

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
2:30 p.m., Thursday, April 8, 1976

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports. The Honourable Minister of Mines.

TABLING OF REPORTS

HON. SIDNEY GREEN, Q. C. (Minister of Mines, Resources and Environmental Management) (Inkster): Mr. Speaker, I believe that it was arranged that there would be a meeting of Law Amendments Committee at eight o'clock this evening. I just would like to formalize that announcement.

MR. SPEAKER: The Honourable Attorney-General.

HON. HOWARD PAWLEY (Attorney-General) (Selkirk): Mr. Speaker, I would like to table some reports: The Legal Aid Services Society of Manitoba Annual Report; the Annual Report of the Human Rights Commission; and The Manitoba Police Commission Report 1975; and also the proceedings of the 57th Annual Meeting Uniform Law Conference.

MR. SPEAKER: Any other Tabling of Reports or Ministerial Statements? Notices of Motion; Introduction of Bills; Questions. The Honourable Leader of the Opposition.

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MR. DONALD W. CRAIK (Leader of the Official Opposition) (Riel):  
Mr. Speaker, I direct a question to the Minister of Mines and Natural Resources. Mr. Speaker, I asked the Minister last week a question regarding the Lynn Lake operation of Sherritt Gordon Mines as to the public report that they were experiencing some financial difficulties with that particular operation. I wonder if the Minister, in view of the tabling now of the Sherritt Gordon Report, can pass any further comment with regards to whether the government has been advised of this possibility happening this year at Lynn Lake.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, I do think that I mentioned to the honourable member that there was that possibility. I believe that my answer last time was consistent with that. We are not certain yet but there is that possibility, yes.

MR. CRAIK: Mr. Speaker, in view of the fact that this has been formalized in the Annual Report now of Sherritt Gordon Mines and I presume the members of the House might be interested in seeing it, I have a copy of their Annual Report which can be tabled and made available, perhaps they already have it. I wonder if the Minister could further indicate whether the mining revenues to the province are going to show the same decline as the profits of this particular company since it is one of the major companies of the province.

MR. GREEN: Mr. Speaker, I think that I have indicated also, whether in the House or not, but publicly, that because of the reduced revenues from the sale of copper, the price of copper, that the revenues to the province would accordingly decrease since our taxes are based on profits. And I also made it plain to the members of the House who did not believe me last year, that in years of lower profits the revenues would be lower. In years such as we experienced in 1973, if there is a boom year in prices, we will get a share of that boom. That was the basis of our royalty taxation and I explained that last year.

MR. CRAIK: To be more specific, Mr. Speaker, then. Since the year end has already passed for the '75-76 year, can the Minister indicate whether the revenues from those based on copper plus those such as International Nickel having now been received, can he indicate whether there has been a substantial reduction in revenues?

MR. GREEN: Mr. Speaker, I couldn't give the figures at the moment, but perhaps they will be made available one week from yesterday. I would also like to

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(MR. GREEN cont'd) . . . . indicate, Mr. Speaker, that with respect to the revenues from mining, that they will always depend on the profits of the mining companies in accordance with our legislation.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q.C. (River Heights): Mr. Speaker, my question is to the First Minister. Yesterday Manitoba Hydro . . . I'm sorry.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, I'm sorry, I wonder if the honourable member would let me. . . One of the things that complicates that matter is that we are dealing not with a 12 month calendar, but with a 36 month calendar. And, therefore, if there happens to be two good years we will not know what the revenue is, all we can expect is a projected revenue, but since last year this Legislature made it into a 36 month calendar we would have to take the composite of the three years.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, my question is to the First Minister. Yesterday Manitoba Hydro informed the officials of the Town of Churchill that it would not examine the possibility of building a causeway to hold back water and to improve the port and in turn to flush out the harbour ice in the spring breakup. I wonder if he can inform the House whether the decision by Manitoba Hydro was made with the permission and consent of the First Minister and the government.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Well I'm sure, Mr. Speaker, that the Hydro attitude is determined on the basis of engineering determination. I might add that the concept of a - I forget the exact word my honourable friend used - a substantial weir across or near the mouth of the Churchill River is something that was under some investigation as far back as 1966 and was not held out as being of any likely practical possibility.

MR. SPIVAK: Again I ask the First Minister, was the decision not to proceed in determining its feasibility that of a government decision made with his knowledge?

MR. SCHREYER: Mr. Speaker, it has not come forward, it has not been brought to me either by the officials of the Town of Churchill or of Manitoba Hydro as being an immediate matter requiring policy briefing and determination.

MR. SPIVAK: Mr. Speaker, my question then is to the Minister of Mines and Natural Resources. I wonder if he can indicate whether an Environmental Impact Study on the Lower Churchill as it affects wildlife has in fact been completed.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, I believe that all that has been concluded is the Federal-Provincial study which I believe has that as one of its components, the study that was made public upon its completion last year as distinct from the reports that were prepared in this connection by the previous administration which were not made public.

Mr. Speaker, while I'm on my feet, yesterday I was asked a question with regard to the applications pending before the Clean Environment Commission relative to mosquitoes and at that time I did not recall that the application had itself gone through my office and if I said anything to the contrary, I don't remember whether I did or not, but if I did say anything to the contrary I wish to correct it at this time. The application was sent to my office, received by my office on March 15th and in a routine way voted on to the department on March 16th.

MR. SPIVAK: Mr. Speaker, by way of another question to the Minister of Mines and Natural Resources. I wonder if he can indicate now whether the government is seized of sufficient information to be in a position to determine that there will in fact be wildlife affected and that sturgeon will be wiped out as a result of the developments on the Churchill River and the affect on the Lower Churchill River.

MR. GREEN: Mr. Speaker, I will have to concede that I do not remember everything that is contained in that report. The report is public and in the library,

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(MR. GREEN cont'd) . . . . the honourable member can look at it and find the references to which he has referred.

MR. SPIVAK: I wonder then if the First Minister is in a position to indicate that the government has received any new information that would confirm the fact that sturgeon will be wiped out or in fact that wildlife will be affected.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, my colleague has already indicated that just offhand he's not in a position to confirm definitively whether new information has come forward in recent months. It depends on what one means, how new is new. To the best of my colleague's recollection, and mine as well, nothing significantly new has come forward with respect to the probable impact, I say probable impact, with respect to certain aquatic life on the Lower Churchill. While I am on my feet, Mr. Speaker, I would like to on further reflection, reply further to the Honourable Member for River Heights with respect to his other question; and that is, I would like to clarify as best I can the point that the operation of the Churchill River Diversion, contrary to the implication of my honourable friend's question, will have some degree of beneficial impact in terms of lengthening the shipping season in the autumn of the year, and insofar as the spring of the year is concerned, it all depends whether one wants to assume that there will not be a release of spring freshet runoff. If one assumes that there will, and that's the assumption that I am going by --(Interjection)--

MR. SPEAKER: Order please.

MR. SCHREYER: Well, I am merely trying to help search for the truth, Mr. Speaker. In the spring of the year, my understanding is that the management of the reservoir will be such as to release maximum flows in the spring to provide the freshet runoff which should take off this problem of lack of salinization of the mouth of the Churchill River in the spring.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID BLAKE (Minnedosa): Thank you, Mr. Speaker. My question is to the Honourable the Minister responsible for Renewable Resources. In view of the recent decision by the Fishermen's Federation to dissolve, I wonder if the Minister can inform the House if a request was received from the Federation for additional funding?

MR. SPEAKER: The Honourable Minister for Renewable Resources.

HON. HARVEY BOSTROM (Minister of Renewable Resources) (Rupert'sland): Mr. Speaker, as I understand it the Federation has made a request annually to that effect and the grant has not been increased substantially, I believe it was \$400 or something increase over the last few years. Their total grant was designed to assist them in having an annual meeting, an annual meeting of their Board of Directors as well as their membership.

MR. BLAKE: A supplementary, Mr. Speaker, to the same Minister. In view of this then the Federation will no longer exist. Would the government be prepared to provide funding for the additional smaller associations that are planned to be formed?

MR. BOSTROM: My understanding, Mr. Speaker, is that the smaller associations will be more localized around the specific fishing areas of the province. There is already one in existence at Lake Winnipegosis, there is already a partial one at Lake Winnipeg, there is already one been formed in the north, and I believe that these groups together are now discussing the idea of them having a federation of sorts although it may not be under the same structure as existing Manitoba Federation of Fishermen, but I believe they are looking at some alternative similar to that.

MR. BLAKE: Yes, Mr. Speaker, just for clarity - my question was, would the government consider funding these other organizations similar to the way they have funded the federation over the past 18 years?

MR. BOSTROM: Well by implication, Mr. Speaker, if there is an organization which would be similar in structure to the present Manitoba Federation of Fishermen who would consider funding that to the same extent.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Thank you, Mr. Speaker. I wish to direct

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(MR. PATRICK cont'd) . . . . . a question to the Honourable Minister of Corporate and Consumer Affairs. Has the Minister had any request from some 100 tenants, or some of the tenants, who will be facing having their heat cut off, has he had any request to interfere in this area?

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

HON. IAN TURNBULL (Minister of Consumer, Corporate and Internal Services) (Osborne): Mr. Speaker, I have had no contacts made as far as I know through my office, certainly none to me personally about this situation, but it is my understanding that the office of the Rentalsman has of course been involved and certainly should be to ensure that the service is continued.

MR. PATRICK: A supplementary Mr. Speaker - what is the Minister doing to see that the service is continued?

MR. TURNBULL: Mr. Speaker, it is my understanding that the office of the Rentalsman requires a landlord who has not fulfilled his obligations in respect to the leasehold to have the rent redirected from the tenant to the office of the Rentalsman and then that rent is paid to the supplier of various services, in this case the gas company. That's my understanding of the administrative procedure, I certainly will be checking on it though.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. ARNOLD BROWN (Rhineland): Thank you Mr. Speaker. My question is directed to the Minister of Health and Social Development. In regards to the Minister's statement yesterday that the number of acute hospital beds will be reduced, does this mean that the Seven Oaks Hospital will not be proceeded with at the present time?

MR. SPEAKER: The Honourable Minister of Health.

HON. LAURENT L. DESJARDINS (Minister of Health and Social Development) (St. Boniface): Mr. Speaker, my honourable friend has asked me about something that is discussed during the Estimates. I suggest that the Estimates will probably start in a few minutes and this would be the time to discuss it.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you Mr. Speaker. My question is for the Honourable Attorney-General. I'd like to ask the Attorney-General if there has been any additional activity in the Austrian courts on behalf of the Province of Manitoba to bring Dr. Kasser back to Manitoba.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: No, the matter continues to be the subject of review by senior officials in the Justice Department of the State of Tyrol.

MR. GRAHAM: Can the Attorney-General then indicate whether the province is appealing the latest ruling of the courts in Austria?

MR. PAWLEY: Mr. Speaker, unless the honourable member has received some information which I haven't received, there is no court decision at the moment to be appealed in Austria.

MR. GRAHAM: Mr. Speaker, as a matter of clarification, I was referring to the case where they freed Dr. Kasser from the extradition process.

MR. PAWLEY: Mr. Speaker, the sequence of events is that a junior member in the State Government of the Justice Department had in effect rescinded the citizenship of Dr. Kasser but the service of the rescinding order was incomplete. The official refused to re-serve the document in a proper way according to Austrian law, and as a result of that senior officials in the Government of the State of Tyrol are reviewing the total case and we're with great, some impatience, great expectation, to receive some advice as to just what the results of the review will be from the senior officials in the Justice Department there.

MR. GRAHAM: Then can the Attorney-General assure this House that the ongoing chapters in this very intriguing story will be revealed to the Legislature at the earliest possible convenience?

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. LLOYD AXWORTHY (Fort Rouge): Mr. Speaker, I have a question for the

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(MR. AXWORTHY cont'd) . . . . Attorney-General. Can the Attorney-General indicate whether his department is planning to investigate whether the proper procedures were followed by police authorities or by the owners in the Fort Garry Court fire to protect the tenants against the looting of their possessions?

MR. SPEAKER: The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Mr. Speaker, I'd like to ask the Minister of Highways a question. Has the Minister's department investigated the report of stones falling off of gravel trucks on Highway No. 7?

MR. SPEAKER: The Honourable Minister of Highways.

HON. PETER BURTONIAK (Minister of Highways) (Dauphin): Yes, Mr. Speaker.

MR. HENDERSON: Does the Minister intend to bring any legislation this session that will deal with this?

MR. BURTONIAK: Well, Mr. Speaker, again that is a matter of policy, and when a decision is to go that route, that will be announced in due time.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, I direct a question to the First Minister as the Minister in charge of the Planning Secretariat of Cabinet. Can he indicate whether Mr. George Ford formerly with the British Columbia government is returning to the Manitoba Government in his former position?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I am not specifically aware, although I don't question the honourable member's premise as to where George Ford has been in recent months. I am advised by my colleague, the Minister of Labour, who is charged with the responsibility of formulating and implementing a set of programs relating to industrial health and safety, that my colleague, the Minister of Labour, is requesting Mr. Ford's services if they are available.

MR. CRAIK: Mr. Speaker, I wonder if the First Minister can indicate how many, in addition to Mr. Ford and Mr. Eyolfson who has returned to the government in some capacity from British Columbia, how many others are returning to Manitoba since the change of government in B.C.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: I would think, Mr. Speaker, somewhat less than the exodus from Ottawa in 1962 or 3.

MR. SPEAKER: The Honourable Member for Pembina.

MR. HENDERSON: I have a question for the Minister of Highways. Has his department officials looked at the damage that's been done to Highway No. 6 by heavy trucks turning on it, a highway which is only about five years old?

MR. SPEAKER: The Honourable Minister of Highways.

MR. BURTONIAK: Mr. Speaker, I'm sorry, I didn't hear the last part of the member's question.

MR. HENDERSON: Mr. Speaker, my question was, has his department officials looked at the damage that has been done to Highway No. 6, a highway which was only built about five years ago, the damage that has been done by heavy trucks at this time?

MR. BURTONIAK: Mr. Speaker, of course the Department of Highways keeps a constant check on all our highways and we are quite aware of the damage that has occurred on No. 6, as well as on several other highways, but No. 6 in particular because of the fact that it is the main road to the north. We're aware of it and we're doing something about it too.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, on reflection I thought I should perhaps reply further to the Honourable the Leader of the Opposition, that whatever point he is trying to make I would offer for his consideration the fact that at least one or two young gentlemen that were executive assistants to former Ministers of the Crown had been promoted by this government to senior officer, to Assistant Deputy Minister and now Deputy Minister, which I think merely indicates that we are not spiteful and I would hope that in a civil government arrangement that the converse would apply as well.

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MR. SPEAKER: The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, I'm attempting to frame this into a question. My question to the First Minister is, that with the evolution of a Planning Secretariat and the Management Secretariat under this government, were there not a number of people, including the two I've mentioned, who left here and went to B.C. shortly before the change of Government. I believe Mr. Ford left one month before the Barrett Government changed in B.C., is now on the way back. Mr. Eylofson the same way. I'm talking about senior people of this government who went to senior positions in the B.C. government, not as Executive Assistants, but as senior planners who are now returning to Manitoba.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, in some cases I don't mind saying that we rather regretted having to lose the services of one or two of these people whose confidence we deemed rather highly, and if we can obtain their services again, and if there is justification, I have no doubt that my colleague the Minister of Labour has a very real and definable need for someone of about that classification and competence. I don't see what the problem is, Sir, any more than when for example certain very competent senior civil servants were rather arbitrarily dismissed shall I say in Saskatchewan in 1964, they were hired by the Pearson administration and I for one as a Canadian was happy that he did because they were competent, Sir.

MR. CRAIK: Mr. Speaker, a final question to the First Minister on this is, if we can ask him when the final missing corner of the triangle will be returning, Mr. Cass-Beggs, who is the leader of the migration to B.C.

MR. SPEAKER: Order please. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I have no embarrassment whatsoever in replying to that question. I think the embarrassment lies with the asker. By the way, Sir, I heard something with respect to pension benefits. His pension benefits amount to something in the order of \$180 a month and that was on the basis of contributions from both and actuarially determined. Insofar as his availability, I for one can only take note of the fact that the gentleman in question is well into retirement years. I think it's rather a loss to society that he is not in his productive years because . . .

MR. SPEAKER: Order please. If the Honourable Member for . . .

MR. SCHREYER: Mr. Speaker, this is not an opportunity to debate, but I certainly would want to deal with any kind of nonsense of that kind.

MR. SPEAKER: Order please. I should also like to suggest that the members who cannot stand up in order to speak must be tired and should lay down some place else and not in the Chamber. Order please. The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): On a personal matter of privilege, let me indicate to you, Mr. Speaker, that I'm always prepared to rise.

MR. SPEAKER: Order please. Order please. When the Chair spoke he was speaking in respect to decorum. I didn't name any single member and if someone wants to put shoes on which fit him, that's his problem and not that of this House. The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, I direct this question to the First Minister, and would like to ask him how many years' service is required of anyone employed by Manitoba Hydro before they qualify for a pension?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, that is a specific matter that I would be quite happy to check. The arrangement that I referred to, I have no embarrassment about it whatsoever, \$180 per month pension entitlement pursuant to an agreement entered into and contributed into which there was joint contribution in the normal formula fashion.

MR. EINARSON: Mr. Speaker, I direct a question again to the First Minister, and I'm sorry I didn't feel satisfied with his answer, if he could tell me how many years' service does one have to give in Manitoba Hydro before they qualify for a pension? It's a simple question.

MR. SCHREYER: Mr. Speaker, I've already indicated I'm prepared to get that information for the honourable member, but if he was at all anxious enough he could do

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(MR. SCHREYER cont'd) . . . . his own research. It's a matter of record. I would also point out that it is not quite that simplistic, because I believe that if a person comes to the employ of any Crown in Canada from another Crown - in this case it was the Science Council of Canada, and I don't believe that the Science Council is in the habit of hiring fools - that pension benefits are portable, I believe. That is also a reform which took this country a long time in doing, but it is portable and so therefore that is also a fact which must be taken into consideration.

MR. EINARSON: Mr. Speaker, then I ask the Minister if I am correct in saying that the term is five years - and he can correct me if I'm wrong - and I would like to ask him how many years did Mr. Cass-Beggs serve Manitoba Hydro while in Manitoba?

MR. SCHREYER: Mr. Speaker, perhaps I can illustrate that by way of an example. If a person is in the employ of the National Research Council, of the Science Council of Canada or Atomic Energy Commission or whatever, and he is transferred to the employ of the Crown in the right of any province - and if he is in the age bracket let us say 62 or 63 or thereabouts - then the pension arrangements are such that when the person reaches normal retirement there is the commencement of a draw on the pension entitlement. And that illustration comes quite close to the nature of the arrangement that was put in place in this case.

MR. EINARSON: Mr. Speaker, I have one last question to the First Minister, and ask him if it is correct to say that a special Order-in-Council had to be passed by Cabinet in order to grant Mr. Cass-Beggs a pension?

MR. SCHREYER: Well, Mr. Speaker, Orders-in-Council have been passed on more occasion than one with respect to such personnel in the public service coming to Manitoba from other provinces or the Government of Canada, and vice-versa since we have portability.

MR. SPEAKER: The Honourable Minister of Highways. Order please.

MR. BURTONIAK: Mr. Speaker, on Tuesday the Honourable Member for Arthur asked a question of me which I took as notice. The question was as reported on Page 1996 of Tuesday's Hansard: I wonder if the Minister of Highways can tell us, in view of the fact assistance was asked for from Highways Branch and no assistance was given to the village during the past three days of flooding . . . And I would assume that the honourable member is referring to the village of Waskada. I'd like to report, Mr. Speaker, that the Department of Highways always tries to assist in any way possible in case of a flooding situation, and I'm happy to report that this case in Waskada was no exception; that on March 17th there was a request of the Department of Highways for sandbags which were stored in our Highways building in Boissevain, the Highways Department delivered these sandbags to the village of Waskada; again on April 2nd there was a request by the people of Waskada for three 4-inch pumps, these too were delivered by the Department of Highways. As a matter of fact, these pumps to my knowledge are still in Waskada, and as late as yesterday morning the EMO people have informed me that everything that was asked for by the people of Waskada to help out in any way possible was done efficiently, as usually is the case.

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, I want to thank the Minister for his answer to my question. I would like to ask him now if that equipment was on the spot before the flooding occurred.

MR. BURTONIAK: I would think so as far as the sandbags, I'm sure there was no flood prior to March 17th, and the pumps were asked for, these were delivered at the request. The pumps were asked for on April 2nd, so I would imagine that the flood was on its way at that time when there was a request for the pumps which were delivered as of April 2nd.

MR. WATT: Mr. Speaker, I asked the Minister of Highways if there was any equipment made available to the village of Waskada to stop the water from diverting through the Town of Waskada that could have been directed into its natural course.

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MR. BURTNIAK: Mr. Speaker, I want to inform my honourable friend that anything that was requested by Waskada, the people of Waskada, whether the rural council or the town council, whoever it was, of the Department of Highways, was delivered.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, I would like to make it known that the honourable member asked a question of me which I took as notice and which I've given him a written response to, indicating, Mr. Speaker, that steps were taken to warn various communities including Waskada and various steps were taken to try to assist them. I regret, Mr. Speaker, that I cannot be as omnipotent as the honourable member would like the public to think that I am and that I'm not able to control every natural disaster that takes place in the Province of Manitoba.

MR. SPEAKER: The Honourable Member for Arthur.

MR. WATT: Mr. Speaker, I want to thank the Minister of Mines and Natural Resources for the report that he has just handed me and which I do not request that he read into the record now. But the question that I was asking, that I ask again now, Mr. Speaker: Was there a survey made and did the people in Water Resources, were they aware of the possibility and the probability that the Town of Waskada would be flooded and that that flooding could have been diverted?

MR. GREEN: Mr. Speaker, I believe that the response that I gave my honourable friend indicates that various communities along the way were warned, including Waskada.

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

MR. WATT: I have a question I'd like to direct to the Minister in charge of EMO. Will the Town of Waskada be reimbursed for the total amount of loss that has occurred as a result of the disastrous flood that occurred in Waskada?

MR. SPEAKER: The Honourable Minister of Urban Affairs.

HON. SAUL A. MILLER (Minister for Urban Affairs) (Seven Oaks): No.

MR. SPEAKER: Orders of the Day. The Honourable House Leader.

ORDERS OF THE DAY  
GOVERNMENT BILLS - SECOND READING

MR. GREEN: Mr. Speaker, I wonder if we could now go to the adjourned debates on second reading in the order in which they appear on the order paper.

BILL NO. 23 - THE PESTICIDES AND FERTILIZERS CONTROL ACT

MR. SPEAKER: Thank you. Bill No. 23 proposed by the Minister of Agriculture. The Honourable Member for La Verendrye.

MR. BOB BANMAN (La Verendrye): Thank you, Mr. Speaker. I have a few brief comments with regards to this bill. First of all let me say, Mr. Speaker, that the main concern that the members I think, that the members I think, on this side of the House have with regards to this bill, is the problems that we could encounter if it does come into force with regards to the spraying of pesticides and the application of fertilizers from one neighbour to another. In other words, will a neighbour who volunteers, who has the proper spraying equipment and volunteers to do the spraying for a neighbour, let's say 160 acres, will he be forced to come into Winnipeg here or make application in writing to the particular Board that we're having set up here? Will he then have to wait for a permit to entitle him to spray his neighbour's field? And I think this is a very important part because if that is the intent of the bill . . .

MR. SPEAKER: Order please.

MR. BANMAN: . . . I can assure you, Mr. Speaker, that I for one will not support the bill. Because it's kind of ludicrous to have farmers who have been working with the chemicals and who are usually very careful with what they're doing, or even for that matter applying fertilizer, if you can't go down to your neighbour's field and apply the same type of chemicals on his field while you're applying them on yours, I



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(MR. BANMAN cont'd) . . . think it's kind of a stupid bill. So I'd like the Minister's clarification with regards to the application by one farmer to help out or maybe do some custom work for his neighbours.

The other thing that concerns me is that in the bill again we set up another Advisory Committee. We've got seven more members that can possibly be added to another Board, and I think when we look at the different legislation that we've passed in the last little while we can see more and more Boards being added constantly and it seems to me that it's a place again where we can leave some people that maybe are a little friendly to the government or see things their way, and I think we've got enough Boards and Advisory Committees now already.

Another thing that concerns me is that the Minister can appoint inspectors and these inspectors can go into I guess anybody who is involved with any form of spraying applications or even applying fertilizers, he can go in and seize his books, he can seize all documents and records. I'd like the Minister to elaborate on that particular point a bit too.

We all realize that as we tighten up certain laws it's going to cost the people that require this service, whether it be on behalf of the people that are doing the custom spraying, they're going to have to charge a little more because there's going to be some more red tape. I'm quite right when I say that they're going to have to keep better records. And it is going to cost the farmer who will be the consumer of the end product, it's going to cost them some more money.

The other thing that concerns me is a problem that could arise if too many people would take advantage of the clause in there where custom sprayers - and I refer specifically now to the bigger outfits, the airplane people who are applying pesticides via aircraft - they will now under this Act be required to carry liability insurance, and I think most of them do but I know there's several that don't. The concern that they have is, if they are applying in the vicinity of a field and there's a bad germination on one field, the person involved with it might say well, it's because I had wind drift or there was some problem with the airplane not cutting its sprayers off in time when he flew over my field. And what could happen is that we could have a pretty wild thing going on with people wanting to reclaim certain damages done on their fields when really maybe it wasn't the fault of the sprayer at all. I know that there have been some fairly legitimate cases along that line. I know of one instance where a shelter belt was destroyed because of faulty equipment on the sprayer and I know that that does cause problems.

Again I would just ask the Minister to maybe elaborate a little further what effect the bill would have on municipal councils. For instance during the army worm infestation two years ago the municipal councils undertook spraying, they hired equipment themselves and they did extensive spraying on private fields. Would the municipal councils again be subject to coming into this particular Advisory Committee and get a permit? What kind of arrangements will there be for getting a permit? Will they have to drive in and pick it up? Will they have to wait for a mail? As the Minister knows, some of these things come up very fast, especially the army worms, they can move very fast. In a day they've done a lot of damage and I think if there would be a delay in time, it could cause some problems for the farmers. This applies also to grasshopper spraying that the municipality might do, and some other things.

The other thing is, how far-reaching is the bill? For instance we have been talking about spraying of the Dutch Elm disease - if a neighbour has rented himself a sprayer to spray his own trees and he does his neighbour's trees, will he have to get a permit to do that? I think these are all legitimate questions that we would like answered and I hope the Minister when he closes the bill will give us an indication of what he intends to do with these different sections. I think I would reserve my decision on the bill to when I hear his explanations.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. J. FRANK JOHNSTON (Sturgeon Creek): Thank you, Mr. Speaker. This particular bill, Mr. Speaker, you would wonder why a city member would have very much to say on it. I find that we have another situation the same as the trailer

(MR. F. JOHNSTON cont'd) . . . . regulations, is the government and this Minister setting up another hidden tax? Mr. Speaker, "no person shall spray fertilizers." Now I happen to know that if my neighbour has a sprayer and he wants to help me spray my lawn, he can't do it. He happens to be a person without a licence from the Minister of Agriculture to do any spraying of fertilizer. Mr. Speaker, really I can't understand for the life of me why they put fertilizers in the same bill with pesticides. We had a bill before that was in this House covering pesticides and this bill as my colleague from Morris has mentioned before is just about identical. But all of a sudden we get a bill that puts fertilizers in, and everybody in the city that has a lawn may want to put fertilizers on their lawn or they may want to have their neighbour put it on their lawn - but not unless he's got a licence. And did you ever think how many lawn clinic people are in business in the City of Winnipeg and in the City of Brandon who go about . . . As a matter of fact I had a phone call the other day from one saying "Mr. Johnston, it's the spring of the year, can we have the contract for the spring clean up of your lawn this year?" And I could say to him that he would have to get a licence if I asked him to put fertilizer on my lawn, which obviously will be charged to me, which is just nothing more than another tax on the people of Manitoba. It's one of these hidden taxes as I have quoted from my book referring to Saskatchewan, we had 600 hidden taxes placed on in Saskatchewan and now we're gradually getting them in Manitoba. We've had two this year so far.

Mr. Speaker, legislation such as this which is almost impossible to enforce, almost impossible to police, by putting the word "fertilizer" in it is, as my colleague said yesterday, just a little bit stupid legislation. Unnecessary legislation. But I don't regard it as one that I wouldn't vote for because I don't trust the government. I don't agree with it because I don't agree with little hidden taxes being put on the people of the Province of Manitoba. Any time somebody is sitting around in the evening saying how can we collect a little bit more money and squeeze a little bit more from the pocket of Manitobans without them noticing it. Another Advisory Committee, really!

Pesticides I can agree with, with an Advisory Committee; the Federal Government on pesticides are concerned - but on fertilizers we need an Advisory Board to decide whether somebody running a lawn clinic can put fertilizer on my lawn, or to decide whether a farmer can help his neighbour out? Mr. Speaker, we are coming to the day fairly fast in this province where we won't be able to get together as neighbours and have a barn-raising any more without getting a licence from the Minister of Agriculture. --(Interjection)-- Right on, yeh, right on. Well Mr. Speaker, you know, we have a situation where agriculture is the largest business in the Province of Manitoba and it's pretty obvious that the government wants to control that and they're moving very fast to try and do it with little things like this, and also hidden taxes. Just another few bucks out of the people's pocket every day.

Mr. Speaker, this is not legislation that I can support, really, because you tie it in with something it should not be tied in with, obviously to pick up licence fees for something that isn't necessary and make it hard for people to operate and do as they please to do within the province. You control the chemicals that can be used as far as fertilizers are concerned and there's absolutely no need for this type of legislation at the present time and another costly Board or Commission. Why don't you take the money for that Board or Commission and give it to somebody that needs it - well we've got the Rent Control Board Bill right now, we have people coming in every day saying, we haven't got proper house facilities to live in - help somebody with it, stop helping your relatives and friends or somebody else on the Boards. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, I beg to move, seconded by the Honourable Member for Morris, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: Bill No. 30, the Honourable Member for St. James.

MR. MINAKER: Stand please, Mr. Speaker.

BILL 23

MR. SPEAKER: Bill No. 39.

MR. WARNER JORGENSON (Morris): May I ask that all the other bills stand, Mr. Speaker.

MR. SPEAKER: Very well. The Honourable Minister for Urban Affairs.

HON. SAUL MILLER (Minister for Urban Affairs) (Seven Oaks): Mr. Speaker, I move, seconded by the Minister of Agriculture, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider the Supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee of Supply with the Honourable Member for Logan in the Chair.

COMMITTEE OF SUPPLY - HEALTH AND SOCIAL DEVELOPMENT

MR. CHAIRMAN: I refer Honourable Member to page 25, resolution 56(b)(1), Welfare Advisory Committee - Salaries \$47,300. The Honourable Member for Roblin.

MR. J. WALLY McKENZIE (Roblin): Mr. Chairman, I have a few questions to the Honourable Minister and the Committee. I am wondering how many staff the Advisory Committee have at their disposal, if he would be kind enough to answer that. And do they then file a report with the Federal Government, the Minister in Ottawa, in return for the grant? Or is that \$49,000 just gratis that's recovered from Canada on the Welfare Advisory Committee? The other thing I am wondering, Mr. Chairman, is the brochure while it may be a little outdated, it has the Honourable Saul Miller as Minister at the time, is the membership of the Welfare Advisory Committee the same as on here, they haven't changed - are these still the same people?

MR. CHAIRMAN: The Honourable Minister of Health and Social Development.

MR. DESJARDINS: The total staff is four - I gave this information, I guess my honourable friend wasn't in the House - and the \$49,000 recoverable from Canada, well that's through CAP, the travelling and so on, the cost. --(Interjection)-- Well they have their annual, they have a statement that they have to file with us, yes.

There's very minor changes. I think that there's one person that is not, Joe Ryan is no longer on it, and I don't recall if he has been replaced or he is in the process of being replaced. Would my honourable friend want me to get the latest . . . ?

MR. McKENZIE: One other question, Mr. Chairman, and that's the cases that went before the Welfare Advisory Committee, this one outside jurisdiction there was 12. Could the Minister give me some idea of what that - there was 12 apparently from out-of-province or something.

MR. DESJARDINS: I guess it would mean that it is not within the jurisdiction of the Board to hear those cases, they had no right I would imagine.

MR. CHAIRMAN: Resolution 56(b)(1)--pass. Resolution 56(b)(2) Other Expenditures \$64,000. The Honourable Member for Rhineland.

MR. BROWN: I wonder, Mr. Chairman, if the Minister could identify these other expenditures and tell us in which areas these have been spent.

MR. DESJARDINS: These include cost associated with the Committee, it includes also the funds for the salary of the Chairman and Vice-Chairman plus fees paid to other members of the Board, travelling and so on.

MR. BROWN: Could the Minister tell what the salary of the Chairman is?

MR. DESJARDINS: I'll have to get that for you. It's a per diem per meeting, it's so much per meeting, it's not a fixed salary. I'll get that for you.

MR. CHAIRMAN: There seems to be some bit of confusion here. I don't know what the honourable member is doing down here, is there some agreement in the House that a critic . . .

MR. ENNS: I believe, if I may on the point of order that you raise, there has been an agreement with the respective House Leaders of the Chamber that during the Committee sittings there would be a loose sitting plan as far as the opposition is concerned giving the same privilege to members of the opposition and the critics that the Ministers enjoy. In other words, the member particularly involved in the department will be coming down to occupy a front bench seat.

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MR. CHAIRMAN: I thank the Honourable Member for that information, I would have liked to have had it before. The Honourable Member for Rhineland.

MR. BROWN: I believe that is all the questions that we have on that particular item, Mr. Chairman.

MR. CHAIRMAN: Resolution 56(b)(2)---pass. Resolution 56(c) - Policy Review and Planning (1). The Honourable Member for Rhineland.

MR. BROWN: Thank you, Mr. Chairman. I wonder if the Minister could tell me whether HESP is involved in this particular item, or just exactly which policy, which review planning, and whether he could tell me just exactly under which committee we would be able to be discussing the Clarkson-Vayda Report and various studies that have been done by the government?

MR. DESJARDINS: No, HESP is a department under the Executive Council for the - it serves not just this department, this is only our internal policy committee that I described the other day, our own senior staff and so on for the department. Clarkson-Vayda Report, this would be under the Manitoba Hospital Commission, the Health Services Commission.

MR. BROWN: Thank you Mr. Chairman. Could the Minister then identify the people that are involved in these salaries? How many people are involved in these, and what is their function?

MR. DESJARDINS: Mr. Chairman, I don't know, maybe I'll be shot down - I don't know how far the Leader of the Opposition, the Acting Leader - could we keep our seats? We've tried that once before. I think it was a damn good idea and it would make it a lot easier but --(Interjection)-- I mean to get the eye of the --(Interjection)-- Well can I be slow in rising then?

MR. ENNS: Mr. Chairman, on that point, I think I would be derelict, Mr. Chairman, if I didn't suggest to the Honourable Minister of Health and Social Services that it would be to his own good benefit that he should continue to rise up and down as often as possible, it would help in his own physical fitness program, and if he finds it somewhat burdensome then I might suggest that he rise less often.

MR. CHAIRMAN: The Honourable Minister of Urban Affairs.

MR. MILLER: Mr. Chairman, on the same point of order, perhaps the Minister instead of rising every 10 seconds should simply take the questions and reply once an hour.

MR. DESJARDINS: There are six, many of those positions are vacant, they have never been filled. The idea was, part of the planners and researchers were there, and then people that we call co-ordinators that are helping out in the areas and to set up policies and so on, and there is a secretary also. In fact, my honourable friend, all these positions are vacant except one at this time. Oh, excuse me, those are not new positions, this was a re-organization. As I said to my honourable friend, and I'll be glad to repeat it because we are very proud of that, we have gone very - I think we probably have the best record of all the departments in not having new staff or extra people. What did I say? 1.3 percent for the whole department, and that's including some new programs.

MR. CHAIRMAN: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Chairman, I would just like to ask the Minister what in fact is this review and planning group doing? Could he elaborate? I read his report, which didn't say anything, it just said that again they're planning or what they're reviewing or what they're evaluating. What in fact is the Committee doing? Are we looking at population figures, are we determining what the costs of social assistance are going to be, are we looking at alternative services? Could he tell us exactly what this Committee or this group of people have been doing for the past year, if they have produced any studies or reports, what they have been, what the results have been, so that he might share whatever knowledge this long-range policy planning group has developed?

MR. CHAIRMAN: The Honourable Minister of Health.

MR. DESJARDINS: I thought that it was obvious that when we were talking

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(MR. DESJARDINS cont'd) . . . . about planning, evaluation and research and all that, was the programs in the department. I don't know what else they would be doing. Now I just finished saying to my honourable friend that there is only one person in that position now, these positions have not been filled. What they would be doing is taking people from another area in the planning and so on and bringing them closer to the policy committee to help plan with that group certain papers and programs and so on that we're asked to develop by the Cabinet or by HESP. That originates in our own department, then must go to HESP or the Cabinet, and it is evaluating some of the programs that is discussing that with the community and so on. We had time somebody from the Commission, Mr. Bell, who spent many many evenings, after working all day mind you discussing the situation for hospital and personal care beds and the community services with the community, this is the kind of work that they are doing instead of just having a large Department of Research and Planning. We feel that it hasn't been working like that so we have some of those people in the Resources, some of these people in the Program, and we have a very small staff attached to the Policy Committee and directly to my office.

MR. AXWORTHY: Mr. Chairman, I assume then from the Minister's answer that in effect there is a number of separate pieces of planning going on, there is something in geriatric care and something in child welfare and something in social security and something in hospitals and so on. Okay, do we now have a number of individual studies being conducted. Could I ask the Minister then, what is the way in which these things are brought together? Are we looking at each piece of the product in a separate way? Or is there any overall plan that the committee itself has developed so that the Minister can tell us what in fact are the priorities that have come out of this committee in terms of saying that we as a department of Health and Social Development of the Province of Manitoba in the next year or two, our emphasis is going to be in this area or that area, or we're going to introduce this program or get rid of that program? Have they produced anything that would seem to indicate that the Department has any priorities at all?

MR. DESJARDINS: Mr. Chairman, this is internal evaluation and so on that has been done. There is no way that I am going to stand up today and say they are going to prepare an annual report that's going to be brought in. They are doing the same work, in a different way maybe, that other departments are doing. What we are discussing today, the new programs, or any program, that we change that, is the result of this group and any others who are preparing this. For instance, there was a lot of work spent to get ready for this dental program that will be announced, that will be discussed when we come under that. Now I'm not going to stand here and say, well these people said that, and this other group did this work, it's the overall result for the department. And you will see that we have quite a few, we'll go through home care, we'll go through day care, we'll go through dental care, we'll go through those programs, and that is the result of this group. This is an internal planning that is done, these people are not sitting there, just decide they're going to have a report on, let's say on home care and so on, they are told what they should be looking at. There is no doubt that we're looking very seriously now at the children care, because this is an area where we are weak, we've got to improve this very much. We spend a lot of time on home care, home care is doing very well now, day care has been going very well. You know, this is a on-going thing, as I say, these are not a new group of people that we hired and so on, this is re-organization. We brought people in to start working exactly on the areas that we wanted them to work on instead of having a civil servant that decides, well this would be a good idea and try to generate something, a new program that we don't want, and so on. They are working under instruction. They are told what to look for. They will do some evaluation of some programs and if some programs - we would hope that in this field fairly soon we will have to - we should be doing it now - discontinuing some of the programs that are no good. You know we can't keep on increasing the costs and so on of this department. So there will be evaluation done, but not evaluation done by the same people that have promoted the programs, that want the programs, that are administrating the programs. We have other people more independent to look at that to make darn sure that these programs are good.

As I say in the areas where there is weakness, fine, this is something else that

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(MR. DESJARDINS cont'd) . . . . we do and all I hear during the Estimates, have you talked to the medical profession? Have you talked to the nurses or you shouldn't do anything. And this is what they're doing constantly, meeting with some of these groups and discussing some of their reports or programs that we have to try to improve them and to evaluate the programs that we have. And we do cancel some parts of the programs.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Chairman, perhaps the Minister could indicate then if, under this long-range planning, that the department is trying to co-ordinate under this particular division, whether they have been able as yet to determine or ascertain really what the consequences will be for the Province of Manitoba of the several major changes that are taking place in federal funding. I refer specifically to the limitations on health care funding, to the changes in the program for the - really I guess the elimination of the Canada Assistance Plan and its replacement with the new Social Services Program or Assistance Program; the changes in The Young Offenders Act where there will be a transference of a number of functions to the provinces under The Young Offenders Act. Has the Minister, this department, these long-range planners been able as yet to assess what it may mean in terms of dollars; what it may mean in terms of numbers of people that the department, social workers, various kinds of officials that will be required; what it will do in terms of the funding structures in relation to the whole range of social service programs that we are providing under the CAP program. Can he indicate whether we have yet had any long-range or even short-range determinants of what the consequences are going to be in this province of those changes in federal financial programs.

MR. DESJARDINS: Mr. Chairman, first of all let me state that the term "long-range planning" is my honourable friend's and not mine. I have not stated that this is only long-range planning. There is, right now to be honest with you the . . .

MR. AXWORTHY: On a point of order, Mr. Chairman. I'm simply going by the description in the Estimates which says "provides medium and long term planning."

MR. DESJARDINS: But the way it came out when my honourable friend stated it was that this was just long-range planning and I want to say that, for the time being, this group is doing very little long-range planning, very little long-range because of the Guidelines. They've been told that we don't want any more programs for a while, we have enough. I think that maybe this department has gone a little fast; we want to stop a minute and look at what we have and then go with this, make sure that these programs are working fast. We've ensured the personal care beds and so on and I think that came quite fast and it caused a bit of trouble there. We're one of the few provinces that is ensuring in the care beds. So there is some long-range planning.

Certainly in the area that my honourable friend talked about this is something that is going on, this is at a senior level also. The Deputy Ministers are meeting with the Federal Government. We have been meeting at least twice a year with the Federal Government, the Provinces and the Federal Government. Then we've had meetings - that's on each side, on the social services side and on the health side - we are endeavouring to get more information and the Ministers of Health will meet with the National Minister at the end of this month to get more information and I can't tell you, I haven't got that much information now to tell you what this will do because we're still asking a lot of questions.

MR. AXWORTHY: Mr. Chairman, I must express some surprise at the admission of the Minister that in fact the department is doing no long-range planning. It would seem to me that in the circumstance where certainly the financial rules of the game are being radically altered and where in fact it could cause, perhaps will cause, a severe disruption of a number of the medical, health, social service, child care, you name it, you've got it kind of programs, that we wouldn't have been attempting through the services of this division to make some at least initial assessments of where it's going to lead and what the consequences might be. I don't think that planning necessarily implies new programs but I do think that planning does require the allocation of resources, of making some scarce resources to the most useful needs.

While I recognize that we are going through this sort of assembly line of ministerial conferences, I guess what I'm saying is that from the perspective of Manitoba and

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(MR. AXWORTHY cont'd) . . . . this province, are we going to those conferences with some indication in mind that if, in fact, there is a very radical change - to use one example, in the federal pull-out from the area of young offenders where they no longer provide services in that area it will put a tremendous onus back on the province to provide all the screening and counselling and all the rest of the things that go with it, either that or not do anything at all. It would seem to me that a problem of that kind of significance would require some planning, would require some evaluation of: what does this mean in relation to the kind of options or alternatives that we're going to have to face in a time when there are limited amounts of dollars for social services.

As I say that's why I express some surprise that that kind of planning, this division wouldn't be securing those kinds of planning activities now so that we won't be caught short. It is my understanding that these federal changes in the cost-sharing are not in the far-off future; they're imminent. They're within a year or two in all kinds of areas, that a number of things have to be renegotiated by 1977. So that's only less than a year away and it seems to me that without that kind of planning which the Minister says we're not doing we're going to just be caught very badly short in this province.

MR. DESJARDINS: Mr. Chairman, let me try again. At no time did I say that we were not doing this planning. I'll repeat that there is only one of those positions filled. This is the third time that I've said that, and one person can't do all that work. I've also stated that the planning is not done, it's not two or three people that will do all the planning for that large department, I said that this is a small group of people who co-ordinate some of the planning, who bring forward some of the things that we want for the Policy Committee because we're working more as a team. We have all our senior people together and this is where we have this Policy Committee and so on.

But so far there is what? The young offenders for one thing that my honourable friend has mentioned two or three times is the responsibility of Mr. Boyce and doesn't come under this group at all.

Now my honourable friend seemed to indicate that we're not concerned at what's going on in Ottawa. Let me tell him that he's certainly far from right. But we have on this the senior people; we have our Associated Deputy Minister who is in charge of resources who is working on that, who has spent many hours - and I can tell you that Manitoba is certainly not less active than any of the other provinces, I think probably we're one of the most active provinces. We have people on our resource group that are doing this work, that is getting all the information as we get it from Ottawa and at no time did they say, "Here, this is it." No. There's been negotiating back and forth. I think they must meet an average of six times a year at this level. The Deputy Minister also is meeting with them all the time, the Assistant Deputy Minister on Social Allowances, and so on. That is not only in this province, this is all the other provinces in Canada and the Federal Government. For instance on the welfare side we have advanced quite a bit. We have a document that will be presented to Cabinet and to HESP to see what kind of guidelines they'll give me for the meeting in June and so on.

So this work is being done; we're on the job now. But there is no way that I can give you a progressive report at this time because we haven't got that much information. These meetings have been held in-camera and we are getting some information and the provinces will try to get a little more and then this is worked with the officials and then the next meeting, fine, we go ahead. We're doing that but it is not this group here. There's one person there and he's not . . . of doing that. Even today the Deputy Minister and the Assistant Deputy Minister, although we have our Estimates, are in Ottawa now discussing The Social Services Act.

MR. CHAIRMAN: Resolution 56(c)(1)--pass - the Honourable Member for Wolseley.

MR. ROBERT G. WILSON (Wolseley): Mr. Chairman, are we on Program Review (c)?

MR. CHAIRMAN: Policy Committee - Review and planning. Right.

MR. WILSON: Well I know it's very difficult, Mr. Chairman, with me sitting sort of behind you but I wondered - the Minister could stop me of course if I go too far -

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(MR. WILSON cont'd) . . . . but it would seem under this team or group of senior people he's got together that if they're going to look at the existing program to try to cut out some of the programs which may not be working and if they would welcome some new, as the word next to it says "economic savings", then I might be able to share with him what I feel is a responsibility of this group. That is to look at ways of saving the tax-payers' money. It would seem to me under "Special Services" which would be under the welfare recipient section, it would seem to me that there possibly may be a role to be played in examining the possibility of either taking the City of Winnipeg out of some of the suburban districts or taking the provincial teams out of the suburban districts because . . .

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

MR. DESJARDINS: Mr. Chairman, on a point of order. We have different items. This is clearly an item that will be discussed probably at great length and I don't think that this is necessarily a catch-all, that it be the same thing as a Minister's salary and so on, because some people are planning that opens up the whole department. I think this is the way we started yesterday; we got along well; it's not an attempt to block my honourable friend, he'll be able to have his say on welfare later on and there might be some questions that I might need help on when the ADM of Social Services is here I think this would be the time to discuss and I'd be glad to hear his ideas at the time.

MR. CHAIRMAN: The honourable member bring his questions up under Resolution 60.

MR. WILSON: All right then I'll go. It does say New Program Review, it says Program Review. At what point in time am I going to be able to put forward my suggestions and contributions to the particular expenditures in the Welfare Department?

MR. DESJARDINS: Mr. Chairman, it's on page 30, Income Security Head Office, Income Security Programs and I think this is where the money that is spent on welfare and so on, this is where it shows and he'll have all the chances and latitude to talk about that.

MR. WILSON: Mr. Chairman, if I'm to examine \$158,000 expenditure of which we allegedly have senior people together, if I have a suggestion that maybe the Minister should have a suggestion box for his staff, if obviously these senior people haven't made any improvements, then I think some of us newcomers should be able to teach these old-timers a few things and teach them how to save some money. The Minister quoted, "Independent people should look at it." I'm an independent person; I want to be able to exchange some points of view that I think are worthwhile. I think that in the area - the item before that I wanted to talk about - it seems that the committee was talking about treating the needy not the greedy. We were talking about people that lose glasses, that lose hearing aids, that lose things and it would seem to me there has to be a policy decision as to how many hearing aids you're going to give one recipient, how many pairs of glasses if he loses them. These are contributions in that area. I also felt that under the purchase of appliances . . .

MR. DESJARDINS: Mr. Chairman, I regret I get up on a point of order but could you guide us through this. My understanding now we're talking about staff, salary for staff.

MR. CHAIRMAN: That's right.

MR. DESJARDINS: You know this is an area, if we're going to do that we can review the whole thing right here and now. It is very clear that there'll be an opportunity to talk about welfare, to talk about welfare recipients and I ask for your guidance on that.

MR. CHAIRMAN: Right. Order please. Order please. I realize the member is new in the House and I am going to give him a bit of advice. He has a book here - and one thing also, when the Chair recognizes someone on a point of order the member should sit down. I would now refer him to Page 31 of his Blue Book, House Rules. Do you have one? Rule 64, Page 31, subsection 2. Speeches in Committees of the Whole, which include Committee of the Whole, Committee of Supply, Committee of Ways and Means in this House. "Speeches in Committee of the Whole House must be strictly relevant to the item or clause under discussion." Now the items that the member is speaking to are items that are dealt in Resolution 60(c)(1)(2)(3)(4). The Honourable Member for . . .



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MR. WILSON: Mr. Chairman, on a point of order. It does say clearly here Program Review and he . . .

MR. CHAIRMAN: ORDER PLEASE. I am not going to engage in a debate with the member. I have made a ruling. The Honourable Member for St. Matthews on a point of order.

MR. WALLY JOHANNSSON (St. Matthews): Point of order, Mr. Chairman. This is another matter. There is a rule of procedure that when one member is speaking other members sit down and I realize the Honourable Member for Wolseley is a new member but he should be aware of this rule and it should be enforced.

MR. CHAIRMAN: I have already drawn that to the honourable member's attention. The Honourable Member for Wolseley.

MR. WILSON: Well I'll close with these remarks and I'll look for somewhere else. Possibly at the end I'll put it all together. But \$158,000 for reviewing the programs, if they don't have an open mind for suggestions to save this government money, if they're not going to be able to talk about economic savings then it's a sad day.

MR. CHAIRMAN: Resolution 56(c)(1)--pass - the Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I wonder if the Minister can indicate whether this in fact, this particular item is not a duplication of HESP.

MR. CHAIRMAN: The Honourable Minister of Health.

MR. DESJARDINS: No, it certainly isn't.

MR. SPIVAK: Well I wonder then if the Minister is in a position to indicate exactly what this committee does, what this group and the salaries involved actually do.

MR. DESJARDINS: Mr. Chairman, I know that there's two committees going, but damn it there's--(Interjection)--There's not two committees going? You know there's a limit to starting all over every time somebody comes in. We talked about that yesterday; we've talked about it now and now my honourable friend comes in and we're supposed to again go through the same explanation of what these people are doing. I'd suggest my honourable friend read Hansard.

MR. SPIVAK: Mr. Chairman, my understanding we're dealing with the Policy Committee - Review and Planning. I ask whether it's not a duplication there, and I asked . . . I'm sorry.

MR. DESJARDINS: I gave that information.

MR. SPIVAK: You gave that information?

MR. DESJARDINS: Yes.

MR. SPIVAK: Under the Welfare Advisory Committee?--(Interjection)--Oh, I'm sorry. Mr. Chairman, I misunderstood. I understood that you were on the Welfare Advisory Committee.

MR. CHAIRMAN: Policy Committee - Review and Planning.

MR. SPIVAK: I'm sorry. I missed that. Obviously I can't make a comment on what the Minister says--(Interjection)--No. But I would make one general comment then at this point and I think I may. One of the concerns I guess that I would have would be the rationalization with respect to the whole department's research that I thought would have been made with the Minister coming in as he did, with the experience of the Health Services Commission. The problem is to see this really reflected in the Budget. We don't have really control of the Health Services Commission budget other than in the itemized amount that we deal with in the Estimates and we really don't have the opportunity to review it as the Minister does.

With respect to Cabinet Committees and its working groups, some of whom are drawn from the departments involved such as Health and Social Development or Education. The problem, I guess the concern is that one would have to characterize the period of a private Minister coming in and assuming responsibilities as one of them, of a mixed bag, simply because there appear to be several policy directions that the government was considering and some of which were really announcement policies at different times by different people, some of whom were not Cabinet people. And the thing that I would have expected and what I hoped is that in effect it would have been pulled together. I don't

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(MR. SPIVAK cont'd) . . . . think that's really apparent at this point, and it may be the Minister has already reviewed that and is prepared to say that I've already discussed that, in which case . . .

MR. DESJARDINS: No, no.

MR. SPIVAK: All right if you haven't discussed that, my purpose is questioning was to get to that point. And my purpose in questioning wasn't because of . . . it was really to cross-examine to be able to try and come to that point. Because the impression I have . . .

MR. DESJARDINS: . . . to ask what you want . . .

MR. SPIVAK: It may not be a simple question, Mr. Chairman, but I think it's a question that has to be answered, and it leads further to some other discussion that I think should take place at other times in the Estimates when we deal with them. It deals with the whole question of how you rationalize the effort of others or other groups in trying to basically plan, program, review, evaluate and pursue ahead on the whole health care and social development field. And it would seem to me that in looking at the Estimates where you have an increase here, it's not a decrease, in something that essentially is part of that total thing, I still get the impression that it's still not under control and I would be very happy if the Minister can indicate that it is.

MR. CHAIRMAN: The Honourable Minister of Health.

MR. DESJARDINS: . . . on the question, and I'll now be very candid with my honourable friend but with the understanding that I'm not criticizing anybody. I'm just talking about my operation and my style of operation.

When I was at the Commission, I think it's true to say that there was misunderstanding. There had been an independent group called the White Paper group who were bringing - and I think you're referring to these people - policy, sometimes the Commission did know what that policy was. The Commission was discussing certain things in the community and the White Paper too and we brought this together. White Paper no longer exists. These people were taken in at the Commission. We started the planning group at the Commission. At the Commission I incorporated a kind of small policy committee also to do all that, to know exactly what everybody was doing. Now I'm doing the same thing at the . . . and I don't want to exaggerate that. There's an increase, but this is no new people. It is a re-organization and, as I say, I don't want to criticize. I'm not saying the other methods aren't good. In fact they might be better, but as far as I'm concerned, and I guess my personality and so on, what I would like to see is this. I did not want to see just the evaluation done by somebody who was stoking up who wants the program, who is administering the program. I didn't think that was good evaluation. So we've got this under the . . . this is where we brought in an Assistant Deputy Minister who answers directly to me and he's in charge of all resources. And he's independent, he's not doing that for the person that is stoking, that is pushing this program. There's more of an independent evaluation and so on. Then we must co-ordinate. Exactly what my honourable friend said is what I have been trying to do. We must co-ordinate what is going on at the Commission because there is overlap at certain times. We have to plan together, there's no doubt about that. If we're talking about home care, certainly that's a reflection on personal care beds needed and so on.

So in this Policy Committee - I'll tell you who the members are on this Policy Committee. And it is just a committee that meet once in awhile, once a week and so on to discuss, and we have our agenda and so on. It's not a duplication of HESP. HESP is doing that as a sub-committee of Cabinet. This is our own department. We have the Deputy Minister and the Deputy Minister's role now - you know we could say we have four Deputy Ministers - the Deputy Minister who was there before as the Deputy Minister was too big. And I don't think that his strong point was administration. He was a program man. All right, he is in charge of programs, he's looking after the programs. Then he has an ADM who is looking at the program on the social services side. And we have an ADM who is doing the delivery of these services through the regionals. This is our single unit delivery system that we're talking about. Then, as I say, we have an Associated Deputy Minister who is responsible for resources. Then we have a Chief Medical

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(MR. DESJARDINS cont'd) . . . . Consultant to discuss with the professionals, he's a doctor also and he's the chief psychiatrist for the . . . it's Dr. Tavener that I'm talking about and he's also responsible for our policies, this has been a change, our policies on the mental health field. This is a new change. As I say we've been re-organizing.

Now the Policy Committee, we have myself as the Minister, - oh I should say Reg Edwards, the Chairman of the Manitoba Health Services Commission also comes to all these meetings, and we have some pretty wild debate at times where I think it gives us an opportunity to see what the Commission is doing, to see that everybody is doing their work and that we don't duplicate it. And not only that, but on the funding side it's important, - on paper this looks like a terrific program, but you'll have somebody from the commission who will say yes, but if you do that, this is what it will cost, this is what it means. So our Policy Committee is the Minister, the Associated Deputy Minister in charge of resources who actually is the Administrator, the Deputy Minister who is in charge of programs and his two ADMs, and the Chairman of the Manitoba Health Services Commission. And as we need other people, if we're talking about ambulance and so on we get the person that is responsible for ambulance at the Commission, Mr. Chaplan, and he comes in. If we have somebody on day care, we bring the Director of Day Care.

Now, it is to do exactly what my honourable friend was suggesting - and I agree with him, this had to be done, especially in a department so large as this where we have programs after programs. And the idea now, we're saying okay, let's solidify the programs that we have, let's evaluate them, if they're good, fine. I'm not saying there's never going to be any programs. We've had the program on dental care for children and so on. This is a new program that is starting now.

So this is the kind of work that this group is doing. It is a group brought together that were in the department. There's no new people in there at all. And because of the large department and because of all these other groups, two of them are co-ordinators who do all kinds of work. They will go and discuss certain things with a hospital, they will go and discuss other points with a community and the requests that we have and so on. And then we have a small - well we haven't got them yet, but the idea is to have two planners and a secretary. So this is the kind of work that this Committee is doing, exactly what my honourable friend is stating, this is what we want to achieve.

MR. CHAIRMAN: The Honourable Member . . .

MR. DESJARDINS: Excuse me, we're practically ready, it took a long time, we should have an organization chart in a very few weeks and I will make sure that every member of this House gets that chart.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Then I take it that what the Minister is saying that in the terms of recommendations, HESP will operate on the basis that the Minister himself will be providing them with the information for decision-making on the part of the Committee.

MR. DESJARDINS: Did you say HESP?

MR. SPIVAK: Yes. Or is HESP not functioning in the way it is . . .

MR. DESJARDINS: HESP is functioning.

MR. SPIVAK: All right. Well, what I'm suggesting then is . . . I understand what he's saying, but having said that, does it now mean that as far as the Minister is concerned, he is the one who is producing and is acting as the initiator to HESP with respect to the decision-making that the Cabinet or a sub-committee of Cabinet would have to make on policy matters? In other words is it really coming up from within the ranks with the evaluation taking place at this point there, or are they still independent of the Minister and the department?

MR. DESJARDINS: Well, it works in both directions. HESP is . . . this is a committee, although because we put it in here to explain exactly what we're trying to do, the Minister of Agriculture might have a different system altogether, the Minister of Urban Affairs might have a different system. And that suits their personality and they do the work just as well, maybe better as I stated. We're talking about our own department, we should try to put order in our own department first. That is the idea. Now, HESP is a sub-committee of Cabinet. Cabinet is, you know, you meet once a week but

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(MR. DESJARDINS cont'd) . . . . you have many things. Now you have HESP, who groups Health and Social Services and Education and Tourism and I think Urban Affairs and Corrections also. So we might have something in our department because we're responsible to look at our programs, you know, the same way as you would have a Cabinet paper. Instead of bringing the Cabinet paper directly to the Cabinet it will go to HESP. Sometimes we try an end run and the Cabinet usually tell us, well go back to HESP because that's their responsibility. There's always somebody at HESP and there's always somebody from Planning and Priority, so the whole government knows what is going on.

Now that is one of the ways and it might come in this way, but also it might be HESP that will direct our department, or Planning and Priority or the Cabinet that might say to the department, develop a program for dental care. And we have to do it. And that is where . . . at the department level this is where it's done, at the policy group, that small group. For instance if the Cabinet tells us, well we want a program on - what? We want to include . . . well, I suppose when they stated they wanted to include the personal care homes and that. Well the work would be done and these people in the area will co-ordinate. They don't do all the work there. As I said, there's been one man, but they will get this from all over the place and will co-ordinate this.

MR. SPIVAK: I guess then we come back to something . . . I'd like to understand the Minister. In terms of evaluation of programs and in terms of the evaluation of results, this would be within this group as well, essentially. Obviously they're built into the evaluation techniques within the various programs and you have ways in which you do it. But I'm now talking in terms of the overall responsibility of the department. If I'm correct then I would ask some basic questions on that. If I'm not then there's no point in my pursuing it. At one point evaluation has to take place on any given program and I would assume that this group would be the group in which the evaluation would take place.

MR. DESJARDINS: Well, that again, under Resources there's a Review Committee and most of the work is done there you know, for review. And these are the hard people with the red pencil and so on that are counting the dollars and so on. And the Co-ordinator and the Policy Committee will bring these people together but will give a chance to the Program People that are pushing it on paper. It might be a very good program but we're giving them a chance also where before that the people who would promote the program would be the Program people, people that would administer it and who were the people who would evaluate it. And now, you know, it's quite a thing to ask people, if you sold me a program, if you were implementing, administering the program, if I'm going to ask you to evaluate it, what kind of evaluation am I going to get. So it's co-ordinated at the top, but most of the evaluation, it has to be done at the Program also. They have to give some information but it goes to the Review Committee of the Resource Section and then comes to the Policy Committee.

MR. SPIVAK: Then I wonder then - all right, I understand that. I think one of the difficulties you have in understanding the structure is that it will require some explanation as we go through on this. All right. Then can I ask something very direct? Has the Policy Committee Review on Planning ever reviewed the dismantling of the Manitoba Health Services Commission and inspected its absorption within the Department of Health and Social Development as a departmental function?

MR. DESJARDINS: These are the kind of questions I like. I like the direct questions, they're challenging, and I think they're good questions. This is not something that normally . . . it could be something that as a Minister I could say is the policy of MACC, fine. But this usually would be something at least at the level of HESP because that is a decision of Cabinet. I might say that this has been looked at at different times and the feeling was that maybe this will come, but for the time being it was felt that there was some advantages to keep the Commission.

The Commission, I think, will - and you might laugh at this, but I'm serious and I'm sincere when I say that - I think that when we're looking at the budget and the application of the new hospitals and so on, it is certainly an independent and it's less political certainly than a department, than a government could be; or even less partisan, there's less temptation. I would hope that it's not less partisan, I hope that all the departments

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(MR. DESJARDINS cont'd) . . . . are non-partisan but there could be that temptation of saying oh well, fine, you know, this is the party in power and so on. And then there is no way that as a Minister I want to start reviewing the budget of every hospital and so on, and so it's functioning quite well. But my honourable friend is right, a few years ago the Commission would come in, you'd have one item only, one item, and in five minutes they would say well that's the Commission and that's it and you'd say thank you. And in fact there's a different style also. In the days when this first started, it was practically a dictatorship and that's the way that the government wanted it at the time. The government wanted it very independent. And you'd have Mr. Pickersgill who would go and sit with . . . Pickering I mean, not Pickersgill - he was writing his book on Mackenzie King - Pickering would go and meet with Duff Roblin and they'd discuss, and if they'd say we want more money, we want . . . well all right we want to increase the premiums and so on.

Well, this government has chose - and I think in all fairness, if the Conservatives were still in government I think they would have changed that also, but the government has to be involved in planning and so on. You can't just farm this thing out, all the question of hospitals and so on to another committee. But there was nothing done. Now last year we brought a change where I felt that it was unfair and certainly not honest for the department and for myself to hide behind the Commission. So if you remember, we accepted the responsibility for the policy and the planning and so on. We're not hiding behind the Commission and we're working quite well with the Commission. But for the time being we're very satisfied with the way the Commission is functioning now. There is more togetherness. They know what we're doing and we're working very very close together. And you've noticed that the Chairman of the Commission is also the executive . . . it's a full-time Chairman who is the Executive-Director and as the Executive-Director he reports to me also, so we're working very close together.

MR. SPIVAK: Mr. Chairman, as a result of the, I think unintentional slip on the part of the Minister, one would have to say we can scratch a Liberal no matter what his colour is, it will still come out Liberal, and the reference to Pickersgill I think is probably that.

I think the question at this point with respect to - and I appreciate the answer that has been given - and I'd frame it in this way, recognizing there's limits as to how much information he is prepared to give on the evaluation, but I wonder if he can indicate whether it is because of the concern of duplication or it's the concern of effectiveness, that would be one or other of the reasons for the consideration of the evolution of the Health Services Commission coming within the department. In other words is it a question of effectiveness or is it a question of duplication of effort?

MR. DESJARDINS: It is not within the department now.

MR. SPIVAK: No, no. I mean the concern and the study and the possibilities he's talked about.

MR. DESJARDINS: The only duplication was sometime in some of the planning. In effect the Manitoba Health Services Commission is more an insurance. You know they don't run programs. They work, they will review budgets in the hospitals and the hospitals will run the programs where the department certainly has programs. But they must work together. And they might have been at one time I think going in certain directions. When I was at the Commission, the former Minister had a committee where the Chairman of the Commission, it was the same kind of committee, but it was the Deputy Minister of the department and the Chairman of the Commission would meet with the Minister and he would give us our direction. It was the same thing. We started getting closer together that way and this is what we've carried on. But I'm sure there's no duplication now and I think it's running very efficiently. And then - maybe I should hesitate in saying this, but one of the important things also is that the MMA had a contract with the Commission and it was more an independent, it wasn't an agreement with the government; it would be very difficult to have an organization, any group having an agreement with the government. I don't think that we should do that, and it is to permit us to continue with this kind of an arrangement that we kept the Commission.

MR. CHAIRMAN: Resolution 56(1)--pass; 56(2)--pass; Resolution 57 Resources Division (a) Financial Services (1) Salaries. The Honourable Member for Rhineland.

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MR. BROWN: Again, Mr. Chairman, I wonder if the Minister can tell us how many people are involved in this particular salary and just exactly what their function is. Can the Minister tell us in what way they administer and co-ordinate programs with municipalities? And also whether they do any accounting for municipalities, and are municipalities charged for this service? I wonder if the Minister could elaborate on some of these questions.

MR. CHAIRMAN: The Honourable Minister of Health.

MR. DESJARDINS: No, what my friend is describing with the municipalities, this isn't done. Actually, if you want an idea, may I suggest that this year for the first time we had a - very short mind you, but at least it is a start, to read in fine print a bit of an explanation of what this is doing. This is actually the salaries. There were 79-1/2 people last year, there's 79-1/2 people this year on that. This includes the salary of, (a)(1) is the salaries of Associated Deputy Ministers, the Executive Director of Finance and Central Services, four co-ordinators and support staff; and (2) is the general operating cost of this office. Major items cover \$78.7 thousand computer charge for voucher accounting and \$84,000 computer charge for payroll, also includes 53.5 for printing and stationery requirements for all central financial functions. This is more administration than anything.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. MCKENZIE: I wonder if the Minister can advise me, what is the total staff of the department on the payroll?

MR. DESJARDINS: The total is 4,000, that is not the Commission, 4,931. Oh excuse me, yes, yes, that's with the Commission. The Department is 3,468, Corrective Rehabilitative Services 721, the Commission 742, for a total of 4,961. And get this, again I'm very proud to be able to repeat this, that's only 61 more than we had last year in the whole department, and we have some new programs.--(Interjection)--I beg your pardon. No, not for contract, on term people, not contract people. And the direction has been that certainly we are not going to try to play games here and say, "Okay, you've got less people, we're going to have more contract people"; the direction is that it'll be the same thing on the contract people, they will replace contracts; and there's some areas that we might have a little more money for more contract but in effect we should have about the same proportion of addition to contract people, not more.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Well I wonder then if you can indicate, are the numbers in the Commission up or down as compared to last year?

MR. DESJARDINS: 735 last year, 742 this year, plus seven.

MR. CHAIRMAN: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Chairman, I believe this comes under this because it says, "Provides central accounting and budgetary". When the department, as far as the Welfare Department is concerned, if somebody makes application or if somebody is provided for money to buy a new stove or an appliance of any kind, or furniture, and that money is not spent for what it was given for and the department or the worker comes along and said, well you haven't bought the new stove, it's not there - what happens when this happens, it's not there, the welfare recipient has to pay that money back? And if so, if they have to pay it back and all of a sudden they go off welfare, how would you collect it? I would like to ask at the present time how much money is in Accounts Receivable of money not being able to be collected under this thing? And how much money would there be at the present time of people who are presently on welfare that have money to be paid back to the department? Now is the accounting set up, you must have some accounts receivable for people who have done this, and how much is it?

MR. CHAIRMAN: The Honourable Minister of Health.

MR. DESJARDINS: Mr. Chairman, this is actually the place where we could have a good discussion on that. As I say, the Director of the Income Security will be with us then. This would be on Page 30, that's when we're talking about accounting. We're dealing with staff of the department and so on here. On page 30 - well actually on page 29, when you start Social Security Division and Income Security Programs would probably be

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(MR. DESJARDINS cont'd) . . . . the best place for that, if my honourable friend wouldn't mind. I might say, if you allow me, while I have this information here, that in 1975 we're recovering on overpayment \$110,000 and on Hens \$330,000.00.

MR. CHAIRMAN: Resolution 57(a)(1) Salaries--pass; Other Expenditures. The Honourable Member for Rhineland.

MR. BROWN: Thank you, Mr. Chairman. I wonder if the Minister could indicate where these other expenditures are spent.

MR. DESJARDINS: I did. I told you that they were major items, 70,000 computer charge for voucher accounting; 84,000 computer charge for payroll; 53,000 for printing and stationery requirements for all central and financial function.

MR. CHAIRMAN: The Honourable Member for Wolseley.

MR. WILSON: Mr. Chairman, could the Minister point out the section where I might get into the welfare appliance field and also the plea by the City of Winnipeg to have the province take over 100 percent of municipal assistance? Where would I be able to launch that plea?

MR. DESJARDINS: I would suggest, Mr. Chairman, either on page 29, Social Security Division and again in the Income Security Programs on page 30, (c). I would imagine that would be the ideal place.

MR. CHAIRMAN: I would also, just for the member's information, that if he misses it there's always the Minister's Salary at the end. Resolution 57(a)(2)--pass. Resolution 57(b)(1) External Programs - Salaries \$87,100. The Honourable Member for Rhineland.

MR. BROWN: Thank you, Mr. Chairman. I wonder again, could the Minister say how many people are involved in this particular salary? I gather that this is the department which determines the budgets for the external agencies for the seven areas of the province.

MR. CHAIRMAN: The Honourable Minister of Health.

MR. DESJARDINS: Staff, 11 last year and 11 this year, and it includes the salary of Director of External Programs, Support Staff. No. 2 is the general operating cost of this office. These are the people, yes, that are dealing with agencies and so on that receive grants or are funded by the department, the administration.

MR. CHAIRMAN: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Chairman, I wonder if this would be the occasion where I might raise with the Minister a matter that we discussed or at least exchanged on Question Period a couple of weeks back, and that is the strange practice that the government is now undertaking of the signing over of a peculiar agreement which gives the province the right to have first option on all assets, property, furniture and other matters contained within the property of external agencies in return for which the government would agree to give them their grant. Just going back a little bit, Mr. Chairman, the matter came to my attention really from three separate agencies, mainly in the child care field and the mental health field, where they indicated that a gentleman from the department was travelling around suggesting, with an agreement already drafted, pointing out - and I have the agreements with me - where the government has the right on the dissolution of the entity to acquire, not, not its interest, not its interest, but all. And that's the difference. I went back and I looked very carefully at Hansard and this is his answer, and he said, "The point of the exercise is to protect the province's equity." This agreement gives them the right to take all the equity.

MR. DESJARDINS: I haven't seen that agreement. You said that you'd give it to me and I've never seen it.

MR. AXWORTHY: Mr. Chairman, to begin with, I should explain to the Minister, if he is not able to secure from officials of his department copies of agreements that they are giving out, then something smells in the Department of Health and Social Development. Because after all, I'm not the Minister of Health and Social Development, presumably those officials would respond to a request or a memorandum or whatever it is, we raised the question in the House, I suppose the normal practice is for a Minister therefore to request of the individual or the department to find out what's going on. And so for the Minister to

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(MR. AXWORTHY cont'd) . . . . claim all of a sudden somehow he hasn't seen an agreement, it says then either he's not doing his job or the department's not doing its job. But the fact that I can't put a piece of paper in his hand and walk down the hall with it, is something--(Interjection)--well the Minister's upset. I find it a very curious way to run a department, that you can't get your officials to give you a piece of paper that they're taking around in your name, because they're taking it around in the name of Mr. Desjardins, The Honourable Laurent Desjardins who's the Minister of Health and Social Development, is the one who's going to sign this agreement, and yet he hasn't seen a copy of it yet.

So I would suggest, Mr. Chairman, perhaps first before we do anything we should maybe discuss really the degree of control that the Minister has over his department. Is he telling me that members of his department are now roaming the countryside, going to external agencies saying, "Here's an agreement that I'm carrying on behalf of the Minister, and the Minister doesn't know anything about it." If that's so then, Mr. Chairman, we have a horrible abrogation of ministerial responsibility, line responsibility and control. And I can only assume from the protestations that we received from the Minister that that happens to be the case. I would certainly hope it wouldn't be, because to have a serious matter like this where you in fact are putting a very important onus on the part of external welfare social agencies depending upon government per diems, seems to me a very serious issue. And it would be my understanding, Mr. Speaker, that such issues would not be something handled by officials down the line but would probably be decisions made by Cabinet itself. And I would assume or I would hope that it would be made by Cabinet, because I don't think a government would go into something like this lightly. I don't think it's a matter that is treated in an offhand fashion. The fact of the matter is, Mr. Speaker, that no one would object to the Provincial Government wanting to receive in return for whatever funds it may pass "in capital" to an external agency to have some requirement to get that back. But that's not the way these agreements read. What these agreements say is that we want the option for all property and all assets and all chattels. Which means simply, Mr. Speaker, that as soon as any agency dissolves them - and just think of the equation that could erupt, Mr. Chairman, I wouldn't suggest that this Minister would do it, but just look at the - let us assume that if an agency is totally dependent for government grants on the Provincial Government because it's providing a service, a per diem grant let's say where the external agency is supplying a specific service for the province, for the community for which they receive a per diem, which the community pays for, which the public pays for - which the public pays for, which the community pays for, not this government, but the public pays for. And I don't believe that this government represents the public. You have a certain mandate from it and so the public has a right to receive back what he invests. And that's the point, Mr. Chairman, it has a right to receive back. But to take over the assets, to take over the agency - and just think of the bludgeoning that could go on. We give the grant, we want your property, therefore we get you to sign an agreement in order to get that grant; you sign your agreement then we stop giving the grants and we get your property. Pretty interesting kind of little game that we play isn't it, Mr. Chairman? You want somebody's property, what do you do, you say you require . . . it's a very interesting game, and I certainly wouldn't assume the government would be up to such a game, but it gives them the power to do it. That's the problem. And when the power is there, once these agreements are signed, the power is certainly there, that if they want to compel or intimidate an agency all they have to do is simply take their grants away and all the property and assets and land and stuff like this go into their hands.

Well the Minister of Mines and Resources seems to object. It's in the agreement. It says all property assets and there it is. So in effect what we're saying is now if one had a mind you'd want to suggest that that's interesting the way you take over external agencies for example, that if you don't like those private agencies out there providing services then you have a means at hand to simply have a way of providing the coercion that would be required to do it. And I'm not even suggesting that they would do it, but I am saying that certainly one of the lessons we should learn is that when the power is there the likelihood is that some time or other someone's going to use it and find out that that



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(MR. AXWORTHY cont'd) . . . . becomes a very interesting way and there is no restraints on it. And I would think if the Minister, once he sees the agreement, wanted to ensure that the rights of the province were protected in terms of receiving its form of investment then no one would argue at that, but not everything. Because the fact of the matter is that many of these agencies were built not with government funds but the property was acquired through churches or foundations or private donations, they have acquired the land and purchased it and that--(Interjection)--and he says, "No one's taking it away." Let me read the agreement if no one's taking it away. "In the event of self-dissolution of its corporate entity and/or of self-imposed discontinuation of its operation the owner hereby gives to the government an irrevocable option to purchase free from encumbrance, other than those approved by or consented by the government, and free of encroachments any and/or all of its real property, land and buildings, together with improvements, furniture and furnishings thereof, and for the purchase price of \$1.00."--(Interjection)--Well, you know, it says any or all. It's an agreement that must be signed. It is an option to purchase and take all, not to receive your investments back but simply to take over, that you have the option to take over all the property, not to secure.

A MEMBER: Option to purchase.

MR. AXWORTHY: Oh, option to purchase. Well if it's an option to purchase there is another agreement which doesn't even have a dollar fund in it, so in fact now we are giving it for nothing. If the Minister of Mines and Resources thinks that he can sort of suggest that for a dollar that that's a fair return for assets that may amount to hundreds of thousands of dollars in terms of property and land, then I would suggest that you know, that he has a very funny economic formula at work and a very strange way of ascertaining what is value and what is real value.

So, Mr. Chairman, I'm simply saying, that I think this particular action by the Department of Health and Social Development - and I assume, I don't know, how much the Minister has been involved, he seems to say he is not much involved, but say it's under his jurisdiction at least - this action is a very serious imposition, it has the danger of providing forms of intimidation on private agencies, and it could be interpreted as a matter of deliberate ways of eventually controlling and taking over the assets and operations of numbers of private external agencies.--(Interjection)--Well, whatever the reason. So, Mr. Chairman, I would assume, and I say I'm sorry they . . . time to answer that perhaps by eight o'clock that--(Interjection)--I don't care if he wants to answer or not; I'm up because I want an answer from the Minister. And I assume that if he shows up at eight I'll be here too and we can discuss what the answer will be.

MR. DESJARDINS: First of all I'm going to tell you, Mr. Chairman, why I am a little disturbed. I'm not disturbed because I don't accept the responsibility of my department, I'm disturbed because my honourable friend and I had a pretty good co-operation and I've gone many times, and he'll be the first one to have to admit, over and above the call of duty to help him out. He had a copy from one of his constituents just yesterday of a letter sent to me and he wanted an answer, I went and phoned immediately and asked them to rush this copy so I could give it to him. And two weeks ago he stated that he had a copy of this - sure I can go and search - and if he seriously wants an answer - he stated that he had a copy, I asked him for a copy, he said he'll give it to me, he walked outside and made a statement to the press and he didn't give me a copy. I asked him since then, and he promised that he would give it to me, and he didn't. That is why I'm disturbed, and I serve notice on him today that he will be treated like everybody else and he will wait for the mail, and so on, before he gets anything else.--(Interjection)--That's right. I'll treat you even a little better, because I think you would appreciate it.

Now first of all let me say, this is not an agreement, this is not an agreement, this is a draft that the people are told not to sign. This is a discussion paper that is going out with these people, we have only . . .

MR. SPEAKER: Order please. The hour being 4:30 I'm leaving the Chair and the House will resume in Committee of Supply this evening.

PRIVATE MEMBERS' HOUR

MR. SPEAKER: The first item in Private Members' Hour will be Royal Assent. After that we'll get to the agenda.

ROYAL ASSENT - BILL NO. 26

The Honourable the Lieutenant-Governor of the Government of the Province of Manitoba having entered the House and being seated on the Throne.

MR. SPEAKER: May it please Your Honour, The Legislative Assembly, at its present Session, passed a Bill which, in the name of the Assembly, I present to Your Honour and to which Bill I respectfully request Your Honour's Assent.

Bill No. 26 - An Act respecting The City of Brandon.

MR. CLERK: In Her Majesty's Name His Honour the Lieutenant-Governor doth Assent to this Bill.

MR. SPEAKER: Bill No. 21. The Honourable Member for St. Matthews. Absent. Stands.

BILL NO. 41 - THE MANITOBA FREEDOM OF INFORMATION ACT

MR. SPEAKER: Bill No. 41. The Honourable Member for Fort Rouge.

MR. AXWORTHY presented Bill No. 41, The Manitoba Freedom of Information Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Thank you, Mr. Speaker. Let me begin by saying that I think the purpose of this bill, as introduced, is one that fits very much into the tradition of the parliamentary system which attempts continually to upgrade and evolve ways of protecting rights of individuals and the rights of the public. We spend an awful lot of time in this House, Mr. Speaker, debating and discussing a variety of ways in which the power of government can be increased, where government interventions can take place. We don't spend I think, Mr. Speaker, nearly enough time talking about the ways in which it can be restrained, in which basic liberties and rights can be protected. Perhaps it's a problem in our age that we don't have nearly the same focus of either public attention or perhaps even legislators' attention to the ways in which the institutions that we use are adequate or inadequate to those protections of rights and freedoms.

I believe, Mr. Speaker, that every generation has to in effect deal with a different set of problems, has to evolve a different set of responses to the kind of arbitrariness of government and political power that oftentimes emerge and we can trace through history in various ways to the point where at one time we decided that we had to behead kings, I suppose, and establish basic parliamentary institutions, establish rights of freedom of press and freedom of speech. These particular battles have been fought and won oftentimes with a great deal of dispute and often - certainly when they were first introduced - with a great deal of unpopularity, to the point where they now become accepted and are part of our basic structure of government.

It would seem to me, Mr. Speaker, that we should be required to take a look at our own age and decide what sorts of present dangers or problems may be encountered in the ways in which government in the 1970s operates. It may be that the institutions that we have, while perfectly adequate to deal with the activity and operation of government as it was a decade ago or twenty or thirty years ago, no longer is adequate to the kind of operations that we have now.

Of course, Mr. Speaker, I think one of the areas that every elected person must be concerned about is the massive complication and growth of government operations and the myriad number of tasks and activities performed, all of which generate new people and certainly require very specified skills and a great deal of data, information and research to support them. The problems that can be encountered in that situation, Mr. Speaker, are twofold. One is the case of the private individual that finds himself getting caught up in the wheels of government without really knowing the way out, and oftentimes

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(MR. AXWORTHY cont'd) . . . . set upon as he or she may see arbitrarily, without any rationale or rhyme or reason, without any knowledge about why something is being done to that person or what the reasons for it are. Oftentimes the reasons are hidden away in government files somewhere. It may be a memorandum or a note or a piece of information that someone has stuck before but because of the way bureaucracy works and the wheels turn over those kinds of impositions are never found out or discovered. We've had examples here in this province, Mr. Speaker, where for example there's been a number of complaints about the operations of the Workmens Compensation Board, where injured workers and other workers are never able to see their medical files, is one example. Just not being able to find out what in fact is being deduced about their medical state.

Other cases may be - a case that came to my attention just a week or so ago. Nothing major but important in the sense that in a matter of a car being totalled and taken to Autopac, that the assessor's report was not going to be given to the person whose car was damaged. It was considered to be private, confidential information for some reason or other. Requiring that person to go and spend another \$200 to \$300 to get an individual report. I'm not saying that those are great conspiracies. They are the slippages and blockages that any large government organization runs to.

At the same time, Mr. Speaker, aside from the specific problems that the individual himself runs into are the more general problems of public policy and the requirement to make sure that when public policy is discussed and debated that the full range of information is available about what those policies are going to do and many of the kinds of background data and research that have been developed to support. How can even people, I suppose, in this House, properly cope with many of the proposals of government when government in a sense has the monopoly on the experts and the monopoly on the information. Unless one has vast amounts of resources, almost comparable to government - which no one really has - then there is always a disadvantage. Therefore the research and data that a great deal of public money is spent to acquire is oftentimes hidden away and again not for conspiratorial reasons but simply because that's the way things are done. The general predilection in our system is government only tells you what it's prepared to tell you. Everything else is kept secret or at least kept confidential or at least kept behind doors.

We have certain institutions that we can use or certain procedures. We have our own parliamentary system itself, the elected system, where questions can be asked and Orders of Return placed. We agreed, after a great deal of debate which I believe went on for a period of ten-some-odd years in this Legislature to develop the Office of Ombudsman which was adopted from the Swedish model. There was a great deal of anguish about that but eventually it came to be the conclusion I think of all parties that the Office of Ombudsman was an important way of protecting certain kinds of rights. So we grafted that particular institution on to the fundamental institutions of parliamentary government. So there have been some efforts to cope with problem.

I'm simply saying now, Mr. Speaker, that I think the time is now at hand where we should perhaps go further than that, that we should begin to look at the requirement of freedom of information where sort of all information that is held by government is open and accessible unless there are stated reasons why it shouldn't be. In other words, to reverse the principle that we now live under and simply say that there shouldn't be closed doors and unless there are good reasons and stated reasons why information should not be given then everything should really be an open book to the private citizen or in fact to the elected member who doesn't happen to enjoy at the present time the prerogatives of government.

I would say, Mr. Speaker, that this particular proposal and bill is something that is not a partisan issue. I am interested to note that it's been in fact introduced by representatives of different parties. In the Legislature of Ontario, the New Democratic Party, Mr. McDonald, a legislator and parliamentarian of great experience has introduced a bill of similar kind in the Ontario Legislature with the one major difference from this bill that I'll point out later, where rather than having the courts adjudicate, the Ombudsman's office adjudicates.

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(MR. AXWORTHY cont'd)

In the Federal House of Commons, Mr. Jud Baldwin, House Leader for the Conservative Party and again a long-standing member of that House has also introduced a freedom of information bill in the House of Commons. In fact it has been there for two years and has been established and has been the subject of a great - passed second reading - has been subject of a great deal of . . . The Joint Senate-Commons Committee has reviewed and assessed and held a great number of representations about the usefulness of such a bill.

Mr. Speaker, not only in our own jurisdictions have the recognition of the problems posed by large government been recognized but you can go to other countries. The United States itself, the American Congress has passed a Freedom of Information Act and in the last year so greatly strengthened it again opening up, probably far beyond what this bill proposes, where files of the FBI and other agencies are now available for perusal and access to private citizens to find out what, in fact, even are hidden away in police files.

The country of Sweden which is always held up by members opposite as being one of the great models of a social democracy, has held principles like this for a number of years. The Swedish have a very elaborate system where everything is open and there is a number of Acts in the Swedish Parliament that really set forward the principle again that everything is open except those which are either stated not to be open or which the courts have decided is not in the interests of government to serve.

Countries like Denmark and The Netherlands, a number of European countries have either enacted legislation or are bringing legislation forward of a similar kind.

Australia, a country which has a very similar system to our own, has also recently, the Labour Party in that country put it in as one of its campaign platforms and it's been the subject of study for the Australian Parliament. So, Mr. Speaker, what we're talking about here is something that I think is gradually becoming part and parcel of the necessary institutions of the parliamentary system, of government itself. All as a matter of coping with the massive amounts of information which in many cases is not made accessible.

I believe, in fact, Mr. Speaker, that the Attorney-General of this province has even referred the matter to the Law Reform Commission for review. And if I had some, I guess, feeling that the Law Reform Commission worked with greater alacrity than it did I may have been prepared to wait. But considering that we've now been waiting for over two and a half years for an Election Reform Report and how many other reports, that I think it would be much more useful in many cases, Mr. Speaker, for members of this House, if they were to agree to a second reading of this bill, to in fact undertake their own hearings and their own examination of this because I think it's something which should be fundamentally within our purview and within our jurisdiction.

So, Mr. Speaker, I think that there is a widespread interest both in the Canadian jurisdictions and elsewhere about the problems. I'm sure every member of this House could bring forward examples of his own kind to provide as to ways and means via which a Freedom of Information Act would provide for a greater amount of public debate, awareness, knowledge and understanding about the affairs of their time.

In my own case, as I say, I can recall on one instance a constituent who came to see me just about three or four weeks ago who is epileptic, who has been on social assistance for a long period of time, who feels, and I can't judge the case, but feels that somehow or other a judgment has been made by some worker in the department that is prejudicial to him and that therefore that has influenced his standing and the response of government since that time. I can't judge the case but, Mr. Speaker, he can't see the file and neither can I. There may be some reason for it but at least he should have the recourse of being able to find out if there is a good reason for it.

In my own field where I work in the off-season doing a lot of research it's very difficult, Mr. Speaker, when you think of the vast amounts of money that are spent at the provincial level to undertake research to find that much of it is not available to people. You go and ask, they say, sorry that's government research. Yet the curiosity is that

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(MR. AXWORTHY cont'd) . . . . it's individual taxpayers paying money to have government to do research, to provide the basis for programs, and yet when that very same public wants to go and have access to that research they're told, no, it's no longer public, it's now government research. So there are a number of areas such as that, Mr. Speaker, which a Freedom of Information Act could correct and provide the basis of a different way of approaching the difficulties of government in a modern age when there are large departments in the provincial level, three or four thousand people, where no Minister is able to fully deal with the individual actions of those departments as we've just heard and seen. Where in many cases there's all kinds of pieces of information being held. And the predilection, and I think, Mr. Speaker, that Mr. Baldwin speaking at the Regulations and Statutory Committees in the House of Commons just in April of 1975 indicated, I think, a very good reason for it. He said that his hope is that through the Freedom of Information Bill that he would introduce, that he would be able to begin to set a standard and a discipline for all those in government where they would no longer see everything as being closed until it has to be opened, but seeing everything open until it has to be closed. It seems to me a very fair principle that Mr. Baldwin enunciated at that time.

Now the bill I brought forward, Mr. Speaker, as much as I was able to draft it according to it, I think is a very simple one. It simply states that the individual has the right to access to information. If for some reason, and after a reasonable period of time, that information is not forthcoming then the person has a right to take a complaint to a provincial judge. The provincial judge can then sort of summon an agent of government, the individual concerned, or an agent of that agency or department, to come and show cause why it should not be done.

In the bill itself we set forward certain basic requirements that the judge could recognize for areas of information that would obviously not have to be shown. And just to give you some example of them, Mr. Speaker, we say where the release of information could result in direct financial loss to the Crown; with information pertaining to personnel matters; if the information is to be used in legal proceedings to be tried or returned in a reasonable time; information pertaining to trade secrets; commercial and financial information obtained from a person on a confidential basis or information relating to criminal law enforcement; release of information that would result in breaches of privacy under The Privacy Act or release of information that would endanger physical or mental well-being of a person. Those are the criteria we have put forth in the bill. Others may be available, Mr. Speaker, and I'm quite prepared, there may be other areas.

One that was brought to my attention and I agree, maybe the kind of confidential memorandum that may exchange between a Cabinet Minister and a Deputy Minister which give opinions and evaluations and it may be that such things should not be included under the Act. But the point is that if we would agree in principle then this House or a committee of this House, the Privileges Committee perhaps or some other, would then be able to examine in more detail the kinds of nuances that could be applied to an Act such as this to flush out and see the complications in its implementation and some of the problems that would be involved in it.

But I think, Mr. Speaker, what is important is that the principle itself be accepted and if the House is prepared to go on record that this is an initiative that we are prepared to open up for examination to see if it fits our requirements in the Province of Manitoba.

So, Mr. Speaker, that is really both the background and some of the history of it. To simply summarize I would say that first I don't think that there can be any argument that as government grows larger, as it intervenes more directly in the lives of people, as it undertakes more and more activity on behalf of the public interest and as a result as it grows in numbers and whether the catacombs and the files grow larger, more numerous that the potential for tripping up or getting caught in the machinery of the individual increases and then increasingly as well there is the real power of monopoly of information that we use to rail against the monopoly of economic power and class power. We're saying now there's a different kind of danger and that is the power that comes through monopoly of information and it is that kind of monopoly that we should break.

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(MR. AXWORTHY cont'd) . . . . I think that it would be absolutely essential that within the responsibilities of this House, as we watch government itself always growing, that we begin to debate and discuss how we can correct that trend and provide for what I think is also the responsibility of legislators and that is to evolve their own institutions and their own practices to provide for protection for basic rights and liberties.

MR. CHAIRMAN: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, I would like to speak on this bill because the subject is of great interest to me. I start by saying that I am not aware that the government has taken a particular position on it. If they have then I've missed the occasion on which they have. I don't intend to be definitive in terms of taking a position myself at the moment. I am going to deal with trying to eliminate some of the simplicity which the honourable member says, attaches to the arguments that he presents as to why this can't possibly be argued against or that everybody should agree that more information is necessary and that this bill will result in a greater openness of government than exists at the present time or is possible without this bill. I am merely going to suggest, Mr. Speaker, without being definitive, I repeat, that it is not quite as simple as my honourable friend makes it.

It's interesting, Mr. Speaker, that the honourable member who has introduced this bill has withheld from the Minister information with respect to a particular agreement that he has been talking about and which he will not disclose to the Minister as to what it relates to. I assume that the honourable member feels that he has good and sufficient reason for behaving the way he does and what is more, is prepared to stand up and defend that reason. Mr. Speaker, I think that that is the key to what is being presented here. It's also interesting that a member who would describe as a cop-out a provision to have a municipal council assume a jurisdiction which one believes that they have . . .

MR. SPEAKER: The Honourable Member for Fort Rouge state his point of order.

MR. AXWORTHY: A point of privilege, Mr. Speaker, and again it's the second point of privilege and I think the Minister does not usually need to be reminded twice. I have never said that there was a cop-out, there is no record in Hansard and I think that he should withdraw that statement. It is not an actual repeat of any words I've used.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, I would accept immediately the honourable member's statement that he did not use the word "cop-out" and I gather that he does not now want to say that it is not a cop-out, that the Minister is not copping out but he wants to say that he is a cop-out but those are not the words that I used. Because the effect of his speech was to that effect and I do not hear him withdrawing the suggestion that this was some type of an attempt to avoid the heat. If one wants to avoid the heat one should get out of the kitchen. I believe that those were the words that the member used and if those words are preferable to him, it is interesting for a member who says if you don't like the heat get out of the kitchen, should be presenting a bill which does exactly that to the politician. It gets him out of the kitchen.

Mr. Speaker, the honourable member is not saying that the information should be available. That's not what he is saying. Listen, Mr. Speaker, to the information which, under this bill which is presented to provide openness of information, listen to the list of information - and the honourable member is prepared to add to the list which will not be available - information that it is not in the public interest to furnish the information sought by the complainant. Mr. Speaker, does one need a bigger barn door through which to drive a tractor than, it is not in the public interest to furnish the information sought. But if that is not general enough, if that doesn't permit everything to be withheld let us add to the list: The release of the information would result in direct financial loss to the Crown; the information pertains to personal matters; the information is to be used in legal proceedings to be tried or returnable within a reasonable time; the information pertains to trade secrets and financial information obtained from a person in privilege or confidential; the information relates to evidence or procedures pertaining to criminal law enforcement; the release of the information would result in a breach of privacy; the release of information could endanger the physical or mental well-being.

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(MR. GREEN cont'd)

Now, Mr. Speaker, after we give that list plus such as would not be in the public interest to release, the honourable member says, as we were advised by the lawyer for the Northern Flood Committee after he repeated his 16 demands. And if the above list is not exhaustive, you may add to it anything that you wish. He is prepared to consider all kinds of things that you would add to it.

Now, Mr. Speaker, under this bill all of that information could be withheld by the government. What is the criteria? What is the difference? The honourable member is saying that it would be withheld by a judge and not by the government and that is the sole distinction between the two areas. The honourable member says that it will get the politician out of the heat into the judge's office and that the judge will be able to declare, not that the politician will have to stand on his feet before the public and say, "I believed that that information was in the interests of the public something that I should not release. I'm prepared to stand on that. I'm prepared to go before you and tell you that I will not release that information. I am prepared to fight for my political life on the position that I would not release that information." No. What he says, that we are going to let this matter go before a judge.

Mr. Speaker, what that makes for - and if the honourable member doesn't believe it then I suggest that he look historically and he will see that it is correct - that makes for very friendly judges provided that the party in power and the party who has appointed the judges are one and the same person. If the honourable member doesn't want to search the history books he needn't go very far. I mean just within the last few months we uncovered, not because the judges complained, but because one judge complained, rather cozy relationships between the politicians and a judge. And if I, Mr. Speaker, wanted to get out of the kitchen because I could not stand the heat I would try to - and I assure you that I don't do this and the honourable member should know that I do not do it and I've not acted this way - I would say the best way of handling this situation in accordance with this bill is to find somebody who will take the position when it is presented before him that this is not in the public interest. Then I could go to the public and say it wasn't me who defended the position, it went to a judge and he was the one who said that it is not in the public interest.

Now, Mr. Speaker, I said that I am not going to take a definitive position on this bill and I am not. Because, you know, there could be things done that would convince me that this is harmless although I find it very difficult, knowing in my own train of thought, to come to the position. But it is not as simple as the honourable member makes it. It is not the fact that under this bill more information will be released. I say that if the Legislature or the government ultimately wants to obtain the support of the electorate which I assume everybody does - you see I am not one who claims to be a politician because I don't want votes, I am a politician who wants votes and the actions that I take are based on the fact that I want public support. And when I refuse to release a document which I may wish to refuse, I refuse to release it on the basis that I will be able to go to the public and get their approval for having refused to release that document. I say, Mr. Speaker, that that to my way of thinking is the best protection; that I think that times change; I think that ten years ago that it would have been difficult to obtain public approval for a position which required you to release the names of people who are borrowing money from the Manitoba Development Corporation.

I remember reading editorials, Mr. Speaker, in the Winnipeg Free Press and the Winnipeg Tribune during my years in opposition saying that it would not be in the public interest to release this information. I do not think today that a party coming to power, I do not think that the Conservatives would suggest that the giving of money through the Development Corporation to private firms and individuals should not be a releasable item. I think that that grew not because some judge, who did not have to go to the public, who did not have to stand up, who wasn't in the kitchen, said that it was not releasable - I think that there is a process by which democratic government operates better when people stay in the kitchen. I believe that I've stayed there and I believe that this bill is a way out.

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((MR. GREEN cont'd)

So, Mr. Speaker, I am not one who thinks that one will commend himself to the public by means of withholding information. I think that the way of government is to release more information. The honourable member concedes that some information should not be released. There's only one question dividing us. Just one. Not a question of theory; not a question of whether more information should be released or less information, but whether the decision will be made by a judge or by the government which is the elected representatives of the people and is prepared to stand up for their position. I happen to think that we are better served at the moment at any rate by that position being asserted by the government.

Now my opposition friends - you know I rather gather that they are going to be in a difficult position on this bill. I know as I stand here, Mr. Speaker, that most of them agree with what I am saying because some of them have been in government and the others have been associated with people who are in government. It's interesting that the member who spoke indicated that this has been brought forward by opposition parties, by the Conservatives in Ottawa, by the New Democrats in Ontario, and I rather suspect that the position of the opposition could well be here, as long as we have a New Democratic Party government we want this kind of a bill. But when we avoid this government or if we are ever lucky enough to get rid of this government, we will go back to the principle of responsible government which has the right to present its position to the public in a responsible way.

Mr. Speaker, whenever there is this kind of issue as to whether - and it becomes an important issue - I do not believe that that issue is best resolved by a judge. I believe that that issue is best resolved by the public. I do not have that unshakeable faith in the impartiality and the responsiveness and the intelligence of the judiciary. Perhaps that's because I practised law for too many years, Mr. Speaker. But I assure you that in those two arenas I have found, whether it's been a Conservative Government or a Liberal Government or a New Democratic Party Government, that as bad as the decisions sometimes have been, that the court decisions have been worse. Because one thing is fundamental, that the decision of the elected representative is made on the basis that it has to be able to obtain public support.

What has happened when we've taken real hot political issues and put them in the hands of the judiciary? You know one of the hottest was the Spence Inquiry when Mr. Pearson decided to go through the vulgar - it was vulgar - process of having Mr. Justice Spence see whether the former Prime Minister of the country John Diefenbaker was guilty of some type of security risk because he didn't smack Pierre Sevigny's wrists for sleeping with Gerda Munsinger. They went through that vulgar process and Mr. Justice Spence, in my opinion, was put in the position of making a decision which was later described in terms of language which I probably have used in this Assembly before but which I'm calm enough not to use at the present time, which brought disrespect to the judiciary, disrespect to Parliament and nobody ever remembers it because nobody takes it seriously. Does anybody walk around in the public these days saying that John Diefenbaker permitted a security risk in his Cabinet? But Mr. Justice Spence's decision came very close to saying that. I say that it was the fact that Mr. Justice Spence was put in a position where he was dealing with a position which was essentially political and that the public makes up its mind on those issues.

So I take the position, Mr. Speaker, that I believe in a greater and greater freedom of information flow. I question whether a greater and greater freedom of information will flow from the result of this kind of bill. I question whether this bill will not result in hanky-panky rather than responsible government because both provide for the secrecy of information. The question is: who will decide?

The honourable member says that many things have come out in the United States. I believe that that is true but have we not on so many occasions indicated that there is an essential difference between the system of government that we have in Canada and the system of government that we have in the United States. The executive branch of government is here, it's standing before you. It has to answer your requests for information.



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(MR. GREEN cont'd) . . . . That is not the case in the United States. The executive branch of government is not even responsible to the legislative branch. Only in the most extreme circumstances can the legislative branch decide that it's going to get rid of the executive. I do not think that it has ever happened. It came close to happening with Mr. Nixon, it came very close to happening with Andrew Johnson in 1865, but I do not believe that a United States President has ever been impeached. But governments have fallen in this country and in other jurisdictions, which adopt the parliamentary system.

The other thing is that in the United States the courts are not responsible to the legislative branch and indeed they are not here either. But at least here it is recognized that the Provincial and Federal Governments together have oto totality on jurisdiction. Mr. Speaker, yesterday on the radio or two days ago, some people took great glee in the fact that I said a totalitariness of legislation and thought that that was a very interesting Freudian slip of the tongue that I would make. And I guess I did it again. The fact is that they do have oto totality of legislative power and the courts cannot say that what they are doing is ultra vires. In the United States the Supreme Court of the United States can say at any point in time that this act is contrary to the Constitution of the United States and until that Constitution is changed they can continue to take that position. That is not so in Canada. They can do it as between provinces. And therefore, Mr. Speaker, we cannot compare what an executive branch should be required to do in the jurisdictions that have adopted the parliamentary system of responsible government and what the executive branch should be required to do under a congressional type of system.

I ask my honourable friend, not to take the position that I am right. No. Because I don't expect him to take that position. All I beg of him, all I ask of him is to at least understand that what he is asking for is not a simple motherhood notion that this will provide a means of obtaining more information from the government. Because, Mr. Speaker, in my humble opinion, there is absolutely no guarantee of that and in the long run, with the normal growth of a responsible government system. I believe that the existing way may well provide more information.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Speaker. Mr. Speaker, I listened with a great deal of interest to the remarks made by the Honourable House Leader, the Honourable Minister of Mines, and if you're inclined at all towards listening to eloquence then I'm sure you would be very inclined to agree with everything that the Minister of Mines has said. I have to admit, Mr. Speaker, that there is a tendency on my part to agree with some of what the Minister of Mines has said. But I don't agree with all that he has said because some of the things that the Minister of Mines said, Mr. Speaker, actually just scared the living daylight out of me.

When the Minister of Mines talks about whether it is the government that is going to make the decision or whether it should be the courts or a judge, and he made a statement then, he said that was dependent on the government that appointed the judge. Mr. Speaker, that type of statement, I think, does an awful lot to destroy in the eyes of the people the credibility of the courts of our land. Mr. Speaker, I have always been one that feels that the courts in this country should be above political interference. I would hope that all the courts in this country are above political interference. If the Minister of Mines is trying to tell us that he wants to interfere in the courts to the point where he wants to have the say in who the judges are and it is dependent on who the judges in this country are, in what kind of verdict he wants, then I say that we have to be doubly sure and doubly careful, that that type of thing does not occur. When the Minister says that he will make the decision on what kind of information is released to the public, I don't object to that. Because he's willing to stay in the kitchen, as he says, and take the responsibility. But when he says that he is not prepared to let any judge of the court make a decision in a matter like that, and it depends on who the judge is that is appointed and what government appoints him, then I become very very alarmed, Sir. Because until we make sure that the courts in this country are above political interference, once we have achieved that mark then, Sir, I suggest that the remarks of the Minister would not be a credit to him.

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(MR. GRAHAM cont'd)

That brings to mind, Sir, some actions that have taken place in this province in not too recent date. The Minister says he has no faith really in the courts and yet when it comes to the matter of the CFI where do they go for an investigation? They go to the Chief Justice of the Province of Manitoba, Chief Justice Hall, to conduct an investigation and make sure that the right information and all information becomes available. He cannot speak out of both sides of his mouth.

Mr. Speaker, at the same time we now find in our Dominion of Canada that the Government of Canada goes to the, I believe it was Emmett Hall, to adjudicate a dispute between the railway and railway workers, and the decision was just handed down the other day. So when the Minister makes statements about the courts of this country, Sir, I would sincerely hope that he would reconsider. Because I do think that the courts in this country are the least removed from the political process of any individual in this country and they will give you a truly unbiased opinion. But the Minister doesn't want an unbiased opinion, he wants a biased one, biased in his favour. I'm just wondering whether the Minister would make the same kind of speech if he was sitting on this side of the House as he made today. I would hope to --(Interjections)-- Well, I have not been apprised of that. In the speech he made in the House here just now he did not indicate that he would make that same kind of a speech if he had been sitting on this side of the House.

MR. GREEN: I did. I certainly did.

MR. GRAHAM: So, Mr. Speaker, I rise only at this time to point out that there are various viewpoints of the Minister of Mines and Natural Resources depending on whose ox is being gored and what kind of result he wants. So I leave it open to you, Sir, that you have to take with a grain of salt some of the words that are issued by the Minister of Mines and Natural Resources.

MR. SPEAKER: The Honourable Minister for Corrections.

HON. J. R. (Bud) BOYCE (Minister responsible for Corrections and Rehabilitation (Winnipeg Centre): Mr. Speaker, this debate, I'm sorry I was late getting in to hear the start of it. But it reminds me of the case of the fellow who wrote a letter to the patent office and he asked for a list of all the things that were unvented so he wouldn't have to waste his time inventing things which had already been invented. The comparability comes about in people keep pressing for more information and I don't fault them for that. I think that is what people who put such motions forth for debate are really after. They need information.

But we seem to get off into a vent about judgment. Now a judgment is, as I understand it, a process whereby someone is put in a position to listen to evidence and according to some established rules, comes to some equitable decision. Now I happen to bear some scars in this House because I was naive enough, like my friend from Birtle-Russell, to think that judgments and legal processes existed in some esoteric level, that they were removed from political interference and everything else and in my naivete I questioned the thrust of the courts in coming to equitable decisions. If you will recall, as a result of my efforts I became labelled by one member of the local press as the - I should be appointed as the Minister in charge of persecution of religious minorities. I had a bill that I tried to get introduced into this House, to have debated by my colleagues in the House, the question of equity before law. It certainly taught me that the court system was becoming, in my view, less and less concerned about the concept of equity in law. I tried to make my case and perhaps I did it badly but nevertheless I think many people in the local press didn't even want to consider what was involved in the process and where perhaps we should look at the idea of losing equity before law.

But, Mr. Speaker, the Member for Birtle-Russell prompts me to say that people expect the courts to behave as other than being occupied by members of the human race. I don't think anyone in their right mind would expect anyone to behave any differently on the Bench than they would if they were anywhere else. --(Interjection)-- Well the Member for Lakeside might, but I doubt very much if anybody else - I said anybody in their right senses so maybe he doesn't qualify.

Well anyway, Mr. Speaker, if there are two people that are standing before, I

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(MR. BOYCE cont'd) . . . . would suggest, any member of this august body, and things were about equal, I for one would suggest that there is a possibility that I would lean perhaps towards somebody that I knew rather than somebody I don't know.

It was strange to me, Mr. Speaker, that in the judiciary process, in the nature of things, a judge was appointed to hear a case involving some companies which in his history he had been involved with as an attorney and he rendered a judgment. The judgment was such that it provoked a remark by one of the people who were involved in it and I think a case of contempt was prosecuted. It seemed strange to me, Mr. Speaker, that the prosecutor in this particular case was the former partner, I'm informed, of one of the judiciary that was involved. It seemed strange to me that the bill, when it flowed to the Crown, was of the amount that it was and it seemed strange to me that the correspondence which was leaked to the press and all the rest of it - and who came out of it? It wasn't the courts that were kind of tarred, it was one of the Ministers who admittedly made a rather inadvertent remark.

But for people to pretend and to continue to pretend that there is some answer in having all government information be accessible to the public at any time, I think is not only naive but it is irresponsible. I think it is put forward by people who really haven't taken the trouble to understand our political system. They don't spend the time in reading history in the sense of what a British parliamentary system is all about and what the advantages and disadvantages of this system are.

Now there is one thing that my friend from Lakeside and I would not disagree upon and that is regardless of who occupies this particular side of the House, whether he is in my chair or I'm in his, I will give him the right to responsibly make his own errors as he gives it to me, that I have to accept the responsibility of doing so.

I have referred to it before, Mr. Speaker. One of the books that I found of some help with was that . . . Inquiry into Civil Rights in the Province of Ontario which is excellent documentation for somebody who enters the legislative process from other than perhaps the legal profession, to understand just exactly what is involved in the division of authority, delegated by the people, in the final analysis, to legislative bodies. We expect people elected to office to make judgments. We expect them to gather evidence and information to make these judgments and they're either right or wrong. If they're wrong the people will eventually turf them out.

I said it with reference to another matter. There was never any question by my colleagues when they were in opposition that it was not within the prerogative of the government to decide whether they should or should not elevate some water in South Indian Lake to a certain level. They argued with them about the wisdom of it but there was never any question about their prerogative being so that they were expected to exercise that responsibility. They never demanded information in that regard until it was introduced as a matter of debate. They put it once again that they wanted to make the members of the Legislature party to that decision and then, and then they were asked. Then, I think as many people think, that the information upon which they had based their judgments should have been made available to the members of the Legislature so they could decide. You know, Mr. Speaker, it was interesting, I suppose in frustration. All the information had been compiled relative to the hydro development. The former Leader of the Opposition piled it up on his desk and I think it was almost two feet high and he just pushed it off onto the floor. He pushed it on the floor and I suppose in frustration sometimes we do many things, argue with each other, but the motion itself as has been presented to us, Mr. Speaker, and the subsequent debate that has followed, I would have to as one vote against the resolution.

MR. SPEAKER: The Honourable Attorney-General. I wonder if I could call it 5:30 and he could start it the next time?

The hour being 5:30 I am now leaving the Chair and the House will resume this evening at 8 p.m. in Committee of Supply with the Deputy Speaker in the Chair.