

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, September 20, 1989.

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### TABLING OF REPORTS

**Hon. Harold Neufeld (Minister of Energy and Mines):**

Mr. Speaker, it is with a great deal of pleasure that I present to the House today the Manitoba Hydro Budget Report, the 38th Annual Report.

### INTRODUCTION OF BILLS

#### BILL NO. 38—THE STATUTE RE-ENACTMENT AND BY-LAW VALIDATION (WINNIPEG) ACT

**Hon. James McCrae (Minister of Justice and Attorney General)** introduced, by leave, Bill No. 38, The Statute Re-enactment and By-law Validation (Winnipeg) Act; Loi sur la réadoption de lois et la validation d'arrêtés concernant la Ville de Winnipeg.

#### BILL NO. 36—THE REAL ESTATE BROKERS AMENDMENT ACT

**Mr. Jim Maloway (Elmwood)** introduced, by leave, Bill No. 36, The Real Estate Brokers Amendment Act; Loi modifiant la Loi sur les courtiers en immeubles.

### INTRODUCTION OF GUESTS

**Mr. Speaker:** Prior to oral questions, may I direct Honourable Members' attention to the Speaker's gallery where we have with us today Mr. Karter Ahluwalia, who is a former gold medalist marathon runner. He is currently on a Trans-Canada marathon called Run for the Children.

On behalf of all Honourable Members, I welcome you here this afternoon.

Also with us this afternoon in the public gallery, from the General Byng School, we have thirty Grades 8 and 9 students under the direction of Mr. Rick Martin. This school is located in the constituency of the Honourable Member for Fort Garry (Mr. Laurie Evans).

Also from the Crocus Plains Regional Secondary School, we have forty-five Grades 11 and 12 students under the direction of Mr. Kristalovich and Mr. Wilson. This school is located in the constituency of the Honourable Member for Brandon East (Mr. Leonard Evans).

On behalf of all Honourable Members, I welcome you here this afternoon.

\* (1335)

### ORAL QUESTION PERIOD

#### Day Care Federal Strategy

**Mrs. Sharon Carstairs (Leader of the Opposition):**

Mr. Speaker, my question is to the Minister of Family Services (Mrs. Oleson). Meech Lake has become symbolic in this country for the dismantling of social programs. The Meech Lake Accord wanted national standards eliminated. Now at that same Meech Lake, the federal Government, despite its commitments of 400,000 new day care spaces in Canada made prior and during the 1988 election campaign, is now backing off that commitment.

Will the Minister of Family Services outline for this House the position that she took at these meetings over the last two days?

**Hon. Charlotte Oleson (Minister of Family Services):**

Mr. Speaker, I welcome that question from the Leader of the Opposition. I did attend at Meech Lake yesterday, a very beautiful and scenic spot. Too bad it is so maligned by history.

I did put forward a strong recommendation to the Minister, the Honourable Perrin Beatty, that all provinces, and Manitoba with no exception, were anxious to have a national day care strategy in place that many of us were finding it very difficult to fund adequately, that the services that we are providing—we are struggling, we are providing. I think in Manitoba we are doing admirably with the money we have got, but we do need some help.

The Minister assured us that before the end of the mandate of their Government he would have a program in place.

#### Space Assurance

**Mrs. Sharon Carstairs (Leader of the Opposition):**

Mr. Speaker, I have a supplementary question to the Minister of Family Services. Can the Minister tell us in specific terms how many day care spaces have been promised to the Province of Manitoba by the federal Minister?

**Hon. Charlotte Oleson (Minister of Family Services):**

Mr. Speaker, we did not go into the specifics of what the federal day care strategy would be. The Minister indicated that since there was so much of a problem seemingly with the former strategy, and I think from Manitoba's point of view we would have been— from studies we did we felt we would have been—better off under the CAP agreement, under which we are still operating.

So the Minister wants to do more research and talk to some people on this to see just exactly what it is Canadians do want in the line of a day care strategy,

because the one that was put forward got endless abuse and ended up dying on the Order Paper when the election was called. But the Minister did make a firm commitment that there would be a strategy in place.

### **Family Services Minister Resignation Request**

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, while we have no commitment on the part of the federal Government to day care and we have an incompetent commitment in the Province of Manitoba, can the Minister today tell the House if she is prepared to resign because of the crisis that she is precipitating in this province with respect to day care?

**Hon. Charlotte Oleson (Minister of Family Services):** Mr. Speaker, it is interesting that finally she has said it to my face. She has been saying it behind my back and around me and all around all the time.

**Some Honourable Members:** Oh, oh!

**Mrs. Oleson:** I have absolutely no intention of resigning this position. I am doing all I can for the day care people in Manitoba, for the parents, for the children. We have put 45 percent more dollars in day care over the last two years. What more can we do with limited funds? I am doing the best I can. We are funding—\$6 million is certainly not incompetence.

### **Skills Unlimited Funding**

**Mr. Speaker:** The Honourable Leader of the Opposition, with a new question.

**Mrs. Sharon Carstairs (Leader of the Opposition):** I have a new question to the Minister, Mr. Speaker, and let me remind her this is the first opportunity she gave the Opposition to confront her.

Mr. Speaker, if perhaps the Minister will not resign for day care, perhaps she will resign for her mishandling of the mentally handicapped. Skills Unlimited, an organization which provides an evaluation and training centre for the mentally handicapped and post-mentally ill, as well as operating a sheltered workshop for the mentally handicapped, has had its grant cut by this Minister by \$21,000, as informed by letter August 10, 1989. The result, Mr. Speaker, is that 12 sheltered workshop employees are wandering the streets of Winnipeg without a day program. Why has this Minister displayed further incompetence in the handling of these vulnerable adults?

\* (1340)

**Hon. Charlotte Oleson (Minister of Family Services):** Mr. Speaker, I had indicated to the Skills Unlimited when I wrote them last that I would be asking for it to be on my desk immediately, recommendations from the department of how we could deal with this, because these workshops have been in serious funding problems for years. They are running in deficits. I have asked

the department to give me immediate recommendations on how we can immediately alleviate this problem.

### **Evaluation**

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, one does not solve the problem by cutting the grants. Can the Minister tell this House today why in this letter in which she informed them of their grant cut did she also tell them that the evaluation would be undertaken after the grant was cut and not before?

**Hon. Charlotte Oleson (Minister of Family Services):** What are you meaning . . .

**Some Honourable Members:** Oh, oh!

### **Funding**

**Mrs. Sharon Carstairs (Leader of the Opposition):** I have a supplementary question to the Minister whose department under her leadership is out of control. Will she promise today to restore the funding level of last year before further evaluation goes on in order that these 12 workshop employees will have the day programs she has been promising in letters are a top priority?

**Hon. Charlotte Oleson (Minister of Family Services):** Day programs are a top priority and if we—

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please. Order.

**Mrs. Oleson:** —do not review and look at these programs, how will we know how much money we need to put into them?

### **Skills Unlimited Funding**

**Ms. Judy Wasylycia-Leis (St. Johns):** Mr. Speaker, it is clear we are getting nowhere from this Minister on day care, and now we are getting nowhere from this Minister on valuable services for the mentally handicapped in this province, thousands of whom rely upon this Government to provide decent quality, safe services in the areas of day programming, rehabilitation and other welcome home aspects.

Mr. Speaker, I would like to ask the Minister if she can confirm today that she cut Skills Unlimited by \$21,000 in a letter this past month and made it retroactive to April 1. Can the Minister confirm that?

**Hon. James McCrae (Government House Leader):** Mr. Speaker, I believe the Honourable Member for St. Johns is referring to a letter and asking for confirmation from the Minister of Family Services (Mrs. Oleson). If the Honourable Member for St. Johns has information to bring to this House, let her do so.

**Mr. Speaker:** I would like to thank the Honourable Government House Leader.

### Mentally Handicapped Service Reduction

**Mr. Speaker:** The Honourable Member for St. Johns, kindly rephrase her question.

**Ms. Judy Wasylycia-Leis (St. Johns):** Thank you, Mr. Speaker. Why did this Minister cut Skills Unlimited, a valuable service, an operation that has been in operation for 25 years and never in its history received a cutback in its operating funding, why has this Minister hacked and slashed that valuable program to the tune of \$21,000 and made it retroactive to April 1?

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**Mr. Speaker:** The Honourable Government House Leader, on a point of order.

**Hon. James McCrae (Government House Leader):** Mr. Speaker, the Honourable Member for St. Johns, if she checked with her House Leader, would be advised I am sure, because I know of his respect for the Rules of the House, would be advised that repetitive questions are not allowed either.

**Mr. Speaker:** I would like to thank the Honourable Government House Leader. I did ask the Honourable Member for St. Johns to kindly rephrase her question, which I believe the Honourable Member did.

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**Hon. Charlotte Oleson (Minister of Family Services):** Mr. Speaker, I had indicated before in questioning on that subject that I am doing all I can to help that group and information will be on my desk very soon of how we can do it.

**Ms. Wasylycia-Leis:** I would like to ask a follow-up to that question. Why did this Minister of Family Services (Mrs. Oleson) not only slash and hack Skills Unlimited, why did she cut the budget of ARM Industries, why did she cut the budget of ARM Industries in Brandon by over \$7,000.00? Why did she cut Employment Preparation Centre, another valuable service for the mentally handicapped, by \$18,000.00? Can the Minister explain that?

\* (1345)

**Mrs. Oleson:** My department is working with all of these programs to ascertain exactly what level of funding they need to be viable. Those programs were left in sad disarray by the Government of that particular Member.

**Ms. Wasylycia-Leis:** It is interesting how someone can cut a program and then say they are going to evaluate it and see what level of funding they should receive. That is a little backwards, in my view, Mr. Speaker.

### Documentation Request

**Ms. Judy Wasylycia-Leis (St. Johns):** My question to the Minister is, will she commit herself today in this House to tabling all of the relevant documents pertaining to Skills Unlimited, to ARM Industries in Brandon, to Employment Preparation Centre, pertaining to these cuts and give documentation around the rationale for those kind of vicious cuts?

**Hon. Charlotte Oleson (Minister of Family Services):** I will check with my department to see what documents would answer the Member's questions.

### Service Reduction

**Mr. Speaker:** The Honourable Member for St. Johns, with her final supplementary question.

**Ms. Judy Wasylycia-Leis (St. Johns):** It is hard to understand, Mr. Speaker, how this Minister, who has found time to bring the day care system to its knees, has found time to put a wrench into services for mentally handicapped people.

My question to the Minister is, can the Minister tell this House how many other programs that her department funds have come under the knife?

**Hon. Charlotte Oleson (Minister of Family Services):** I think perhaps the Member is just being a little too catty. We have not taken a knife. Our department was given 9 percent increase in funding this year. That is far more than any other department of this Government, 9 percent.

### Family Services Staffing

**Ms. Avis Gray (Ellice):** Mr. Speaker, the Minister of Family Services (Mrs. Oleson) continues to be out of control in her department. We have recently seen six senior staff, who manage branches in the Department of Family Services, pushed aside so that the Minister can bring in her own people. I am prepared to table that document today of those individuals. The department deals with life and death situations every day and because of this irresponsible decision, the Minister of Family Services has removed these people who have a working relationship with the community and who are knowledgeable in the programs.

My question to the Minister is, can she indicate to the House today why she has decided to remove these people and bring in her own people who do not know the programs and services in the Department of Family Services?

**Hon. Charlotte Oleson (Minister of Family Services):** Mr. Speaker, I will be interested to see the list. Perhaps I will be able to answer the question more fully when I see the list.

### Staffing

**Mr. Speaker:** The Honourable Member for Ellice, with her supplementary question.

**Ms. Avis Gray (Ellice):** I am always pleased to bring information to this Minister about her own department.

My question: is Shirley Smith, the Director of Family Dispute Services, and is Joe Cels, the Assistant Deputy Minister, the next on your hit list?

**Hon. Charlotte Oleson (Minister of Family Services):** The Member is really taking licence. I will not discuss private individuals, personnel matters in the House. This is internal to the department where we place people in the department. There will be a time when the Member will be apprised of any changes that are taking place in the department, and the Estimates is a very good process into which to do that.

**Mr. Speaker:** The Honourable Member for Ellice, with her final supplementary question.

**Ms. Gray:** Can the Minister indicate today when this wholesale harassment and elimination of senior staff such as Mary Humphrey and Shirley Smith, who has already been told in June that they do not want her? When will this stop and when will the Minister put some order back into her department?

**Mrs. Oleson:** My department is in order and there is no harassment of individuals.

\* (1350)

### Headingley Jail Facility Improvements

**Mr. Paul Edwards (St. James):** Mr. Speaker, my question is for the Minister of Justice (Mr. McCrae). The first duty of this Minister, as the chief law enforcement officer in this province, is to protect the public from crime and also convicted criminals. A recently released report on Headingley Jail has concluded, and I quote, "The bars in the cells are inadequate to the extent that a serrated butter knife can saw through them in short order." The report goes on to state, from a security point of view—

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please; order, please. The Honourable Member for St. James.

**Mr. Edwards:** Thank you, Mr. Speaker. This is a report from the Minister of Justice (Mr. McCrae). The report goes on to state, the facility has a poor and permeable perimeter, an antiquated locking system and marginal capabilities in terms of inmate control or group containment. Manitobans are obviously at risk. What has this Minister done so far to protect the public from the dangerous inmates in Headingley Jail?

**Hon. James McCrae (Minister of Justice and Attorney General):** The Honourable Member raises a matter of

concern and importance to all Manitobans, to everyone who needs protection from those who are too dangerous to be allowed to be free in our society. There are changes going on at Headingley. The Milner Ridge institution was designed to take some pressure off Headingley institution so that work could be done at Headingley institution to improve circumstances there.

### Fire Protection

**Mr. Paul Edwards (St. James):** Well, this report has been available to me for at least a month, and I assume from that answer that the Minister has not read this report. Does the Minister intend to delay, as he did last year with respect to range bars which took over a year to put in place, given that this report cites \$4 million to \$5 million worth of immediate fire protection in order to meet the fire code of this province.

**Hon. James McCrae (Minister of Justice and Attorney General):** The delay on range bars the Honourable Member refers to is a delay in the Honourable Member's imagination. On first coming into office, the matter of range bars was brought to my attention. There had been delay prior to this Government taking office but there was no delay when this Government took office. Immediate action was taken.

### Facility Improvements

**Mr. Speaker:** The Honourable Member for St. James, with his final supplementary question.

**Mr. Paul Edwards (St. James):** Perhaps the Minister can also answer the \$4 to \$5 million worth of fire protection which needs to be done immediately, which is cited in this report, but I will go on. My question is, how long is he going to delay in doing something to protect the public and also protect the guards and the inmates who work in Headingley Jail, given that this report also states there is a general recognition and frustration that the existing facility militates against safety, against security and against effective programming.

**Hon. James McCrae (Minister of Justice and Attorney General):** All of the matters the Honourable Member refers to are matters of concern to our department, and our department is taking care of those matters in the appropriate fashion. I do take issue with any reference by the Honourable Member to delay on the part of the Department of Justice. This department has achieved more in 16 months than this department had achieved in several years prior to our taking office in May of 1988.

### Day Care Maintenance Grants

**Mr. Gary Doer (Leader of the Second Opposition):** My question is to the Minister of Family Services (Mrs. Oleson). Yesterday we heard a proposal from the Liberal Party to change the maintenance grants to direct parent grants for the child care system in Manitoba. In light

of the fact that was one of the items on the ex-budget of the Conservative Party of Manitoba which would save and cut back \$7 million in the department, is the Minister intending on going through with that proposal in the future as articulated by the Liberal Party yesterday in our debate?

**Hon. Charlotte Oleson (Minister of Family Services):** No, we certainly do not intend to cut maintenance grants at this time. The NDP did not increase them since '85 and so that is a problem.

\* (1355)

### Mary Humphrey Removal

**Mr. Gary Doer (Leader of the Second Opposition):** Mr. Speaker, my question again is to the Minister of Family Services (Mrs. Oleson). Yesterday we had it confirmed from the Minister responsible for the Status of Women that Mary Humphrey, the Director of child day care, would in fact be moved from her position. I would ask the Minister, what are the reasons for moving this credible person who has been dealing with the department and the child care community on the basis of merit? Is the Minister moving the person? Let us clear the air. Is the Minister moving that individual? If she is, what are the reasons for moving her? Let us clear the air today.

**Mr. Speaker:** The Honourable Minister of Labour, on a point of order.

**Hon. Gerrie Hammond (Minister of Labour):** Mr. Speaker, I never once indicated that Mary Humphrey was being moved. It was the Members on that side that said she was being moved, not I.

**Mr. Speaker:** The Honourable Member does not have a point of order. A dispute over the facts is not a point of order. The question has been asked.

**Mr. Doer:** Thank you.

**Hon. Charlotte Oleson (Minister of Family Services):** Mr. Speaker, that is an internal personnel matter. I do not discuss those publicly in the House.

### Removal

**Mr. Speaker:** The Honourable Member for Concordia, with his final supplementary question.

**Mr. Gary Doer (Leader of the Second Opposition):** Mr. Speaker, this is an external matter. There is a crisis in the child care community. The major liaison with the child care system in this province has been totally undermined by this Minister. Can the Minister please tell us, will Mary Humphrey still maintain the director of child care in this province, or is the Government of the Day going to move her? Please clear the air.

**Hon. Charlotte Oleson (Minister of Family Services):** The Member says there is a crisis in the day care. Okay,

this Member was a Member of Cabinet in 1988—1987, when salary enhancements were cut in half. Did he get up in the House and complain about it at that time?

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please; order, please.

**Hon. James McCrae (Government House Leader):** Mr. Speaker, perhaps the Honourable Leader of the New Democratic Party (Mr. Doer) could clarify his comment from his seat that lying will not help.

**Mr. Speaker:** Order, please. I have to excuse myself. That remark was not heard by the Chair, so the Honourable Member—

**Mr. McCrae:** As an officer of this House, I can tell you I did hear it.

**Mr. Doer:** Mr. Speaker, if anybody took offence with my comment about dealing with this very major issue, I withdraw it. The issues of the child care system are more important than shots across the floor.

**Mr. Speaker:** I would like to thank the Honourable Member for Concordia.

### West Broadway Day Care Lead Exposure

**Mr. Harold Taylor (Wolseley):** Mr. Speaker, yesterday in this House I questioned the Minister of Housing (Mr. Ducharme) on his handling, and that of his department, on the sandbox contamination issue at West Broadway Day Care. His passing of the buck to the Minister of Environment (Mr. Cummings) gives rise to serious concerns, not only by the residents of Wolseley to use that day care, but by any residents that have dealings with the Manitoba Housing and Renewal Corporation.

My question, Mr. Speaker, is why did the Minister of Housing (Mr. Ducharme) and his department ignore the serious and potentially lethal effects of this situation, of the sandbox contamination, over the past 11 months, and why did he wait until he was embarrassed in the House before he and his department were prepared to operate in a responsible fashion as a landlord fully complying with the law?

**Hon. Gerald Ducharme (Minister of Housing):** Mr. Speaker, if the Member on the other side of the House only knew so well how glad I am he has asked this question today.

First of all, let us make some clarification for the Member on the other side of the House. First of all, Winnipeg Regional Housing Authority is a governor body of that particular area. Secondly, maybe I could express to him that, first of all, they were never notified. The rumours of notifying 10 months ago are completely incorrect. They were notified on July 20 from an investigation of the sandboxes. That particular clarification was sent over to Winnipeg Regional Housing on the 20th of the ninth month, '89, which was today,

after he brought it up in the House. Mr. Speaker, the people at Winnipeg Regional, Mr. Charles who is the husband of the Member for Selkirk (Mrs. Charles) - (interjection)-

**Mr. Speaker:** Order, please; order, please.

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**Mr. Speaker:** The Honourable Leader of the Opposition, on a point of order.

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, the Government of this day seems to take great amusement out of throwing around family members, whether it is the Leader of the other Opposition's wife, my father or now the Member—

\* (1400)

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please. Order.

**Mrs. Carstairs:** —for Selkirk. Mr. Speaker, I think it is time that the Premier (Mr. Filmon) on behalf of his Government apologize for those kind of cheap shots.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please. The Honourable Government House Leader, on the same point of order.

**Hon. James McCrae (Government House Leader):** I am sure if the Leader of the Opposition checked with her House Leader, her advice would be that she has no point of order.

**Mr. Speaker:** Order, please. The Honourable Opposition House Leader, on the same point of order.

**Mr. Reg Alcock (Osborne):** She may not have a point of order, but she has a point. I would like to hear from the Premier on this.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please; order, please. There is no point of order.

**Mr. Taylor:** Thank you very much, Mr. Speaker. Now we have a little decorum again.

### Winnipeg Regional Housing Environmental Concerns

**Mr. Harold Taylor (Wolseley):** Given that that department knew in October '88 about this issue and given that lead exposure and unsanitary conditions could have damaging and long-term effect on children, what will the Minister do finally to ensure the tenant and tenant groups raising these concerns are not threatened with an eviction, other punitive measures and that environmental concerns deserve the attention

and will be investigated immediately into the full satisfaction of the parties involved?

**Mr. Speaker:** Order, please. The Honourable Minister of Housing.

**Hon. Gerald Ducharme (Minister of Housing):** Mr. Speaker, the point I was trying to make was that the Member across the way could have gone and picked up the phone and phoned Mr. Charles himself instead of making these false accusations that he made yesterday.

First of all, Mr. Speaker, I have a copy of the National

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please. The Honourable Member for Wolseley, on a point of order, please.

**Mr. Taylor:** Yes, on a point of order. I take serious exception to that comment about false accusations. If the Minister would get his facts right, he would not dare raise that. There were 10 phone calls not returned on that . . . .

**Mr. Speaker:** Order, please. A dispute over the facts is not a point of order. The Honourable Minister of Housing.

**Mr. Ducharme:** Mr. Speaker, first of all, when we checked into the matter yesterday, Mr. Charles and his department informed us he has never received any calls from that particular day care. That is the story we got from Mr. Charles.

Also I would like to explain to the Member on the other side that as a result and how Winnipeg Regional has acted upon it, Winnipeg Regional is at this time meeting with the day care people, is emptying the sandboxes to fill them with a heavier grain type of sand so that this will not—to avoid this in the future.

The only wish I would like to express at this time though, I only wish that the Member across the way had more concern for his constituents and picked up the phone and had phoned Winnipeg Regional Housing.

**Mr. Speaker:** Order, please.

### Day Care Environmental Concerns

**Mr. Speaker:** The Honourable Member for Wolseley, with his final supplementary question.

**Mr. Harold Taylor (Wolseley):** Yes, Mr. Speaker. When is the Minister of the Environment going to set up a long-term ongoing program which would include monitoring of our day care school area, play areas, that could be impacted by either industrial pollution or heavy traffic and to ensure that Manitoba children have a safe place to play and grow, in that the lead impacts and other pollutants are not about to go away. I would like to hear from Mr. Cummings.

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, I guess I have some concerns to begin with about the attitude of the Member opposite. He was apparently aware of this situation for quite some time before he brought it to anybody's attention.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please; order, please.

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**Hon. James McCrae (Government House Leader):** A point of order.

**Mr. Speaker:** The Honourable Government House Leader is up on a point of order.

**Mr. McCrae:** Mr. Speaker, Honourable Members are clearly pretty desperate trying to take some political Brownie points one from the other, but in doing so, Honourable Members, like the Honourable Member for Wolseley (Mr. Taylor), should not sit in his seat and refer to lies. That kind of language is not proper in this place. In the past the Honourable Member has done the honourable thing and he knows what he has said and I suggest he do the honourable thing again today.

**Mr. Taylor:** Yes, Mr. Speaker, I will withdraw the comment and change the facts and I will ask that Member to step out in the hall.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** What is that? Order here; order, please. Did I hear what I thought?

Order; order, please. We are going to get through this yet. Order. The Honourable Minister of the Environment.

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, being a peace-loving individual myself, perhaps I can verbally rebut it, however. Mr. Speaker, let us not reduce the importance of lead levels. The Member asks about whether or not the department has any ongoing tests regarding lead levels in urban centres, and the department does. All of the larger urban centres in the province, I believe, have had information gathered so we have background information on what the normal background lead levels are in the community, so we know whether or not there are spot areas where there has been increased lead contamination.

The department is taking the samples in the area that the Member has referred to. The levels that he indicates, from his tests—and they are not tests or information that I have been privy to, anything other than through the newspaper—we will reconfirm whether or not those are the correct levels. But I can assure you that there is a great deal of background information that is available and certainly—and the reason that I made my comment earlier—if someone has a concern in specific areas that we have not identified we will be quite glad to get that information.

## Raggedy-Ann Centres Complaints

**Mr. John Plohman (Dauphin):** I have a question for the Minister of Family Services (Mrs. Oleson). I am pleased that we can ask this question in the House today of this Minister. In July of this year, this past summer, the Minister held a news conference at her home and confirmed at that time, Mr. Speaker, that she and her department had received numerous complaints about the Raggedy-Ann Day Care Centre going back to last January, and that she had been conducting an investigation over that period of time. I ask the Minister why she did not make details of that investigation public at the time that she was undertaking it, rather than waiting until the investigation, the allegations became public. Why did she try and sweep that investigation under the rug and cover it up, rather than making those details public at that time?

\* (1410)

**Hon. Charlotte Oleson (Minister of Family Services):** At any given time there are day cares under provisional licence. There are complaints about day cares, we do not publish a list every morning in the daily paper. As soon as I got written complaint about the Raggedy-Ann Day Care, my official investigated immediately. That centre was under provisional licence at the time because of other complaints. The day care office follows up all complaints, written, verbal and so forth; but once we got this written complaint, then we were able to interview the people who wrote the letter and prepare a report on it.

## Investigation

**Mr. Speaker:** The Honourable Member for Dauphin, with a supplementary question.

**Mr. John Plohman (Dauphin):** Mr. Speaker, we can ask this Minister to make details of the investigation before July public, because since that time she has obviously undertaken an investigation which she has not made public. I ask her today to assure the parents that had children at the Raggedy-Ann Centre on Ness Avenue, as well as the other Raggedy-Ann centres that remain open, that there indeed should be no concerns from their part because these infractions, as the Minister says, involved financial considerations by the owner.

**Hon. Charlotte Oleson (Minister of Family Services):** Mr. Speaker, the department is monitoring all the centres that are in operation under the Raggedy-Ann Corporation. Two of them are in operation now; they are being monitored continually. I cannot release the information on the report on the Ness Avenue site, because it is possibly subject to appeal.

**Mr. Speaker:** The Honourable Member for Dauphin, with his final supplementary question.

**Mr. Plohman:** Mr. Speaker, it is important for those parents to have details so they know the degree to

which the infractions occurred so they can make decisions as to whether they wish to retain their children at these homes. I asked the Minister to make those details of that investigation public now for the parents so that they can make informed decisions at this time.

Will the Minister make the details of those investigations public now?

**Mrs. Oleson:** Mr. Speaker, as I indicated when I talked to the press and issued a news release on this subject last week, we are monitoring closely those centres which are still open. The Ness Avenue site has not been opened and the parents have found other places for their children under their own volition or with help from the department.

I have indicated to the Member, and I will say it again, those centres are being monitored very closely. All day care centres are under the same rules and regulations. As I indicated last week, a greater part of the situation there was with staffing ratios and that was the problem we could verify. The allegations about food could not be verified. This was a private day care centre; her private financial situation is not subject to this House.

### **Free Trade Agreement Labour Adjustment Strategy**

**Mr. Mark Minenko (Seven Oaks):** Mr. Speaker, today we read again that the Free Trade Agreement is continuing to kill jobs in Manitoba and yet the Government, as we heard yesterday, is reducing the effect of layoffs, strictly numbers. This Government is ignoring the effect of business closing and layoffs on the individual worker.

The Government must review their programs, because I do not believe the programs in place have been effective and are indeed failing workers. My question to the Minister of Training (Mr. Derkach) is, given that many of the laid off workers may not have the skills to take advantages of new opportunities, what is this Government's strategy to ensure that workers, and especially the long-time workers, are retrained so that they can continue to be employed?

**Hon. Leonard Derkach (Minister of Education and Training):** Mr. Speaker, I am happy to respond to that question. I would like to indicate to the House and to the Member opposite that anytime there is a plant closure in the province whereby we will see workers unemployed and possibly without jobs, it is our responsibility to ensure that retraining opportunities are available through the department of education and training and through our community colleges. We do a needs assessment in an area when such cases arise to ensure that we can adequately address the needs for training and re-educating or retraining in that community.

### **Labour Adjustment Funding**

**Mr. Speaker:** The Honourable Member for Seven Oaks, with a supplementary question.

**Mr. Mark Minenko (Seven Oaks):** Mr. Speaker, my supplementary to the same Minister is has the Minister

submitted his application for funding to the federal Government that they have promised would come out as a result of the de Grandpre Report, and will he table this application?

**Hon. Leonard Derkach (Minister of Education and Training):** I can tell the Member that on a continuous basis we have Members from my department who are discussing and negotiating with the federal Government, and when these things become available for the public I will certainly be pleased to table those kinds of reports.

### **Portage la Prairie Labour Adjustment Strategy**

**Mr. Mark Minenko (Seven Oaks):** My final supplementary to the same Minister, Mr. Speaker, is, what are the Government's specific training plans for the workers of Portage la Prairie, given that more than one year ago the Canada West Foundation identified the food processing industry in Manitoba as a victim of the Free Trade Agreement? What are the specific training plans that you have in place?

**Hon. Leonard Derkach (Minister of Education and Training):** Mr. Speaker, I can tell the House very proudly that if Members opposite had checked their labour statistics that were made public last month you will find that in Manitoba the permanent employment of people is up dramatically. I can tell you that wherever we identify needs for training our department is ready and willing to provide that training for those communities, and we do that on a continuous basis.

### **Northern Tax Allowance Thompson Exclusion**

**Mr. Steve Ashton (Thompson):** Mr. Speaker, my question is for the Minister of Finance (Mr. Manness). Since December of 1986 the communities of Thompson and Wabowden have been fighting a battle with the federal Government to get recognition of the fact that our communities are northern communities in terms of the Northern Tax Allowance. After strong community efforts in 1988 we were included for the Northern Tax Allowance, but then the Finance Minister Michael Wilson and the Prime Minister and their Government then took Thompson and Wabowden out of eligibility for Northern Tax Allowance and are now phasing the Northern Tax Allowance out completely.

I would like to ask the Minister of Finance what action he has taken on behalf of the communities of Thompson and Wabowden to ensure that our communities are recognized as being northern for the Northern Tax Allowance.

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, I thank the Member for the question. We in the Finance Department are aware of the exclusion of Thompson and Wabowden. We have made verbal presentation to officials in Ottawa. Indeed the Premier and I were made aware again first-hand of this shortcoming of the decision of the federal Government and we will undertake to again make strong



representation to Ottawa to include and make eligible the residents of Thompson and Wabowden for Northern Tax Allowance.

**Mr. Ashton:** Can the Minister perhaps go further than that and write to the federal Minister? There is a particular urgency, given the fact that the task force on the Northern Tax Allowance will be presenting its report this fall, in fact, in October. I would like to ask, will the Minister now—I feel it is a bit late, perhaps the Minister should have written earlier—write on behalf of the Province of Manitoba and support wholeheartedly the fight of Thompson and Wabowden?

**Mr. Manness:** On returning from our visit to Northern Manitobans, specifically Thompson, we have initiated the drafting and the preparation of that letter.

### Northern Tax Allowance Thompson Exclusion

**Mr. Steve Ashton (Thompson):** As a final supplementary I would like to ask the First Minister, I appreciate they have now learned of the problems facing Thompson and Wabowden following their visit. I wish they had been up to Thompson a bit earlier to have been part of the full fight, but would the First Minister (Mr. Filmon) undertake to write to the First Minister and to raise this directly with the First Minister, because in terms of our communities of Thompson and Wabowden it is certainly the equivalent of the cutbacks in Portage, which I know the First Minister undertook to raise directly. Will he raise it directly with the Prime Minister?

**Hon. Gary Filmon (Premier):** Mr. Speaker, I will indicate to the Member for Thompson, as I indicated at the R.D. Parker Collegiate in Thompson a few weeks ago, that certainly our Government has been fully supportive of the people of Thompson and Wabowden in their fight to achieve the Northern Allowance, vis-a-vis the income tax, the federal Income Tax Act, that the Finance Minister and his department have made entreaties to the federal Government more than a year ago with respect to this issue because we felt it was a situation of unfairness clearly to those people, that they are a remote northern area, they do have substantially additional costs that others do not throughout the province because of their location of living and circumstances, and that we continue to be fully supportive of that and the Finance Minister (Mr. Manness) is following that up in writing to the Finance Minister to assure that our Government is on the record again to say that we oppose this change in the federal Income Tax Act that removes the break that was given in terms of northern allowance to those residents.

### Goods and Services Tax Energy Resource Impact

**Mr. John Angus (St. Norbert):** My question is to the Minister responsible for Hydro. Have you, Sir, analyzed the effect of the GST on your ministry and will you advise us of the impending potential effect on consumers rates?

**Hon. Harold Neufeld (Minister of Energy and Mines):** Since the GST does not come into effect until 1991 it would be inappropriate at this time for us to answer that question.

**Some Honourable Members:** Oh, oh!

\* (1420)

**Mr. Speaker:** Order, please; order, please.

The Honourable Member for St. Norbert (Mr. Angus) has a supplementary question.

**Mr. Angus:** Does the Minister not believe that it is incumbent upon him as the director of the largest portfolio in the provincial Government that he at least analyze the impending impact and prepare some statistical information so that the Minister of Finance (Mr. Manness) can go to Ottawa fully armed with the cause and effect of the GST on the citizens of Manitoba?

**Mr. Neufeld:** The Member for St. Norbert (Mr. Angus) is obviously unaware that the Public Utilities Board reviews all rate applications and will rule upon those rate applications at the appropriate time.

The Minister of Finance (Mr. Manness) has taken to Ottawa all the representation from the Crown corporation on the GST effect on Manitobans.

### Goods and Services Tax Energy Resource Impact

**Mr. John Angus (St. Norbert):** I am, through you, Mr. Speaker, fully aware of the Public Utilities Board's role, but it seems to me—and does the Minister not agree—that it is incumbent upon his department to prepare his facts and his figures and the impacts so that he can present things to the PUB if necessary, but more importantly, arm the Minister of Finance (Mr. Manness) with the cause and effect on the consumers.

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, the Department of Finance is very much aware and wanting to know in greater detail, therefore are studying in analytical fashion the impact of the GST on many of our energy forms, certainly hydro being one of the main ones, and as you know, as people know at this point in time, whereas there is an 11 percent federal tax on telephone billings at this time, long distance rates, at this time there is no federal charge on our hydro bills. We are certainly trying to ascertain the full economic impact and, indeed, that position once we have it known will be made public.

**Mr. Speaker:** The time for oral questions has expired.

### NON-POLITICAL STATEMENT

**Mr. Speaker:** The Honourable Member for Kildonan.

**Mr. Gulzar Cheema (Kildonan):** Mr. Speaker, could I have leave for a non-political statement?

**Mr. Speaker:** Does the Honourable Member for Kildonan have leave to make a non-political statement? (Agreed)

**Mr. Cheema:** Mr. Speaker, it is a great day for me personally to welcome Mr. Ahluwalia who is running from St. John's to B.C. to raise funds for the children.

Mr. Speaker, he is specifically working for children for disabling conditions and the funds are lacking and he has done a great work for the last four months. We welcome him to Winnipeg and I am sure the Members of this House will join with me in wishing him all the best so that he can continue to do his great work. Thank you, Mr. Speaker.

**Mr. Gary Doer (Leader of the Second Opposition):** May I have leave for a non-political statement?

**Mr. Speaker:** Does the Honourable Member for Concordia have leave to make a non-political statement? (Agreed)

**Mr. Doer:** Mr. Speaker, briefly, I would add our Party's comments to the Member for Kildonan's (Mr. Cheema) and wish the group and the individuals all the success in their endeavour this week. Thank you very much.

**Mr. Speaker:** Does the Honourable Minister of Culture, Heritage and Recreation have leave to make a non-political statement? (Agreed)

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation):** We on the Government side of the House would also like to extend our best wishes to the individuals who are here visiting with us today and wish them all the best in the future. Thank you.

**Mr. Speaker:** Does the Honourable Member for Flin Flon (Mr. Storie) have leave to make a non-political statement? (Agreed)

**Mr. Jerry Storie (Flin Flon):** Mr. Speaker, I too would like leave to make a non-political statement. I would like to acknowledge, and I hope Members of the Chamber will join me in acknowledging the accomplishment of the Mathias Colomb First Nation which has accomplished something that no other community, reserve, band in Canada has yet accomplished, and that is to sign an agreement with Health and Welfare Canada which provides them with self-governments in terms of health and health services.

In August of this year, the chief of the Mathias Colomb Band, Pascal Bighetty, signed an agreement with Health and Welfare Canada which provided that the band, through a board of health, could deliver, administer health care funding in that community. I know that for many of my colleagues in the Legislature who do not represent or are not as familiar with the relationship, the historic relationship between bands and First Nations, they may not realize what an important first step this is for aboriginal peoples across this country.

Mr. Speaker, the community of Pukatawagan, which I am proud to represent, has been a Leader in many respects in developing its self-government institutions. Beginning in 1980-81, the band devised a plan, a strategic plan, for implementing self-government on the

reserve. It developed an economic plan, it undertook in stages to gain authority for the delivery of education, and now it is one of the most progressive Indian bands in the province in delivering its own education system. It has a very active education authority, and they are making great strides at improving the education at the reserve level.

Now we have the second phase of continuing approach towards self-government, and that is the agreement with Health and Welfare Canada to deliver health services. Mr. Speaker, health services are essential to northern communities. They rely on the current system to deliver health care in trying circumstances. The chief has relayed to me on numerous occasions the delays that are caused by the fact that people in the health care system have to rely on bureaucratic red tape to access health care. This new agreement with Health and Welfare Canada is an important first step for First Nations across the country, and I would like my colleagues in the Legislature to join me in applauding the thoughtful and progressive implementation of self-government in Pukatawagan and for their diligence in providing services directly to their people.

**Hon. James Downey (Minister of Northern and Native Affairs):** Mr. Speaker, I would just like to have leave to make a brief comment.

**Mr. Speaker:** Does the Honourable Minister have leave? (Agreed)

**Mr. Downey:** Mr. Speaker, I would just like to wish Chief Pascal Bighetty and his people all the best in their endeavours as to the move that they are making; however, I think the Honourable Member went maybe just a little bit further than making it a non-political statement, and I would leave my comments at that.

**Mr. Herold Driedger (Niwaka):** May I have leave of the House to make a non-political statement?

**Mr. Speaker:** Does the Honourable Member have leave? (Agreed)

**Mr. Herold Driedger:** I would like to lend the weights of the Liberal Party and myself personally also as congratulating the Mathias Colomb Band in Pukatawagan on achieving this historic first step, in conjunction with also the comments made by the Minister of Northern Affairs (Mr. Downey) and those of the Member for Flin Flon (Mr. Storie). It is an important step, an historic step in self-determination, acquiring self-determination for a people that has been attempting to move along these steps for some time and is a leader in and among the bands in Manitoba to achieving this, and other bands, I am sure, are going to try and emulate that and I wish them great success in this. Thank you.

\* (1430)

## ORDERS OF THE DAY

**Hon. James McCrae (Government House Leader):** Mr. Speaker, would you be so kind as to call the Bills in the following order: Bill No. 27, Bill No. 31, Bill No. 32, Bill No. 6, and the Second Readings beginning with Bill No. 7 and in the order listed.

**Mr. Speaker:** Debate on Second Reading on the proposed motion of the Honourable Minister of Finance (Mr. Manness), Bill No.—the Honourable Member for Brandon East (Mr. Leonard Evans), on a point of order.

**Mr. Leonard Evans (Brandon East):** Under the Orders of the Day there are Addresses for Papers, and I see the staff have tabled these for a Member beside me, the Member for Osborne (Mr. Alcock), and myself to submit at this time. I believe that was part of the Orders of the Day that were to be proceeded with.

**Mr. Speaker:** The Honourable Government House Leader, on the same point of order.

**Mr. McCrae:** I am not sure I heard everything the Honourable Member for Brandon East (Leonard Evans) said, but if he is referring to the Addresses for Papers in his name and in the name of the Honourable Member for Osborne (Mr. Alcock), and the Order for Return, I have indicated to the Honourable Opposition House Leader that I propose to call these matters tomorrow, if that is satisfactory to the Honourable Member.

**Mr. Speaker:** Order. The Honourable Member for Thompson, on the same point of order.

**Mr. Steve Ashton (Second Opposition House Leader):** The Government House Leader (Mr. McCrae) can also inform the New Democratic Party House Leader it might assist in dealing with these matters. I was not aware of these matters being called—

**Mr. Speaker:** On that same point of order, our Subrule 22 does give the Government the authority to call Government Orders and Private Members' Orders in such sequence as the Government determines. The Honourable Government House Leader, I believe you already called—the Honourable Member for Osborne.

**Mr. Reg Alcock (Opposition House Leader):** Let there be no suggestion that the Government House Leader had any kind of a private deal with me. He made that mention while the Minister was speaking.

**Mr. Speaker:** No point of order.

**Mr. McCrae:** I would like to clarify that, Mr. Speaker, just on a point of order on Government business. As you state, Rule 20, Subrule 2, says it is in the prerogative of the Government to bring these things forward. Had I intended to bring them forward, I would have been in touch with the Honourable House Leader for the New Democratic Party, so there was certainly no slight intended.

**Mr. Speaker:** I would like to thank the Honourable Government House Leader for the clarification.

## DEBATE ON SECOND READINGS

### BILL NO. 27—THE FISCAL STABILIZATION FUND ACT

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Finance (Mr. Manness), Bill No. 27, The Fiscal Stabilization Fund Act; Loi sur le Fonds de stabilisation des recettes, standing in the name of the Honourable Member for Osborne (Mr. Alcock). Stand?

The Honourable Member for Seven Oaks.

**Mr. Mark Minenko (Seven Oaks):** I would like to have leave for the House to allow the Bill to continue standing in the name of the Honourable Member for Osborne (Mr. Alcock) and speak on that.

**Mr. Speaker:** Is there leave to allow the Bill to continue standing in the name of the Honourable Member for Osborne, so that the Honourable Member for Seven Oaks can speak? (Agreed)

**Mr. Minenko:** Mr. Speaker, I rise today to put a few comments on this Bill, and perhaps it reflects in more general terms how this Government views itself, and how it seems to want to present itself to Manitobans, but perhaps for a short time to reflect on how this Government perhaps came across the ability to be able to first garner enough funds to bundle in a package that they presented in this Bill that we have before us today.

We have seen over the last several years unprecedented increases in taxes to individuals, average wage earners, lower- and middle-income Canadians, specifically Manitobans, through various federal Tory increases over the last number of years. Just a few short years ago my predecessor, the representative from Seven Oaks, who was the Finance Minister of the previous NDP administration, was looking around for a way to raise a few more dollars to present some other sort of so-called programs to Manitobans that the present Leader of the Opposition (Mrs. Carstairs) commented on when this new budget was introduced in 1987.

That budget, Mr. Speaker, affected middle- and lower-income Manitobans, the constituents that I represent, the constituents that indeed we all represent, in a fashion that perhaps was rarely heard of before.

The previous NDP budget, which allowed for this windfall of revenue for the present Finance Minister (Mr. Manness), affected them in many ways. It affected them specifically with that 2 percent tax, and many people were indeed shocked when they were filling out their income tax returns to see that they were paying this extra 2 percent calculation, unexpectedly for many. Understandably, the previous Government was not really wishing to advertise this particular taxation measure.

What I found interesting when I was completing my own tax return was that provision for 2 percent tax was at such a place in the income tax return that allowed

professionals, allowed for people who did not contribute to a pension plan, a registered pension plan at work, to deduct their entire RRSPs before the calculation of this 2 percent tax fell into place. I would suggest to the House that for a Party that sometimes, or many times, or all the time, likes to come across saying that they actually represent average Manitobans, I would suggest that their actions, specifically on this small point, shows something completely different.

How many people contribute to a Registered Pension Plan? I would suggest the vast majority of Manitobans in fact do that and very few were able to take advantage of the increased limits in RRSP contributions that people could make, thereby reducing their income. I think this is one matter that should be raised to the people, and I have indeed pointed this out to people at the door, dealing with the NDP 2 percent surcharge.

We do not need to go any further into the various tax measures that the previous NDP Government has introduced, but certainly they have contributed in allowing the Finance Minister (Mr. Manness), the present Finance Minister, the opportunity of building up this fund.

(Mr. William Chornopyski, Deputy Speaker, in the Chair)

One of the other windfalls that the Minister had was the mining tax results where there was quite an incredible increase in the amount being paid to the provincial coffers as a result of increased prices, production and demand for various resources. However, with this extra revenue the Government faced a number of possible choices. One of the choices they had was that they could pay down the deficit that had accumulated under the previous administration, a deficit which I am sure they commented on, on every opportunity while they were on the Opposition side of the House pointing to the previous administration the dangers of continued deficits, the dangers of that Government's actions. All Manitobans, indeed, last year suggested to the previous administration what they necessarily thought of some of that Government's programs, taxation and actions. So that was one possible alternative they had with respect to this tax.

The second option was perhaps to use the windfall revenues for capital investment, for projects that are needed in Manitoba, for projects that perhaps in the ordinary course of the taxation year, and taxation revenues, Government may not have available to it.

One of the needs that I am sure we all see is becoming even much more important in the next decade or two is a whole need for personal care homes, matters dealing with the elderly. Here was a great opportunity that this Government had to put in place an infrastructure so that people would not go wanting, that perhaps other expenditures could be eliminated as time went on with respect to operating expenditures. But instead of selecting one of these choices, they looked at what revenues they had and figured, well, let us leave on a certain amount of deficit for last year and let us build up this fund.

Well, Mr. Deputy Speaker, the Liberal Party in earlier comment on this Bill has said that we find this Bill, this

fund, unacceptable for a number of reasons. This first reason that we are concerned about this particular fund is that the Bill representing the fund, introducing the fund, runs roughshod over good accounting principles and practices. The Honourable Member for Transcona (Mr. Kozak), I believe, has commented extensively enough on this matter and I am sure the Minister of Finance (Mr. Manness) is well acquainted with this concern.

\* (1440)

The other concern the Liberal Party has about this particular fund and the Bill is that it, in our view, very seriously threatens the principle of responsible Government.

Thirdly, Mr. Deputy Speaker, it reveals the measure of this Government's social conscience. Although the Honourable Member for Transcona (Mr. Kozak) commented quite extensively on all the accounting principles that are touched by this particular Bill and by this fund, I would just like to add that as good managers—and I am becoming very concerned about this Government and their suggestion that they are indeed good managers—we have a responsibility and owe our taxpayers, our shareholders, the same protection that corporations, through accounting principles, owe and extend to their own shareholders.

About the Government's social conscience, well, we heard some of the responses to questions in Question Period today which again set out the parameters of this Government's social conscience and how they feel about some of the matters. I am, indeed, very concerned that the Minister responsible for Training (Mr. Derkach) could wax eloquently, could comment on many a topic and yet fail to answer a straightforward question, a concern that we, in the Liberal Party, have that, yes, there are all kinds of adjustments happening around us as a result of the Free Trade Agreement, that we have to recognize these adjustments and prepare for them. I am concerned, and perhaps at another opportunity I will ask the Minister of Training (Mr. Derkach) or the Minister of Industry and Trade (Mr. Ernst) as to exactly whether they are familiar with the Canada West Foundation Report that looked at the various provinces and reviewed their situation with respect to the Free Trade Agreement and how it might impact on the various industries and basic way of life in Manitoba. I would be very much concerned, Mr. Deputy Speaker, if the Ministers of this Government were unaware of that.

I think that this is an important element to good managers. This harks back to the fund that this Government has set up. Are they those managers that they make out to be? Are they those managers that they would want us to believe? Are they the managers of our province that they promised to be? Looking and reviewing the responses they have given to Members on this side of the House with respect to some specific answers and questions that we have asked, that brings into question the matter of whether this Government indeed is the manager for Manitoba.

Over this last year we have heard the Minister of Health (Mr. Orchard) comment that there was no money

for projects like Klinik, the municipal hospital, when indeed there was sufficient money for exactly those needs and requirements. Sometimes I wonder whether the Government is penny-wise and pound-foolish, to use an old expression. Certainly it is some cause for concern of all Members and all Manitobans when we see that this Government has spent \$42 million less on health according to their projected final results than what they had indicated in their Supplementary Estimates.

So directly this fund is affecting health care of Manitobans. I believe this is a concern for the Government, and if it is not, it should be. I would think if it does become a concern of the Government, I am sure they will withdraw this Bill.

The other concern about what they could have done with the windfall revenues that they received, and being a responsible Government in Manitoba, how much of the mining taxes, which were higher than predicted, have actually been channeled back into northern Manitoba, where most of these mining revenues came from. I am concerned for northern Manitobans when you consider the response of the third Party in this House considering the fact that all the seats in northern Manitoba are represented by New Democratic Party Members.

So here is again where I think the Government should have seriously considered looking at ways to channel some of those additional resources in a socially responsible manner into northern Manitoba because as there may be rumours in various places that have been heard, that perhaps revenues from mining in the future are going to be dropping.

So in conclusion of my remarks on this Bill, I, as my colleagues from the Liberal Party before have commented on this Bill, we feel that this fund and the Bill that puts this fund in place is unacceptable, unacceptable in that it threatens the principle of responsible Government. It brings into question the Government's social conscience; and finally, Mr. Deputy Speaker, on the whole issue of management, it brings into question this Government's management of the Province of Manitoba, even of such basic principles as accounting principles.

Thank you, Mr. Deputy Speaker.

**Mr. Jerry Storie (Flin Flon):** Mr. Deputy Speaker, the Bill before us is going to, I am sure, remain controversial to say the least, as we continue to debate it in the Legislature and consider it in second reading.

Mr. Deputy Speaker, the points that have been made by my colleague from Seven Oaks . . . .

\* (1450)

**Mr. Richard Kozak (Transcona):** On a point of order, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** The Honourable Member for Transcona, on a point of order.

**Mr. Kozak:** Thank you, Mr. Deputy Speaker. It is my understanding, and I believe the House's understanding,

that the Honourable Member for Flin Flon has already had the opportunity to speak on this particular Bill.

**Some Honourable Members:** Oh, oh!

**Mr. Storie:** I am starting again. I can start again, it is a new Session.

**An Honourable Member:** It is the same Session.

**Mr. Deputy Speaker:** I want to thank the Honourable Member for Transcona. The records show that the Honourable Member for Flin Flon did, in fact, speak on this Bill on June 23.

**Some Honourable Members:** Oh, oh!

**Mr. Deputy Speaker:** You are forgiven. By leave, it has been agreed that this Bill 27 stand in the name of the Honourable Member for Osborne (Mr. Alcock).

## SECOND READINGS BILL NO. 31—THE LABOUR RELATIONS AMENDMENT ACT

**Hon. Gerrie Hammond (Minister of Labour)** presented Bill No. 31, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, for second reading, and referred to a Committee of this House.

### MOTION presented.

**Mrs. Hammond:** Mr. Deputy Speaker, today I would like to introduce, for the consideration of the House, amendments to The Labour Relations Act, which will result in the repeal of final offer selection.

As you know, Mr. Deputy Speaker, our Government introduced these amendments last November but the Session ended before the hearing process was completed. I would like to take a few moments to reiterate our reasons for removing final offer selection.

It is no secret that final offer selection was contentious from the beginning. Prior to being introduced, the Bill was criticized by both employer and union groups as an intrusive and imbalanced means of settling contract disputes.

My colleagues and I have opposed FOS since its inception, because we did not see it being in the best interests of the working people of this province. We believe that final offer selection violates the fundamental principle of collective bargaining by removing dispute resolution from the control of negotiating parties and placing it in the hands of a third party. By its very nature, final offer selection is an all or nothing proposition that creates a winner and a loser by selecting one of the final offers and rejecting the other.

We believe, Mr. Deputy Speaker, that Government has an obligation to ensure that there is fairness and balance in the laws set out for Manitoba workers, that a healthy labour relations climate is one that encourages the parties to negotiate their own contract agreements in good faith with a minimum of Government

interference. We also believe that final offer selection has contributed negatively to that climate. Our analysis of Manitoba work stoppages indicates that final offer selection may have contributed to lengthening work stoppage, not shortening them as some have suggested.

Work stoppages were longer on average in 1988, the year final offer selection was introduced, than in any of the preceding nine years and well above the average for the 10 years ending with 1988. It is very significant that almost 80 percent of the stoppages we had in this 10-year period lasted 50 days or less, while of the total of 11 stoppages we had in 1988 six lasted from 77 to 99 days, and in all six of these long stoppages, final offer selection applications had been made.

Although Manitoba in 1988 had the enviable record of being second lowest among provinces in the number of actual person days lost in work stoppages, clearly, Mr. Deputy Speaker, without FOS we would have done better.

While addressing the serious concerns expressed about final offer selection we considered a number of options. One option was to amend the legislation to make it more balanced and equitable. However, in weighing the pros and cons of this approach we determined that it would likely result in ineffective legislation that would meet few of the concerns expressed by interested parties.

We therefore propose that the final offer selection provisions of The Labour Relations Act be repealed. In our view this course of action will eliminate unnecessary interference with the process of free collective bargaining, ensure that the provisions of collective agreements are freely negotiated and acceptable to the parties, as opposed to being imposed by a third party, and avoid creating divisions between a union and its membership during the collective bargaining process by having a third party, not the union, representing the members' demands.

For these reasons, Mr. Deputy Speaker, I commend this Bill for your approval by this Assembly.

**Mr. Paul Edwards (St. James):** I move, seconded by the Member for Fort Rouge (Mr. Carr), that this debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 32—THE CITY OF WINNIPEG AMENDMENT ACT**

**Hon. Gerald Ducharme (Minister of Housing):** I move, seconded by the Minister of Finance (Mr. Manness), that Bill No. 32, The City of Winnipeg Amendment Act, be now read a second time and referred to a Committee of this House.

Mr. Deputy Speaker, if the Member for Wolseley (Mr. Taylor) would get his face out of the sandbag, I would like to—

**Some Honourable Members:** Oh, oh!

**Mr. Deputy Speaker:** The Honourable Member for Wolseley, on a point of order.

\* (1500)

**Mr. Harold Taylor (Wolseley):** On a point of order, Mr. Deputy Speaker, I would ask if the Minister of Housing could keep his comments germane to the matter.

**Mr. Deputy Speaker:** The Honourable Member has no point of order.

It has been moved by the Honourable Minister of Urban Affairs and Housing, seconded by the Minister of Finance, that Bill No. 32, The City of Winnipeg Amendment Act, be now read a second time and be referred to a committee of this House.

The Honourable Minister of Urban Affairs and Housing.

**Mr. Ducharme:** Mr. Deputy Speaker, after one year of working on the legislation as I did mention when we were in our last Session that I would bring forward substantial changes to The City of Winnipeg Act. I am pleased to introduce for second reading Bill No. 32, An Act to amend The City of Winnipeg Act.

This will be a series of introducing changes that result in changing the 25 parts of The City of Winnipeg Act. It will probably take two to three years to change. The substantial changes that are required will take that amount of time. I know that it has taken quite a period of time to bring about these changes ever since The City Review Act was done a few years ago, and the White Paper brought in by the previous administration and, also, the changes and recommendations brought forward by the city and changes and recommendations brought forward by many groups in the past year.

(Mr. Speaker in the Chair)

Bill No. 32, which I have brought forward for consideration by the Assembly, contains amendments aimed at civic reform in the City of Winnipeg. Bill 32 begins the process of introducing civic reforms to various parts of The City of Winnipeg Act. This process considers the recommendations for change proposed in the 1986 final report of that City of Winnipeg Act Review of Committee. It also incorporates, as I mentioned, certain features of the provincial White Paper issued by the previous administration and, as I have mentioned, discussions with various groups in the last year.

Amendments in Bill No. 32 are aimed at tackling the following shortcomings identified by the review committee and the many citizens of Winnipeg.

First of all, Mr. Speaker, the general lack of consistent political leadership at City Hall will be addressed, and an unclear and insufficient delegation of authority to Executive Policy Committee that limits its ability to provide initiatives for council's consideration and to direct the administration. It seems to be a past history in the City of Winnipeg that maybe more policy type of direction come from City Council than have come from EPC, not only from the Board of Commissioners.

There is the need to improve local Government accountability to its citizens and the need to protect

and expand citizens' rights in local Government. Therefore, the focus of Bill No. 32 is to improve the political structures and processes in the City of Winnipeg, and we hope it will improve the conduct of urban Government in Winnipeg.

Mr. Speaker, before I present the specific amendments to you, I would like to add at this time that the City of Winnipeg has been consulted in preparation of this Bill. They have been consulted through the different reviews and by this Minister. The city's official delegation submitted to me a written brief which represents council's position on each of the recommendations contained in the Committee of Review's 1986 report. Also, I have solicited the views of the official delegation on various issues pertaining to civic reform.

Council's recommendations to me were certainly taken into consideration. In fact, the main thrust of civic reforms I am about to present to you are endorsed in the brief submitted to me by the Winnipeg City Council. I would also like to note that the civic reforms proposed in Bill No. 32 were based on the size of council remaining at 29 councillors. As Members of the House will recall during the previous Session, our Government introduced an amendment to reduce the size of council to 23. This amendment was defeated due to the combined opposition of the Liberal and NDP Members.

Subsequently, the Ward Boundaries Commission, when they undertook their review of the wards and submitted its recommended changes based on there being 29 wards. An Order-in-Council was recently approved to put into effect the ward name and boundary changes that would be dealt with at this present or upcoming civic election.

Mr. Speaker, the amendments proposed in Bill No. 32 fall under three different parts of The City of Winnipeg Act. There are amendments under Part I of the Act dealing with political organization; Part II of the Act which deals with the administrative organization; and Part IV of the Act which deals with elections. The amendments in Bill No. 32 are numerous. Within each part major reorganization, consolidation and clarification has been undertaken in order to condense and streamline the Act wherever possible.

Therefore, I will restrict my comments this afternoon to a presentation of only the most important initiatives being proposed in the Bill. Part I of the Act, Mr. Speaker, with respect to amendments under Part I of the Act, they are as follows: to strengthen the role and authority of the mayor; to restructure the composition of the executive policy committee; and to clarify its responsibilities. Also, the third part is to create the position of a presiding officer to chair the council meetings.

Let me now review the components of the Bill with respect to each of these three changes under Part I of the Act, strengthening the role of the mayor. Mr. Speaker, Bill No. 32 proposes to strengthen the role and authority of the mayor in two ways: first, by making the mayor the chairperson of the Executive Policy Committee; and secondly, by giving the mayor the responsibility for appointing a deputy mayor, an acting

deputy mayor, as well as the chairpersons of the four standing committees of council. These are major changes from the current provisions in the Act. Under existing legislation the city council is given the authority to elect a deputy mayor, an acting deputy mayor and the chairperson of EPC and the chairpersons of each standing committee.

In fact, I would like to bring to your attention the fact that the existing legislation even prohibits council from electing the mayor as a chairperson of EPC. However, keep in mind that the mayor is the only civic official who is elected at large by the citizens of Winnipeg.

Under The City of Winnipeg Act the mayor's primary role is to be head of the council and the chief officer of the city. In order for the mayor to assume this primary role, I believe the amendments that I have just described will give the position of the mayor the necessary power and authority conducive to effective, decisive and focused leadership. This leadership role of the mayor will be balanced off by the powers of council and the approval of policies and budgets.

Council remember, under this new amendment, will remain supreme. The mayor must obtain the support of council to act, but the mayor will have the ability to present better policies and programs for consideration of council.

Reconstructing the composition of EPC and clarifying his responsibilities under that section, the amendments proposed to the Executive Policy Committee are very closely linked with the amendments I just described in relation to the mayor's position.

The Executive Policy Committee will consist of 10 members: The mayor as a chairperson; the deputy mayor; and the chairpersons of the four standing committees, which I mentioned would be appointed by the mayor and four members elected by council. Central to the amendments to reconstruct the EPC are three important concepts: The first is balance; second is representation; and the third is cohesiveness.

Balance is achieved by having the mayor appoint five members of council to the EPC while having council elect four of its members to sit on EPC. The reason why the mayor and council do not have an equal number of appointees to EPC is because the mayor is intended to assume a more prominent role in leading local Government, at least in formulating policy options and controlling the civic administration.

\* (1510)

With respect to representation under the proposed amendments each community committee will be represented on EPC. The amendments provide a process for appointments to Executive Policy Committee which ensures that at least one member from each community committee is represented on the Executive Policy Committee. This is very important and it will strengthen the linkage that is required between Executive Policy Committee and the community committee. The proposed composition of Executive Policy Committee should ensure the necessary balance

between local and citywide needs. All communities will have direct access to the central executive decision-making body.

Mr. Speaker, by limiting the size of the committee to 10 members and by ensuring that both the mayor and council will have the opportunity to select members to sit on the committee—I know my staff briefly looked through, or spent quite a bit of time thinking about the numbers on EPC, where you had a workable number and yet you did not necessarily have a majority vote sitting on EPC that would be an automatic when it went to council. With these numbers, it is still allowed. The position that takes place now at council did have supreme. They still have the majority of people addressing, they still have the people to sit on the committees to give their input to EPC.

Mr. Speaker, the amendments in the Bill also clarify the duties of the Executive Policy Committee making this committee, I believe, the central focus of the entire administration of local Government. Executive Policy Committee will co-ordinate the work of all of the standing committees. It will co-ordinate the work of city's administration. It will be responsible for ensuring the policies adopted by council. Most important of all, it will assume responsibility for formulating and making recommendation to council on policies, programs, by-laws, and the annual current and capital budgets.

Overall, Mr. Speaker, the amendments affecting the Executive Policy Committee will enhance political leadership and accountability of this committee for key civic responsibilities such as cities proposed, annual budgets and of council's policy directors.

Council can now look to the mayor, I call it his team, on Executive Policy Committee to prepare and defend a fair budget. At the present time, that type of leadership usually comes from the Board of Commissioners. Now EPC will be like the board. They will be the one responsible, along with the mayor, to bringing down and defending that budget when it gets to EPC or when it gets to council. They can look to the mayor and his team to take responsibility for the manner in which civic administration has carried out council's policies and decisions. They will be in force, the main body for the council to look at in addressing policies that come up. The policies can come up not only from EPC but from the different standing committees.

A new position that we felt since the mayor will no longer be—I guess you would call it the presiding officer at City Hall as he does now, at the present state he is limited to how he participates in debate. We are proposing a position of presiding officer. This position has worked in one other province in Canada, and it has worked well for approximately 12 years.

Now, let me turn to that position of presiding officer. In order, as I explained, for the Mayor as chairperson of EPC to present and support and defend recommendations of the committee, the Bill introduces the position of presiding officer to chair council meetings. The presiding officer would be elected annually by council.

In chairing council meetings, the presiding officer would be responsible for maintaining order and

decorum and deciding questions of order. The presiding officer would be entitled to participate at any time during council meetings in the debate. The duties of chairing a meeting would simply be passed on to the deputy presiding officer. To ensure the neutrality of this position, the presiding officer would not be eligible to sit on EPC Committee but would be elected to one of the standing committees.

The mayor would remain as head of council but would be freed from the impartial role that a chairperson must play. The mayor would have the confidence of the people through direct election and would be expected to act decisively on behalf of all citizens. The presiding officer would have the confidence of all the councillors and would be expected to act fairly on behalf of all councillors. The presiding officer would be, in effect based along like yourself, the one who would preside over the council meetings.

Mr. Speaker, turning to the amendments under Part II of the Act, they are as follows: 1) providing and enabling legislation for council to establish a City of Winnipeg Ombudsman; (2) providing enabling legislation to provide the city to amalgamate employee pension plans; (3) improving the existing provisions on the retention of city documents; and (4) providing enabling legislation for council to adopt an access to information by-law.

Mr. Speaker, first on the Winnipeg Ombudsman, the Committee of Review Report had recommended that the position of a City of Winnipeg Ombudsman be established. This particular recommendation is incorporated in Bill No. 32 as a means of protecting and enhancing citizens' rights. Council will be able, if it so wishes, to establish the position under by-law. The function will be to investigate complaints relating to the matters of the city administration.

The legislation is modeled after provisions contained in the provincial Act. As such, this legislation provides council with a mechanism through which to monitor operations of the city for the purpose of making these changes to administrative procedures, regulations, policies and so forth, based on the recommendations contained in the Ombudsman's annual report to council.

Mr. Speaker, a very important part of the Act that did not get in last year, that the city had requested, and unfortunately it came about at a late time when we were at committee dealing with the Act, was a part for the amalgamation employee pension plans. I know there are many pension people out there that will look forward to this part of the Act getting approved.

Winnipeg City Council requested that The City of Winnipeg Act be amended to permit council to merge various employee pension plans. This Bill contains legislation provisions which would empower council to amalgamate employee pension plans under one plan. It is essential to the well-being of many existing pensioners of the City of Winnipeg that this amendment pass as soon as possible.

Improvements to the records management legislation, changes to the legislation on records management have been requested by the city council. I know it has been



discussed by the administration for quite a number of years. The existing provisions in the Act specify in a series of schedules the length of time council must retain various types of city documents. The proposed amendments will replace these very prescriptive schedules with legislation, which gives council the authority to determine by-law matters pertaining to the management, retention, safekeeping, disposition and destruction of city records.

Council will be required to appoint the people who will be responsible for records management. As well, the new legislation includes provisions for the appointment of a records management committee which shall determine and implement policies and procedures for records management.

I recently, this spring, had quite an extensive meeting with the administration at City Hall, particularly one employee who had been there for a greater number of years. It was a real learning experience to see what they go through under the existing legislation. This committee would consist of the city's and the clerk, treasurer, auditor and solicitor as well as two citizens appointed by council. The committee would report annually to council. These new provisions will give the city greater autonomy in formulating and regulating its own policies on the maintenance, preservation and disposition of city documents.

Mr. Speaker, one other important part of the Act that we have suggested is the access to information by-law. As a former City Council councillor it is one by-law that was worked upon by myself and the former Member for Fort Garry, Charlie Birt. We sat on the committee to establish it, and it has been quite a long time since it will be acted upon, but however, the city has requested this be put into the Act. This Bill contains new legislation which permits council to adopt an access to information by-law.

This new legislation requires council in its by-law to prescribe the procedures to be followed by its designated employees in processing requests for access to information. As our Government was the one that did finally file the Act and have it provincially I feel that the City of Winnipeg—it is long overdue—that they be allowed to file such a by-law. In the by-law, council will also be required to designate their records which shall be exempt from access to the public.

Mr. Speaker, appeals regarding a denial of access can be filed with council's designated access appeal officer. If council decides to appoint an Ombudsman then one of the duties of that position would be to act as the access appeal officer. Citizens will also be able to file with the courts an appeal against the denial of access. An access to information by-law will protect and expand citizens' rights and will allow for that public access to information. That is very important. This process is comparable to what we have, as I mentioned, at the provincial level of Government.

\* (1520)

Part IV of the Act, and last, we deal with the amendments under Part IV of the Act. Election expenses laws have been enacted by the federal Government,

by most provinces, and more recently by the municipal level of Government, namely in Ontario and Quebec. At the request of Winnipeg City Council this Bill contains provision for council to pass an election expenses by-law. The main thrust of the new legislation is to regulate candidates' expenses and to require the disclosure of financial contributions and campaign expenditures. The legislation permits council to determine in its election expenses by-law a limit on the amount of contribution which can be received from the contributor and a limit of the campaign expenses of each candidate.

Mr. Speaker, all candidates would be required to keep records of their contributions and expenses which would be filed with the returning officer. Public access to these records would be available. Penalty provisions for infractions against the election expenses legislative requirements are included in the Bill. These amendments, like others in Bill No. 32, would expand the accountability and openness of local government to its people.

Mr. Speaker, just briefly in the one part of the Act, and dealing with Part IV of The Elections Act, I do not expect that this would take place during this particular campaign, but since we are doing this part of the Act we felt that at least in the Act we described that they would even take into consideration all contributions, even after the day of the election, and it would also take into consideration right up to the next election. So it would not be just dealt during a writ period.

As you can probably appreciate, there are problems, and we will get into that at committee, of establishing writ, establishing when they contribute or when we count them as expenses or contributions.

So, we will get into that I know with our committee people when we deal with it at committee. I would conclude, as I explained in my opening remarks, Bill No. 32 is primarily focused on civic reforms which are intended to improve political structures and processes of the City of Winnipeg in order to enhance the city's effectiveness, responsiveness and ability to provide leadership within its own areas of jurisdiction.

In summary, Mr. Speaker, the reforms put forward in this Bill, I believe and the Government believes, will balance both local and citywide interests within the City of Winnipeg, will provide increased accountability to the people and will give council expanded opportunities for formulating the many policies and procedures by by-law.

Anyone who has sat on City Hall will know that I am not defending the councillors, but they do sit under a different forum. A councillor who brings forward ideas at EPC, a lot of times ideas are grasped that that is already in stone. Councillors could bring forward three or four proposals, and they could say—I know the Member for Wolseley (Mr. Taylor) also remembers that you could bring forward a couple of good ideas, and then all of a sudden they were already there and you did not have that forum to probably draft that type of policy. I think this is probably the key issue that people, councillors throughout seem to be getting hammered on. They seem to be blamed for a lot of things that come out that really they had not got to that point of

establishing as policy. All they have done is draft some type of ideas and they wanted a forum for bringing these ideas forward. I think if you have an Executive Policy Committee that is stronger, they will have to bring these ideas forward. They will bring them and adopt them to policies. They will be responsible for these policies and you have to have someone directly responsible.

As indicated earlier, these amendments represented only some of the civic reforms which were contemplated for Winnipeg. Later on this Session I hope to bring in the one dealing with planning. I did agree to meet with the outlining people in the regional committee, establish a regional committee in the area. I have met with them once. We have decided to form a regional committee to deal with the problems of the additional zone that seems to have happened, and the lack of discussion and the lack of dealing with the planning.

So we have agreed at the regional committee—and all due respect to the Winnipeg Free Press who just the other day said we should form one and I did do a news release on August 3 saying I was forming a regional committee and I have already sent a letter to all the members of the outlining areas. We have suggested we wait until after the municipal election, of all the municipal elections, to find out who the key players will be in determining that. I did meet with them a couple of weeks ago and I was very well received. They are glad to be involved in it, they will be under no commitment, but they all agree that there has been that problem there. So I felt that I will bring in one part dealing with planning, and if I cannot deal with the total part of regional committee, because I have asked for their ideas for the first part of October, then I will bring that in, in two parts.

I believe that the Bill before you contains the amendments which are most pressing, given they are very direct to the political organization of City Hall after the upcoming civic elections coming this fall. I was hoping to have brought it forward, I did bring it forward, I made sure the Bill was filed at the end of June so that it was out on the street. The city has had a chance to look at the Bill. I did brief both critics and we did present the Bill at the end of June so they could see and get their chances to bring in—I know there will be amendments to the Bill and I appreciate those amendments.

I sat on City Hall long enough to know that there was a requirement to have the Bill rebuilt. I hope that we do it in a relationship that I think is very important. We do it to improve The City of Winnipeg Act because there is a crying need out there from not only the councillors, however, but the citizens. I know that we have the expertise in this Assembly of past people who have sat in City Hall, and I know that from his dealings, the Liberal critic, when he was with the Press, used to cover City Hall. I know I had my tanglings with him once in awhile in the past. I know the critic for the NDP, she knows a lot about what is going on at City Hall, so I look forward to their amendments.

I only hope that we can get to committee as soon as possible so at least we can deal with this Act and have it passed in some form, at least dealing with the

structure, and the other will come on stream and I guarantee the other Members I will be making known before we probably get to committee, the complete schedule or the proposed schedule of every part of the Act over the next two or three years; how we are going to bring it in; what we are going to bring in, because we have a lot of major changes. So they will know that he is just bringing in this part and it might be suggested, not make any other changes. I look forward to the committee and I look forward to the comments made by the critics and the Members of the Opposition. Thank you very much.

**Some Honourable Members:** Hear, hear!

**Mr. James Carr (Fort Rouge):** Mr. Speaker, I move, seconded by the Member for Selkirk (Mrs. Charles), that debate be adjourned.

**MOTION presented and carried.**

## DEBATE ON SECOND READINGS

### BILL NO. 6—THE LAW REFORM COMMISSION ACT

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Justice (Mr. McCrae), Bill No. 6, The Law Reform Commission Act; Loi sur la Commission de réforme du droit, standing in the name of the Honourable Member for St. James (Mr. Edwards). (Stand)

\* (1530)

## SECOND READINGS

### BILL NO. 7—THE INTERNATIONAL SALE OF GOODS ACT

**Hon. James McCrae (Government House Leader)** presented Bill No. 7, The International Sale of Goods Act; Loi sur la vente internationale de marchandises, for second reading, to be referred to a committee of this House.

**MOTION presented.**

**Mr. McCrae:** Mr. Speaker, the increasing complexity of world trade has led to significant problems in resolving disputes between contracting parties when they operate in different countries with different systems of law.

The common law has developed certain rules to determine such matters, as when a contract takes effect and by which law it will be governed in the case of disputes.

These rules are in many ways incompatible with the rules that apply in civil law countries including western Europe and those developing countries which were once colonies of western European countries. As well, there are significant differences in the rules that apply in the countries of Asia and in countries with Islamic or Communist Governments.

A series of rules has also been developed to deal with new patterns created by technology such as making contracts by telex, telephone and now by facsimile transmission. The result of dealing with all of these problems on an ad hoc basis is a complicated, sometimes confusing set of the rules governing international trade that often leads us to expensive litigation. This problem is so significant that the United Nations has taken the lead in attempting to resolve the various conflicts.

The process has not been easy. Discussions began in the 1960s, but the text that we are considering was essentially settled at a conference in Vienna in 1980. The federal Government has recommended the convention be adopted and the Uniform Law Conference proposed its adoption in 1985. As well, the Canadian Bar Association and the Canadian Manufacturers Association have supported the implementation of the convention.

Canada is, however, a federal state and the provinces have jurisdiction over the subject matter of the convention. It cannot become law unless the provinces adopt it, and the federal Government is waiting for provincial support before ratifying the convention.

Thus far, Nova Scotia, New Brunswick, Prince Edward Island, Ontario and the Northwest Territories have adopted the Act, and with it, the convention. It is anticipated that all Canadian provinces will soon adopt the convention.

I do not propose to go into the details of the convention for several reasons. First, discussion of the effect of the clauses of the convention would be more appropriate in committee where officials will be able to answer technical questions. To facilitate that discussion I have provided the Opposition critics with a summary sheet, prepared by the department, of the most important differences between Manitoba Law and the convention.

Secondly, the fundamental question for this Legislature is not whether we like the convention that was hammered out by the United Nations, but whether we wish Manitoba to be part of an international system for regulating trade. As a province that depends upon exports and a country that is itself heavily dependent upon exports, I believe the answer to that question is obvious. Manitoba should be a part of the international system. To become part of that international system, this Legislature must pass Bill No. 7.

Of course, as Members consider the convention they must be aware that this truly is a situation where the province must either take it or leave it. The compromises that were made by the various states that participated in the elaboration of the convention are not going to be reopened. The convention having been ratified and brought into force by countries as diverse as China, France, Egypt, the United States of America, and Zambia, it is truly impossible for Manitoba to force any changes at this date; fortunately, there is no reason to demand changes. Firstly, because the convention is a reasonable compromise. Secondly, because individual businesses need not be governed by the convention if they so choose. By the terms of the convention itself,

the parties may agree that the convention will not apply to their dealings and set out whatever rules they wish. Freedom of choice is retained; although in practice, few companies dealing internationally will want to have their own special rules.

Finally, I draw the attention of Members of the House to the fact that the convention does not govern all matters that could be the object of international trade. The convention specifically excludes from its application goods bought for personal, family or household use; goods sold by auction; goods sold by court process; dealings in stocks and other negotiable instruments; the sale of ships, vessels, or aircraft, and perhaps significantly for Manitoba, the sale of electricity.

(Mr. William Chornopyski, Deputy Speaker, in the Chair)

Bill No. 7, The International Sale of Goods Act, serves as a reminder I suggest to you, Mr. Deputy Speaker, and to all Honourable Members that we, here in Manitoba and we here in Canada, do not stand alone in this world. We cannot make rules for our trade without bearing in mind that there is a global marketplace out there, a global marketplace that Manitoba can get into.

The much criticized Free Trade Agreement, criticized by certainly Honourable Members on the opposite side of the House, is another piece of evidence that a trading relationship between two super trading powers, if I may call them that, Canada and the United States, is not something that really we should be trying to avoid. That relationship can enrich the people of Canada, the people of Manitoba. Such a relationship could result in the kind of economic activity in our country in terms of our import and export relationships. An activity that could result in more revenues accruing to Governments, more revenues accruing so that we can finance those much needed health, education and social services that everyone in this House agrees are what Canadians have come to expect and we know they deserve.

So Canada and Manitoba, by passing Bill No. 7, The International Sale of Goods Act, is saying to the rest of the world, yes, Manitoba is also a player in this global trading relationship that we have. We have said as a country that, yes, we know where the majority of our business is done, that being the United States.

We also know that other trading relationships are and can be very fruitful and can be more fruitful as we look ahead to the future if we use the resources that we have to the best possible advantage for the people of our country. I do not propose to get into a long dissertation about my feelings about the trade agreement, and I do not propose to get into a rehash of all of the debate that went on which was finally decided last year in a federal election campaign. The people of Canada have spoken about that and even the Liberal Party of Canada, I believe, is sincere when it says, here is a deal we opposed, but here is a deal that we will now use to our advantage.

\* (1540)

I know that at one point the view of the federal Liberal Party was to tear the agreement up, and I assume that

was the view of the provincial Liberal Party as well, to tear the agreement up and throw away the potential advantages and the potential wealth that could be generated as a result of that agreement.

Now the Honourable Member for Seven Oaks (Mr. Minenko) says something about the grave concerns of today which he likes to lay at the doorstep of the Free Trade Agreement. I would ask him to provide me with proof for his statements, but in addition to that I would remind him that here in Manitoba, in the 16 months that this Government has been in office, there have been created in the Province of Manitoba 13,000 new and permanent jobs.

Now the Honourable Member for Seven Oaks, is he trying to tell me that he is disappointed in such a statistic? I do not think he is. You know, he is not the kind of fellow who would do that, Mr. Deputy Speaker. He and a number of his colleagues will wax long and eloquent about one thing and another. Sometimes I think it reminds me of something written in Shakespeare, Honourable Members opposite are full of sound and fury, but usually signifying nothing.—(interjection)— The Honourable Member for Fort Garry (Mr. Laurie Evans) says something about that being the number of jobs, but he knows full well that there has been a great growth in the labour market in Manitoba since the election of this Government, and we take no small part of the credit for that, because I remind you of two budgets now which have taken a shot at the much discredited payroll tax, although the Liberal Party of Manitoba has changed its mind about the payroll tax and they seem to think that is a tax that is good for Manitobans and good for Manitoba business, because when we moved to—

**Mr. Deputy Speaker:** The Honourable Member for Seven Oaks, on a point of order.

**Mr. Mark Minenko (Seven Oaks):** I am sure the Honourable Minister of Justice is well aware of the Liberal position and I do not believe I have to repeat it again with respect to our position on the payroll tax. Our position was made out succinctly in last year's election and remains so today.

**Mr. Deputy Speaker:** A dispute of the facts is not a point of order. The Honourable Member for Seven Oaks does not have a point of order. The Honourable Minister of Justice.

**Mr. McCrae:** I think I heard you say, Mr. Deputy Speaker, that what the Honourable Member for Seven Oaks was raising was a dispute about the facts as opposed to a bona fide point of order. You know, Mr. Deputy Speaker, I cannot help but agree, and I hope that is not seen as a reflection on your ruling, but I cannot help but agree with your ruling, and I certainly support it in the circumstances. Your ruling more or less vindicates what I said a few moments ago about Honourable Members opposite being full of sound and fury signifying nothing.

I think I was about to talk a little further about the position of the Liberal Party of Manitoba.

**Mr. Deputy Speaker:** The Honourable Member for Transcona, on a point of order.

**Mr. Richard Kozak (Transcona):** Thank you, Mr. Deputy Speaker. Would the Honourable Minister entertain a question?

**Mr. McCrae:** I certainly would.

**Mr. Kozak:** The Honourable Minister has been singing the praises of the Free Trade Agreement, but we hear that Canada's real GDP growth in the second quarter of 1989 was only .2 percent. Also we hear that Canada's current account deficit, our balance of world trade and goods, services and investment income, was a record \$5.7 billion in the second quarter. Does the Minister see no relationship between this and the introduction of the Free Trade Agreement earlier this year?

**Mr. Deputy Speaker:** The Honourable Minister of Justice has the floor.

**Mr. McCrae:** You are right, it is an excellent and intelligent question, something we do not often get from the Liberal benches opposite, but I must say the question does reveal a certain knee-jerk mentality that we often find on the Liberal benches opposite. Here we are, in September of 1989, and the Honourable Member wants me to make a comment about growth and about a current account deficit nine months after the proclamation of the Free Trade Agreement. I say to the Honourable Member that even he, with all the credibility that I accord to him, even he would have to agree that nine months is not sufficient time to be making judgments like that and laying statistics, which I am not in a position today to quarrel or quibble with him about. This is not the time to be making instant judgments. The Honourable Member may know more about it than I do about how much of the Free Trade Agreement has been implemented and into how many industries, and what impact that has already had. But certainly he would have to agree with me that within nine months of the signing of a document, it is a little early to be making those kinds of judgments, and I think he does agree with me. So that his question might be a better question to ask three or four years down the road, when the deal has been in place long enough and has been able to demonstrate that it is working.

Now, I can make the same point with —(interjection)—

**Mr. Minenko:** If the Minister of Justice would again perhaps entertain a second question from the Official Opposition.

**Mr. Deputy Speaker:** The Honourable Member does not have a point of order.

**Mr. McCrae:** I think, Mr. Deputy Speaker, the Honourable Member does not have a point of order, but I believe he was asking if he could ask a question. I am not sure how much time I have left. Could you let me know, Mr. Deputy Speaker? —(interjection)— I have a lot of time, and my comments are far from complete,

but you know I might be able to take a little bit off my prepared text and make a little time for the Honourable Member for Seven Oaks (Mr. Mark Minenko), to ask his question.

**An Honourable Member:** That is very hospitable.

**Mr. McCrae:** Thank you, Harry. We try hard around here.

**Mr. Minenko:** It is not on a point of order, Mr. Deputy Speaker. I requested of the Minister of Justice if I could but ask a short question and he has agreed.

I would like to then, continuing the logic of the Honourable Minister's argument with respect to the concerns raised by the Honourable Member for Transcona (Mr. Kozak), and I am just wondering if he is in a position to now perhaps apply that same logic to the argument that he put forward with respect to jobs.

**Mr. McCrae:** Well, here again I do not know if—it is certainly no slight on the Honourable Member, but I do not know if he has articulated the question well enough for me to understand it. But I do say - (interjection)- I am saying that the 13,000 jobs in Manitoba I do not lay necessarily at the doorstep of the free trade deal. As other Honourable Members want to lay everything negative at the doorstep of the Free Trade Agreement, I prefer to say perhaps the moves made by this Government in Manitoba have as much to do with that job performance in Manitoba as the free trade deal. But my brain is not working like a computer today, so I cannot tell you how many of those jobs can be attributed to the free trade deal.

All I can say is it is pretty disturbing that in the face of an economic situation where it is the responsibility of all legislators to try to do what they can to improve economic circumstances, that when a Government puts forward a budget which takes another cut at a payroll tax, a tax which the Honourable Member for Flin Flon (Mr. Storie) may disagree with me here, I think it is a negative tax and a wrong-headed tax. He has been quoted as saying it is a good tax - (interjection)- but on the other hand, the Honourable Member for Flin Flon did I believe support the tax cut, so that I will leave him alone and concentrate on the Liberal Party which has seen fit to vote against that particular tax cut.

They saw fit also to vote against personal tax cuts for people in Manitoba. I find that disturbing in the extreme, that a group of people who are attempting to be responsible in their duties as MLAs would come to this House and vote down, or attempt to vote down, a Government that would bring in tax cuts for people and tax cuts which I suggest have already left the result of numerous, numerous jobs being created for Manitobans.

While we are talking about economic matters and—I am sorry the Honourable Member for Brandon East (Mr. Leonard Evans) is not here because I am sure he could give me all the figures that I need—but when we talk about economic indicators, I say the job situation

is good. The job level in relation to the other provinces is good here in Manitoba. Now as long as there is one person unemployed who does not want to be unemployed, I say it is not good enough. But the point is the job situation is good in relation to previous figures that have come out—

**Mr. Deputy Speaker:** Order, please.

**Mr. McCrae:** —and in addition, growth in Manitoba is projected to be at an - (interjections)- acceptable level so that Honourable Members opposite—a number of them are talking all at once, and notably the Honourable Member for Fort Garry (Mr. Laurie Evans) who for some reason, in this room his voice seems to carry over to me and I can hear everything he ever says or whispers, so the Honourable Member should be careful.

\* (1550)

I just say it is disturbing that the Liberal Party would take the position it does on these very, very important matters to Manitobans.

The New Democratic Party is usually fairly predictable. We can expect them to support measures that are near and dear to their hearts, and to oppose measures that are not near and dear to their hearts.

The Liberal Party is a little more difficult to try to figure out, and I think they have a little trouble figuring themselves out sometimes, Mr. Deputy Speaker. I often think, when I think of the Liberal Party, of Bob Dylan and his song about Mr. Jones. He said, Mr. Jones, there is something going on here, but you don't really know what it is, do you, Mr. Jones? Whenever I hear that song, I think of the Liberal Party. They know there is an issue there. I have to be against what the Government is doing, so I better say so, and the more prominence I can get on the front page of the whatever newspaper we are talking about, the better because that will help make the point and then we can get on to another issue the next day, and maybe we can pull a trick or two and maybe get a little more attention for whatever our cause happens to be on Monday or Tuesday. Of course Wednesday, it may be something different.

I am reminded of the debate on the budget earlier this year. One day the complaint was that the deficit was not cut enough. Another day the complaint was the taxes were not cut enough. The third day the complaint was that we were not spending enough. Now it is pretty hard to try to dance to that tune, I can tell you, Mr. Deputy Speaker, and I think Honourable Members opposite recognize that. I think Honourable Members opposite who suggest things like, let us spend all of the revenues at the Land Titles Office to solve the backlog problem. Even though that is not necessary, we will spend it anyway. That kind of thing is pretty hard for me to follow, and I certainly do not agree with it.

The suggestion by I guess the most candid Member we have in the Liberal Opposition is the Honourable Member for Fort Garry (Mr. Laurie Evans), who candidly admits in my community of Brandon that the Liberal Party of Manitoba has no agricultural policy. Well, that

is not much in the way of comfort for the City of Brandon which relies so heavily on the agricultural economy in and around it. It is not much comfort certainly for the farmers in that area who want to see proper alternatives. We are not getting them from the Liberal Party.

The alternatives we get from the NDP we disagree with most of the time, but at least we see some alternatives sometimes. The Liberal Party, the same cannot be said.

So as I was saying, Mr. Deputy Speaker, Bill No. 7, The International Sale of Goods Act, does play a role in this bigger picture that we want to play in. We want to be active participants in world trade, and I heartily commend to the attention of Honourable Members and to the support of Honourable Members Bill No. 7, because I believe it will be another statement by Manitoba that, yes, we are not just standing alone in this world; yes, we are part of that larger trading community; yes, this is the late 20th century and it is time we came on board with Bills like this, with an understanding of trade arrangements, with a willingness to play in that game of world trade.

Manitoba's future is bright, indeed. I choose not to share the down-in-the-mouth gloomy vision of the Liberal Party about how poorly off we are here in Manitoba, because I do not quite see it like that. I see it far differently.

I see so many people in this province that have so much to offer, Mr. Deputy Speaker, in the workplace, in the arts and in culture and in our social services. I am proud to be a Manitoban and I am proud to share this province with others who share that kind of view. I am even proud to share it with Members of the Liberal Party, because I believe those Members can be brought around. It can be brought around.

Now you will remember the story of the farmer who wanted to have his mule trained, and the mule trainer came along and took a two-by-four and took it to the head of the mule, and this upset the farmer of course, and the farmer asked the trainer why he was doing this and the trainer said, well, if you want to train a mule, Mr. Farmer, you first have to get his attention.

Now, that little story just reminds me about the Liberal Party. How are we going to get the Liberals' attention? Personally, I do not care if I get their attention, but surely the people of Manitoba want to get the attention of the Liberal Party. They want the Liberal Party to be on their wavelength and discussing issues of importance to them and not manufacturing issues where they do not exist and not making issues where they do not exist and then not taking issues and taking them further then needs to be taken to get the job done. Now, it is often difficult in this place to hear oneself speak, let alone hear oneself think. Some Members are making it fairly difficult for me this afternoon, but I can only assume that the great truths I am speaking today are going right over their heads and they are not able to comprehend what it is that Manitobans are saying.

**Some Honourable Members:** Oh, oh!

**Mr. Deputy Speaker:** Order, please. Let us have a little order, please.

**Mr. McCrae:** I like to think that some, if not all of the things I have been saying today reflect the views of my constituents and the views of the constituents of all Honourable Members here. I must say there are days when I feel a little down and blue and depressed because I find a number of my colleagues opposite likeable enough people. Certainly people who sometimes seem to be listening, but there is a problem because not everything gets through. In fact, too little gets through.

I hope that rather than chatter at me as I make my comments, they would be kind enough, as the Honourable Member for Selkirk (Mrs. Charles) has been doing, to sit and listen intently, and hopefully leave this place a little enriched, hopefully, maybe, put some of the things that we are able to say on this side to work in their caucus room and maybe come onside on those issues that they find there is room for agreement.

I mean, after all, we are in a minority House. The people of Manitoba are not on the Liberal wavelength. The Liberal Party is itching for an election. There is no secret about that. The people of Manitoba are not itching; the people of Manitoba are relatively content with what they see going on in the Province of Manitoba. They think their Government is being attentive to the needs of Manitobans. That is what I hear, not only in Brandon, not only in Winnipeg and Thompson and Flin Flon, and when I go to various places I do not just speak to my own friends and supporters. I speak to a good cross-section of Manitobans, and that is the kind of comment I am getting right across the political spectrum.

Honourable Members should understand that but yet they keep trying to put Manitobans on to a different agenda, somewhere that Manitobans really do not want to be. They have all kinds of other things to think about including getting in on some of the opportunities that are being provided by this particular Government. Some of those opportunities include tax cuts. They do not want to lose out on those tax cuts. Honourable Members opposite want to take those tax cuts away. People want to stop the Liberal Party from that kind of activity.

So as I was saying on Bill No. 7, Mr. Deputy Speaker, you can tell that I find that the Rules allow some latitude at second reading, but I also understand the rules of relevance. I suggest that every comment I have made today have been perfectly relevant to Bill No. 7 because we are talking about international trade. We know there are tremendous opportunities for a dynamic, young, innovative country like ours, and a dynamic, innovative province like Manitoba with the wealth of talent and ambition we have in our people. I want to tap that ambition and that potential.

I am asking all Honourable Members, join with me and join with my colleagues in tapping the potential of the finest people in this world, the people of Manitoba.

**Mr. Jerry Storie (Flin Flon):** I am positive that I have not spoken on this particular piece of Legislation, although I am sure my colleague from Transcona will be checking the record to ensure that my memory is accurate on this occasion. We have been treated to

one of the best speeches that I have heard from the Member for Brandon West (Mr. McCrae). When he invites us to tap something I would certainly like to tap all that gas. When he suggests that he may have infringed on the Rules by perhaps straying from the prescribed discussion on Bill No. 7 that is embellishing the truth somewhat. He stretched the boundaries beyond recognition in much of his dialogue. However, it was entertaining and it was enlightening to a certain degree.

There is no doubt that everyone who speaks on this Bill is going to be allowed a certain latitude because of the nature of the Bill we are discussing, The International Sale of Goods Act, and it sounds like an innocuous Bill. In fact you open it up and you see that this is a covenant of the United Nations on the contracts for the international sale of goods. It sounds like something that is fairly well understood. Unfortunately, as I read through it, it became apparent that this is pretty much motherhood when it comes to contracts being signed between two parties or two states.

\* (1600)

Unfortunately there are some references in here and some of the comments that were added by the Attorney General or the Minister of Justice (Mr. McCrae) which caused me some concern. First of all, Mr. Deputy Speaker, the Minister of Justice said that this particular piece of legislation, by virtue of its international character, must be adopted holus-bolus by the Legislature. In other words, we are not entitled to amend any portion of the covenant and the various articles in the covenant because this is part of an international agreement, something that is agreed to by many parties.

If you flip through the legislation, there is an article—and I cannot remember off the top of my head which one—which says that the covenant is fixed and the individual parties may become partners in the convention simply by adopting it, and that is what the Legislature is being asked to do. So what it is, it is a covenant which has been struck amongst a number of parties with the support of the United Nations and individual states. Provinces, countries are going to over the course of the next few years perhaps adopt this covenant. Once we do, we become parties to this particular contract convention.

Mr. Deputy Speaker, as I said, the specifics in the legislation are very much motherhood and cover all the bases which I assume any individual, company, state, who is becoming involved in a contract with another party, would follow. It talks about the obligations of the seller, it talks about the obligation of the purchaser, and it talks about the interpretations that flow from the particular contract. It talks about how one can get out of it, and you must notify the other party before you can legitimately say you are no longer a party to the contract.

The question that we have to ask is should we, as a Legislature, in a rather pro forma process, approve and become a part of this convention. Clearly it is a lengthy Bill and I think we need to ask some questions about what benefits might flow from our participating

in this particular convention. What is there to benefit Manitoba? How does this differ from the free-flowing development of contracts between states and provinces in this country and around the world? Are there any real advantages?

Mr. Deputy Speaker, it makes me nervous when legislation is proposed and then we are told by the Minister of Justice (Mr. McCrae) that no amendments can be made. If there are things in here that we do not like as individual legislators, it makes it rather difficult to say, well, I can stand up and support this piece of legislation.

I want to raise a couple of specific issues that I have found in this legislation which caused me some concern. One of them, Mr. Deputy Speaker, and the Minister of Justice (Mr. McCrae) referenced it at numerous times in his speech, refers to the Free Trade Agreement. We are now in a binational arrangement with the United States as of January 1, 1989, and one of the articles of the Free Trade Agreement which caused some concern amongst Canadian nationalists—and I set myself up as one of those—was the definition of electricity as a good under the Free Trade Agreement.

Mr. Deputy Speaker, on page 4 of the convention, Article 2 specifically says—and I am going to read it for the record because I think it is important to put this on the record.

This convention does not apply to sales: (a) of goods bought for personal family or household use unless the seller at any time before or at the conclusion of the contract neither knew nor ought to have known that the goods were bought for any such use.

Fairly standard, this convention is not going to apply to the purchase of personal goods and services.

(b) by auction—which is rather interesting and I assume that there is an international covenant on auctions too, perhaps. They are a well understood means of selling goods and even services.

On execution or otherwise by an authority of law—this is also interesting—of stocks, shares, investment securities, negotiable instruments or money. I presume because again there is no international agreement on those kinds of commodities, and perhaps because of their complexity of ships, vessels, hovercraft, or aircraft—and there may be reasons of national defence for excluding those from contract conventions—but here is the kicker, Mr. Deputy Speaker, all the electricity.

In other words, if we are talking about the sale of goods, which this International Bill is, electricity is not considered a good for purposes of the United Nations International Convention on the sales of goods. Yet the Free Trade Agreement has chosen to interpret electricity as a good. We argued, and I know there were some others who argued, changing that definition was going to have negative repercussions on the ability of Manitoba and other electricity exporting provinces to sell hydro to the United States. I know that the coal lobby in the United States was one of those who were overjoyed at the prospect of having electricity declared a good under the Free Trade Agreement.

So it makes me wonder what value this particular definition is going to have. The reason I say that is

because it is obviously completely at odds with the definition that is in the Free Trade Agreement. If this is an international convention we now have a situation where two separate agreements, in effect, between our two countries, say, diametrically opposing things, and I am not sure how those discrepancies are going to be adjudicated finally or who is going to make the final decision.

Mr. Deputy Speaker, the Minister of Justice (Mr. McCrae) took some time to talk about this piece of legislation as being an extension to the international outlook of the federal Government and he said, hopefully of Canadians, when it came to the whole question of trade. The Minister of Justice (Mr. McCrae) will not be surprised if we have a difference of opinion about the net impact only nine months, admittedly, after the signing of the agreement on the prospects of Canadians to be employed, be employed productively, and be employed over a long period of time.

The fact of the matter is that even those involved in the food processing industry, the agricultural industry, the forest products industry, have acknowledged that the Free Trade Agreement is going to have a detrimental impact in those sectors of our economy. Anyone who did a modicum of thinking about the impact of free trade on producers like Campbell Soups in the Province of Manitoba could have predicted that was going to be the outcome.

I will say without one iota of concern that my words will be contradicted in the future, that food processing as we know it in Manitoba, over the next 20 years will disappear, it will be gone, because in Washington State they produce 27 tonnes of potato per acre and we produce about seven. Those comparisons go down the line when it comes to the production of vegetables, the production of fruit, seasonal vegetables, and there is no doubt where you have that kind of agricultural advantage there is going to be production. The production that can serve the United States can very simply and easily serve the Canadian market. So we are going to lose in many sectors of our economy because of the Free Trade Agreement.

The Minister of Justice (Mr. McCrae) may believe that the introduction of The International Sales of Goods Act is somehow going to speed us on that process, but he is wrong in that as well because if you look at the Bill very closely, page 31 of the Bill, Part IV, Final Provisions, says quite exquisitely, This Convention does not prevail over any international agreement which has already been or may be entered into and which contains provisions concerning the matters governed by this Convention, provided that the parties have their places of business in the States party to such agreement.

\* (1610)

In other words, the Free Trade Agreement overrules all of the provisions of this convention. The Free Trade Agreement is an international agreement by definition, and this convention, Article 90 says this convention does not take precedence over that kind of legislation. In principle, one would have to ask what is the point of adopting a convention which, in effect, will have no

impact on the trade between ourselves and our largest trading partner? The Free Trade Agreement overrides all of the provisions of this particular convention. Clearly we may decide in the final analysis to proceed to support this legislation, but it is going to be of no effect when it comes to the many kinds of trade that we do with our largest trading partner.

Also of concern, Mr. Deputy Speaker, is Clause 5 of the legislation which says: "Conflict of Laws. Where there is a conflict between a provision of this Act and a provision of any other Act of the Legislature, the provision of this Act prevails." Now that is an extremely insidious kind of a provision. This Act overrides any provision of any other Act of this Legislature.

Now I would be willing to wager that the majority of Members in this Chamber do not have sufficient knowledge of international law or contract law to say with any degree of certainty that there is nothing contained within this Bill which we would not want to override existing provisions of other Acts. I mean we have a Fair Trade Practices Act in this province which gives the Minister of Consumer and Corporate Affairs (Mr. Connery) considerable power. The Minister of Consumer and Corporate Affairs can, if he wishes, order prices to be stabilized, to be rolled back. He can order enquiries into pricing. He can order examination of the books of corporations involved in sales in this province—tremendous, tremendous powers—perhaps even order the review of individual contracts if they are of significant enough magnitude.

If the Minister of Consumer and Corporate Affairs believes that it is worthy to examine a contract of the sale of electricity, or the sale of wood pulp on an international basis, he believes that sale will jeopardize the long-term economic well-being of the province, he has the power to do that. If the Legislature passes this Act, Section 5 says, "Where there is a conflict between a provision of this Act and the provision of any other Act of the Legislature, the provision of this Act prevails."

Now I want the Minister of Justice (Mr. McCrae) to assure this House and to assure myself, as an individual Member, that there is nothing in this Act. I again say, Mr. Deputy Speaker, that it is an extremely extensive document. This particular piece of legislation is some 36 pages of detail. I certainly am not a contract law student, nor do I pretend to be, but I want to be assured that there is nothing in this Act which could be used at some future date to override provisions of The Fair Trade Practices Act, The Workers Compensation Act, The Manitoba Retail Sales Tax Act, the whole host of Acts which make up the Statutes of the Province of Manitoba. Can the Minister assure me that that is not going to happen?

I would be certainly interested in the Minister of Justice reviewing in particular the Acts that fall under the jurisdiction of the Minister of Co-operative, Consumer and Corporate Affairs (Mr. Connery). All of the Acts which affect trade and commerce in the Province of Manitoba need to be reviewed in light of the provisions of this Act. Now I am not saying for a minute, Mr. Deputy Speaker, that there is anything in this Act which jeopardizes sale, trade, commerce, personal contracts, whatever, in the Province of



Manitoba, but I am saying that that provision is extremely strong, extremely strong, and it appears at least to me to be extremely strong, and I simply want that assurance.

It may be quite possible for the Minister of Justice to give me those assurances, and I look forward when the Minister of Justice concludes debate on second reading to give us those assurances. I hope at least I have made a prima facie case for that kind of investigation, a thorough investigation.

Mr. Deputy Speaker, no one would argue with the principle of establishing international rules of trade and international rules governing contract between parties. It is a noble objective. What I am concerned about is that we, in the context of world trade, are a relatively small entity, a relatively small actor on the world stage. It is very easy for the Minister to come forward having adopted—on the advice of some so-called expert on international trade or contract law suggesting that we adopt this particular schedule, submitting it before the Legislature and having us proceed to debate it in a perfunctory kind of way and pass it, and then find out several years later that there are some overriding problems that we have created for ourselves, unwittingly perhaps.

So, Mr. Deputy Speaker, that is one area that I want the Minister of Justice (Mr. McCrae) to provide some feedback. The Minister of Justice, I know, will heed my words and I am confident, before this Bill proceeds to committee, will answer that question in particular.

Mr. Deputy Speaker, the second question that I have and I would like the Minister to answer is the question of whether any of the general provisions of this legislation—and they begin on page 5 through page 7—are in any way divergent with the general legal provisions governing the signing and execution of contracts in Canada. Are we doing anything different or extraordinary when it comes to Canadian law governing contacts?

Finally, Mr. Deputy Speaker, although perhaps if I had read the Bill more carefully I could have answered this question, in the event that there are disputes arising, how are they adjudicated? Are these matters, because this is an international covenant, dealt with in some way which is outside of the normal court process in Canada? How are disputes dealt with? The Minister perhaps can provide us with a brief explanation of the process for resolving disputes under this legislation. I am assuming that if the contracts are between two entities, two parties, two states, some level of court will ultimately be the arbitrator, but how does that flow?

If my constituents want to know how this particular legislation is going to affect their lives, or their business transactions, or what impact it will have on their export business in particular, I want to be able to tell them, yes, here is what the legislation means, here is how disputes are going to be settled, here is how this particular act is going to be interpreted. As I say, it is somewhat confusing because the legislation is being presented and no amendments are being allowed. We know that the legislation can be overridden by international agreements. Heaven only knows how many

international agreements, trade agreements, contract agreements, whatever, Canada has signed independently of this convention already.

For all I know, Mr. Deputy Speaker, Canada may have similar conventions already in place with, for example, Commonwealth countries. Commonwealth countries have been doing trade on a co-operative basis for many, many years, and are there other conventions already in place that may conflict with this one? Do we know that and can the Minister of Justice (Mr. McCrae) provide us with that kind of information?

\* (1620)

Mr. Deputy Speaker, there are several other provisions, parts of this Act which I think bear looking into, as a former colleague in this Legislature used to say. Certainly, the parts on sale of goods and obligations, the seller act, as far as I can understand them, are straightforward and follow along normal contractual obligations, but some of the other provisions when it talks about the force of this legislation versus other agreements and other legislation are not so clearly spelled out, nor are the impacts of this legislation, or have the impacts of this legislation been spelled out by the Minister of Justice (Mr. McCrae) in his opening remarks.

Mr. Deputy Speaker, we in the New Democratic Party are obviously going to withhold judgment on this legislation until we have heard the remarks perhaps of other Members and other Members of the Government. On the surface, as I say, it would be difficult to, in a simplistic way, say that we are not supporting it. Obviously, it is a United Nations Convention. It has been put together with considerable thought and I hope good will on the part of many nations and many states.

I assume, although I do not know the exact date that this convention became part of the United Nations covenant. I am assuming that it has been in existence for a number of years, and I can only assume that there have been very few problems with the convention itself. I assume that it is working to the advantage of trading partners everywhere in the country, or everywhere in the world, I should say.

We certainly support the idea of standardizing our trade practices whether it be goods and services, or goods or services around the world. I think there are many advantages to doing that.

Having said that, Mr. Deputy Speaker, I do not think that means legislators need to rubber stamp any piece of legislation that comes before us. I think we ought to think critically about the pros and cons, think critically about the long-term implications of what we are doing.

I have said on other occasions that we are asked to pass dozens and dozens of statutes in a year, and we can only hope that we have not only considered the immediate impact of pieces of legislation, but the long-term impact because we leave behind us a legacy of legislation that, in many instances, lasts for not only decades but generations. We certainly do not want to be passing pieces of legislation that are going to hobble or inconvenience or detract from our trade effort in whatever ways that we engage in that trade.

So, Mr. Deputy Speaker, I have left on the record a number of questions for the Minister of Justice (Mr. McCrae). I know that in the past he has been extremely forthcoming when we have asked these kinds of questions, and I leave it on the record that I am anticipating the same kind of co-operation this time. I expect responses to the questions that I have raised, and I know that other Members will also be raising similar kinds of questions as we proceed to debate this legislation. Thank you, Mr. Deputy Speaker.

**Mr. Kevin Lamoureux (Inkster):** Mr. Deputy Speaker, I move, seconded by the Honourable Member for Selkirk (Mrs. Charles), that debate on this Bill be adjourned.

**MOTION presented and carried.**

### **BILL NO. 8—THE ENDANGERED SPECIES ACT**

**Hon. Harry Enns (Minister of Natural Resources)** presented Bill No. 8, The Endangered Species Act; *Loi sur les espèces en voie de disparition*, for second reading, to be referred to a committee of this House.

**MOTION presented.**

**Mr. Enns:** Mr. Deputy Speaker, I have introduced this Bill for the Member's consideration. This Bill, I think, when taken in context with other measures that are being introduced into this Chamber, and in fact, some specific program development and program expansion all form, I believe, a very credible indication of this Government's seriousness in moving on all fronts to protect, to enhance, to conserve that whole area of what we call our natural environment, both in animal species and in flora and fauna, that I think when viewed in its context will put Manitoba in the forefront of ensuring that proper care, proper attention, is not only being given kind of rhetoric and lip service to but is in fact by law being carried out in this province of ours.

The Bill before you is precisely what it says in its title. It is a Bill that includes, as I said, species of flora and fauna threatened with extinction which are not currently protected under existing legislations, such as you might find, and there are some references to protection of certain aspects of our natural resources in other Acts, such as wildlife, but not specifically so as we are doing in this Bill.

(Mr. Speaker in the Chair)

There is the recognition that conservation measures in the past have not been rigorous enough to prevent deportation of species in habitat and that in order to preserve endangered species there must be a legislative framework with measures for their protection and prosecution of offences.

Mr. Speaker, I want to acknowledge, with no difficulty at all, that this legislation was in the process of being considered by the previous administration, and I want to acknowledge the work that they had done in the preparation of the Bill. The Bill has undergone some further refinement, some strengthening, and it is my

hope that this Bill will make Manitoba a jurisdiction where we demonstrate, as Government, our concern for that and those parts of our natural environment that we feel require that protection.

I know we have used these terms and they have become known to us, but among other things that the Bill does is it sets out precisely in legal terms what we mean under this Act when we refer to an endangered species, an extinct species, a threatened species, and there are very specific variations that are set out and will be set out in the regulations attached to this Bill that help us to clearly understand the different categories of species, both flora, fauna, wildlife and land, that this Bill encompasses.

\* (1630)

We provide in this Bill the opportunity for the Government of the Day and Minister of the Day to appoint and establish an advisory committee to be known as the Endangered Species Advisory Committee.

Mr. Speaker, more and more as we in Government seek to reach out and encourage the co-operation of our citizens in carrying out the objectives of legislations such as this, it has to be recognized and is recognized by myself, as Minister, and by this Government, and specifically by the legislation that I am presenting to the House, that this cannot be done by Government alone or by the Department of Natural Resources alone. We have to create the kind of legislative framework that enables us to reach out into the community and tap the resources of the growing number of people, knowledgeable people who are willing to assist Government in carrying out the objectives of a piece of legislation of the kind that I am introducing to the House this afternoon.

Mr. Speaker, I indicated to you just a moment ago that the Bill is very, very inclusive. We think of endangered species; we think of a particular species of bird life or animal life that has made the headlines or the international news. This also cites specific plant life and, as I already mentioned, land in itself that may be required for the preservation of an extinct species. This Bill empowers the Government with expropriation powers that it felt necessary to carry out the objectives of this Bill. That pretty severe measure has to be undertaken. This Bill enables the Government and the department to do that.

Mr. Speaker, the Bill is very specific about the prohibitions in it. No person shall kill, injure, possess, disturb or interfere with an endangered or threatened species; destroy, disturb or interfere with the habitat of an endangered or threatened species; damage, destroy, obstruct or remove a natural resource on which a threatened or endangered species depends on for its life and propagation. There are broad implications to this Bill. They have to be there if we indeed are serious about providing this kind of protection for those species that are categorized within the Bill. That will come to our attention and they will change of course as we continue to, regrettably in too many instances, affect our natural environment and put other species currently not now at risk, but put them on the list as

described in this Bill as either being threatened or being in fact endangered.

Mr. Speaker, the Bill carries on with, I suspect upon examination by Honourable Members opposite, some very substantial penalty clauses for offences that are made against the provisions of this Bill, fines for instance on the order of \$5000, imprisonment. In the case of corporations the fines are considerably higher, ranging in the \$50,000 to 100,000 mark.

I appreciate that tradition and Rules of the House have it that we speak in general terms of principle of a Bill at this stage of a Bill's deliberation, but I think it is fair to say that in citing some of these specific passages of the Bill it indeed is a principle of the Bill to indicate that it is a very serious measure that we are introducing, indicating our very serious concern and determined desire to put the necessary bite, if you like, into this legislation to see that we are in fact affording those species that are listed or fall under the category of endangered, of threatened species, that they be provided with that kind of protection under the Bill that I am now introducing.

Mr. Speaker, as I said at the introduction of the Bill, I am privileged to introduce this piece of legislation for the first time to the Province of Manitoba. I believe that when we place that alongside of some of the other initiatives that I am undertaking, as Minister of Natural Resources with the support of my Government and Cabinet, we will have a framework of both the legislative programs and actual program delivery within the department that can stand the light of scrutiny by, in the first instance, those of our citizens who have in the past, and some with increasing determination, pressed Government for action of this kind, that we in fact will be able to demonstrate the kind of concern that, in my judgment, our natural environment deserves, particularly as we move into the 1990s.

Mr. Speaker, with those few comments, I commend this Bill to Honourable Members. I would hope that it would receive the support of all Honourable Members. It is a Bill that I think we can be justly proud of if it moves through this House expeditiously. I suspect it is a Bill that will receive considerable interest at committee stage. We have a number of organizations, volunteer organizations, professional organizations, that have helped in the design of the Bill and I know are keenly interested in the Bill itself and into the formulations of the regulations that will be flowing from this piece of legislation. I look forward to hearing that representation at committee stage, as I am sure other Honourable Members are.

With those few comments, Mr. Speaker, I invite Honourable Members to make their comments on the Bill and hopefully secure safe and expeditious passage through this House. Thank you.

**Mrs. Gwen Charles (Selkirk):** Mr. Speaker, we in Manitoba have been very privileged, although somewhat jaded by the end, of having the visit of two pandas from the Republic of China. The pandas were brought here certainly as a tourist attraction and I guess that is why I mean we were jaded by them at the end. Some

of us were getting pretty sick of seeing pandas all over the place, but there was a really true meaning why the pandas were here, and that is because they are an endangered species.

As cute and cuddly and attractive as they are, it would be a sadder world to see them disappear from the face of the earth, and I do not think that any of us can truly fathom the idea of having a species so attractive as that not here any longer, not to be enjoyed. They are disappearing because their habitat is changing and because they are being crowded out and stressed by the lifestyle that this world is producing.

But not all endangered species are indeed animals, nor are they all cute and cuddly, nor are they all in China or somewhere else. We can find endangered species, as you well know, here in the City of Winnipeg, and outside and beyond. It does not go very far away from our back door until you find how much we are encroaching upon what nature has provided, and for these reasons I very much support the introduction of this Bill and would add to the Minister's comments, congratulations to the past Government that saw the initiative and was working upon it.

\* (1640)

We wish it had been brought in two years ago. Three years ago would have been fine because we would have made that much more advancement, learned how to work with the Bill, to regulate it, police it, and it would be in place and being effective. But we are dealing with it today and I hope that we will see it through by the end of this Session, that we will hear all the presentations the various groups will be making to us, and that we will learn from them because we are not able, unfortunately, to see the world, even within our province, as closely as we all would like, because there is so much varying terrain that it cannot be protected under only one act and law. We have had The Wildlife Act in place which has given some protection to certain animal groups, but there also are the many areas which were not protected under The Wildlife Act and this is the reason, I am sure, this Act is coming into place.

In committee we will be discussing with the Government some of the problems that could possibly arise with having the two Acts in place, and I would like to discuss that with the Minister and his colleagues how these will interplay and what retractions may be necessary in order to make them both efficient.

I certainly am pleased to see an advisory committee established. It is quite true, as the Minister says, there are many people out there who have particular knowledge of one aspect of our natural wildlife, flora, fauna, and animals as well.

They know on an intimate basis quite often of particular areas that should be protected, enhanced and encouraged which others, even experts, may not even know of. I was very pleased, and when I was on the town council in Selkirk to be able to initiate a process which I understand is finally coming into place, where we are declaring within the Town of Selkirk an environmentally significant area. In researching that area we found out there was one plant life in there that

is very seldom found this far north. I think it is an example of how within even communities where we consider them reasonably urban that we can find along the river banks, within the swampy areas, maybe even perhaps in back lanes, species that have some importance because of their uniqueness. There is going to be definitely problems when habitat of mankind and habitat of nature comes into conflict.

I recall a couple of years ago hearing at an Environmental Council meeting that on the endangered species list was the same weed that was on the noxious weed List. Those are problems we are going to have to deal with, where one person's weed is another person's endangered species. That can become a problem and a headache for any Government to deal with, I am sure.

So it will have to be a reasonable legislation that comes through and understanding what protection is. I think there are problems in selling it to the public, not to say that I degrade the public's desire to make tomorrow a better place because I think they are becoming environmentally aware, probably more so and faster than we in this House are acting.

There still is that problem out there of if it is in my backyard and I do not want it, it should not be there, and as we hear of the elk coming down onto the Duck Mountains and giving the farmers problems, and I understand their problems, we also can have a noxious weed in one farmer's yard that is an endangered species as well. We are going to have to deal with how we treat animals, wildlife and so forth, in a world where we exist as well.

We will have to make sure that the people realize that the environment is not just sewage, recycling, smog, chemicals; that the environmental is, well, that beautiful side that we are talking about today, the fauna, the animals that we see, that we take for granted, that are disappearing from this earth, from what I have read, at times a species a day, and that is shocking to even think in my mind that there are that many species that they can disappear so quickly. We are an endangered species ourselves if we allow this to continue, if we allow that organisms off this earth are allowed to drop off because they are not important to us because they do not deliver to us on a day-to-day basis.

In fact, in the ecological chain of things, everyone has an importance and if we disrupt that chain then we disrupt our lives eventually. I think that will take a selling point to the people that we cannot just put this Act in and expect it to be there and shock people when we find them eventually, but that we will have to take it to the schools and the churches and the community halls and let them know what an endangered species is, what a threatened species is, and what this Act is about. Give the power to the people to enforce it, because they understand and believe it to be the best system for our province.

I think we will have to look at many things we do in this province, our means of hunting, trapping and having people live off our wildlife as well as encouraging our wildlife. They are the people that will do it, the hunters and the trappers, and to encourage them to be part

of the committees that we set up so that they will feel part of this process and not feel as if they may be trapped by it themselves, and that they will be encouraged to be the policers of the Act in the day-to-day processes of it.

When we look at the enforcement that will go on in this Act, I will look forward to the regulations and the means by which that is done, because we cannot have an Act that is not enforced, or else we are making it laughable, and this is not an Act that should be laughed at.

It is interesting that the Government will have power under this Act to acquire by purchase, exchange or expropriation areas of land that should be protected. I hope that will be used from a day-to-day basis, and I understand the reasons. We see much of our Crown lands being sold back to people on lot-by-lot sections, and indeed I have seen river lots or sections of riverbanks being sold off or given away to other usages.

So I hope that the Government will look forward to encouraging development of our natural wildlife within land that they can purchase back and keep our bank of precious lands well stocked. Precious lands do not have to be a wilderness that we see beyond the lakes.

The wildlife environment does not start at the top of Lake Winnipeg. It starts where the beginning of the world starts, and if you can find that you will find the beginning of the wildlife. So it has to be encouraged within the city.

Omand's Creek area has to be considered as precious. We have to take stock and value what we have. It will be interesting to see how we find out where these endangered and threatened species are. I think we know the larger animals, we have some control of mapping them, but how do we find and locate the endangered flora and fauna. There are areas such as I said in Selkirk that no one knew existed, but are coming out. So this will have to be part that will be encouraged through this legislation.

Under the definitions within the Act it is interesting to note that the eggs, larvae and other forms of developmental life are protected, and that is an admirable beginning, but it will be interesting to see how that will be enforced and we will look forward to discussing that with the Government. The protection of items you may not be able to see will be very difficult perhaps in forests.

So we look forward to discussing this Act a bit further, to understanding how it will be enforced. We have no overall complaints, but discussion points that we would like to bring forward. It will be a pleasure to be a part of the passing of this Act in its entirety, and we will hope that it will have an effect upon the future of our province.

I congratulate all those who have put it together. May we make it just a little bit better, improve it and get it through, so that we may have a better future.

\* (1650)

**Mr. Harry Harapiak (The Pas):** Mr. Speaker, I am pleased to stand and make some comments on Bill

No. 8, The Endangered Species Act. The previous Minister of Natural Resources, the Member for Dauphin, was prepared to bring this in during our last term of Government, but we never had the opportunity to bring it through, and then there was some discussion of us bringing it through as a Member of Opposition. I am pleased that the Minister of Natural Resources (Mr. Enns) has chosen to bring this Bill forward at this time.

I would like to give credit to the former Member for Inkster, Don Scott. This is one area that Don had an extreme interest in, and I know that anytime this subject was discussed at our caucus meetings the former Member for Inkster always made a great contribution. He had a real good understanding of what this Act meant for the preservation of not only wildlife and plant species but what it meant to the overall environment as it affected mankind. Don was very instrumental in making some suggestions when we were in the process of formulating this Bill because of what some of the areas are that we should be dealing with. I am sure that if the former Member for Inkster was still here he would be standing and giving his thoughts on this Bill. They were certainly many.

The Minister rose and spoke and he gave credit to the previous people who had done a lot of work on it, and it is great to see him acknowledge that. I know that some of the areas in the Act have been changed a bit, and there are other areas that when you give it sober second thought you wonder if there should be some further changes made. For example in 12(1) Exemptions of Developments, the Minister may exempt an existing or proposed development for the application of the Act if the Minister is satisfied that those conditions are not met.

I am wondering, I know when we were proposing the Act that is the way it was written, but I am wondering now, on looking at it further, if it should not be left to that committee, maybe that committee that the Minister talked about establishing and which is referred to in this Act, if the committee should be making the recommendations to exempt the developments. I think that would have an opportunity for more widespread debate for the Minister and for the committee to be making recommendation to the Minister for exemption. I think that the Minister should take that under consideration, and maybe that is one of the changes he could contemplate bringing in.

I guess when you talk about the whole area of endangered species, and having been brought up in a rural background, I think that I have a good understanding of some of the areas that are endangered. I guess one of the species that I am particularly interested in is the whooping crane. As youngsters we used to trap them every spring. Their flyway was in the area of our farm where we were raised in the Swan River area. Cowan is where we were raised. Every spring we would see those birds and we would be in touch with the National Audubon Society and let them know when there was an increase in the numbers of the whooping crane.

I just read or saw a television program on the whooping crane the other day where it showed that the whooping crane are making a great recovery, not

a great recovery but they are recovering, and they are still on the endangered species list, but they certainly have been making a bit of a recovery. There has been co-operation between many countries on this particular species so I know that there is room for co-operation from across the different countries to preserve some of the species that are being threatened.

I guess one of the other species that there are some discussions on whether they should be put on the endangered species is the prairie chicken. I know when I was a youngster they were extremely plentiful, but then it got to the point where both the prairie chicken and the grouse were not readily available, and I think the reason for that was because of some of the pesticides and the chemicals that were being used for spraying of the crops on the farms were also affecting the strength of the eggshells that the birds were laying and therefore they were not of sufficient strength to allow the adult bird to sit on the egg without breaking them. So it seems that now DDT has been removed from use in many areas they are on the comeback. I think that many of these birds will be coming back because of the fact that now the DDT has been cut back in the use.

There are many parts of this Bill that merit discussion. I guess one of the areas that the Minister spoke about is the implementation of a committee. I think that the Minister should look very strongly at setting up committees of the aboriginal people in areas that are affected when we are setting up not only the protection of the birds, but also we want to make sure that the Native people are involved when we set up an area as a designated area for endangered species. Quite often their way of life is being affected and if they are part of the decision to set aside an area because of an endangered plant species or animal species, I think they will be much more co-operative, and I think they would make a contribution into the preservation of these species as well.

So, I would hope that the Minister, when he is setting up the advisory committees, would take into consideration to have as wide a group from society as there is out there, but to make sure that he includes the aboriginal people.

As I mentioned earlier, we had intended to bring this Act forward when we were Government. The Member for Dauphin (Mr. Plohman) had the Act prepared and we were going to be bringing it forward in the last year that we were in Government, but unfortunately we did not complete it. During that time, prior to bringing the Act in, we had already started the consultation process, so I would hope that the Minister would continue these consultations. I know that the same staff are in place so I know that they know what groups have been talked to. We should make sure that the process is carried on.

In the part of the Act where it talks about administration of the Act, the officers have the powers and the duties of an officer under The Wildlife Act. I think that quite often some of these powers of the officers of The Wildlife Act are brought into question by some of the people who are affected by the strength of The Wildlife Act.

Mr. Speaker, I notice that it is five o'clock, so I will be continuing my comments on this the next time there is an opportunity. Thank you.

**Mr. Speaker:** When this matter is again before the House, the Honourable Member will have 31 minutes remaining.

The hour being 5 p.m., time for Private Members' Hour.

**PRIVATE MEMBERS' BUSINESS**  
**PROPOSED RESOLUTIONS**  
**RESOLUTION NO. 2—RESTAURANT**  
**ALLERGY MENUS**

**Mr. Speaker:** On the proposed resolution, the Honourable Member for Sturgeon Creek, Resolution No. 2. The Honourable Government House Leader.

**Hon. James McCrae (Government House Leader):** Mr. Speaker, I believe I can state agreement reached amongst the House Leaders that the resolution standing in the name of the Honourable Member for Sturgeon Creek will not be proceeded with today but, by leave, that resolution will retain its place on the Order Paper.

\* (1700)

**Mr. Speaker:** Is there leave so that the proposed Resolution No. 2 remains standing in its position, shall retain its position? (Agreed)

**RESOLUTION NO. 3—APPOINTMENTS**  
**TO BOARDS, COMMISSIONS**  
**AND AGENCIES**

**Mr. Speaker:** On the proposed Resolution No. 3, the Honourable Member for River Heights.

**Mrs. Sharon Carstairs (Leader of the Opposition):** Thank you, Mr. Speaker.

WHEREAS appointments to boards, commissions and agencies are made on the basis of past service, loyalty or financial assistance by individuals to the governing Party rather than on skill or knowledge; and

WHEREAS public boards, commissions and agencies fulfill an important function in Manitoba and should make informed and competent decisions; and

WHEREAS the ideological commitments or inability of politically appointed Members may hamper the quality of decision-making by boards, commissions and agencies; and

WHEREAS these patronage appointments have reflected negatively on the credibility of boards, commissions and agencies.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba recommend to the Government that a method be devised to

ensure politically neutral appointments to boards, commissions and agencies following the next election to be based on standards and criteria developed through consultations between the Parties of this Assembly and agreeable to a majority of the Members; and

BE IT FURTHER RESOLVED that these standards and criteria be applied by a proposed committee of the House to approve Government nominees to boards, commissions and agencies; and

BE IT FURTHER RESOLVED that existing legislation and policies respecting appointments to boards, commissions and agencies be amended to reflect these new appointment arrangements; and

BE IT FURTHER RESOLVED that this Assembly recommend that appointments to boards, commissions and agencies be clearly identified and known perhaps in a manner similar to the American federal Government's "Blue Book;" and

BE IT FURTHER RESOLVED that this approach be evaluated after four years.

I move, seconded by the Honourable Member from Fort Rouge (Mr. Carr).

**MOTION presented and carried.**

**Mrs. Carstairs:** I thank the Assembly for the opportunity to address this issue today.

Regrettably, our historical political tradition has come under very negative scrutiny by the public as a whole because of our attitude towards patronage. I think we should all examine just what is patronage today and why it has come under that form of negative scrutiny. Patronage in historical and political terms has meant the appointment of one's friends and associates to serve in a variety of appointments made by the Government of the Day. All political Parties have been guilty of patronage. All political Parties have used it in ways which would lead to the credibility problem that we have, both at the provincial and the federal level in this nation of ours.

Patronage was used in the province in which I was born in ways that I think today would remain absolutely unacceptable to anyone in this Chamber and, indeed, the public as a whole. Elections would occur and full-scale departments of Government would be cleaned out. Everyone would lose their position. Appointments would be lost automatically upon an election night. We have matured, I think, all political Parties are trying to achieve a way in which those types of activities no longer happen with that kind of full-scale massive slaughter, if you will, of often innocent victims who have served their communities well, both in paid and non-paid positions.

But I think it is time to move a further step, and the reason that we have chosen to introduce this resolution and to make the resolution effective only after the next election, Mr. Speaker, is because we do not want to cast aspersions on any political Party that is presently

in operation anywhere in this nation and indeed in this province because that is not the purpose of this particular resolution. The purpose of this resolution is to try and find a way together to make appointments that will reflect the best interests of Manitoba. How to make appointments only that represent highly skilled individuals, competent and capable of performing in those boards and commissions which we establish in this province.

Mr. Speaker, a Government of the Day has the authority to appoint almost 600 people to boards, commissions and bodies. Six hundred people, the day that a Government change hands, can be thrown out of office even though they may well have served very useful purposes, very useful functions and have contributed very wisely to the affairs of the Province in Manitoba.

We have gone beyond that, Mr. Speaker. We have actually appointed our own Members to boards and commissions and I object to that. I do not believe that Members of the Legislative Assembly should be serving on any board or commission and I have made that known in the past.

What I would like to see us do is to come up with objective criteria for these boards and commissions, what kinds of individuals should serve, should there be labour representation for example, should there be consumer representation on a particular board whether it is the Manitoba Telephone System or whether it is the Intercultural Council or any other board that may be within our purview to make appointments to.

I would like to reflect for a moment on some of the very excellent appointments made by this Government, because they have made excellent appointments, and when they have made those excellent appointments, those individuals would have passed any scrutiny of this Chamber or any committee of this Chamber.

No one, I think, raised any complaint about the appointment of Jerry Mercier as Chairman of the Manitoba Liquor Commission, nor should they have.

**An Honourable Member:** That is not true.

**Mrs. Carstairs:** Well, no one over here did. Excuse me, Mr. Premier, but we did not, and we specifically did not because we recognized him as a competent member of this Chamber.

There were other individuals appointed, Jack Fraser to the round table on the economy. No one is going to question the capability of that particular individual as a member of that particular round table, and he would have had no difficulty meeting the most detailed scrutiny, quite frankly, Mr. Speaker, by any Member of this Chamber.

Bob Vandewater who ran against me in the River Heights constituency, was appointed to the Manitoba Health Services Commission, and when I was asked about that appointment, I said it was a good one. I said it was a good one because I knew that he had served on the board of the Health Sciences Centre, I knew he was knowledgeable in health care issues, I

knew he had a business expertise, I knew he could bring both of those experiences to the Manitoba Health Services Commission, and I knew that he would be a good board member.

Those kinds of appointees are good, genuinely-made appointments and they should and would come under scrutiny in such a system as we envisaged. They would pass, and they would pass with flying colours.

But what we must do and what we have not yet done is we must appear to have objective criteria and we must establish that objective criteria. That is not what is presently available. When we establish, as we have established in this province, a man in charge of all of these kinds of appointments, and he himself has been actively associated with one political Party, and he puts on his committee everyone who has been associated with that political Party, then we leave ourselves open to the accusation that they are all political appointees. Indeed we know that some of them have been.

But I have been concerned that boards have been underrepresented by the very people who we feel should be on those boards. We believe that it makes sense to have labour representatives on boards. We thought it made sense when the new Manfor boards were announced prior to its sale, that Manfor board should have a representative from the Native community and there was no representative from the Native community on that particular board.

\* (1710)

We were concerned when the group that was to investigate complaints under The Mental Health Act were thrown out before any evaluation was done in terms of their qualifications to hear appeals, no studying, and the result was that for a temporary period, according to the Minister of Health's own admission, we were in violation of the Act, because the individuals who were to hear appeals could not hear the appeals, because they had not received any training. That occurred because we changed all of the personnel of that particular board overnight and we did not give ourselves the lead time to make sure that the competent personnel were in place so that we were not in violation of the law.

We need to ensure that all of our Crown corporations, all of our boards, our agencies have people with great strength, and those strengths can come from a variety of areas. We must ensure that the level of skill development of those individuals is appropriate to the board or commission to which they are appointed. We must make sure that they have knowledge about the particular group to which they are to be appointed. So, for example, if it is someone to be appointed to an arts council or an arts board, surely we would be looking for someone who had been involved in art, who had been involved in perhaps an educational function attached to the development of our artistic community, had been a participant, had been indeed a consumer of that particular arts service, but more importantly that above and beyond all they wish to serve not the Government of the Day but the people of the Province of Manitoba. That and that alone should be the first

criterion, not that it is a favour to the Government of the Day, but that it is genuinely a desire on the behalf of those individuals to provide service.

We are not talking about boards, in many cases, that pay a lot of money. Some of them do not pay any. Some of them get \$100.00. Some of them get meals and transportation for the days that they sit on that particular committee. Still others, Mr. Speaker, if they sit on Crown corporations, do receive a much larger stipend, but the criterion for service must be their willingness to serve the province and the people and not the Government of the Day.

Mr. Speaker, I hope that all Parties can join with us in supporting this resolution and that we can look towards the next election so that appointments are made on the basis of this objective criterion and not on the basis of what they may have contributed to my political Party, or to the Premier's political Party, or to the Leader of the third opposition Party's political Party but that they are made because these people genuinely wish to be of service to the Province of Manitoba and that they have no objection to allowing their record to be held to public scrutiny and that they can be judged as wanting to serve a particular moment in time in the province in which they live and the people which they will represent.

**Hon. Gary Filmon (Premier):** Mr. Speaker, I am delighted to be able to participate in this debate. I might say that what I am going to say is precisely what I said before we were elected, since, and will continue to say, because I believe very strongly that the suggestions that are being put forth by the Leader of the Opposition (Mrs. Carstairs) are not the suggestions that will ultimately ensure that we have accountability in the appointments to these boards and commissions or the talent that she feels is lacking in these boards and commissions by virtue of setting up this so-called independent way of making appointments, because it has been my experience that regardless of who makes the appointments, there is politics involved.

It does not matter whether those politics are, as she is judging it here today, large "P" politics in accordance with a political affiliation or small "p" politics based on who you know, who your friends are, what your ethnic group relationship happens to be or whatever. There is always politics involved.

You look at the recommendations of the Law Society as to who they believe ought to be appointed as a judge or as a Queen's Counsel, there are politics involved, and whether it is the so-called old boys network, or whatever it is, there are politics involved. You look at anything, any business, any organization, there are politics involved, and you are not going to remove the politics by putting it into the hands of a committee that has the representation of all three Parties.

So ultimately he who makes the decision takes the responsibility, and whoever is in Government has to take the responsibility for those appointments they make, and the test of it is whether or not those people are performing in accordance with the public interest and doing the job as the public wants them to do.

This Government, like any other Government, will rise and fall based on the quality of their appointments and the appropriateness of their appointments to the boards and commissions, because we have boards that are handling hundreds of millions of dollars in annual revenues on behalf of their corporations that have billions of dollars in assets and I tell you this, Mr. Speaker, that the responsibility for their actions ultimately falls on the shoulders of the Government.

This I see is a way of getting it out from under the responsibility of Government. Whoever is there can say, well, listen, we did not appoint it; it was that committee. We did not have a majority on that committee, we did not have the final say on that committee. It was that committee that did it so therefore we take no responsibility for the fact that they made a decision, for instance, to invest in computers in South America, that kind of thing.

All you have to do if you want to look at how the public judges the actions of those who are appointed by Government is look at the last election campaign and what the actions of their Crown corporations did ultimately to them. If that was not one of the major issues in that election campaign, if you do not agree with that, then I think that you do not understand what that campaign was all about.

It was first and foremost a huge issue, and it was their appointments on those Crown boards that dragged that former Government down and resulted in their devastation. Similarly, I agree that this is an issue that crosses all political Parties, and believe me, the Liberal Party has equally the shame and equally the embarrassments of political appointments. You need only look at my friend next door to us, David Peterson and what the so-called Patricia Starr affair is doing to his Government. Political appointments and political patronage based on relationships of supporters to Government and you know full well that it crosses all Party lines. There is no question about that.

I take exception, I tell you, I compliment the Leader of the Opposition (Mrs. Carstairs) for her highroad comments. But, I tell you I take exception with the fact that the resolution does not bear highroad initiative because it says it already judges people as having been appointed without regard to their competence and capability. Obviously it is intended to try and embarrass or criticize this Government.

What does the first WHEREAS say? Appointments to boards and commissions and agencies are made on the basis of past service, loyalty or financial assistance by individuals to the governing Party rather than on skill or knowledge. Now that is absolute patent nonsense. The Leader of the Opposition carefully selected one or two names that she felt were not based on that kind of criteria. I tell her I will go through board by board, commission by commission with her and challenge her to tell me that these people are not competent to serve on these boards. Manitoba Public Insurance Corporation, now I will leave aside the employee representatives because those employee representative were not selected by the Government in power. I challenge her to tell me that Harold Thompson is not competent to be the chair of that



board. I challenge her to tell me that Ruth Konzelman, a competent businesswoman from Selkirk is not capable of adding the kind of dimension as a consumer, as a knowledgeable businessperson, as somebody from outside the City of Winnipeg to that board. I challenge her to tell me that Jack MacIver, former president and owner of a large automobile dealership does not have a very important perspective to add to the board of an insurance corporation that is dealing with automobile insurance, or that Don Penny, a senior partner in a chartered accountant firm in Brandon does not.

\* (1720)

I will go through every single one of them, whether it is Manitoba Hydro. Tell me that Dr. Harold Perkins, the former President of Brandon University, is not competent to serve on that board or Clyde McBain. There they are, these are the people, this is the kind of thing. Just as beauty is in the eye of the beholder, so is competence and suitability. The fact of the matter is that, ultimately, any group that you give us as an alternative I will start to pick holes in, just as you will. The fact of the matter is that you have to look at some broader categories. Every one of those suggested criteria that she has put forward in her discussion is what guides us in our appointments. We look at these things and say, do we have the medical knowledge in this area if it happens to be a board or a commission that requires medical knowledge? Do we have the labour input to this board or commission because it needs to have that kind of input? Do we have the business input? Do we have input in the arts community? When we look at those boards we constantly ask ourselves, do these people have an interest in and a knowledge about and a background in the arts community? Literally, to the person they do.

This takes a great deal of time. That is why there is a committee. That is why there are people who are considering that day after day after day. Quite frankly, I will have to go back to look at the comments that were made by the Leader of the Opposition (Mrs. Carstairs), but every time appointments are made by this side of the House they are criticized, either directly or indirectly, and when I look at the appointments that were made on judges that were announced last week, not by this side of the House, but by a Conservative Government in Ottawa, her critic, the critic for the Attorney-General said he did not agree with a couple of them and he did not name them because there were three. He did not say which ones he thought were not competent —(interjection)- Oh, he did, okay, all right. He did not think Mercier was competent.

That is the kind of thing we get into, you see. It is all shades and terms. Does he have family law experience? Well, what did he do in this Legislature but pilot through all of the family law legislation of the years 1977 to '81 that has been termed the best law in the country, defended day after day, week after week in this Legislature for months on end, explained, debated, discussed on public forums throughout this—do you recall who was the person who constantly talked about child welfare, about spousal abuse, about all of those issues to do with family law, was that individual? For months and months and years on end in this

Legislature he was seen as one of the two or three authorities in that areas over a period of a decade in this Legislature, but he is seen in their judgment, in their eyes, not to be competent.

Now, there is where you get into the judgment call. Rodney Mykle of Brandon not competent, despite his many, many years on the bench, despite his many, many years in practice, and all of those things, seemed to be not competent for that particular appointment, and it is all of those here.

A former provincial family judge not competent in the eyes of the Member for St. James (Mr. Edwards)—that is what we are up against. Let us remove all of the veneer from this resolution, because despite the fact that the Leader of the Opposition (Mrs. Carstairs) has taken a highroad approach in her comments, this is not a highroad resolution. This is a resolution that is designed to try and embarrass and criticize the actions of the Government.

It says: "WHEREAS these patronage appointments have reflected negatively on the credibility of boards, commissions and agencies." No, it is not the appointments that have reflected negatively. It is the comments and the insulting comments of the Official Opposition about those appointments, those innuendos and those insulting comments that were made for weeks on end. Every time an appointment was made during the past 16 months it was criticized, either directly or indirectly, by innuendo or by direct commentary by the Members of the Official Opposition. That is where the problem is, those holier-than-thou presentations of saying, oh, well, those are not quite good enough. They do not meet our test of standards.

Mr. Speaker, I could go through every one. They criticized Holly Beard for being appointed to the Telephone System. A lawyer from Thompson, a very competent woman was criticized when she was appointed. You look through them, tell me that Sam Shellenberg, who is the Executive Director of the Pembina Valley Regional Development, or Rubin Spletzer, a prominent businessman, or Edgar Penner, a construction person in Western Manitoba, or Patricia Graham who is very knowledgeable in farm finance and all of those things, all of those people. Tell me that they are inappropriate appointments.

The fact of the matter is they were all in some way tarred by the brush of the Leader of the Opposition (Mrs. Carstairs). When I responded last year—and I want to very, very quickly say to her that in no way is this a personal insult, or an insult to her family—but when I responded last year, publicly, when I was asked about their constant criticism of the appointments, and I said, how on earth could the Leader of the Opposition (Mrs. Carstairs), with a straight face, talk about our appointments as being pure political appointments and criticize them, tar them all with the same brush, when she, herself, was a political appointee as the Chair of the Unemployment Insurance Commission review board when she was in Alberta, and I said, when her own father was a political appointee as Senator. In no way did I mean that as a criticism of his ability.

The fact is, it is a political appointment, Senatorial appointments always have been and will continue to

be, until we make a change in our system. I believe we ought to make a change in our system and that is why I am for an elected Senate, but that is not an insult to his memory, or to his ability or her as an individual, or her family. When she makes the insult to all people, tars them with the same brush, as she did for the first number of weeks of the Session last year, on all of our appointees, it is an insult to the process.

What you have to do is allow people to demonstrate their worth, to demonstrate their value, and if they do badly, if they stumble and fail and the Crown corporations themselves stumble and fail because of the people we have put on, we, as a Government, will take the responsibility. We will pay the price. But I will give her one more example. She criticized us for saying that the Board of Manitoba Telephone System did not follow our direction in terms of the fax machine issue. Well, how are you going to get them to follow Government direction and policy if they are not responsible to you ultimately for their appointments?

The fact of the matter is, if they are appointed by some so-called objective third Party committee they will not necessarily follow the Government's direction. So you have to have a responsibility for the appointments, ultimately come to Government and Government has to stand or fall based on the credibility and the performance of those people they appoint. That is the way Government works in our parliamentary system. Thank you, Mr. Speaker.

**Mr. Speaker:** The Honourable Member for Fort Rouge, on a point of order.

**Mr. James Carr (Fort Rouge):** I wonder if the First Minister (Mr. Filmon) would allow one simple question, by leave. (Agreed)

**Mr. Speaker:** The Honourable First Minister (Mr. Filmon) still has 30 seconds remaining. The Honourable Member for Fort Rouge.

**Mr. Carr:** I was pleased to hear again that the Premier is in favour of an elected Senate. Would he agree that it would be an appropriate power of an elected Senate to advise and consent, as a voice of the people, to appointments of major commissions and boards of the federal Government, which has been suggested by many Senate reformers?

**Mr. Filmon:** Mr. Speaker, I do not know whether the Member for Fort Rouge (Mr. Carr) is talking about all appointments or only certain appointments or whatever. Where there is a very direct policy relationship with Government, where there are major things at stake, such as the operations of multimillion dollar and billion dollar Crown corporations, if you are going to take the responsibility away from Government to ensure that those corporations reflect the philosophy of Government and the directions and the priorities that they set, if what you are going to do is take it away from the responsibility of Parliament and Government, then I would not agree with it; but if it is something that adds to the process, I would be happy to consider it as an alternative way of looking at it. After all, we are looking

to the Senate to be more than what it has been to this point, to have more authority and responsibility and those are things that we would consider. But I caution him and say that, ultimately, Government has to be responsible for the actions of their boards and commissions, and if you take that responsibility away from them, then I say to you that the public has no one to look to for answers or to demand accountability from.

**Mr. Speaker:** For the record, the Honourable Member for Fort Rouge did not have a point of order. The Honourable Member for Flin Flon.

\* (1730)

**Mr. Jerry Storie (Flin Flon):** Thank you, Mr. Speaker. This is going to be an interesting debate and I want to, first of all, commend the Leader of the Opposition (Mrs. Carstairs) for introducing it in a non-partisan way and I want to commend the Premier (Mr. Filmon) for his comments. I think as I had drafted some notes for some things that I was going to say, the Member for Tuxedo (Mr. Filmon) covered many of them. Mr. Speaker, I think he touched—

**Some Honourable Members:** Oh, oh!

**Mr. Storie:** I do not know why there is—

**Mr. Speaker:** Order, please; order, please.

**Mr. Storie:** I do not understand why this comes—I do not know why this comes as such as shock, Mr. Speaker. In the last eight years I have agreed on one other occasion with the First Minister (Mr. Filmon).

Mr. Speaker, the fact of the matter is that the points that are raised by the Leader of the Opposition (Mrs. Carstairs) here merit some consideration. Unfortunately, I think the Leader of the Opposition, whoever else on the Opposition benches who is going to speak in support of this is suffering from a certain degree of naivety about the process and I think that the idea that somehow you are going to get more accountability out of a group of individuals who are appointed by a committee with no direct power or authority, either in terms of policy or in terms of the actions of an individual on a given board or commission, is missing the point.

The ultimate accountability is in the political process and the First Minister identified a case in point. Clearly, the 1988 election was, indeed about, in some respects, the activity of Crown corporations. It is unfortunate that the reputations, to some extent, of members, individual members on those Crown corporations, were tainted by some of the problems that were experienced by Crown corporations.

We learned ultimately, for example, that the board of directors of the Manitoba Public Insurance Corporation were not wrong in their assessment of the situation, that despite what the Opposition Members turned into a crusade, a public crusade, quite effectively, the fact of the matter is that the rates that were established by Autopac, the adjustments that were

made in terms of deductibles and so forth were required, and the Minister responsible for MPIC acknowledged that in committee, subsequent to his assumption of those responsibilities. But, Mr. Speaker, the fact of the matter is that politics is going to be involved at one level or another.

If you are going to have true accountability then the political process works for the time being, because despite the perception, perhaps, on the part of the public that somehow Crown corporations have failed Manitoba, quite the reverse is true. How Crown corporations that have operated on the basis of Government appointments have been extremely effective. Yes, they have made mistakes, but I pointed out on other occasions that the boards of private corporations have made the mistakes that Crown corporations have made look infinitesimal and insignificant. The board of directors of Inco, for example, have invested hundreds of millions of dollars in a project that turned out to be worthless. IT and T invested \$625 million dollars in a mill in Port-Cartier, Quebec that never made a tonne of paper.

Mr. Speaker, we sometimes lose sight of the fact that historically the appointments to our boards have been good. I am not saying that politicians from any Party do not use the opportunity of appointments to boards to raise criticisms, to highlight the fact that boards are changing things and identifying in the public mind that accountability is now open to question.

(Mr. Neil Gaudry, Acting Speaker, in the Chair)

For the Minister responsible for Manitoba Hydro (Mr. Neufeld) or the Government collectively to change the Manitoba Hydro Board, means that they are accepting a new responsibility for that board for the actions of the Crown corporation and for the actions of individual board members in their decision-making.

I find it somewhat ironic that Members from the Liberal Party continue to suggest that this is a way out of the dilemma. It is not increasing accountability whatsoever. The ultimate accountability is there now, that Governments account for not only their own actions, but the actions of their Crown corporations. That has been so in the past and it will be so in the future, and the fact is also that Governments direct Crown corporations.

There is a deal—a certain sense of hypocrisy that creeps into the debate when we have Members of the Opposition, the Leader of the Opposition (Mrs. Carstairs) demanding that this happen with rates and MPIC or that this happen in Manitoba Hydro or that this not happen in the Manitoba Telephone System, and yet saying we want independence on the part of our Crown corporations. We do not want Crown corporation boards who are ideologically sympathetic to the existing Government. I think that is a fallacy, I do not think that is going to create a better atmosphere in our Crown, nor do I think it is going to make them necessarily work to a greater extent in the interests of the people of Manitoba.

The First Minister (Mr. Filmon) also referenced a fact that they have a committee that looks after their

appointments. I am not condoning all of the appointments that have been made by this Government or, in fact, of our Government. The fact is that the vast majority of appointments did have some expertise, some experience, some skill and some knowledge that they brought to that particular position.

When the NDP was in Government we had a committee that established criteria for appointments to boards and commissions. I want to tell you that it was quite an exhaustive process. Of the hundreds of people that were appointed over the years of the NDP Government from 1981 to '88 at least, I can tell you that the appointments were done thoughtfully, and not always with the most politically appropriate individual.

I appointed Albert DeFehr to the Venture Capital Board, several other business people—Clyde McBain was on the gain sharing committee, dozens and dozens of people who are not necessarily of the same political persuasion, but because of their expertise were appointed to boards and commissions—lots of Government.

Mr. Acting Speaker, yes, we eliminated people over our tenure in Government who also made a tremendous contribution to their particular activity. The Government of the Day has eliminated people from virtually every board you can name who also made their contributions. But, the fact of the matter remains that there are many individuals, there is not just one who can make a contribution to a board.

I think that the process, while it may improved, has not failed us to the extent that perhaps Members in the Official Opposition would have us believe. That is perhaps because they have never been involved in the process, the process which is somewhat exacting and certainly lengthy when it comes to finding appointments for our boards and commissions. While I do not think we want to change the system to the extent where a committee with no real ongoing responsibility for the activities of those individuals, I think the idea put forward by the Leader of the Opposition, that we establish some criteria and that the Government take responsibility for defining individuals who are appointed by it to its boards and commissions, has some merit.

I think that it may be worthwhile looking at the idea of having a committee establish criteria for positions, but certainly the responsibility for finding the personnel to fill those positions and taking responsibility for filling those positions has to rest with the Government. I would be willing to bet, and the Premier has indicated his perception, certainly, that most of the individuals who are appointed by any Government have some degree of credibility.

My experience in Government certainly leads me to believe that most of the appointments, the vast majority of the appointments have done more than a credible job. They do have a commitment to the process whether they are paid or not paid. In fact, it is ironic but often true that many of the people who were appointed to boards for which there was no remuneration often did more work than those who were receiving some remuneration, tremendously capable and competent individuals who provided their services for the Province of Manitoba.

I am certainly sympathetic to the idea that public criteria could be developed in a broad sense which could be used, perhaps by us and perhaps by the public, to judge the appropriateness of the appointees, but that is as far, Mr. Acting Speaker, as I would like to see it go. I think that the accountability of Governments for their appointments is part of the political ambience of our system and I think, all in all, it has served us well. While we may be able to fine tune it and we may be able to develop a mechanism for allowing the Opposition and the public in general to assess the relative strengths of the Governments' appointees, the fact is that they have to make the decision and they have to be accountable. I think that is the way it has worked and it needs to work.

\* (1740)

Mr. Acting Speaker, I want to say as well that the idea presented by the Leader of the Opposition, that somehow the best candidate is necessarily the candidate with the longest number of degrees or the longest years of experience in a particular field, is not necessarily true. Sometimes on our boards and commissions we want a different perspective, and as an example the University of Manitoba, the university board appointments, Governments do make a significant number of appointments to university boards.

I want to tell you that it certainly does not seem logical on the surface that simply because university professors, university administrators, have the greatest experience, professional and otherwise with university settings, that they would necessarily be the best people to put on the board. I believe that we want to put lay people on the board of the universities. I believe that we want to put working people. I believe we want to put people who are not necessarily associated with the universities but want to be involved in setting new directions, new policies for those institutions.

It seems to me that if we are going to develop any kind of criteria on which to judge Government appointments, we might want to consider the possibility of including categories of people, categories of occupations, which are unusual, which do not always follow the traditional Civil Service mode of identifying the best candidates, that we have to leave ourselves open to the possibility that people can contribute to the development of policies and new ideas and innovations, and setting of new directions who do not necessarily on paper have the best qualifications. It has to remain possible for Governments to change the processes of those institutions by that means.

So while I sympathize with the sentiments that are behind this resolution, I think in practice it is leading us down the wrong way. I think in practice it is leading us to a situation where no one is, in effect, responsible for the appointments to our boards and our commissions. It is taking away the prime responsibility for those appointments and their actions from Government, and I think that is wrong.

Mr. Acting Speaker, I gather my time has expired.-(interjection)- Okay. Well, I have concluded anyway, and I look forward to the debate because I think this is an

interesting can of worms that the Leader of the Opposition has opened, and I look forward to the debate.

**The Acting Speaker (Neil Gaudry):** The Honourable Member for Inkster, on a point of order.

**Mr. Kevin Lamoureux (Inkster):** Just for clarification, I understand that we started off with the Official Opposition that introduced this particular resolution, and courtesy in the past has allowed the introducer to have two speakers on the resolution of the Party that brought it in.

**Mr. Steve Ashton (Thompson):** Mr. Acting Speaker, on the same point of order. I believe Beauchesne is very clear that it is the individual who catches the attention of the Speaker, and then certainly it is the discretion of the Speaker as to who he or she recognizes. So I would suggest there is no point of order. If the Minister of Justice wishes to defer to another Member, that is his right as a Member, but there is no requirement in our rules that there be any specific rotation.

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Acting Speaker, indeed it is a matter of who is able to catch the Speaker's eye in a situation like this. Very often in our debates House Leaders sit down together and work out a speaking order. Private Members' Hour is private Members' hour, and all Honourable Members speak as private Members in this hour. I do not feel that I am breaking any traditions by seeking the floor. I am very interested in this particular subject, very interested in putting my comments on the record.

I was on my feet prior to the Honourable Member for Flin Flon (Mr. Storie) speaking, so I certainly feel that I am entitled to take part in this debate.

**Mr. Acting Speaker:** I have recognized the . . . .

**Mr. McCrae:** Thank you, Mr. Acting Speaker. It seems sometimes in this democratic system of ours we have to fight for our rights, and I am prepared to do it any day of the week. I am prepared to fight for the rights of decent people in this province who are attempting to assist in the administration of public affairs. It is my right to stand and represent my constituents and others in this province, and I take pride in the fact that we live in this kind of country where our rights are recognized.

(Mr. Speaker in the Chair)

Mr. Speaker, I take particular interest in this debate, not because necessarily it is raised by the Leader of the Opposition (Mrs. Carstairs) through a resolution put down some months ago. I detect from the tone of her comments today that her position may have become a little less inflammatory over the last three months as she has learned more and more about public administration in this country and in this province.

I do say that some of the comments that have been made from Honourable Members of the Liberal Party

since this Government took office with respect to appointments to boards and commissions and even judicial appointments makes me feel that there is a certain lack of respect amongst Honourable Members opposite for good and decent law-abiding citizens in our province who wish, some for reward, some for little reward, some for no reward, to help out their fellow citizens by assisting the Government in making its decisions. No better focus could there be, Sir, for my particular complaint or my criticism of the Official Opposition than the appointment of Judge John Guy to the Provincial Court by myself, and the reaction to that judicial appointment by the Honourable Member for St. James (Mr. Edwards).

The Honourable Member for St. James, with all due respect to his experience and perhaps even age, takes considerable licence when he, from his comfortable seat, takes pot shots at the likes of John Guy, and at the likes of Rodney Mykle and at the likes of Gerry Mercier on their recent appointments to the Family Division of the Court of Queen's Bench, and recent appointment of Judge John Guy to the provincial Bench.

On behalf not only of those three gentlemen whose qualifications are well-known to everyone except the Honourable Member for St. James, I say that compared to those gentlemen the Honourable Member for St. James is a mere pup and does not speak well for his Party, does not speak well for his Leader, does not even speak well for himself when he makes the kinds of comments that I read in the daily newspapers about some of the appointments that have been made.

Now, the Honourable Member for Thompson (Mr. Ashton) sits in his seat and suggests that we have never made comments. Indeed, when comments have some basis in facts perhaps it is responsible to put them on the record, but to tell the public media that the likes of Gerald Mercier is not one who has enough experience in family law, or Rodney Mykle is not one who has enough experience in family law and so therefore they should not be appointed to a judicial position, is an irresponsible reaction. That is what is at the base of this debate, the reaction of the Liberal Party to appointments that have been and are being made by Governments other than Liberal Governments in this country and in this province. It is disturbing.

I think also of the fact that the federal Government has moved some distance in the direction of the suggestions made by the Honourable Member for St. James with regard to judicial appointments. The recent Law Reform Commission Report in the Province of Manitoba makes recommendations to move in that general direction, in the direction of the process set up by the federal Government.

I have to agree with my Premier when he says that no matter what system you put into place for judicial or other appointments, there is bound to be some politics that play a role, whether it be large "P" or small "p" politics. Now, the federal judicial appointment system has resulted, I suggest, in excellent appointments. It is not to say that system is perfect or is without politics, because I think every member of that five-member Judicial Appointments Committee brings to the deliberations in the committee certain

backgrounds and certain outlooks and certain views on these matters. Certainly the Bar Association has views to be brought forward, the Law Society has views to be brought forward, the judiciary has views, and so does any and every private citizen that might find his or her place on such a committee. Let us not fool ourselves, Mr. Speaker, that is a fact.

\* (1750)

So what does the Honourable Member for St. James suggest in its place? He suggests a nine-member Judicial Appointments Committee, seven of whom should be appointed directly by the Attorney General, and somehow thinks that is going to take the politics out of the judicial appointments process. I also agree with my Premier when he talks about accountability. Ultimately when mistakes get made or when criticism is to be levelled, there has to be a place to direct that to, and ultimately Governments are going to take responsibility.

Let us say a process was set up that seemed to be devoid of all politics, and appointments were made under that system, and then there was a time to be critical of the actions taken by the appointee, to whom do we direct our criticism but the appointee him or herself? I think if we are going to do that, when we find that we run into problems we are going to end up criticizing the process as well. So I think the position the Leader of the Opposition (Mrs. Carstairs) brings to us on this issue is a position that comes out of a lack of experience. It is also a position that comes out of perhaps some small degree of hypocrisy, having been the subject or having been a participant in the so-called old system, the system that we still have in operation here in Manitoba herself.

I think the question of responsible Government and our system of responsible Government has to play a role in the processes that we decide to use in the future. While we are talking about individuals, as Honourable Members opposite have been known to do, I guess immediately what comes to my mind is the newly constituted Law Reform Commission, the one that was destroyed by the previous Government and the one that was reactivated by the present one.

I wonder, because we do not have the kind of system in place that the Honourable Leader of the Opposition (Mrs. Carstairs) talks rather vaguely about, does that mean to say that Professor Cliff Edwards is somehow unfit to be the chairman of the Law Reform Commission? I do not think so. What is the Leader of the Opposition saying about Mr. Justice Gerry Jewers who is a member of that commission? In light of the work done by them recently with regard not only to their own legislation, The Law Reform Commission Act, but also more recently the report on the independence of the provincial judiciary, I wonder just what kind of message is the Leader of the Opposition bringing forward.

Eleanor Dawson, what comments might she make, because these people were not chosen by the system being suggested, or vaguely being suggested, by the Leader of the Opposition. And what of Pearl McGonigal?

I mean what comment does the Leader of the Opposition have on Pearl McGonigal? I mean if we can go down the list of every single appointment made since the previous Government took office, since this Government took office, and I really think that to take pot shots at the likes of Mrs. Polly Pow, for instance, a member of the Human Rights Commission, a resident of Neepawa, who I suppose as much for a wish to do something for her community and her province as for whatever small amounts she will be able to earn in the way of remuneration for her work on that commission, I really fail to understand the Honourable Leader of the Opposition.

Lucy Gosselin, another example, someone I know in Brandon who has been appointed to the Public Utilities Board. The word I get is that this person is doing excellent work for the board, for the Government and for the people of Manitoba.

I think of those who allow their names to stand on the Manitoba Police Commission, some of these are boards and commissions under the authority of my department. Those are the ones that come immediately to mind.

What about those countless men and women in our province who let their names stand or allow themselves or agree to be appointed to do important work for the people of Manitoba? I really think that the approach being taken by the Leader of the Opposition (Mrs. Carstairs) does a little bit of a disservice to the whole process of responsible Government and the participation in that responsible Government in a democratic society of the men and women who live in that society.

For my part, I can tell you my criteria, when I look at appointments to boards and agencies and commissions of Government, I like to think that in addition to the obvious requirement of a level of competence, Governments are responsible in this day and age if they are mindful of the fact that there are various groups in our society who need to be represented. I refer of course to men and women, and I refer of course to people who live outside the City of Winnipeg. I refer to Native people and to northern people, and to western and eastern people. All of those considerations, visible minorities and handicapped persons, all of these people should be thought about, and we should be mindful of those things when we are making appointments. To somehow suggest that because someone who has been known to some of

the Members of the Party in power at a particular time that that somehow, and that person is appointed to a board or a commission and that poisons the whole system, I say you are wrong and that is the wrong message to be bringing forward.

The Honourable Member for St. Norbert (Mr. Angus) is seeking the floor, Mr. Speaker. I have no intention of denying him the opportunity to speak. But as I said I like to have the opportunity to speak in this democratically elected place too and I think that I am entitled to. I do hope the Honourable Member for St. Norbert will make reference to some of the recent judicial appointments and maybe he will put the Honourable Member for St. James (Mr. Edwards) straight on that issue.

**Mr. John Angus (St. Norbert):** My comments, by necessity, will be very brief. I have had the privilege of working in the political arena as an independent city councillor for 12 years where I worked on many, many boards where many, many individuals were appointed simply because of their ability to perform a function. There is an old expression that has been used many, many times, that we must not only be clean, we must be perceived to be clean. I think it is a very poor admission when we speculate and say that politics does play a part in it. Surely we should be able to work towards a utopian vision that says the public can have faith in the appointments that are made by an autonomous, independent board and if we cannot strive for that then we are working in the wrong direction. It is not good enough to sit back and say that politics is the way it has been and the way it is always going to be. We must have a vision that says we are going to set up a system, we are going to work towards a system where any appointment will be judged by the public on the ability of the individual from whichever Party, from whichever area of responsibility his or her ability to perform the function.

I believe that it is very unfortunate that the likes of an individual like Mr. Mercier, that there must be any ring of concern as to the politics of the appointment involved in that. The public should be able to stand back and say, no, politics did not play a part in it. That is not happening, that is not a goal we are striving for.

**Mr. Speaker:** The hour being 6 p.m., when this matter is again before the House, the Honourable Member will have 14 minutes remaining. The House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday).