. He served for a total of 14 years, Mr. Speaker, in this Chamber, representing the constituency of Assiniboia.

On a personal note, Mr. Speaker, I believe I was 23 or 24 years of age at the time I had the honour of being Mr. Swailes' campaign manager, and recall very well that campaign. I think it was the second last campaign that Mr. Swailes ran in, in which he was successful. He was elected once in Assiniboia and then was finally defeated, I believe it was 1959, in the constituency of Assiniboia.

But I remember very well, Don Swailes was certainly a tireless campaigner - his door-to-door canvass, his tremendous grip of facts, especially, Mr. Speaker, detailed facts and statistics. If there was any information that we wanted, all we had to do was to turn to Don Swailes; he'd have that information for us very quickly, very automatically. I think that we grew in those years - I think the Minister of Natural Resources will recall, and the Minister of Labour - to depend very much on Don Swailes' fantastic grasp of detail, of factual information, a resource for statistical information.

In addition to his service in the Legislature, Don Swailes served as provincial secretary of the Co-operative Commonwealth Federation for many many years. He served as provincial secretary of the Co-operative Commonwealth Federation during a time, Mr. Speaker, when certainly CCF was in a period of decline. It was shortly after the Second World War when the CCF had done quite well in the period '42-45. In fact, after a by-election, in which the CCF came very very close to winning the constituency now represented by the Member for Turtle Mountain, defeated by a slim vote, as interesting as that may be to us here now, by a coalition candidate, the CCF during those periods, the early 1940s.

Don Swailes took over as the secretary when the party went through a period of decline from 1945 into the early 1950s. The party was in very serious financial plight. I recall the difficulty during that period of time in keeping the party going. I remember no organizational activity, the financial situation was very very strapped, and if I recall correctly Don Swailes worked in the provincial office for \$25 or \$20 a month, just barely enough for him to get by on.

This was the test of this man's commitment to what he believed in, and the objectives of achievement of

a democratic socialist community. He was prepared to sacrifice on a personal basis in a way that few can parallel.

I think he was provincial secretary - and I don't have the precise dates here - but I believe it was at least 10 or 12 years, if not more, up in 1070 Main Street, Mr. Speaker - you may very well recall yourself. Don Swailes worked in very very dingy headquarters, \$20 a month, putting in long hours. He was the sort of person who would show up at the provincial office at 6:00 or 6:30 and work quite late, this mastery of detail, very precise, and very firm in his conviction.

I remember sitting in the gallery when he was a member of the Legislature - that's the only time I can recall him in the Legislature - and his getting to his feet, and the strength of his contribution - I think quite an English accent - it was quite evident in his manner of oratory, his grip of facts and his very logical presentation. He was not one to bend to rhetoric or emotional display, but depended upon a very clear, logical presentation.

He held positions also as president of the Labour Council, the Manitoba Federation of Labour and as vice-president of the Canadian Labour Congress.

Mr. Swailes was born in Leeds, England, in 1892, where he first became involved in the organized labour movement at the age of 14. He served in the First World War before coming to Canada in the year 1920. Soon after coming to Winnipeg, he joined the Winnipeg Symphony Orchestra as a trombone player, in fact, I believed that was the beginning of his activity in the union movement in Canada, he was a member of the musicians union, and I believe held a membership card in the musicians union during all the time that he served in this Legislature. At the same time he was, of course, always very active in community affairs.

He had a vision and that vision was displayed by the many resolutions that he presented in this Chamber - I'd like to just mention a few of those because they did not become law until sometime afterward, and they were generally defeated. But, Don Swailes had the vision to introduce ideas, proposed legislation, years before its time. He introduced the first Vacations with Pay Act; the first Hours of Work Act for the 40-hour week. He introduced The Equal Pay Act and many other bills and health insurance and automobile insurance, fair employment practices, and he constantly had a long list of resolutions on the order paper of the day.

Because of the methodical nature of the member, he would pick up the work of at least six or seven other members and would introduce these resolutions one by one in the House. They were all, of course, defeated at the time, but they have since been adopted and now form the basis of labour and health legislation in Manitoba.

Although he was retired in Victoria since 1969, he continued to act as a correspondent for the Co-operative Press Associates until the age of 87, and you know, he would write correspondence to me, to my office, about once every week or once every two weeks from British Columbia. It was simply amazing to get this very detailed - he would be writing this right up to just about the time of his death, Mr. Speaker - correspondence full of information and facts, mainly about what was going on in British Columbia to ensure that we were kept informed here as to what the political events **were in B.C.** and how they were unfolding.

Don Swailes is survived by his wife, Mary, a daughter Shirley and a number of grandchildren. To his family, Mr. Speaker, I would like to extend the heartfelt sympathy of the government and the people of Manitoba.

As I have indicated, Mr. Speaker, there is no question that Don Swailes left his mark in Manitoba. He left his mark on his party; he left his mark upon this Legislative Assembly; he left his mark in the labour movement; he left his mark in City Hall and he left his mark, by way of his contribution to the total provincial community in Manitoba, for he always stood firmly and erectly on the side of fairness, justice and equity; and he demonstrated that, not just by word, Mr. Speaker, but by his own very fine personal example of integrity and commitment.

MR. SPEAKER: The Honourable Minister of Labour.

HON. A. MACKLING: Mr. Speaker, I deem it a privilege to Second the Motion of Condolence to an old friend, a tireless worker for a better society for men and women. Don Swailes and I were candidates in provincial elections in the past. Don had an enthusiastic optimism, a selfless dedication to a better society. He was prepared on any occasion to help people.

I remember, as a much younger person, being involved in political activity on behalf of youth in Manitoba. I was the President of the CCYM back some many years ago, and I recall the difficulty in young people's organizations in getting material ready. Don was the secretary of the CCF, and I approached Don - no problem at all. Don smiled and, although he was very busy, he had all the paperwork, all of the administrative responsibilities of the provincial secretary of a political party. He readily took on the task to type out a stencil, the old gestetner, and run off a notice for me of a meeting of the young people. And it was that kind of willingness, that kind of eagerness, enthusiasm and dedication that typified Donovan Swailes.

The Premier has alluded to his illustrious record in this House. He never had the privilege of sitting on the government side of the House, but the resolutions and the arguments he advanced for new legislation in Manitoba have now come to fruition. He argued for decency and justice in the workplace, and much of what he argued for today we now see in Manitoba. He provided leadership on those issues, Mr. Speaker, and I'm sure was pleased to note the significant improvements that have taken place in this province.

I know that he was so delighted when in 1969 a New Democratic Government was elected in Manitoba because he had worked years to see an event of that kind take place. He was liked on both sides of the House, I know, although he was a tough articulate advocate of the positions he espoused. This province owes a great deal to Donovan Swailes.

Our party, the New Democratic Party, the Co-operative Commonwealth Federation that preceded it, owes a tremendous debt of gratitude to Donovan Swailes. He worked selflessly and almost without any remuneration for many many years. Donovan Swailes was the glue that held the CCF together in those difficult years back in the late '40s.

I join with the Premier in wishing the best for his wife and daughter, whom I'm sure can look back with fondness and pride on the dedicated efforts of their husband and father.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I would like to associate the Official Opposition with the condolence motion as presented by the Premier, condolences to the family of the late Donovan Swailes.

As the Premier indicated, there is not anybody presently in the House that sat in this Chamber with him. I would like to put on the record that the Member for Charleswood has been notified of the condolence motion that we would be passing and expressed his desire to speak to it. Regretably he is out of province. He, I believe, on this side, is the only member who sat with the late Donovan Swailes in this Chamber and could have no doubt brought some more personal comments from the opposition to this condolence motion.

Obviously, Mr. Speaker, the many years of public service that Mr. Donovan Swailes gave on behalf of the political cause of his choice, both at the municipal and the provincial level, should be an encouragement to all of us who are currently in political life, the fact that it would appear that Mr. Donovan Swailes enjoyed reasonable health in his retirement years and a long life - if I understood the First Minister correctly, he lived to the age of 92 - that should be some encouragement to us who are currently involved in public life, sometimes burdened with the stresses and the tolls that public life brings upon us.

I think we have perhaps more reason in this particular Legislature than others to be mindful of that, that we are encouraged when we see and hear of a person such as the late Donovan Swailes who has worked hard for his cause, worked hard for his party, worked hard for the people of Manitoba, and then was given the enjoyment of many years to ponder his life's work in retirement years.

We are pleased to associate ourselves as the Official Opposition Party with this condolence motion that's being passed on to his family.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, like the Premier and the Minister of Natural Resources and others, I knew Don Swailes and liked and respected him. Mr. Speaker, he was a handsome gentleman, short in height from the top of his scalp down, but of great stature and height from the neck up.

Mr. Speaker, he performed a lot of hard work and handled some very heavy responsibilities for many years for the New Democratic Party, the CCF, and as an elected member. Mr. Speaker, he was part of that excellent group of Stanley Knowles, Lloyd Stinson and others who were close friends and colleagues, and also were a model and an inspiration to the young people in the CCF and the New Democratic Party.

It's already been mentioned that he was a practical man. Although I note that he was born in Leeds, he must have had Scottish blood in him because of his

great thrift and concern about monetary matters, but not insofar as they affected himself because he worked those long hours for low pay for many many years.

Mr. Speaker, I remember on more than one occasion in the early '60s when the going got rough, as the saying goes, then he himself volunteered on more than one occasion to take a cut in pay to allow the New Democratic Party to manage its affairs.

Mr. Speaker, he worked in the central office and it was, I guess, taken for granted for decades that if one at any time were to visit the headquarters of the New Democratic Party that they would there encounter Edith Cove and Don Swailes, because they manned the fort for such a long period of time.

Mr. Speaker, like everyone else he wasn't perfect and I recall with some interest and amusement watching him one time during an election period in the heat of battle receiving a phone call and listening to a tremendous harangue of abuse from some citizen in either his riding or probably somebody just phoning and ranting and raving and screaming over the telephone against either himself possibly but, more likely in this instance, the New Democratic Party, and how finally in exasperation he simply said very forcefully, I don't give a damn how you vote, and slammed down the receiver.

Mr. Speaker, I also remember a story told once by Stephen Lewis, who is now the United Nations Ambassador, who came to Manitoba in the early '60s to help organize and raise funds and get the party on a sound footing from stumbling along to monthly donations and more efficient and professional techniques of campaigning, and how on one occasion he went with Mr. Swailes - in fact this may have been an earlier time I don't remember, perhaps the '62 election and perhaps it was earlier than that - and Mr. Swailes was a candidate and like many politicians, prone to using those earlier and more glamorous photographs that we all have because the more current ones are usually more wrinkled and less flattering than those taken in our youth. At this time he was a gentleman of advanced years and still using a photograph in which he probably looked no more than 25 or 30. I recall Stephen Lewis saying to me as he was campaigning down the street handing out these pamphlets, people were standing there puzzled, looking at the photograph and looking at him, and trying to reconcile the two.

Mr. Speaker, I don't think that Donovan Swailes received the kind of recognition that he deserved in his lifetime, but it is nevertheless perhaps in history that he will be given that appreciation, and in the history of the political movement that he served so well. Mr. Speaker, he was a labour man, a good man, and a man who served his province well.

MR. SPEAKER: Would members please rise for a moment of silence to show their support for the motion?

(A moment of silence was observed)

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker. Would you please call the Adjourned Debate on Second Reading for Bill No. 2; and following that, the second readings standing in the name of the Attorney-General.

ADJOURNED DEBATES ON SECOND READING

BILL NO. 2 - AN ACT TO AMEND THE HEALTH SERVICES INSURANCE ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Health, Bill No. 2.

The Honourable Member for St. Norbert.

MR. G. MERCIER: Well, Mr. Speaker, I do not wish to speak at great length to this bill, but I do wish to place on the record some concerns that I have with this bill. And I do so, Mr. Speaker, because I think like, certainly all members of this House and all members of the public, health care services are of highest importance to people of this province.

Sometimes we tend, however, to forget about their importance until some tragic incident comes to our personal attention, when perhaps a member of our family, or a good friend becomes ill and has to go to the hospital and then we realize what we have forgotten perhaps for some time, that health care services are virtually the most important public service that we have in Manitoba. Without our health, of course, Mr. Speaker, we have nothing. And, therefore, I believe that the quality of health care is extremely important, Mr. Speaker, and it is on the basis of that concern for the quality of health care that I wish to speak for a few moments on this bill, because I think the question that has to be asked, with respect to this bill, is will this bill protect or maintain health care services; will it promote or discourage improvement in health care services?

And Mr. Speaker, I have a concern that this bill will not promote or encourage improvement in health care services and that it may tend to lead to a deterioration in the quality of health care.

I cite, as an example, Mr. Speaker, a small example perhaps, but an ophthalmologist was telling me the other day about a situation that has occurred in the province where a group of doctors, with skills in this area, purchased a laser beam machine for special treatment on eyes. The cost, I believe, was in the neighborhood of some \$200,000 which they purchased as a unit, and they went to the Manitoba Health Services Commission to have a fee established for the use of that machine and the service that was going to be provided. The Health Services Commission set a fee somewhere in the area of \$80.00. When the actual costs of operation, and the fee that was thought to be reasonable by this group of doctors, was somewhere in the area of \$200.00. That fee, having been established by the Manitoba Health Services Commission, and this restriction on extra billing, the result is going to be that the doctors are going to sell that machine and then the people of Manitoba who require that special service are going to have to go out of the province to get that treatment.

It's an example, Mr. Speaker, of what can happen under our system of health care with this type of legislation in effect. The fee for medical services is going to be determined by the government through the Manitoba Health Services Commission. It's going to be dependent upon the amount of money that any

government allocates toward the provision of health care services in the province and, therefore, will be subject to the whims and the preferences and the attitudes of the government and the Health Services Commission people, and may result in a deterioration of quality health care.

Mr. Speaker, the Minister has indicated for a number of years, and the previous health Minister indicated for a number of years, that in Manitoba extra billing is not a problem. He referred, I think, to a total of \$1.4 million by some 75 doctors involved in extra billing in the last year. So it is not a great problem, Mr. Speaker, and people certainly have the opportunity to choose between someone who extra bills and someone who does not and I know, for a fact, that in many situations, doctors take into consideration the financial circumstances of the people they are providing service to and adjust any fees accordingly. And, in many cases, where people are unable to pay, simply do not charge the extra billing.

So I'm concerned, Mr. Speaker, that this bill, which is presented to us by the government, has not been perhaps thoroughly thought out. You know, it was passed albeit by all three major political federal parties in the House of Commons, very early prior to a federal election. I wonder, Mr. Speaker, if extra billing is a problem, was any consideration given, and if there's a genuine concern that some doctors are, in effect, ripping the people off, was there any concern given to establishing a committee - doctors, lay people, civil servants, whatever - for the purpose of reviewing and approving the amount of extra billings that would be allowed.

And I suggest, Mr. Speaker, that type of situation should have been looked at because, as I say, with government, through Manitoba Health Services Commission, determining what a doctor's fees should be, there is the possibility - and I've cited one example - that their judgment is based solely on the amount of money that the government allocates for those services and, therefore, may not, as in the example I cited, truly reflect the actual cost of providing the service. And what happens under that situation? The people lose the service. And I go back to my first principle, Mr. Speaker, that health care services, when you need them - and we often forget about this when our family or friends are not subjected to having to go for medical treatment, we forget about it - but when we need it, it's the most important service, Mr. Speaker. And when we need it, we're prepared to pay for it. And people are prepared to pay for quality service.

I don't think people, when they need that service, are going to be very happy that service may have been withdrawn because the government, through its health services, for some reason, has decided that they can't afford to pay the actual cost of that service. That's why, Mr. Speaker, I hope when the Minister of Health concludes debate on second reading, if he can give us some assurance that concerns over continuing quality of health care services and the improvement of health care services will not suffer as a result of this legislation and there are alternatives.

Mr. Speaker, the Minister of Health in his comments going back now to March 20, when he introduced this bill for second reading, referred to various amounts of extra billing that have been occurring in the province.

The question to be asked is, Mr. Speaker, is the extra billing that has gone on legitimate? Are they legitimate

charges for the expertise that has been used and rendered in medical services to the people who have received those services?

In most areas of extra billing, they are highly qualified specialists, Mr. Speaker, who have spent years and years of studying. There is a tendency amongst some politicians and some members of the public to be very critical of the amounts that doctors earn but we should never forget, Mr. Speaker, that most of the doctors - and there will always be a few bad apples in every barrel, I'm sure - but the vast majority of them have spent years and years and years in study and hard work, long hours as interns, as residents, and don't start to earn an income for many of them until their middle 30s, don't start to earn an income until that stage in life, Mr. Speaker. I'm sure most members of the House know men and women who have gone through those years and years of study and in my view, Mr. Speaker, it is a very difficult job.

Most people in this House and most members of the public will acknowledge that most doctors spend long long hours of providing medical services to the public. The vast majority of them, Mr. Speaker, are very very dedicated people with tremendous responsibility - life and death responsibility in most cases, Mr. Speaker. That doesn't entitle them, as some people would say, to rip off the public; but these doctors who are extra billing, I suspect in many cases, are people who have gone on to further and further education in specialities and in the main they are the ones who are extra billing. They are the ones who have spent longer and longer without earning an inadequate income. Who has examined what has actually occurred in extra billing and has come to the conclusion that those people who have spent long years of hard work and sacrifice are not entitled to the fees that they are charging, Mr. Speaker?

Who is going to guarantee to the public that with this legislation those people are going to still be available to provide those quality services to the people of Manitoba at the rates that some future government, whatever political stripe, on any whim decides to allocate to pay for those services? I think, Mr. Speaker, this bill should be looked at very carefully and thoughtfully at the long-term consequences of it.

The Minister of Health, certainly in introducing this bill, did not deal in any substantive way with these issues and, frankly Mr. Speaker, I would say I don't recall anyone at the federal level of any political party giving some thoughtful consideration to the consequences of this type of bill on the kind of quality health care services that would be provided to Canadians as a whole.

Mr. Speaker, there is reason to be concerned about what has happened to the health care system in England under this type of situation, Mr. Speaker, where there is one health care system for the people who want to go and pay for it to get quality health care because it is so important, and another socialist system of salaried doctors working for the state which many people have come to Canada to get away from.

Mr. Speaker, these are some of the issues that I think all members of this House should thoughtfully consider before giving approval to this bill. Issues, I think, that were not dealt with federally when the amendments were made with regard to extra billing. We should give

all of these issues consideration to ensure, Mr. Speaker - as I think most Manitobans want us to do - that quality health care will still continue to be available to all Manitobans in the event that this type of legislation is passed, because if we cannot continue to give that long-term guarantee then we should have second thoughts about this legislation.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Ellice.

MR. B. CORRIN: Thank you, Mr. Speaker. I had not intended to speak today but having heard the remarks of the Honourable Member for St. Norbert, I wish to impart a few of my observations on the same subjects as it is related by the bill.

I have always been moved to some ambivalence with respect to the approach of the various governments, not just the Provincial Government of Manitoba, but also the various governments of this country and the Federal Government with respect to the question of extra billing. To me this is essentially a very very very complex and difficult issue, and I suppose because it entails the provision of very fundamental and obviously extremely important services to the public, I feel motivated to put my observations on the record.

I come from a family where there are medical people - they are medical professionals - and I am also on good relations with several practitioners who are friends and people who are working in the health care field. Of course, I also represent many people who are of very modest income and who are very dependent on an adequate and comprehensive health care system. Affordability to them is a major issue and plays a very significant part in their lives, and particularly when they attain a certain age where health care becomes extremely important and an issue which preys on the security of the elderly.

I am able to say that a high proportion of my constituents are in the senior category. I think the statistics in my particular constituency run between 15 percent and 20 percent right now.

I have never seen this as a political issue. I suppose the reason I've never been able to see it as a political issue is largely because I don't buy the arguments of the Member for St. Norbert when he talks about the socialist system. He refers to a socialist system, and he did so in his remarks, and suggested that the approach of the government with respect to extra billing reflects that sort of dogmatic socialist approach, if one could call a socialist approach dogmatic.

I don't see it that way at all. Speaking as a person who prides himself on being a social democrat, I don't see fee-for-service as a socialist approach. I have no ability to relate to that as a social democrat.

My own perception is that a truly humanistic ideal approach - and I quote and I underline and I stress "ideal" - because I think the question begs a variety of different approaches, some of which obviously approach some sort of perfect philosophical nirvana and others which, on a descending scale, would obviously give every member in the House, regardless of his or her philosophical persuasion, some concern.

I think the perfectly humanitarian approach, taking it out of the philosophical and political rhetoric area,

would be from my point of view a system that paid people adequate salaries to do a job and gave the professional practitioner in this particularly vital area a secure and adequate income which would reflect their particular expertise and their particular dedication and the significance of their particular calling.

I know too many medical people to believe that very many of them are self-seeking entrepreneurial business-related types. Factually, I don't think it could be verified. As the Member for St. Norbert says, and I agree, there are always a few bad apples in every barrel. But I think, by and large, what he says about the profession being ultimately fairly dedicated and altruistic and compassionate, is true.

I think just reflecting on my own sister's experiences as a student, and she is now in her early thirties and just starting her career as a neurologist, and considering the sacrifices she made in order to attain that income in terms of travel, in terms of working abroad and working in special research facilities for income that I'm sure would be less than persons in far less demanding positions, I think I can verify that there is certainly a considerable degree of sacrifice.

One should not discount as well the cost of setting up a private practice. If we in this country want to encourage a private approach to medicine, and we want to keep medicine in the private sector and encourage fee-for-service, as apparently we are about to do, we have to remember that there is a capital cost aspect to establishing and maintaining a secure practice. That is far more substantial, depending on the type of physician you are, than most people are aware.

I am not privy to all the various specialties and their associated costs, but I know that just yesterday I was talking to a young dentist friend of mine and he was telling me that a dental operatory runs about \$70,000 to \$80,000.00. Now I'm not talking about setting up the office; I am talking about the chair and the operating equipment associated with the actual work on the patient. Obviously there are many more costs associated with doing professional business than just buying the technical equipment.

In many cases young physicians - and when we talk about young physicians we're talking about people usually in their thirties - are investing \$100,000 and upwards to establish themselves in private practice; and that includes those physicians who are going into the large clinics - the Manitoba Clinic, the Winnipeg Clinic and that sort of facility.

Frankly, I don't know how some of them do it. One has to assume that they are able to find rather generous banking arrangements because that represents a very large consumption of capital on the market and certainly from the point of view of a lender, is a relatively high risk. I guess the assumption is that a physician will work hard and work a long time in order to discharge the indebtedness and I think that's a reasonable assumption. Anybody who is willing to invest \$100,000, \$125,000 or \$150,000 in a small business calling of this sort is obviously willing to work hard.

I think we are rather naive in believing that we can maintain quality health care on a fee-for-service basis. I think the system is bound to degenerate. I won't comment as to whether it has or hasn't; I will only reflect and say that a good percentage of our graduates in this province leave and a lot of them are the brightest and the best.

They are not going into ideal systems in all cases, although some are. There's a friend of mine, who is in the field of child psychology and psychiatry, who went from Manitoba because he said there were absolutely no facilities in which to work in this province - and I think they have improved since he graduated, frankly - there is now an adolescent treatment centre, for instance. But he went to Toronto and from Toronto he was made an offer by an American research facility and teaching institution somewhere on the eastern seaboard, and he went there but it wasn't purely for money. It was a very difficult decision for him. It was largely predicated on the opportunity to do research and on the opportunity to work in a stimulating environment where medical care was given a high priority.

I know we are not in that sort of economy. I know that we have parameters that don't always pertain in some large centres. But nevertheless I do feel that there are limitations to the approach that is espoused by the governments with respect to fee-for-service and extra billing.

I don't know what the answer is but I would be remiss if I didn't suggest that the answer is probably not in fee-for-service. I think we are promoting an essentially self-destructive system that will eventually, because it is essentially rigid and no matter what you do with it, whether you plug in arbitration of a compulsory nature or anything else, no matter how much you manipulate and how much you try and play with the system, I think it's an essentially rigid one. I think that in itself will be destructive.

I will vote and I will support the bill before the Legislature because I think that probably in matters of this sort it makes sense to go in this general direction; but I don't think in doing so that I will be doing anything of a long-lasting nature. I think it's just another patch in a very large and very crumbly foundation.

Having said that, I will sit down. I wanted to pass my observations on for the record.

Thank you.

MR. SPEAKER: Are you ready for the question?

The Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker. I, too, want to make a few comments with regard to this bill before it passes on to committee.

I think that many of us - and I think that's been evident by the few members that have spoken on this side of the House, as well as on that side - are concerned about the direction that the health care system is taking, not only in this province, but across the country, and I want to take this opportunity to put a few of my thoughts on the record.

Mr. Speaker, I do so, realizing full well that health care is a very very sensitive political issue in this country. One of the difficulties we have in dealing with it is that it becomes very hard for anybody to make any suggestions, to make any criticisms of an existing system without it being used by either political party on whatever side of the House you happen to be at that particular time, as a political ploy. We have seen it become used by different parties in different ways to try and discredit the opposition.

We are now all in a position where we pass this type of legislation which, I agree with the Member for Ellice, is really a patchwork or a stopgap measure. It really doesn't solve the problem that we're going to face in the future.

I want to put a few ideas down and make a few observations. First of all, there has been some talk this morning about what will happen with regard to specialties. I guess this would be my largest concern when I'm dealing with this particular bill.

We are in a position in this country where we want to make sure that we provide the best possible health care to our residents, but if we're going to lose a lot of specialties because of this type of patchwork legislation, I would have to say to members opposite, that would cause me a lot of concern.

One of the areas that I think I'm going to monitor, and I hope the Health Minister will, that will be the amount of people who will be requesting to have special treatment and will not be able to get it here in this province of ours. That's happening to a certain extent already. We have people going to Rochester. I had a constituent who had to go to Alabama for a particular operation. So, Mr. Speaker, if this will cause now some of our specialties to leave this country, really in essence we will be right back in sort of the fee-for-service or the extra billing area which we are now trying to avoid.

I say that because the Manitoba Health Services Commission provides a certain amount of funds to people who have to go outside of the province to have an operation done that is not available here. Of course, the difference, what the Health Services Commission pays to what is charged either in the United States or abroad, has to be borne and paid for by the individual that is receiving the treatment.

Now what has happened till now is that people who could not afford - and I just had a constituent who was not financially capable of paying the difference of the surgery that she had to have - the community got together, had a fund-raising drive, and did an excellent job in raising the funds and the individual is now looked after.

But I think we're going to have to monitor that aspect very carefully and that, as I said earlier is, what is going to happen to the specialties? And are we really just exporting the problem and thereby really doing the same thing that we're trying to curb right now? So I think that's one area we're going to be watching.

The Member for Ellice made a few comments about the fee-for-service aspect. I would say that I think inherent in the system and something that I would not like to see, I would not like to see a salary system put in place as has happened in Britain. I think members on both sides of the House agree that one of the best ways to try and get people involved in whatever line of work they're doing, is to give them an incentive. The fee-for-service basis is one which I think will have to be retained.

We're all in favour of getting employees now into profit-sharing plans, getting people more involved in the workplace, putting them on boards to give them more responsibility. We're doing that because we realize then that those particular individuals produce more, have more of a concern of what's happening. I think if we take the next step and move into the salaried area, I would have serious concerns about that because

I think we would see a further deterioration in the system because there would be no incentive for the doctor to make that extra call at night or stay that extra half-hour. It just wouldn't be there, and I think we would see a deterioration. So I think the fee-for-service principle is one which we should be maintaining.

As I mentioned earlier, one of the difficult things in dealing with this particular bill is that all of us, as politicians, are scared to really tackle some of the very meaty issues and deal with some of the real problems that we're facing in the health care system. My colleague for St. Norbert addressed that earlier. You had a bill passed in the House of Commons which really now prompts this bill, and that was passed by both parties because they were heading into an election and none of them wanted to be tagged as being against providing proper health care for the people of Canada.

The same thing is happening in this House, and it has been recognized even by members of the opposition or of the government that it really does not solve the problems in the health care field. Really what we're doing, as the Minister of Health mentioned when he was introducing the bill, what we're doing is passing a bill which will enable us to maintain getting our funding from the Federal Government. If we didn't pass it, we wouldn't be getting several millions of dollars in dealing with the opting out provisions. So what we are doing here right now is going ahead and, in essence, verifying what the Federal Government has done, thereby complying with what they have done.

The final thing, Mr. Speaker, I want to raise is that I believe with regard to health care, we are going to see some pretty major changes. In the United States, for instance now, where we are now seeing large corporations, instead of just paying a medical fee to an insurance company, what's happening now is they are contracting with private medical groups the services for all their employees.

In other words, it really goes back to a system which was used by many of the Mennonite people some 25, 30, 40 years ago when they made a contract - we called it a contract - with Concordia Hospital. They would pay so and so much a month, then of course they would be looked after, whether it was an appendectomy or a gallstone or delivering a child. I think I was one of the recipients of the benefits from that program. I was born in the Concordia Hospital under precisely such a contract and it had been worked out in the Mennonite circles and served the people of that time very well, because it was a form of insurance and the contract was made with the hospital who, in turn, had made a contract with several doctors who would then look after you and that seems to be the route that the U.S. is taking.

The larger corporations are sitting down and going to the larger medical groups and saying, what different expertise have you got in your system? They sit down and do very much, I guess, what we are doing in the dental health program with the dentists. We then say to them, we have 1,000 people employed. What will be the cost for you looking after these people? Now that takes some freedom of choice from the individual away as to which doctor they can go and see. However, if the group, I guess, is fairly large enough, they have the choice within that medical group to choose the doctor of their choice.

But that's what is happening in the States, and is moving very very quickly, and I think we'll see some pretty large changes in the United States with regard to that.

That is causing big problems for the hospitals because what's happening is that the hospitals are now finding that the medical groups are setting up their own emergency clinics. We're seeing that happen to some extent here in the province which really, of course, reduces the outpatients' requirements within hospitals, and you are now going to be seeing in the United States, hospitals actually closing down because of the medical groups providing that service themselves.

So I believe we're going to see some pretty substantive changes, and it would be my hope over the years to come, that we can deal with this matter, and I know it's a very difficult thing to do because I might get trapped in it myself. But to look at it objectively and hopefully with the best interests of the people of Manitoba and Canada in mind rather than a sort of a short term quick fix approach to the problem which is one which is politically palatable, but will in the long term not really serve the people who we are trying to protect in this whole field.

So it is an awfully complex problem. I haven't got all the answers to it, but I do have certain concerns about it. I've registered but a few today and hope, Mr. Speaker, that we don't go the route that England has gone and that we can maintain a system which will be a model to the rest of the world and provide the best possible health care to the people that we represent.

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

The Member for Inkster.

MR. D. SCOTT: Mr. Speaker, just briefly before we adjourn, I understand the House Leader is going to take adjournment of this for the critic next week. But before we do adjourn the debate today, I would like to put a few comments before the House and this is in relation, both to this bill and also to the future of medical services and medical care, as we know it in Canada.

The whole service that physicians give to the citizens of Manitoba are probably among the most important public services that anybody in this province gives to the public. They are working with people when they are ill. Naturally, the primary responsibility on physicians is both keeping people healthy - this is becoming more and more of a role - but once people do come down with some sort of an illness or an injury, they are looking for medical service, and people naturally want the best medical care possible when their families may be in a state of some bereavement to some degree and, as well, will go to any extent possible to try and restore the family member or friend, whatever, back to full health.

They put tremendous trust in their physicians, and the physicians have also had tremendous trust put in them by society, for society, both through medical care and the extensive training that the society provides so that we have physicians, very capable physicians in this country, that we basically have passed over to them to a large extent the operation of the health care system

in the country, focused around basically a fee-for-service system.

The physicians have a tremendous public commitment as well when they take the Hippocratic oath. Along with that oath, and that oath in itself binds them through recognition of the skills that they have and the service that they are required to provide to the public, that they provide it.

The universality of our health care system ensures both public finance that all assist and participate in the financing of our medical system and, as well, that everyone has access to it on an equal basis regardless of income. The universality and the access question is the fundamental question we are dealing with today in regard to extra billing, and if we allowed the process of extra billing to expand we would be jeopardizing the very foundation that a medical care system is built upon.

Universality is the essence of our medical system. Extra billing was a fundamental flaw in that system. It was a toe in the door towards the eventual destruction of what we now know is our system of Medicare and its universality.

We need naturally, and we must focus our attention on improving health care in Manitoba. In the health care issue and for improving health care, I personally do not believe that it is necessary to always just throw more money at it and the problem will go away.

We have the Minister of Health presently attending a meeting with his counterparts from across the country and in the survey and the study that he presented to them yesterday, I believe, indicated today a very large percentage of the persons who were occupying our hospital beds could be serviced in at least an equal quality setting in alternative facilities, in some instances, at home, and that cost that we now have focused around our huge infrastructure of medical care, the concrete, the bricks, the equipment as well, I think has had far too much emphasis in the past.

We haven't looked at the delivery - the soft versus the hard, I suppose one could say - the system for delivering the medical services. We have been tied to a fair extent by a basic fee-for-service system which gives over a tremendous amount of the responsibility in the delivering of health services to the physicians and they, in effect, dictate who goes into hospital, how long they're in hospital, what kind of services are given to them while they're in hospital.

So we have in effect a number of private practitioners who, by delegation of authority from the province, have in effect the control over the medical system's delivery mechanisms. It is oriented far far too much, I believe, towards the hospital infrastructure.

Another issue we have before us is looking at the future of medical services and the delivery of medical services in the province, and we have a situation where the health costs are escalating to some extent - I don't think they're anywhere near out of control as some people may allege - our health care delivery system is much more cost effective in this province and in this country than it is in the cou   below us.

The percentage of GNP spent on health care in the United States is significantly higher than it is in Canada. In Canada it's far more visible because it's done through public accounts. It's accounted for through the government of all the provinces and the Government

of Canada, not through the private sector as it is in the United States.

Other systems have medical care that I've had an opportunity to visit and to talk to some length with. Once again, going back to my visit a couple of years ago, in Finland first and then Sweden, in looking at the delivery system they have there. In Finland they passed an act back in 1972 called the Primary Health Care Act. The purpose of this act was to organize the delivery of medical services in that country in a more efficient way, in a more cost-effective way and, in a way in which the quality of health services in the general health levels of the population, would be noticeably improved.

In the past 12, 13 years since that has been in effect they have, I think, made tremendous gains. They now have a country which has a population distribution, not exactly like Manitoba's, because they have other urban centres, it's not all based in Helsinki - although Helsinki is by far the largest city - but they have a tremendous similarity to us in landscape, especially as you get further north, because remember it's a very northern nation. The population is quite scattered, they have a sizeable native population, as well, in scattered northern areas. And they, as contrary to us in Canada, including all their population - the northern, the native people and the rural people - have now the lowest infant mortality rate in the world. And it has been accomplished, not through all kinds of bricks and mortar, but through a delivery system that is informational-based, that a woman during pregnancy has tremendous access to specialized services given both by nurses, and also on call by physicians, to her progress and the progress of fetal development.

They have a system that does not allow opting out, but it is quite different from ours, they do not have a basic fee-for-service system. From what I can understand of their delivery's mechanism, is that all the doctors are required to give, I believe, it is 35 hours a week service to the public medical system; 5 hours of that can be for study for administrative purposes, for seminars, and 30 hours, I believe, I may be a couple hours out on my figures, is basically clinical service, and service offered through the medical facilities. And they have, not only university-type hospitals and very high technology hospitals located strategically throughout the country, they have a network of smaller hospitals in regions feeding those hospitals, but primarily giving the services to their people on a clinical level before it is even necessary to go through to the highest demand stage of medical services in their high-tech hospitals.

They have a tremendous number of small clinics in small communities. The difficulty that we are facing right now with added cost, at least, they do not appear to be. As a matter of fact, the percentage of health expenditures of their gross national product has actually started to decline over the past four years, while the level of health care in the country has risen. I think their model which allows physicians, if they so desire, to practise independently after they have contributed 35 hours. And that way, if people want to go privately to a physician they can do so outside of the public system. But every other citizen of that country, no matter what their income level, has access to those same medical practitioners; they cannot discriminate on the

basis of income, or anything else, as to who they shall see, because they are fully available in the public process.

So, Mr. Speaker, there are alternative systems. I don't think it's necessarily wise to look south of the border and look at their system, it's far more costly than ours is; far greater administration involved than ours has, to say the very least. We should be looking, not only at passing this necessary legislation to preserve our present system, but I would hope that the Ministers of Health from across the country, in their meetings today, are starting to look at the long-range prospects of health services delivery and their mechanisms. I'm sure that they're doing that, and I would like for us, not only in Manitoba, to continue studies as to improved health service delivery, but also look to other jurisdictions and other nations that have now an excess of a decade of experience and the Scandinavian countries, in particular.

So, Mr. Speaker, I will certainly whole-hearted support this bill which will restrict extra billing and restore the integrity of the universality of our health care system. But at the same time, I, for one, am not satisfied that we rest on our laurels, but instead, I feel that we must continue to search; to try and to find better ways to improve the quality of health services delivered in our province; to expand the number of people being serviced on a regular basis; and to improve overall the quality of health care in the Province of Manitoba.

Thank you very much Mr. Speaker, for having this opportunity to speak.

MR. SPEAKER, J. Walding: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I move, seconded by the Honourable Member for Arthur, that debate on this bill be adjourned.

MOTION presented and carried.

SECOND READING

BILL NO. 32 - THE REAL PROPERTY ACT

HON. R. PENNER presented, by leave, Bill No. 32, an Act to Amend The Real Property Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, amendments to The Real Property Act and consequential amendments to The Registry Act, have been discussed with the Mortgage Loan Association of Manitoba and the Real Property section of the Manitoba Bar, and the amendments take into account their contributions and concerns.

The most significant amendments in what are otherwise substantially technical amendments are as follows: One amendment to the act will dispense with the requirement that a duplicate original mortgage be presented to the Land Titles Office upon registration of a mortgage document; and thereafter, when

registrations have been complete, issue as a duplicate to the mortgagee, and that all subsequent dealing with the mortgage presently require presentation to the Land Titles Office during the life of the mortgage.

Although anyone who wants to may have a duplicate original certified for their own purpose . . . recording out to a principal, the presentation of the duplicate will not longer be required. After that, when that change has been made, all subsequent dealings with the mortgage, that is, part and full discharge, transfers, postponements, mortgages of a mortgage and so on, need not be accompanied, as is now the case, with a duplicate original.

Persons dealing with the mortgage and the mortgage property will be able to rely on a Certificate of Charge to the mortgage and Certificates of Search of Title. He can get certified copies of the title.

The benefits of the proposed change which, Mr. Speaker, brings our legislation into conformity with that of many other provinces, are that both expense and delay will be saved parties to the mortgage, with respect to evidence which is now required in the event of a lost duplicate original mortgage. And since it is often the case of 5, 10, sometimes more years pass between the time when a mortgage issues and it is discharged, the mortgagee very often loses the duplicate original and then in order to discharge the mortgage there is a whole procedure which has to be followed which occasions delay and expense and so on. With this system which is now fine tuning the system, that will no longer be the case. Okay?

There is another section of the proposal of the amendments, building restriction caveats in the Land Titles Office filed against land by individual developers after the turn of the 20th Century, restricted land use by subsequent owners. These restrictions are antiquated and are no longer applicable. The caveators are long since deceased. Presently, zoning by-laws and planning schemes are being passed by cities and towns which adequately restrict land use, and building restriction caveats are frequently obsolete and are no longer needed because of modern legislation that does control land use and land development.

Presently, you see building restriction caveats, most of which, when one searches a title, are found to be 1909, 1910, 1912, 1921; presently those caveats can only be varied or withdrawn by a variation by-law of the city or town or municipality, and an application for an order to the municipal board to confirm same, and that's cumbersome, expensive and dilatory.

This new legislation will save delay and expense to be to interested parties to permit land titles to vacate such caveats which are 50 years or older so that they're automatically vacated. All the old ones are vacated. This change, incidentally, meets with the approval of the City of Winnipeg and of the Real Property section of the Manitoba Bar.

Another amendment will lapse development caveats of 10 years or more in age. Presently, Sir, The Municipal Planning Act requires that a land developer - somebody who has taken a plot of land and is going to develop it into a housing development, for example - that developer must register a caveat against the land regarding the original approved siting and design of buildings and installation of utilities. That is designed to ensure that the developer fulfills his or her or its obligations.

Subsequently, the developer performs the requirements referred to in the caveat, sells the land to individual owners, and to contractors in some cases, and in many instances the developer disappears. I don't mean by that does a bunk, but might die or retire or move to another part of the country, or go out of business.

Almost always, Sir, in our experience, the caveat is obsolete once the work in fact is complete, development has been started, the plots are sold, people build, and within a matter of a few years relatively speaking - two, three, four years - the caveat is obsolete. But it remains, nevertheless, as a cloud on the title. The amendment to the act will allow the Land Titles Office to lapse these land development caveats after 10 years, which is deemed more than ample to ensure that all the development requirements have been satisfied.

Just two other amendments that I will refer to, Sir. Presently, when someone is transferring land pursuant to a sale of a house to a purchaser, they sign the transfer and that must be witnessed; then there must be a separate affidavit of witness. That just intercedes an additional step in the completion of the document.

With the change that is being proposed, while that can still be done that way - that is, a transfer can be witnessed and it can be an affidavit of the witness - the change will allow a solicitor or notary to in effect be the witness and simply certify with the notary's seal, the fact of due attestation or due signature.

The last one I'll mention, Sir, deals with plot plans. Land registered under what we call the old system, and still described by the outdated form of metes and bounds, will be brought under the new title, the Torrens system, the present system, at no expense to owners thereof as long, of course, as there is no defect existing in the change of title. So the Land Titles Office will complete plot plans for areas that are still presently under the old system and described by metes and bounds, and all of the titles that are within the plot that is described in the new way, the way we use under the Torrens system, will then come under the new system as long as there is no cloud on the title.

So all of these are really technical in a way, but are really significant advances within our Land Titles system with an attempt to keep it updated as it should be, in the latter half of the 20th Century.

I commend this bill to the House.

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

MR. G. MERCIER: Mr. Speaker, I thank the Minister for his comments and I am prepared to suggest that unless someone else wishes to speak, this bill could simply be passed and sent to committee.

I would ask the Minister, perhaps, to give some consideration, and maybe it already has been and he could do so, in Section 70(4) - it would be Section 12 of the act - but referring to Section 70(4) where you refer to "witness to the signature," it only includes, "a barrister, solicitor or notary public." I wonder why that wouldn't even be applicable to the situation where a Commissioner for Oaths witnesses to signatures, because a Commissioner for Oaths is an authorized person to swear affidavits in this province and that may

indeed expedite that particular aspect of the transaction.

On the whole, Mr. Speaker, on the basis of the Attorney-General's presentation, I welcome the changes to the act. I think they will serve to expedite the whole process and will be welcomed by the profession and by the public that they serve.

QUESTION put, MOTION carried.

BILL NO. 33 - AN ACT TO AMEND THE REGISTRY ACT

HON. R. PENNER presented, by leave, Bill No 33, An Act to amend The Registry Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, this is entirely consequential on the bill that I moved, Bill No. 32, An Act to amend The Real Property Act.

QUESTION put, MOTION carried.

BILL NO. 34 - AN ACT TO AMEND THE SPECIAL SURVEY ACT

HON. R. PENNER presented, by leave, Bill No. 34, An Act to amend The Special Survey Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, I am confident that this, too, will meet with the approval of the House. Although the act has many sections, it really deals with one issue.

Formerly, Sir, when someone affected by a proposed special survey felt aggrieved - a property owner felt that the special survey was adversely affecting that person's title to land - the appeal in The Special Survey Act was to the Attorney-General. My friends in the House will find no difficulty in finding that that, in itself, was a problem - (Interjection) - exactly.

The Attorney-General then, in consultation with the Registrar General of the Land Titles Office, would appoint a District Registrar, from a different district than the district in which the land was situated, to be the Hearing Officer. That's the way the aggrieved party could appeal the matter.

A MEMBER: It became known as the buddy system.

HON. R. PENNER: Well exactly, and that is the problem. There is the appearance of bias in that kind of system. There was a problem that we identified where some of the Hearing Officers lacked the expertise and had no means of bringing it forward where you had special problems of survey dealing with river banks and unusual areas.

Perhaps the most important defect was the lack of due process, and to the extent there is, as there presently is, insufficient legal protection for the appellant, and that's whose rights I'm talking about here. Our legislation, as it is now, could be struck down under the Charter. It was - not a kangaroo court, that would be unfair - but it lacked really a judicial basis.

What we are proposing is that the appeal, and these are circumstances now - will be to the Municipal Board, with a further appeal from the Municipal Board by way of trial de nova, as we call it, to the Queen's Bench.

The Municipal Board already has a number of judicial powers, quasi-judicial powers, which are similar to those of the Queen's Bench, and it will provide a forum in which, if a person wants to be represented by a solicitor, they can be represented, or expert evidence can be brought before the Municipal Board. So the appeals will now, I think, have a firm judicial, technically called quasi-judicial basis, rather than the almost loose way in which appeals in these matters have been held up till now.

It's true there are only two or three such appeals in a year but, nevertheless, the rights of these people ought to be protected. This is the era of the Charter, and I feel privileged to be able to move this bill.

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

MR. G. MERCIER: A question to the Attorney-General, can he indicate whether he consulted with the

Surveyors' Association or the Real Property subsection of the Manitoba Bar with respect to this bill, and what their advice was?

HON. R. PENNER: It's been some time, Sir, since the bill was developed. I would like to take that question as notice and advise the member subsequently. I know there was consultation with the Real Property section of the Bar, but whether there was consultation with the Surveyors' Association, I'm not able to say.

MR. G. MERCIER: Mr. Speaker, I move, seconded by the Honourable Member for Lakeside, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, I beg to move, seconded by the Honourable Opposition House Leader, that the House do now adjourn.

MOTION presented and carried and the House adjourned and stands adjourned until 2:00 p.m. on Tuesday afternoon.