

LEGISLATIVE ASSEMBLY OF MANITOBA
Tuesday, 11 March 1980

Time: 8:00 p.m.

CONCURRENT COMMITTEES OF SUPPLY
SUPPLY - ATTORNEY GENERAL

CHAIRMAN, Mr. Morris McGregor (Virden): Committee to order. 3.(a)(1). The Member for St. Vital.

MR. WALDING: Mr. Chairman, when we adjourned at 4:30 this afternoon I was seeking clarification from the Minister of the amount of salaries under 3.(a) and I believe I was getting an understanding of it by the time we adjourned and that was that this committee had approved \$64,800 last year and, at some time between then and now, an additional two research positions had been authorized, which positions were filled and apparently are still being filled and that there is an additional amount of some \$3,500.00. I would like to ask the Minister if he can now give us an up-to-date figure for the year that is just closing, of the \$64,800 plus the additional amounts that were authorized and can he estimate whether all of those funds will be expended for this fiscal year?

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: The year hasn't been concluded, Mr. Chairman, obviously I don't have the final figures for the 1979-80 fiscal year.

MR. WALDING: Mr. Chairman, I realize that and that's why I asked the Minister for an estimate. I also asked him if he could give me the total amount in dollars for this fiscal year. I would assume, Mr. Chairman, that if all of the positions are filled and if the predictions were made accurately, that the department would expect to spend all of the authorized funds in this fiscal year. If that is the expectation of the department, That would answer my question.

MR. MERCIER: Yes, it is the expectation that all of the funds will be spent this year.

MR. WALDING: And the total?

MR. MERCIER: The anticipated expenditures for salaries would be \$79,400.00.

MR. WALDING: Yes, Mr. Chairman, now I think we are in a position to compare apples with apples instead of apples with grapefruit or something else. We are apparently now not comparing 64.8 with 82.9, the comparison is 79.4 to 82.9, which is easier to understand in view of the answers that the Minister has given to us.

He did provide us at the beginning of his Estimates with a fairly thick sheet of pages which I presume were to give us information and provide explanations and generally to be of help to the committee, but what we have found is that really it hasn't been too much of a help in this case. It's been more misleading than helpful to read the Minister's page 6 comparison, and presumably the comparison is given with last year because that particular section appears at the top. It would appear that there is an increase of staff man years of only .13. That is the amount indicated as being increased but in fact, from the Minister's answers, it would be indicated that the increase is from this fiscal year actual to what is being sought to be approved for next year; whereas the amount of dollars that are shown as a comparison is in fact the estimate for the 1979-80 year with the estimate for the coming year.

Now whether it was the intention of the Minister and the department to mislead the committee or not, I really don't know. I suspect that it was not but I would also like to suggest that the Minister could have been, or his staff could have been, a little more careful in presenting the information to us so that this, I wouldn't say deception, that members would not have been mistaken in reading the facts that were before us and it wouldn't have taken us, I guess, half an hour to really get down to the situation and find out just what has happened. I wonder if the Minister has any comment on that.

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MR. MERCIER: Mr. Chairman, certainly there was no intention to mislead. It wasn't anticipated by myself or by the department that my Estimates would be considered first in this committee, and we attempted in a short period of time to put the information together and obviously there should have been a reference to the fact that an additional staff man year was approved in the midst of 1979-80, which would clarify the situation.

MR. WALDING: Mr. Chairman, I accept the Minister's explanation and I accept that there was no intent to mislead the committee. I also note that the bottom of the page where it speaks of program highlights it does mention the appointment of the new chairman. There is no mention given of the additional positions that were approved and the additional funds that were approved for the fiscal year in which we are in. Had that been done I think it would have been much clearer to the committee.

I would like to ask, on a slightly different topic, of the Minister, if he can tell us, the committee, what subjects or areas he has referred to the commission over the last year; perhaps he can take that as calendar year.

MR. MERCIER: Mr. Chairman, of course I tabled the report in the Legislature last week but I believe this is the report which has not yet been printed and so therefore has not been distributed to all members. The report as usual sets out the matters on which the Law Reform Commission reported in the last year and includes a number of items that were referred to the Law Reform Commission arising out of the last session of the Legislature. In particular, the one year rule for enforcement of maintenance arrears, Section 9 of The Manitoba Evidence Act Report, Section 7 of The Payment of Wages Act Report, the term "illegitimate", which arose during the last session, were all matters that were referred to the Law Reform Commission last year and on which they reported.

MR. WALDING: Mr. Chairman, I counted four items there that the Minister read out - I might have missed one - and I believe the Minister further said that the Commission had reported on each of those four items. I would like to know if there were any other items that the Minister or the government has referred to the Commission and whether or not they have reported on them.

MR. MERCIER: Mr. Chairman, I note there is one other item, The Seduction Act, was referred during the last year and reported on, as was The Wills Act, and The Fire Department's Arbitration Act.

MR. WALDING: I now count seven items, Mr. Chairman. Are there any other items that were . . .

MR. MERCIER: One major item that was referred to the Law Reform Commission, Mr. Chairman, was priority of liens. There are a large number of conflicting pieces of legislation which involve conflicting priorities of liens, and the Commission, that was referred to them last year and is a major piece of work to be undertaken by them.

MR. WALDING: No further questions, Mr. Chairman.m

MR. CHAIRMAN: The Member for Elmwood.

MR. DOERN: Mr. Chairman, I wanted to discuss with the Minister the report of the Law Reform Commission on political financing and election expenses. His department has been reviewing these proposals and I wanted to ask him about one particular . . . I have a number of points but the first point I wanted to discuss with him was whether or not he will be introducing provisions in The Elections Act providing penalties for excessive campaign spending because, unfortunately, we don't have a floor in terms of election spending, namely, some public support, which is in effect in a number of provinces and in the Federal Government, but we do have a ceiling, and it appears that from time to time that ceiling is and has been violated. The easiest example to look at, the most current, was the three by-elections, and there were a couple of very heavy over-expenditures, one by the MLA for Fort Rouge and one by the Liberal candidate in River Heights. What is interesting is that in Fort Rouge the Liberal Party spent \$5,700 over the provincial law and in River Heights they spent \$4,700 over the law.

What I find interesting is that the people involved said in effect that the ceilings were unrealistic and that in the case of Ruth Krindle who was, I believe, the official agent for the MLA for Fort Rouge, she said that, "Yes, we deliberately overspent", and she said, "Everyone always go over the limit. They did it in the last provincial election and the election before that. The legislation is just silly."

So I think it would be interesting to hear from the AG as to whether or not he intends to prosecute or examine these violations, and perhaps there is no penalty, whether he intends to introduce penalties for excessive campaign spending and whether he is now re-examining those ceilings.

I have to say in general on that point, Mr. Chairman, although I would certainly be interested in hearing a full-scale debate, I myself believe that the ceiling should not be raised too much. I don't know whether it is too low now or just right or too high, but in my judgment I would not favour a massive increase in the ceiling, because I think the higher the ceiling the more money required, the more money spent, etc., and I believe that there are now sufficient barriers to the democratic process that we don't need to willingly and knowingly encourage the expenditure of more funds.

So I wonder whether the Attorney-General would comment on his intentions and his reaction to the fact that a number of candidates, I guess in the by-elections, probably in the last general elections and probably since the beginning of time, since the legislation was introduced at least, have overspent.

MR. MERCIER: Mr. Chairman, the Law Reform Commission generally recommended that penalties for any election offence should be severe, not only to deter offenders but also to demonstrate to the public that law makers and their political associates will be treated exactly the same as other members of the general public. I concur in general with that recommendation. As I indicated this afternoon, amendments will be introduced to The Elections Act, I hope at this session of the Legislature, and it's a matter of which all members will be concerned and be prepared to comment on, I'm sure, but I don't think the Member for Elmwood . . . I think he realizes that I cannot indicate before the legislation is tabled or introduced in the Legislature what the contents of that legislation will be. There's certainly no question that the existing legislation is badly in need of revision.

MR. DOERN: Mr. Chairman, the other point related to the Law Reform Commission Study, and one that I have very strong and longstanding views on is the need for some public funding.

There have been comments made from time to time; apparently the Attorney-General, back in September, indicated that he was not that enthusiastic about the commission's recommendation that registered candidates who receive at least 15 percent of the popular vote in their electoral districts should be reimbursed for the lesser of their campaign expenses or an amount based on a fixed sum.

He said, at that time, according to a Free Press article, "There would be more difference of opinion and more debate on the public subsidy part of it. My personal view would be to support the tax credit part first."

I would be surprised if the Attorney-General was bringing in a public funding in his bill, but I would be delighted if he did. And I know that when the question was raised in the Legislature last June, I asked the Premier about making tax deductibility a feature and also providing partial funding, and he said at that time - and it's very hard to understand what he meant, but he said that the tax deductible should be given consideration. And of course, he could give it consideration and throw it out, or give it consideration and put it in. So we don't exactly know whether he's lukewarm or red hot on the idea. But I know my own leader spoke in favour of this principle, and I have spoken on it on occasion.

I'd just like to make a few points, or perhaps the AG would like to comment. I believe he doesn't want to comment at that point. I believe that unless and until we have public funding of two candidates and possibly, and I'm less certain of this, but possibly four political parties as well. Unless and until we have some public funding, I believe that the democratic process is impaired, and that you have what I would call a dollar democracy, namely that if you have a lot of money and you put it in the right places, it can make a difference in an election campaign, especially in regard to the purchase of materials and especially in regard to the purchase of television and radio time.

I would say to members of the committee that they may have a different view but, in my judgment, the federal legislation is one to emulate, and I think that it has certainly enabled the smaller political parties, other than the old traditional parties of the Liberals and Conservatives, certainly allowed the New Democratic Party and the Social Credit Party and the potential of other parties to compete without having both hands tied behind their back.

I point out that public financing, partial, is in effect in a number of European countries, West Germany and Sweden, but in Canada we have the federal program, which I think could be copied in our province; we have a program in Nova Scotia, in Quebec, in Saskatchewan, and in Ontario. So four of the provinces, including the two largest, now have a program of reimbursement, usually tied and related to a maximum, usually based on a minimum percentage of the vote, like 15 percent, so that somebody doesn't run and get three votes and get several thousand dollars to campaign.

My point here, Mr. Chairman, is that it would not be revolutionary and it would not really be breaking new ground to implement this. We had an opportunity, I suppose, when we were in government, to introduce this legislation, and we put in a ceiling, and that to me was really a half-hearted measure, I mean, to limit expenses. I think it was a step in the right direction, and I think you need a ceiling and I support the concept of a ceiling but it's the floor which I'm talking about. It's the possibility of, to a certain extent, not entirely, not 100 percent public funding, but to a certain extent, equalizing the opportunities vis-a-vis dollars and bucks which count in campaigns.

So I would ask the Attorney-General whether he would care to give us the benefit of his views. Maybe they've changed since he last was quoted in the press on the matter, or maybe upon re-examination of the Law Reform Commission report, maybe he is now sympathetic and maybe he intends to introduce a measure to provide some equality in this area.

MR. MERCIER: Mr. Chairman, the amendments are still under consideration, and I'll have to defer any comment until the amendments are introduced in the Legislature.

MR. DOERN: Mr. Chairman, I'm then going to propose the Doern Amendment to this debate, because I have my own views on how this could be handled. And I just throw this out by way of illustration, that I believe we could implement a program; first of all, we could copy any province or we could implement the federal program, but one such possible program would be to determine the number of eligible voters and then to have a maximum expenditure, which I think now is 40 cents, I don't know if it's higher than that —(Interjection)— 65? And to take whatever the ceiling is and provide a basic floor of about 50 percent of the maximum allowable expenditure. So that in this case if an average riding has about 10,000 or 11,000 voters in it, then you are talking about say \$7,000 or so, and the public, I think, could provide that amount of money and that when you consider that times 57, you get into one million and one-half to one million and three-quarters for the cost in relation to our budget over a period of four years, and I think that is a small price to pay for providing a candidate with a fair chance of presenting himself and his party.

So I simply say that I think there is a need for a proposal in this regard and I think that also it prevents an unhealthy reliance on the part of the political parties on organized groups, on individuals and so on, and that there must be a concern on the part of a taxpayer, on the part of a citizen, for undue influence or undue consideration or any consideration being given to people who make substantial contributions. We don't want this sort of thing; we don't want people in government and in positions of influence to be receptive to people because they are big contributors. We don't want anyone beholden to anyone else. It is true of all organized groups, and I say that I believe that partial public funding of elections is a long overdue reform, and I urge the Attorney-General to move in that direction.

One final point, Mr. Chairman, and then I will yield the floor. There is a requirement to disclose, I guess, the people who make donations to political parties, but this has often been masked or just completely circumvented. Going back about three or so years ago, well the provincial election of 1973, going back to that election seven years ago, in submitting a list of donors, the Progressive Conservative Party of Manitoba reported they had one single donor and that single donor was the Conservative Party of Canada. There is the letter of the law and so on and the spirit of law; that was a violation of the spirit of the law.

The Liberal Party of Canada . . . I am reading from a letter here, but it was either the . . .

MR. FILMON: Who wrote the letter?

MR. DOERN: I wrote the letter. This is from three years ago and there may be an error in this. The Liberal Party of Canada . . . —(Interjection)— Control yourself. The Liberal Party of Manitoba had a single donor and that was a trust fund, and so I am saying when you ask people to reveal their contributors and one says they got it from one donor in Ottawa and the other one says they got it from a single donor, a trust fund, they are obviously not complying with the Act. I mean I guess legally they are complying with the Act, but in fact they are violating or not answering. I would ask the Attorney-General whether there he is looking into that or whether he has no concern for answers of that kind?

MR. MERCIER: Mr. Chairman, on that particular point it is my view that there should be full disclosure of donations to a candidate or a political party throughout the year, not just during the course of an election campaign, within certain limits, whatever is agreed upon is reasonable.

MR. CHAIRMAN: The Member for Fort Rouge.

MRS. JUNE WESTBURY: Yes, Mr. Chairman, thank you for recognizing me. It has occurred to me in the past few minutes that it might be easier to face this sort of thing in a court of law where the rules of evidence would prevail, rather than around a table where anything can be said and just one side can be presented. You know, obviously rules of evidence don't prevail here.

I want to say that the requirement to disclose that was brought in by the previous government I believe also did not hold any penalties if one went above the ceiling.

Now we have heard a lot about the overspending, shall we call it, of one candidate. We have not heard about incomplete disclosures. At the same by-election, at least the last report I heard, there was one candidate which made an incomplete disclosure, and the third candidate had a corporate disclosure, but we don't hear about those; we only hear about the one who overspent, a great deal I may say.

I would also like to point out that when the legislation came down a member of the legal staff of the government - I am sorry I don't know in which department; I can find that out if anyone cares enough - who was required to draft this, sent a note with the draft saying this legislation is worthless. I didn't know that until after the election, but I know it now.

Now, I think there should be disclosure. I don't think there should be any undue advantage to one candidate because his party knows ahead of time when the election is going to be called, and I would suggest that that advantage does exist.

I don't think there should be any advantage to one candidate or two candidates, three, four candidates, because they were nominated earlier than others. What I suggesting is that if there is going to be any limits, I would suggest there be penalties, we have the same limit for everybody and we go back to six months before the writ is issued so that those people who ordered their billboards and ordered their stationery before the writ was issued will have to make their full disclosure on the amount they spent, Mr. Chairman. Because I am prepared to say to you that throughout my election, now I didn't know what we were spending. That is no excuse, okay; I am not trying to make an excuse, I am merely making a statement. We were keeping some sort of track of what the other candidates were spending. I suggest that I was not spending more than the other candidates were spending. I wouldn't for one moment question the honesty of their returns, of course, but I suggest they did a lot of their spending before the writ was issued and therefore they were complying; they weren't not complying with the legislation.

So I am suggesting that if you are going to have legislation, make it realistic, make it the same for everybody and nobody have an advantage because their government is in power at the time that the writ is issued, and so their Premier is able to say, all right, I will call the election in October. Because I was told by a prominent Conservative in June that that election was going to be October; unfortunately I didn't trust him. And I would also like to suggest that there be some limit on what perhaps there should be received from any one donor. I don't have a strong feeling on that but it's just something that perhaps the department could look at that maybe there should be a ceiling on how much any one contributor can give.

I would like to say also that I was a candidate in 1973. My committee put in a return, whatever you call that thing, and I can remember reading in the paper that I had filed my return and that it was in order. So my committee did not claim anything from the Liberal Party in trust. There might have been a donation from the Party but my committee in 1973 made the same sort of a return, we had less money, but the same sort of return as we made in 1979. So I would suggest that was not a fair comment.

I hope, Mr. Chairman, that the Attorney-General will look seriously at the fairness of the Legislation, have the same rule for everybody, nobody have undue advantage because they are the party in power and I think that's a fair request to make.

MR. CHAIRMAN: The Member for Wolseley.

MR. ROBERT G. WILSON (Wolseley): Well, Mr. Chairman, having ran in an urban riding which has unique problems I would concur with some of the comments of public funding to a certain degree and level for recognized parties and individuals that could come up with a certain amount of signatures of ratepayers or voters in the area.

It would seem to me it is needed because it not only affects the candidate while he's running but it affects him after. It affects his possibly perceived notion as to why he was elected, why he or she was elected.

I toss out a couple of ideas. One, I can't quite completely agree with a percentage of votes obtained as how you get back your money. It would seem to me that if you spent a lot of money you would come up with a lot of votes, besides your own personal appeal. So I would rather have a flat rate and some formula based on percentage of votes obtained. In other words, each person that received the required voter support on the nomination papers and/or been a member of a recognized party would be able to run in the election.

My other area is I think that all surpluses that are obtained candidates in affluent areas of our city should be turned over to the central party because in so many cases the people that are not from the elite or the privileged classes or do not hold high positions in an organized union are not able to muster the type of money that they need to run a decent campaign to present their case to the public. I agree that anybody that does run has to be prepared to sacrifice a lot of their own money if they do not come from one of the more established areas. This is why I think that there has to be more emphasis on the central party aspect because I become rather envious of certain candidates that throw large pre-election parties whether they are successful or not, some running into thousands of dollars because they have surpluses in their campaign funds while others are spending money from their own pockets to be able to present their case to the public.

I would like to suggest to the Minister too, that while we are sitting in the Legislature there's certain requirements under, I believe, Section 87, which prohibit people harassing us during the Session of the Legislature. My experience and we all know that two certain groups, namely the legal profession and the school teachers, love to dominate politics, especially the legal profession, they will win at any cost. And part of the problem is, as a small businessman in a contraversial occupation, of again, I'm only the owner of the company, I've never done any of that type of work, it's an investment like if I bought a travel agency or a grocery store or whatever. And I find that every single election that I run in members of the legal profession will very conveniently issue a statement of claim and say whatever they want in that and as soon as they file it becomes a public record; and then all of a sudden I have to read in the paper where I've taken some lady's man from the St. Charles Hotel, I've taken his Cadillac with gold hub caps, and harassed a 78-year old father or something. The next day I pick up the paper and Robert Matis of the Tribune has me pushing an old man down a flight of stairs or something. And this is the kind of nonsense that you have to confront in the election and I would think that the public has a right to know the people that are running for office, but I don't think that enemies of that person running for office who has a sincere desire to present his political ideas and his economic ideas to the voting public should not be harassed by the legal profession because they want to dominate politics. And I think a ban on harassment of candidates during the campaign is just as important as a ban when the House starts. Now I'm sitting here right now, the lawyers have to leave me alone but when I'm running for office they have a field day and I think that is wrong and I would like to see that amendment.

I also would like to throw this thought - that I think a person should be able to save their election material from campaign to campaign and this official agent requirement, in my opinion, is very very questionable. What difference does it make who the official agent is? Why can't you put it on the material by a stamp or some form, because I know they kid me about being thrifty Bob, and I get a lot of complaints about turning Spivak folders around and having my name on the other side and this type of thing, but I believe a person should be able to rent a garage, or if they happen to own one, and store their election material between campaigns because in theory we are basically spending the taxpayers' money. Especially if we adopt the Member for Elmwood's suggestion which others have made in the past, that we do have public funding. What if we get into public funding and you have an expanded budget? You know you're not even going to bother to take down your signs and that's another thing that bothers me. I drive here every day down Stradbroke and I look up and I see Savino and Westbury still on all the apartment blocks right across from the Squash Club and I say there should be a requirement for people to take down their election signs. I think there should be an obligation on the candidate, if he wants to run for public office, to be able to take down your election material at some point in time. With all due respect to the Attorney-General, I go across the Osborne Bridge and I see one of his family posters there. His brother's is still up.

So what I am saying is at what point in time after the campaign is over should there be a requirement that the candidate takes down his election signs because basically with —(Interjections)— I'm simply saying, my suggestion is that there should be some requirement, a 60 day requirement, that election material should be taken down; there should be an allowance where a person should not have to have the official agent printed on his material, it should be able to be put on the back or any other place, if it's used material. By that I mean, a person should be able to save his campaign material from one election to the other. We talk about saving money and we talk about tightening our belt, and I think that this is the type of material that can be saved. You want to talk about the cost of plywood, I can tell you I have a garage full of plywood boards ready to go for the next campaign, and I know they cost about 22 bucks a sheet, and I would like to see this.

I'd like to also talk about methods of . . . I don't know, maybe it's considered all right but a certain candidate that ran against myself raised \$15,000 in a raffle in which they had television sets, some very expensive prizes, and the prizes were donated, yet it didn't show up anywhere, and I'm wondering, is there anything in the election provision to, for instance, if merchants start giving you things and you turn around and turn those prizes into money, is there anything in The Election Act which prevents somebody giving you something in kind, and you don't put a value on it?

Maybe we're getting down to the chief electoral officer. Maybe part of the chief electoral officer's duties could be in an amendment to the Elections Act that that person appoint somebody to go around to the different areas and put a valuation of materials. Because if you're buying all your materials, pre-ordering your signs, saving them between elections, having somebody else order them six months ahead of time or, as the Member for Fort Rouge said, the party in power has an advantage in knowing when they're going to call the election, so therefore they are able to pre-order all their signs, and I would like to see maybe what we can call an evaluation of materials.

In other words, the chief electoral officer will sort of have a certain expertise in elections and certainly somebody from the printing industry could go around and evaluate. If they walked into the Member for Fort Rouge's committee rooms and saw that she had \$10,000 worth of material, he may give her an appraised value of say, \$8,000.00. Likewise, the Member for Elmwood; he could walk into his committee rooms, give an evaluation of say, \$3,000.00. What I'm saying is —(Interjection)— No, but in that way we would have, rather than have doctored bills, where people allege they do things on volume basis where it stands to reason if you have a fat cat organization that can order 30,000 of a particular article, they get the volume price, whereas an independent candidate running with a \$1,500 budget either handpaints the signs or he goes down and they want, for instance, in a balcony banner they may want \$37.50 for one banner, whereas on a volume basis you could get it for \$15.00. So the campaigns, the way they're being run now, it seems to me, certainly favour the establishment, rather than the independent candidate.

I just put those thoughts on the record, and I wondered, in speaking to the Minister, if he would like to comment on the aspect of surpluses obtained by a candidate while running. Not all of us are in that envious position, but is he allowed to keep them in a bank account for the next election or can certain candidates run in certain areas? Not in Manitoba but I know in certain areas, it's alleged that Mr. Connally raised something like \$10 million, the gentleman from Texas. What I am saying is, is there any provision that protects the public that the people that are running for office, in some cases are not running to make money?

MR. CHAIRMAN: The Member for Rossmere.

MR. SCHROEDER: Thank you. I was happy to hear the Attorney-General say that he was supportive of the view that all donations to political parties should be made publicly and openly. I certainly fully support that view. When we get into the area of spending during election campaigns, I think that the current law is rather difficult to work. I think that there should be penalties for going outside of that law. At the same time, if there are going to be penalties, then we have to make certain that we know what our limits are.

I'll give you an example of that, in my particular case in Rossmere, I believe I overspent by something like 30 bucks on a riding with some 14,000 or 15,000 voters. Now there is no way of knowing how many voters or how much money one can spend. There's no way of knowing how much you can spend until after the election is over, because that is the time when you will find out how many voters there were. We didn't realize that there were so many people already leaving the province, and had there been 100 less people leave the province from our riding, we would have been within the spending limit.

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Now, if we're going to set limits, the point is, the candidate should know at the starting time what those limits are. I also think that the limit should not be 35 days. I think that provision in the law is totally impractical; it's unfair. I think that it should be six months or some period like that, and then the law should indicate that all expenses incurred for election purposes should be added into a candidate's account. That is, if prior to six months before the campaign, the candidate goes and buys his signs or her signs and uses those signs within the six-month period, then that should be part of the election expense of that particular candidate. You shouldn't be allowed to buy ahead of time to circumvent the law.

Now that doesn't mean that I would condone the idea that just because there are no penalties you can just spend whatever you want within the period, as some people are saying they can do now. I don't think that that's appropriate either.

I don't think the level should be increased by any substantial amount, other than by the amount of inflation. In Rossmere we declared all of our money, all of the amounts spent; there was nothing pre-spent that we didn't declare, and I think that we had adequate funds with which to fight an election campaign.

Now it may be that out in the country you might require some more funding or less funding, I don't know; I think that may be an area where people who get involved in country campaigning might have more knowledge but in the city I think that the current rate is not that inadequate to provide a decent election campaign.

MR. MERCIER: Mr. Chairman, I appreciate the views that have been expressed on the existing legislation and changes that some members would like to see. Again, I can only reiterate that we intend to introduce amendments and I'm sure the amendments will be subject to a lot of discussion.

MR. CHAIRMAN: The Member for River Heights.

MR. FILMON: Mr. Chairman, because the discussion seems to have centred around the recent by-elections, I thought that I should contribute my own observations, not to be left out.

I think there's no question that there's probably a need for increasing levels of spending, but there is another difficulty that some of the others obviously didn't run into, and that is that in some constituencies the voting population is declining really drastically. In River Heights over a period of time it went from something like 13,000 in 1973 down to something in the order of just under 10,000, I believe, in 1979.

A MEMBER: They've probably all gone to Alberta.

MR. FILMON: As a matter of fact, I think demographic analyses indicate that the inner city population is moving out to the suburbs, by and large, and in fact that has a great deal to do with it. All of our suburban ridings are burgeoning and it was rather interesting that, for instance, Rossmere had more than twice the number of electors that River Heights did, as do Riel, Charleswood and so on, which is why we're undergoing redistribution. But between redistributions, that's a serious problem, and I think in addition to increasing the level, we should have some benchmark level at which there is that funding at least, and then beyond that it could be on a per capita basis.

But just to get to the point of discussion about whether or not the party in power has any particular advantage in knowing the time that the date is going to be set, I would like to share with the Member for Fort Rouge my own experience. I was going door to door from about the first week of September, about the beginning of September, and as one does, you introduce yourself at the door, and it was on about, I believe the 12th of September, and I had gotten used to the normal reaction of people coming to the door and not even realizing that there was a by-election coming up. And I would always introduce the topic by saying, "I'm a Conservative candidate for River Heights; of course there is a by-election coming up, we don't know when the day is going to be at the moment."

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I believe it was the 12th of September was the operative date, I arrived at this one door at 5:00 o'clock in the afternoon, having gone door to door all afternoon and the gentleman said, "What do you mean you don't know when the election is to be called for?" And I said, "Well, as far as I know, the election hasn't been called yet and we're not sure when the date will be", and he said, "Don't you read the paper, sir?", and I said, "I beg your pardon?" and he produced the front page of the Free Press, on which the headline said, "Lyon Sets By-Election Date for October 16th". So I said, "Obviously, sir, you can see that our party doesn't hold any favourites and we certainly put everybody on an equal basis." And that indeed was the case. —(Interjection)— How did your opponent know? I'm not sure. But I think that it goes without saying that the legislation in existence now doesn't give any particular advantage to any parties because most of the parties who were involved knew that the election was coming up sometime in the not-too-distant future; it was likely to be in October, any good crystal ball could have predicted that.

MR. CHAIRMAN: The Member for Elmwood.

MR. DOERN: Mr. Chairman, just two brief points. I want to point out, in regard to comments of the Member for Fort Rouge that I didn't say that individual candidates gave, as their source of funding in 1973, a trust fund. I said that the Manitoba Liberal Party gave, as its source, a trust fund, as the provincial Conservatives gave a single donor, namely the Conservative Party of Canada.

The only point I wanted to make here, Mr. Chairman, was to completely agree with the Member for Rossmere and the Member for Fort Rouge that it's the year-round disclosure that should become a fact of life; that it's too easy to circumvent the election period, and order in advance, and spend in advance, and I guess in some cases, pay bills, or I don't know what, make arrangements, for being billed and for paying something later on.

So I think there's a tendency to almost encourage people to violate the law by having a short period, and a temptation on the part of candidates to beat that particular requirement. So I think that in his Election Act amendments, he should give consideration to year-round disclosures, I suppose by political parties in particular, and possibly by candidates, or to extend the period of election expenditure limitations, so that it's not just a 30 day period, or a 35 day period.

MR. CHAIRMAN: The Member for Wolseley.

MR. WILSON: Mr. Chairman, I wanted to finalize the Manitoba Law Reform Commission section of the Minister's Estimates by speaking, if I could, on something he may have touched upon before but maybe I missed it, but I'm concerned of the year-in and year-out plea on behalf of the people in our industry, the credit industry, for priorities of payments of money without going to the expensive interpleader procedure and hiring a team of lawyers to solve something which should be put into the Statutes of Manitoba in very clear and precise terms. Because what I have is an observation that in the repossession field just last month our particular firm - and since the time for appeal has lapsed, I can speak about it - the Toronto Dominion Bank named us in an action and we saw no need to go down to the court or anything because we had done nothing wrong; we had been hired by a law firm on behalf of the landlord of a shopping centre. We held a public sale and disposed of the items for \$5,500.00.

In arriving at who the money should go to, the learned judge ended up costing us \$1,350 because we had paid out the money because of certain requirements under The Consumer Protection Act and the Consumers' Bureau. We are required to pay out these trust funds or trust moneys, and the auctioneer deducted from source \$1,100; the judge allowed him \$162.50. The judge awarded costs against the defendants that the bank had named and we were nailed \$150.00. We were nailed a quarter of the disbursements, which were \$44.50, and since we had already paid the hydro \$218, having done nothing wrong, we were compelled to pay \$1,350.00.

Now what happens is, we perceive the order of things are based on a long, historical thing, yet we find that we can never guarantee the decisions of the judiciary, based on the fact that they have so many sets of law books which they can refer to, and I think the small businessman and the property management people, and for that matter, maybe governments, have a right to know where they stand.

I can talk about, in a commercial matter, the Labour Board comes in and says, wages take priority. The income tax comes in and says, we take priority. The corporate tax comes in, and we take priority. Section 88 from the bank say, we come there somewhere. The Federal Development Bank says, we have a section where we take priority. The Hydro has a section that they take priority, and the business tax, naturally says they take priority over everyone under the Winnipeg charter or under the provincial. And then the Landlord and Tenant Act, Williams Landlord and Tenant Act and others say that the landlord takes priority over the business tax, yet several court cases have ruled that a chattel mortgage takes priority over the business tax. So you have a dog chasing its tail. You have the landlord that's here, the business tax takes priority over the landlord, but the chattel mortgage takes priority over the business tax.

With this type of situation it's no wonder we have so many problems and time-consuming things before our courts that could better be settled by very clear and concise amendments, and I would hope that members of the Law Reform Commission will get on with that.

The other aspect is that I noticed with interest that the Sheriff's Department has very liberal fees, and yet under The Distress Act we are still being held down to something like \$1.50 or \$3.00 for making a seizure. Ontario has made changes, and I don't think anyone can start up their car for \$1.50 in this day and age, let alone take a taxi, and even the pink lady is allowed to charge \$2.75. So I would hope that there would be amendments to The Distress Act and there would be amendments under The Lien Note Act and others to clearly deal with this matter.

One other matter is The Lien Note Act. It says that all people who sell goods to citizens and to corporations and that are to clearly mark their chattels. I would think that there should be some clear, concise direction on what they mean, clearly mark it. Do you mean putting an X or putting a skull and crossbones? I think there should be a standardized form that is put on the back of all pianos, television sets, or whatever. If they're sold by conditional sales contract by different retail stores that intend to hold those chattels until the lien is cleared, they should comply with The Lien Note Act. I'm sure the intent of The Lien Note Act, when they talked about marking the goods and chattels, was to mark them in such a manner as they would be clearly identified as belonging to them and not a skull and crossbones or an X, or some trade name or whatever you want to call it, so that those in our particular industry and those buying second-hand goods would be better protected.

I just put those comments on the record.

MR. CHAIRMAN: The Member for St. Vital.

MR. WALDING: Thank you, Mr. Chairman. You know that the Member for Wolseley is not in a position to finalize the discussion on this item. That will be decided by the members of the committee when they decide to move on to the next item.

I wanted to make a request of the Minister. It arises following discussion by other members of election campaigns and possible changes to The Elections Act. The Minister might recall that I introduced an amendment, I believe last year, to the Electoral Divisions Boundaries Act, and that was to try to ensure that when the Boundaries Commission brought in its report that it would be within closer margins of the quota than is presently allowed within the Act. You are aware that the Commission is . . .

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

MR. MERCIER: A point of order, Mr. Chairman, I think you've been very lenient in the past in allowing a wide-ranging discussion on matters in which the Law Reform Commission had made recommendations. They have made no recommendations with respect to The Electoral Boundaries Act. I think if you were to allow discussion on this point, you could allow discussion on any possible amendment to any piece of legislation that could be brought before the House under this amendment. And I think that would be stretching the relevancy rules, Mr. Chairman.

MR. CHAIRMAN: Committee, I think I have given a lot of latitude. We went around this table almost twice for all those and really we are maybe abusing our rules just a little bit in stretching beyond this particular item.

The Member for St. Vital.

MR. WALDING: Mr. Chairman, if the Minister had allowed me to finish the preamble to what I was saying, you would see that it was directly relevant to this particular item. I was speaking of The Electoral Boundaries Act, and remind honourable members that it went down to defeat, that members of the Conservative Party were obviously not happy with it, and I don't know whether the Minister himself voted against it or not. But the Boundaries Commission next looks at those boundaries in nine years' time from now, so there would be no need for any change in the Act until that time.

The request that I am making of the Minister, would he be prepared to refer this matter to the Manitoba Law Reform Commission, and ask them to look into it as carefully as they have looked into matters of election reform in Manitoba.

MR. CHAIRMAN: 3.(a)(1)—pass. The Member for Fort Rouge.

MRS. WESTBURY: I am still learning the procedure, and I am sure that you will tell me if I am in error. Is it correct for us to be able to talk about reports that have come from the Law Reform Commission at this time, recommendations, or to ask whether things will be referred to the Law Reform Commission, as has just been done?

I wanted to ask about the transfer of the jurisdiction over divorce. I understand that Manitoba has taken a position on that, but I wondered if it is a Manitoba government position, or if it is the Attorney-General's position, or just where that stands. The suggestion has been made that jurisdiction over divorce should be returned to the provinces, and one would hope that will not be done. I understand the Attorney-General has taken the position that Manitoba will not support that position.

MR. MERCIER: Mr. Chairman, I will take the matter raised by the Member for St. Vital under consideration.

MR. CHAIRMAN: It is Fort Rouge.

MR. MERCIER: I know, he spoke prior to the Member for Fort Rouge. With respect to the Member for Fort Rouge's concern, Manitoba has, at constitutional meetings, taken that position, that jurisdiction over marriage and divorce should not be transferred to the provinces. Most other provinces favour the transfer of jurisdiction, and we will have to await, I suppose, the next constitutional meeting in order to determine whether or not the position of the federal government has changed. I have to say both federal governments, the Liberal federal government originally took that position, and in the one constitutional meeting that we had with the Progressive Conservative federal government, it didn't appear as if there was any change in the position of the federal government.

MRS. WESTBURY: The other questions I wanted to ask about were the one-year maintenance limits and that recommendation that came from the Law Reform Commission, and whether we can expect a statement from the Minister on the abolition of that one-year maintenance limit; the forced sale of land when one spouse is in default of maintenance payments - that also has been recommended by the Law Reform Commission. And I don't know if the Law Reform Commission is looking at this particular subject - I wondered if the Minister is intending to refer to them the need for an ability to enforce custody orders. I understand that Ontario is the only province with which we do not have agreement on reciprocity on custody orders.

First of all, I wanted to know if I am allowed to talk about those things, and then I wanted to know what is happening on them.

MR. MERCIER: No, I think those questions, Mr. Chairman, are very relevant, these are reports that have been made by the Law Reform Commission. I referred both those matters to the Law Reform Commission last year when we dealt with amendments to The Family Maintenance Act in order to improve the enforcement of maintenance orders. The reports are now being reviewed. I hope that there will be legislation brought forward under both items for consideration at this Session of the Legislature.

With respect to . . .

MRS. WESTBURY: Reciprocity on the custody.

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MR. MERCIER: I can only indicate that there may very well be legislation on that particular matter also. There may very well be legislation before this Session of the Legislature on that item.

MRS. WESTBURY: I am sure the Attorney-General is aware that there are cases of hardship where custody orders have been granted in one case by Family Court, and by the Court of Queen's Bench, and they have proved unenforceable in Ontario.

MR. MERCIER: I have to say, Mr. Chairman, that on that item, the biggest area of difficulty is in other provinces. Manitoba is a leader in this field, in that we supply counsel in order to assist in enforcing custody orders in Manitoba. Not all other provinces do that, and that has caused some difficulty in other provinces.

MRS. WESTBURY: Is this something that the Minister would bring to a conference of Attorneys-General at some time in the future?

MR. MERCIER: We have expressed that concern, Mr. Chairman, at meetings of Attorneys-General. If the Member for Fort Rouge has a specific case in mind that we could follow up on, if she wished to raise that matter with us afterwards.

MRS. WESTBURY: There is a specific case, but I think the Attorney-General is already aware of it.

MR. CHAIRMAN: 3.(a)(1)—pass; 3.(a)(2). . . The Member for Wellington.

MR. BRIAN CORRIN: I am sorry for snapping at you, Mr. Chairman, I was just trying to draw your attention. The Honourable Member for Lakeside would, of course, be an expert on what is unparliamentary, Mr. Chairman.

With respect to situations arising out of appeals of proceedings pursuant to prosecutions by the Honourable Minister's Department, I too have a concern which I was wondering whether he would address to the Law Reform Commission or an appropriate agency, and I believe it is one which has met with some success and approval in at least one other province, namely, Saskatchewan, and that is the question of whether or not an accused person who is a successful appellant, a person who appeals a decision made against him in a criminal prosecution and is successful, could obtain the costs of obtaining the transcripts of the depositions from the government, recover those costs from the government, in order to reimburse him or herself for the expense that they have been put to in order to file the appeal.

In most appeals you are required - as I am sure, Mr. Chairman, the Minister is aware - you are required to file transcripts of the former depositions. And under current regulation and law those transcripts, the cost of transcribing those records, are borne by the appellant, regardless of whether or not the appellant is successful in the cause. Sometimes, Mr. Chairman, as I am sure the Minister is aware, this is quite expensive. If the transcripts are lengthy, there is a fairly considerable charge per page. It seems to me that it would only be fair and just, if the prosecution was poorly-founded and the Crown has lost its case against an individual taxpayer, that the taxpayer minimally be reimbursed the cost of having to pay for all the transcription.

I was wondering whether or not the Attorney-General would agree with me, and whether he would recommend such a revision of the law to the Law Reform Commission, or for that matter, take it into hand and bring appropriate amendments before the Legislature in this or next year's Session.

MR. MERCIER: Mr. Speaker, we are aware that the Province of Saskatchewan are either studying this matter or have actually got a pilot project going, and we are certainly prepared to consult with them first, and see how that project is going.

MR. CORRIN: Just supplementary, if the Minister could undertake to review with the court reporter's office the nature of charges made against appellants and find out what sort of expenses they have to bear in the course of those sorts of proceedings, I think that would be educative and well worth the time and activity consumed by the Department. I think it would also be illustrative of what is a fact, that appellants are put to a fairly substantial expense in pursuing their rights in our courts. Transcription costs are very high today, and as

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a result, in a lengthy trial the transcripts can cost several hundreds of dollars. And when you put that, of course, on top of what usually is a fairly substantial bill for legal services and other attendant losses, such as time lost from work or your private business, it all adds up to a pain in the neck and in the pocketbook for the individual in the courts.

I don't think that we should accord the same rights to those who were found guilty. I don't think we have to make it of universal application. That would be carrying social democracy a bit too far. But it seems to me that we can at least accord this respect to those who have been put to unnecessary bother in the case of unfounded, relatively unfounded, prosecution.

MR. MERCIER: Well, Mr. Chairman, as I indicated, I know that that matter was under way in Saskatchewan, I think last fall. We will pursue that matter with them.

MR. CHAIRMAN: 3.(a)(1)—pass; 3.(a)(2)—pass; 3.(b)(1)—pass; 3.(b)(2). . .
The Member for Wellington.

MR. CORRIN: What Item are we on?

MR. CHAIRMAN: I thought we got to 3.(b)(1) then.

MR. CORRIN: Fine. Mr. Chairman, in this regard, in dealing generally with the Manitoba Human Rights Commission and the impact of these Estimates and past Estimates and budgetary provisions for the Commission, I think it is significant and worthwhile to note, it is of some edifying purpose to note, that the reduction in the Commission's operating budget of some 40 percent last year has simply not been made up in this particular fiscal year. I calculate that there is - and I may be wrong, Mr. Chairman - but my calculations are to the effect that the Human Rights Commission has only experienced an 18 percent increase over 1977 funding levels. That, in annual terms, yields only some 4 1/2 percent per year of, I won't call it real growth, I almost called it real growth, of growth. It obviously doesn't match inflation or the cost of living.

Mr. Chairman, it is of concern to us on this side, and I think it should be of concern to all members who are interested in this subject matter, that this particular item has been accorded such low priority in the past several years, while we noted that general planning and management to the Minister's Department had an increase of almost 60 percent in the same time frame. We compare that to only an 18 percent increase in this particular area. And although we are not suggesting there shouldn't have been a 60 percent appreciation in the funds allocated for Planning and Management, we would suggest that it is highly inappropriate and highly unsupportive of the government only to have accorded such minimal priority to the Rights Commission.

We feel that the work it does is of priority, paramount importance, to the Manitoba community, and we feel that it is impossible to effectively provide for the expansion of the concept, proliferation, proselytization of the concept in the absence of an adequate funding base for the Commission.

Now in this regard, Mr. Chairman, I'll provide you with a quote made by Mr. Sig Enns, who is, of course, the Chairman of the Manitoba Human Rights Commission. It was reported in the newspaper, and I think it's of some interest. Mr. Enns indicated to a reporter, and I'm quoting now, "The significant cutbacks are to be deplored, but how many education officers and how much money can be effectively employed in combating discrimination? Isn't it a question of societal change in which we all have to be involved?"

Well, with due respect, Mr. Chairman, I would like to say from the outset that is simply in my opinion, and I think the members' on this side collective opinion, an untenable position. We don't feel that it is appropriate for the chairman of the Human Rights Commission to, on the one hand, deplore what he describes as significant cutbacks, and on the other hand say, well, why should we throw money at the problem. It won't wash.

We would suggest that awareness of the law is the key. Awareness of the Human Rights Legislation is the key to making it effective. We feel that, as is the case in all laws attempting to govern human behaviour, people have to be aware of the law. They must have confidence in the administration of the law prior to actually feeling the impact and effect and the benefit of the legislation. We feel in a case where there is substantial disinclination to provide adequate sustenance and support to this sort of new conceptual programming and legislation, that the end result simply is an inability of the commission to make inroads, serious inroads, into combating discrimination in our society. We feel that the commission, if

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it is to be effective, must have the financial wherewithal to effectively provide both education and advocacy to the community. And we feel, Mr. Chairman, that it is simply impossible for them to do that in the absence of sufficient moneys, in order to fund their activities.

Now, Mr. Chairman, it has been noted in a recent task force report prepared by the Manitoba Association of Rights and Liberties that there was indeed a direct relationship between the amount of educational activity and the number of complaints about discrimination, so that there is a high degree of correlation between the money allotted and allowed the commission for educational purposes, and the amount of business, to be somewhat pedestrian, Mr. Chairman, the amount of business, the volume of case load and flow, the number of complaints that come before the Board.

So what we're suggesting is that, effectively, Mr. Enns is wrong when he suggests that money can't make a difference. We suggest that education officers can effectively be employed in combating discrimination. We would suggest that education has a directly proportionate effect on the attitude of our people, on the awareness of our people of their entitlement to certain rights.

On this basis, Mr. Chairman, we should also note - and it is regrettable that we should have to at this time, Mr. Chairman, make this a matter of record - that in the past year there have been, and this is not something that one wishes to discuss publicly, but I think that we must discuss this in this forum, there have been very serious and critically emergent difficulties as between the native community of this province and the Human Rights Commission.

Now, Mr. Chairman, this is a very serious allegation, but I think it's honest to say that it has now been significantly documented. I think back to Yvonne Monkman's resignation from the MARL task force. She said it was a waste of time to try and do anything to upgrade the standard of care, as it were, of concern, provided by the Manitoba Human Rights Commission and its officers.

Ms Monkman, who is a former assistant director of the Indian and Metis Friendship Centre of this particular city, said that she was totally - and I'm quoting - she was "totally frustrated, as were all native Manitobans, with the attitude and services provided by the Human Rights Commission." And, Mr. Chairman, I think that it behooves the Attorney-General, and all members of this committee, to consider this in some depth. This lack of confidence began several years ago. We all know it, and I'm willing to air some dirty linen. It began with the infamous Marlborough Hotel case.

In that particular case the commission, as I'm sure we all remember, refused to act on behalf of native complainants. There was court action taken on a civil basis by the Manitoba Indian Brotherhood and, Mr. Chairman, nothing has occurred in the ensuing years to resist the continuing disintegration of relations between the native community of this province and the commission.

Ms Monkman - I won't give my opinion yet - Ms Monkman said in a newspaper report that an increasing number of native Manitobans have given up on the commission because they see taking complaints there as, I'm quoting, "a long, endless and totally frustrating battle". Now isn't that a shame, Mr. Chairman, when a representative of our native communities, a former executive officer of the Indian and Metis Friendship Centre of this city, has to suggest that taking a complaint to the Human Rights Commission is a battle. There is something very much the matter when that sort of situation arises. She complained that either the complaints were handled very poorly in her opinion, or they were completely ignored, or the discretion allowed the officers was used to throw the complaints out altogether without recourse to due process.

Now, this has been further documented. The MARL, task force when they reviewed the offices of the Human Rights Commission this past year - just several months ago they tabled their report and I believe a copy of it was provided to most members of this House, and I presume certainly to the Attorney-General - they found that there was good reason to be concerned about this situation.

They indicated, perhaps if I can quote to some small extent from the text of the prepared brief, they said that, and I'm quoting, that "Fairness and efficiency are not the only characteristic needed by an effective Human Rights Commission. The confidence of the public served by the commission is also indispensable. If complainants, or others, are not fully confident that the commission and its staff can and will perform its duties fairly and efficiently, complaints will not be brought forward, respondents will not co-operate in informal settlements, and educational programs will lack the power to persuade." They went

on to say "For reasons that we do not fully understand, the Commission appears to have lost the confidence of the majority of Manitoba's native community. The position of the commission under the Act is, in theory at least, so closely controlled by the government of the day as to give the appearance of lacking the autonomy essential to such a body."

And, Mr. Chairman, I want to digress on this point. I will tell you, because the Premier makes great play of this in his few speeches in the House. That gentlemen has on numerous occasions indicated that the former government was prone and want to use its offices to retain the services of political partisans. Well, Mr. Chairman, with respect to the gentleman who is currently the chairman of that particular commission, I would indicate that there is no more partisan member of the Manitoba community. I'm not indicating - and I don't wish it to be thought that I'm indicating that I feel that he's a person who would be subject to the whims of partisan political activity - but I am suggesting that if appearances mean anything, if that's to mean anything at all, and I suggest that when we're dealing with something as touchy and sensitive as human rights, it should, I would suggest that the appointment of a former conservative member of parliament - I believe he was a member of parliament in the early to mid 1960's - a person who I believe is quite closely related to a member of the Honourable Minister's Cabinet, is a questionable practice. I would suggest that, and I'm not saying that it is nepotism or patronage, but I'm suggesting that certainly I could understand if some person construed it as being something in that nature.

And I think that's what the MARL brief was saying. I think in very polite and respectful language that's what they were telling the government, that the theory is so precious that the government not either control the commission or, even give the appearance of having any sort of even the most tenuous control of the commission, has really forfeited and distorted the mandate provided that particular body by the legislation accorded the favour of this House.

So, Mr. Chairman, and I'm going to try and later make the point. I'm going to show you why it's so difficult to operate with a political operative at the controls of the Manitoba Human Rights Commission. Because, Mr. Chairman, in this past year there have been cases, and I suppose one in particular involving the question of political affiliation, involving a person who I guess is a well-known political personality, to loosely use that phrase and term, in the Manitoba community. And I would suggest, Mr. Chairman, that person would be justified in feeling that he got short shrift.

So, Mr. Chairman, if he was indignant, and felt that there was some possibility that there was a political bias manifested against him, my friend from Wolseley suggests that this was a Marxist Leninist. To my friend from Wolseley, I would respectfully suggest that whether he is a Marxist Leninist of the pinkest stripe, or whether or not he is a Conservative of the very most reactionary stripe such as the John Birch Society bears, makes no difference. When it comes to liberties and rights, all people are equal. And I think that's a lesson for the learning, and one that sometimes takes a lot of time. We don't accord any people better rights, I hope, than any other class of citizen.

But notwithstanding those digressions, Mr. Chairman, I would indicate that there is a serious problem with respect to the relationship between the native community of our province and the Human Rights Commission. I believe that it is being exacerbated. I do not believe that the commission is dealing with it effectively. I'm not sure that - again I don't want to quote myself. I don't want to put words, to make suggestions on the basis of mere hearsay to relate Ms Monkman's concerns as stated to the newspaper and the commission of inquiry. I want to tell you that she said - and this is her representative view - that she found the most disturbing, and it was her assertion, and the task force indicated that they found considerable independent corroboration on this point, that the majority of the native community in Manitoba share her views, although requested to do so in the Manitoba Association of Rights and Liberties Task Force requested all of the, as far as they were aware, all of Manitoba's native organizations to submit a brief to the task force. Not one, not one of those organizations in this province would do so, and the task force indicated that it was their conclusion that several of the members of these organizations had experienced incidents of racial discrimination and were no longer willing to themselves, or recommend to others, that they be taken before the commission.

The task force went on to note that racial discrimination is the most common form of discrimination reported to most provincial Human Rights Commissions, and they noted that the 1978 annual report of the Manitoba Human Rights Commission indicated a steady decline in the number of such cases reported over the last four years. They noted that the 1978 report - and I have a copy of that in my file, Mr. Chairman, which I can provide to you, determined that cases of discrimination involving race were less frequent than those involved

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discrimination based on age, marital status, family status or sex. Now this is very very unusual, Mr. Chairman. I can only say that it is completely anomalous; it defys the experience of other provincial jurisdictions and our former experience in Manitoba. I would suggest that it is something that should be given the utmost priority on the part of the Minister and his department and the commission.

I should indicate that the Task Force recommended that the commission undertake a thorough examination of its relations with the native community of Manitoba, and suggested that methods should be determined which could improve those relations.

In that regard, Mr. Chairman, I also want to say that I think that, in order to do that role, and in order to properly assess the role of the Manitoba Human Rights Commission in this and other respects, it is absolutely essential that we establish a Standing Committee on the question of Human Rights, that this Legislature establish such a Standing Committee to deal with that subject. It seems to me that it is absolutely impossible to do anything effectual, to have a proper overview and insight into the problem, if there isn't a Committee charged with that sort of specialized responsibility. I do believe that other provinces have adopted that format and I think generally, Mr. Chairman, that they have found that it lends itself to productive solutions to problems presenting to the Commission and the concept. I think that it's time that there be some sort of ongoing, not non-partisan but bi-partisan, overview and application of legislative intent and activity with respect to this problem.

MR. DEPUTY CHAIRMAN: The Honourable Member for Wolseley. Oh, I am sorry.

MR. CORRIN: It is quite alright, the member can go on and I will pick it up later, Mr. Chairman.

MR. WILSON: Well, in dealing with the report, there were a couple of sections that interested myself and, maybe for clarification, it seems that most of the complaints, do you still have a large committee of 12 individuals, together with three offices throughout the provinces and an Executive Director? Is that the size of it?

MR. MERCIER: Two offices.

MR. WILSON: Two offices. Then it seems to me that a lot of the complaints seem to do with those that are engaged in the property management field under the Housing Section, and I wondered if any progress had been made. It seemed that the Committee seemed to lean towards that if a person had the ability to pay, and there was previous good conduct, that they were entitled to accommodation; and this I couldn't agree more with. How do they deal with cases where people have a history of destruction, a history of second and third-generation welfare, and a history of non-payment, and a history of alcoholism? Is there any choice of the property management person to refuse these people accommodation? Under what guidelines can a property management person refuse a person accommodation? If the Minister wants to pick up that answer some later on.

The other is the refusal, what I think is, maybe it won't be considered under Human Rights, but if look at some of the other sections in dealing with source of income, and other sections, you wonder about the refusal of the insurance companies to ensure properties in the core area of the city, and ensure businesses because of the lack of protection, or the sort of the ongoing jungle caused either by inadequate social services or drifting or transient movement or whatever, but a general, I don't know what it is, it's a way of life in the core area. And those people that own property in that area have to pay, if they're lucky, very very high insurance premiums, ten times what they pay in the suburbs in many cases. And in many cases they can't buy insurance for any amount of money, especially if their property has a history of being vandalized and destroyed. I am wondering if the government, at some point in time, that if they can't fund the proper police protection, that there is some human rights for the individuals that own property in those areas to be able to demand some form of insurance. And if the insurance isn't available, or it is available at a high cost, there should be some possible means of a subsidy to offset this horrendous cost which is discriminating against certain sections of the city.

Our former Mayor Juba always said we were Unicity, one with the strength of many. Yet it doesn't apply. We pay the same tax bills, yet we seem to be discriminated against. And I have a feeling that, while it is quite tenuous pertaining to human rights when you talk about sources of income where a person might be refused rent because somebody can't check out his credit rating. In the meantime, he could have inherited money, or had a large stock portfolio

or possibly moved here from the far East with some of the benefits of an oil well or something in his pocket. This is an area which I would like a look at.

The other is, under section what they call artifacts race, where a great deal of concern was expressed by the native population, and it seems to be quite fashionable about anybody that wants to complain, that any type of smallware sold with a seemingly racial tone to them are removed from the shelves, and yet a lot of the establishments throughout Canada and the United States have names which, to some people who are proud of their ethnic background, some take it in a humorous vein and others take it in a rather insulting vein.

A case comes to mind of the chain of Hunky Bill's Restaurants which is threatening to move into the Manitoba area after a great deal of success in Vancouver; and entertainers, whether it is McLean and McLean, Nestor Pistor, or the others who go around and publicly billboard and capitalize on ethnic humour. I would like the Minister or somebody in this year's report, or possibly next year's report, to clarify it because it seems that the only issues that the Human Rights Commission have been dealing with - and I am only referring to the report - deal with the native Indian problem and I am wondering why the commission would not look at other ethnic groups who might be insulted by public disclosure of what many would consider an ethnic slur.

MR. DEPUTY CHAIRMAN: The Honourable Member for St. Vital.

MR. WALDING: Mr. Chairman, I had a different topic, I will defer to the Minister if he wishes to answer the previous two speakers.

MR. DEPUTY CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, with respect to the MARL Report, that report is, as I understand it, under active consideration by the Board at the present time.

With respect to the Member for Wellington's comments about the Chairman, he may not be familiar with the background of the Chairman. Let me just briefly give some background.

Mr. Enns graduated from the University of Manitoba in Arts, Education and Social Work; currently Executive Director of Concordia Hospital; previously his employment experience included two years of teaching, farming, Executive Director of the Children's Aid Society for the Central Manitoba Region, employment with the Department of Health and Social Development, held elected office to the Portage la Prairie School Board, to the House of Commons in 1962, 1963 and 1965, founding Board Member of the Vanier Institute of the Family, a member of the Council of the National Welfare Services, former Chairman of the Board of the Bethania Personal Care Home.

Mr. Chairman, I suggest to the Member for Wellington that the present Chairman of the Human Rights Commission is extremely well-qualified to carry out the authority under The Human Rights Act.

With respect to the Member for Wolseley's concern re tenants. My understanding is that the commission has been very actively reviewing a number of policies in effect in the Commission, particularly the housing policy, and will be issuing some new guidelines on the housing policy within the next few weeks, I believe when they continue their practice of holding annual meetings outside of the City of Winnipeg. Last year, I believe they held their annual two-day meeting in the City of Thompson; this year, at the end of the month, I believe the meeting will be held in Brandon, at which time they have a practice of holding public workshops and try to make it as educational an experience as they can for the community involved. So my reply to the Member for Wolseley is that those housing guidelines will be published in a matter of a few weeks, and widely advertised and distributed, and he could certainly contact the Human Rights Commission in a few weeks, or my office, and we could obtain that information for him.

MR. DEPUTY SPEAKER: The Honourable Member for Wellington.

MR. CORRIN: In response to the Minister's defence of the Chairman's qualifications, I would only suggest this, that I am not going to challenge his qualifications. I know of the reputation of the individual, and I have no reason to believe that he is motivated by political partisanship or those sorts of concerns. I just note that the gentleman was a former member of Parliament. I would imagine he is quite proud of his affiliation with the Honourable Minister's party. He doesn't disclaim his affiliation, I am sure he is proud of it, just as I am

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sure all members around this table are proud of their affiliations with respective parties. But I would note that - and this is, I think, the substance of the issue - the commission has to investigate, Mr. Chairman, complaints against not only individual citizens, not only members of the private sector, but also against various departments of government. And that is the rationale for the appointment of a Minister who is even slightly suspected, who could be possibly, potentially suspected as being under the influence of the government of the day. It is impossible for any person filing or tabling a complaint with the commission to not direct his or her attention to the possibility that the Chairman may well be motivated by some element of political partisanship.

Mr. Chairman, I am not suggesting that we are going to ever effectively be able to provide laws that will truly accord equal rights to all our citizens. But I'm suggesting that the least we can do is show the way. The least we can do is at least try and establish processes, to the best of our ability, that will facilitate the purpose and the end. And I'm suggesting that in appointing a person who has that sort of politically partisan background and affiliation, that it is simply impossible for that person to suggest, when, as I've indicated earlier, he is closely related to a Minister of the Crown, has just left an active political career, for that person to suggest that he is totally unmotivated by political concerns! I'm not suggesting that we'll ever get an appointment who is, and I'm not suggesting that it is possible, but I have to suggest that we strive for some sort of perfection, and in making an appointment of this sort, I think we fall somewhat short.

MR. DEPUTY CHAIRMAN: The Honourable Member for St. Vital.

MR. CORRIN: I'm not finished, Mr. Chairman, I'm just waiting for the Honourable Member for Minnedosa to complete his remarks.

MR. DAVID BLAKE: If anybody else was making those accusations, we'd be worried, but with you, we're not too concerned. Now, do you want to hear my remarks; do you want to put them on the record?

MR. CORRIN: Mr. Chairman, I'm not going to digress, but I think I would be more than interested in hearing what the member thinks about the Human Rights Commission and what he thinks about the rights of Manitobans. —(Interjection)— If he's not interested in my remarks, Mr. Chairman, on a point of order, he of course has an option, and that's to clear the room.

MR. DEPUTY CHAIRMAN: Order please. Order please. Let's confine our remarks to the Chair, please.

MR. CORRIN: Mr. Chairman, I'll continue. I'm sorry. —(Interjection)— Mr. Chairman, I recognize the right of even buffoons to speak their piece, but only when they're recognized by the Chair.

Mr. Chairman, I think that it is illustrative of the difficulties that have arisen with respect to the native community that the courts of this province have over this past year indicated serious concern for the lack of leadership demonstrated by this department with respect to the defence and promulgation of native rights. It was only a very few months ago, Mr. Chairman, that provincial Judge Graeme Garson had occasion to, while sitting on a case dealing with the provision of social and child care services to treaty Indians resident in Manitoba, that —(Interjection)— Mr. Chairman, I would ask that you call the meeting to order. I am finding it somewhat difficult to make any sort of presentation in these circumstances.

MR. CHAIRMAN: If you want to caucus, we'll caucus down the hall half a block. The Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. Provincial Judge Garson indicated that there had been a clear transgression by the provincial government of the rights of treaty Indians to receive equal child care services, pursuant to The Child Welfare Act. Judge Garson, in a lengthy decision, determined that the provincial government had abrogated its responsibility to treaty native residents of Manitoba, in not providing child welfare services on the reserves, where they lived. He indicated, and it was tragic, that in the absence of

supportive provincial services, he had no choice but to remove a native child from its natural family situation. This was at the Little Grand Rapids Indian Reserve. He indicated that it was his opinion, and he relied also on the opinion of the Manitoba Court of Appeal in a recent decision, that the provincial child welfare legislation was of general applicability to all people of the province, and that it was inappropriate for the province to rely on provisions of the treaty, the Indian Act, to rebut this particular state of affairs.

I would indicate, Mr. Chairman, in this regard, that it is a very sorry state of affairs, and it has existed for many years. I'm not suggesting that it's endemic or unique to this particular government, because it's not. It's gone on for more years than I've been alive, I suppose. But the native people of our province are not accorded certain basic services on the same basis that our other residents expect and enjoy.

The Manitoba Association of Rights and Liberties called upon, and I believe that they communicated with the Honourable Minister - or at least the Human Rights Commission. They called upon the provincial government to show greater leadership, and I'm quoting, "show greater leadership in this regard." They asked that the government support the need for a more enlightened approach to the special problems of our native population, and they stressed that that should be with respect to wherever they live within our province.

They stressed, as did Judge Garson, that the Child Welfare Branch of this province has been acting illegally. I would indicate that I think it would be of some substantial merit if the Honourable Attorney-General would direct his attention to this judgment and this opinion, and try and do something to redress that situation. As the chief law officer of the province, of course, he is entitled to do that. He has it within his capacity even to apply to the court in order to effect an assurance. He could apply for a directive order, albeit against his own government, that would affectuate the provision of child welfare resources to the native reserve population.

Also in this regard, talking about the absence of leadership on the part of the government, I should note, it would be unfair not to note, that this government did take one very negative step in the past year with respect to Indians living on reserves, when they rescinded, when they deprived the right of Indian families in this province to apply for help under the Critical Home Repair program. Mr. Chairman, I thought that was unwarranted. I appreciate that there have been, for years, for decades, arguments with respect to whose responsibility status Indians come under, but notwithstanding that, Mr. Chairman, to remove an established area of programming after it had already fallen into place, and I think all of us at this table will admit that it was certainly directed, when it was directed towards the reserve Indian communities, it was directed at an area of some great need --(Interjection)--.

Mr. Chairman, I would indicate that, although I won't call that discriminatory action, I would suggest that it's certainly buck passing, and it's certainly tantamount to discrimination. I think that a native reserve person could justifiably file a complaint to the Human Rights Commission demanding redress of that particular grievance. It seems to me that that is clearly a case of discrimination in government programming.

Frankly, I am absolutely shocked that such a complaint has not to date been filed, but perhaps the explanation is that natives no longer, as statistics now substantiate, natives no longer are reposing their trust, their faith and confidence in the commission.

Also in this regard, we were talking about whether or not there was reason for a diminution of confidence --(Interjection)-- Mr. Chairman, the Member for Ste. Rose, in addressing himself to the Member for Minnedosa, makes the point that natives are important too, and I would want to reinforce that.

MR. CHAIRMAN: The Member for Minnedosa on a point of order.

MR. BLAKE: I've never indicated that natives were not important. Natives are important. I am merely indicating that if the Member for Ste. Rose, who is well experienced in the needs and requirements of native people, would talk to his colleague in Winnipeg and let him know really what's going on out in the outside world, where he would quit wasting the time of this committee with the drivel that he's been giving us here tonight. Natives are important, and I agree they're important. I merely stated a point that if you want to have one equal rights, you've got to have both equal rights. You've got to get it all together before you come in here and waste the committee's time.

MR. CHAIRMAN: The Member for Minnedosa, I don't think had a point of order. If he wants on the list, he can signal the Chairman.

The Member for Wolseley.

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MR. WILSON: I have a point of privilege on the same matter. The Member for Wellington continually will read into the record, sideplays that are completely inaccurate. I asked the Member for Burrows a question, if the Member for Wellington was talking about Nick Ternette, or the Marxist-Leninist, and then the Member for Wellington went on a tirade as if I was against the Marxist-Leninist. I never said anything about the Marxist-Leninist, I merely asked the Member for Burrows a question. I think that you should not allow him to read these side comments into the microphone unless they are true.

MR. GREEN: Surely you are against them. I'm against them. Anybody who's not against the Marxist-Leninists, put up their hand.

MR. CHAIRMAN: Let's get this committee back . . . The Member for Minnedosa.

MR. BLAKE: I object when the Member for Wellington snidely remarks, to get it on the record, that the Member for Minnedosa has said this or that, just to get it on the record, and the odd time you don't really get a point of order to object to what's been put on the record and it stands there. He's been in this House long enough to know that there are little comments going back and forth. If he's going to take them all personally and want to get them all on the record, that's his problem and not the rest of the House.

I just want to categorically state that, that he is prone to mentioning a member and getting something on the record that the member might not object to, and it stands there, and two years later it comes out, and he says, well you didn't object to that. He's trained in the law, and we know that, and we know the tricks that they pull. —(Interjection)— He said I wasn't opposed to native rights.

MR. CHAIRMAN: Order. Order. The Member for Wellington. I would appreciate it if all remarks are shot towards the Chair so then we know where we're going.

MR. CORRIN: We appreciate, Mr. Chairman, that the Member for Minnedosa is not opposed to native rights, rather he directs his red baiting to a much more insidious sort of practice. I would suggest he follow the practice of his First Minister and do it full face in a . . .

MR. BLAKE: It's trained Marxist-Leninists like you we're worried about.

MR. CORRIN: As I suggest, he's now adopting his First Minister's lead; I told him to, and now he's doing it. But at least we're having an honest exchange of opinion, Mr. Chairman.

MR. BLAKE: . . . remember too that the Member for . . . said that I was asked to put that on the record that he was trained Marxist-Leninist.

A MEMBER: That's already on the record.

MR. CHAIRMAN: On a point of order, the Member for Souris-Killarney.

MR. BRIAN RANSOM: A point of order, Mr. Chairman, I wonder if you could inform us which item we're on.

MR. CHAIRMAN: Yes. 3.(b)(1) Resolution 17.
The Member for Wellington.

MR. CORRIN: Yes, I was saying, Mr. Chairman, that there is good reason why members on this side might have concern about the appointment of a person who has political affiliation, notwithstanding the fact that we feel that that individual may have a great deal of personal integrity and the highest ethical standards. As I indicated earlier, a person who, I don't know what his political persuasion is, I think I can say that at one point in time he was certainly a member of our party, the New Democratic Party. I don't know currently what he is, I suppose though he could be defined as being a person who occupies a position in the left political spectrum of our province, Mr. Nick Ternette; a person whose views I do not personally subscribe to, but nevertheless, certainly was a citizen of our province in 1979, did submit a complaint to the Human Rights Commission on the basis of discrimination, on the basis of political beliefs, pursuant to the Act.

And I would indicate - and I think it's almost for the record that it should be indicated, that in this regard the protector, interestingly, the protector of Mr. Ternette's rights was none other than a Conservative, or at least a very fine lady who was married to a very well-known conservative, Mrs. Helen Steinkopf. She ended up being the primary defender of Mr. Ternette's rights. What had happened was that Mrs. Steinkopf had retained Mr. Ternette to fill a position with a volunteer organization she is affiliated with in the city of Winnipeg, known as Citizen Advocacy. Subsequent to her retention of Mr. Ternette, the board of the organization decided that they were to - and there's a question, I think, to be absolutely fair to all parties - decided that there had been a change of heart. They also indicated that the retention of Mrs. Steinkopf, of Mr. Ternette was without full legal authorization, and I think that's much to the point in the case.

But nevertheless, Mr. Chairman, they indicated to Mr. Ternette that, due to his public reputation - and I'm now reading right from the complaint file with the Manitoba Human Rights Commission - due to his public reputation, and those were the words used by Mrs. Steinkopf in advising Mr. Ternette of his termination, and I would indicate that fine lady actually paid him two weeks salary in lieu of notice, although I don't think he may have been legally retained, that the association had to withdraw the offer of employment because of the board's feelings on this point.

The question of public reputation was interpreted by Mr. Ternette to mean that he had been denied a position of employment because of his political beliefs. He believes that is the basis for his public reputation, and I think all of us around this table are sufficiently familiar with the activities of Mr. Ternette, obviously, because we've already had him referred to as a Marxist Leninist, to concur that he is a person with a very high political profile. But nevertheless, he put forward his complaint in November - I believe it was November or that portion of 1976, to be accurate, no it was February 1978 that the application or the complaint was actually filed with the Human Rights Commission. It wasn't heard until 1979. It wasn't dealt with until 1979.

Subsequently, and I should indicate with respect to the question of his political affiliation that the Member for Wolseley does not discriminate because in the complaint, Mr. Ternette indicated that he had received high praise from one Mr. Howard Pawley, the former Attorney-General, Mr. Murdock McKay, the Wolseley NDP candidate, and one Mr. Bob Wilson, Progressive Conservative MLA for Wolseley, and Mr. John L. Sinclair, who's the chairman of the board of Citizen Advocacy, confirmed that to the commission. So there is evidence that the Member for Wolseley was insincere when he suggested that, certainly not making his full feelings known when he suggested somewhat derogatorily that we were dealing with a Marxist Leninist. Obviously, he is truly sympathetic to all people.

But in any event, Mr. Chairman, the result of this inquiry was that there was finding that - and I'll read from the reporting letter of the Human Rights Officer to Mr. Ternette - "On October 20, 1978, the commission reviewed the results of our investigation into the above complaint and determined that the case be dismissed due to insufficient evidence".

Now Mr. Ternette, I think to his credit actually, did some research into the Act, and he wrote the Honourable Attorney-General in February of 1979, and he received a reply. And, Mr. Chairman, the reply Mr. Ternette received was as follows and I'll certainly table this document, if it is wished. I'm sure the Minister has a copy of it as well. He says, and perhaps I can just do a rough précis, but I will attempt to maintain the integrity of the thought process and pattern. Well, some members say why not just read it out, and I think in fairness we should, because otherwise it might be subject to criticism.

It says, "I refer to your letters of November 28, 1978, and January 24, 1979, in which you urge that The Human Rights Act be amended by the insertion of a definition of political beliefs and religious belief. You doubtless have in mind Subsection 61 of The Human Rights Act," and then it chronicles the chapter etc., "which prohibits discrimination in employment on various grounds, including religion and political beliefs. " Other forbidden grounds mentioned in that subsection are race, nationality, colour, sex, age, marital status, physical handicap, ethnic or national origin, and family status. In Section 1., the definition section of the Act, family status, national origin, and physical handicapped are defined. I think if you look at those definitions you will agree that they add little to the ordinary natural meaning of the words used in Subsection 61, and I have serious doubts that a definition or attempted definition of religion or political beliefs would be any more enlightening. Where a statute does not give any special meaning to words used, the practice followed is for the courts, and for that matter the Human Rights Commission, to interpret them in accordance with their ordinary dictionary meaning. However, if you can suggest a definition of these words which

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you consider to be an improvement on that contained in standard dictionaries, you are certainly at liberty to bring them to my attention. My reaction would probably be to refer them to the Human Rights Commission for study and recommendation." I must have added a word because it says, "any suggested definition that you might prefer." I think I added a "them".

Well, that's fine, and I think it's commendable that the Attorney-General rendered that particular reply to the complaint. What I want to indicate, though, is that the Manitoba Association of Rights and Liberties looked into this matter as well, and they had some real, some very serious concern about the nature of that particular section, and they did provide for some tangible reform of that particular provision. They noted that the Act - I should just go into some detail again I think.

They said that the Manitoba Human Rights Commission considered a case during the past year in which employment was refused on the basis of the individual's political activities and publicly known political affiliation rather than his political beliefs. The commission was apparently of the view that one is permitted to discriminate on these grounds. They aver that it might be a correct interpretation of the wording of the Act, but they say "we believe that it's not desirable. It makes a mockery of any intended protection from discrimination on political grounds to say that although political belief is sacrosanct, political activities and political affiliations are not."

And they go on to say "It would be a sorry democracy that purported to permit its citizens to believe what they wished, but not to practice those political beliefs, or to associate with others of similar views. We recommend that the Act be amended to prohibit discrimination on the basis of lawful political activities or lawful political affiliations." And they noted that "the Ontario Commission has proposed that discrimination based on political or other beliefs should be covered by a very general expression, such as the word creed used in the Ontario legislation."

Well I think the point is, Mr. Chairman, that first of all, the Minister should address himself to the Ontario legislation because obviously, I think, they have made provision for this situation that is somewhat more adequate than our current situation. But getting back to the substance of the point, Mr. Chairman, I think it is very difficult. It is inconceivable that the Minister can expect someone like Mr. Ternette, who may be of the New Democratic persuasion, to repose his trust in a board chairman who is avowedly a member of another party. It's not a question of whether Mr. Enns is machinating in the background, or trying to circumvent Mr. Ternette's rights. That's not relevant at all. The question is the perception of what is happening. It's the question of seeing, or rather of the appearance of justice being done, as opposed to whether or not we know for sure and certain and we never will, whether it actually has been done.

So I think, Mr. Chairman, that in all fairness, it is important that the Minister give serious consideration to the appropriateness of appointing close political affiliates to such a sensitive position. I suppose, Mr. Chairman, I could go on to deplore the same practise with respect to the other committee position. I know some of the other people who sit on this commission. They are fine people. I think for the most part, most of them would be more than candid and forthcoming in the admission that they, too, were supporters if not members of the Honourable Minister's party. I don't think that it affects the purpose to play fast and loose with these sorts of appointments.

To give an example, we appointed Mr. Robert Smethurst to the board of the Human Rights Commission. I know for a fact that Mr. Smethurst is not a member of our party and I believe, almost for a fact, that he is a member of another political party. We appointed Mr. Val Werrier —(Interjection)— We appointed Mr. Val Werrier to the commission. Both those members were replaced, along with others, but I would note that neither of those particular members, to my knowledge, have ever participated in any events to do with the New Democratic Party. As a matter of fact, I think in both cases the gentlemen in case would strongly resist any such inference or implication. I think we can truly say that they served as independent members of the commission and they did fine work.

I may be, with respect to Smethurst - and I want to make the point - I may be wrong with respect to the appointment of Smethurst and Werrier to this particular commission, it may have been the Law Reform Commission. Right now, I have some of the appointments confused in my mind. But the point is, I think the point that holds true is that both the Law Reform Commission and the Human Rights Commission are the types of boards and commissions where political partisanship plays no place.

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MR. CHAIRMAN: The Member for Inkster.

MR. SIDNEY GREEN: Mr. Chairman, I think if we are going to look for villains, we should look a little deeper than the particular person who was appointed to the board. I would think that the Member for Wellington would relate the fact that Mr. Gordon Fairweather, a member of Parliament, heads the Human Rights Commission of Canada, and he is an excellent chairman. And he is a political person, and he was appointed, and therefore the notion that because a person has been involved in politics, and partisan politics at that, somehow that appears to make him not right. Maybe it appears that way to some, Mr. Chairman. It doesn't appear that way to me, and I don't think it appears that way to a majority of the public . . .

MR. CHAIRMAN: The Member for Wellington on a point of order.

MR. CORRIN: On a point of privilege, Mr. Chairman, and I'd respectfully ask the member to address himself to this. I do believe that Mr. Fairweather was appointed with the concurrence and the approval of all parties in the House.

MR. CHAIRMAN: The member does not have a point of privilege. The Member for Inkster.

MR. GREEN: Mr. Chairman, I don't think that makes any difference whatsoever. I still think we are talking about who the appointment was. And I don't know that Mr. Trudeau went and asked Mr. Clark, and I don't know whether he had to, or whether it would make any difference to me if he did. I know that we didn't ask either Sidney Spivak or whoever it was, when we appointed Harvey Moats. Now, Harvey Moats was a New Democrat and a candidate for the New Democratic Party, and I think he's a very good man, by the way. And I would not exclude members of my family from holding positions with the government because they are either related to me or are New Democrats. We're talking about discrimination on account of political belief, and we are saying that we cannot appoint a chairman who has a political belief.

Now, Mr. Chairman, I want to look a little deeper as to what is our problem. We are not dealing with an easy question. We are trying - and I do not think that I'm being inconsistent because when we passed this legislation in the House, I know that I expressed a misgiving that this is one way, only one way, and in my view not the best way, of trying to deal with some of the unfair practices that are occurring in the area of race, in the area of creed, in the area of color, and the area of religion. Some people think that you can deal with all of these problems by legislation, and I say, Mr. Chairman, that attempts can be made, but when it breaks down, don't blame the people who are on the Board. Part of the problem is what we are trying to do.

Now I state here and now, on the record, I will not hire a Nazi, and when I don't hire this Nazi I won't go before that Human Rights Commission and say I didn't hire him because he had red hair. I will say I didn't hire him because he is a Nazi, and I will deal with that question when the time arises.

When we are dealing with the question of Nick Ternette not being hired. . . Now people are entitled to pursue whatever positions they want in society. Sometimes it involves a problem, sometimes - Mr. Chairman, I don't expect a person of strong Zionist beliefs to look equally at the applicant who is a member of the Palestinian Liberation Organization and at somebody else, especially if that person, in addition to being a member of the Palestinian Liberation Organization is running around the country saying that Hitler was right, that they should have burnt more than they burnt, and believes that, politically believes that. I do not know how the law can go into a person's emotions and say that you will behave not as you are naturally expected to behave by virtue of everything that you have lived through in all of your history, you will be behave according to an Act that some politician passed that said that you cannot do this.

Now I am not going to deal solely with the case of Nick Ternette, but I will tell you this. If Nick Ternette was not Nick Ternette, if he was Terry Nick, and that he believed and ran around the city saying that what they are doing to Sakharov in the Soviet Union, and what they are doing to all the Jewish dissidents is right, I would say that he would have difficulty getting employment with some people, and that is the way it should be. I am not saying that he shouldn't get employment, but he will have to accept the opprobrium that society casts on

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him, which will be affected when he puts in a job application by that particular political belief.

Mr. Chairman, I can deal with this very personally, that I knew when I took certain positions in the University, before and after, that I knew that certain doors would be closed to me, and they were. There were also certain openings, but one cannot deal with all of these questions. It carries from the sublime to the ridiculous. The decision that I saw of this Board, of the Human Rights Commission, said that you don't have a proper case, or something like this, and the Member for Wellington will help me if I am wrong, you haven't properly established that you weren't hired because of your political beliefs because you don't really have a membership in the New Democratic Party, your status as a party member was not really there, and therefore you can't complain that it was political beliefs, which took the statute one step further. In order to get protection it is no longer that it is irregardless of your political beliefs, but you must be a member of a political party. In order to get the protection of the statute, you must be a member of a political party. —(Interjection)—.

Well, but you say that that is what they said. I say they were trying to do a job, and I say that they are dealing with legislation which itself, Mr. Chairman, is mired with great difficulty. And I am really not trying to run down the position that the Member for Wellington is making. I am trying to indicate that the problem does not lie in Sig Enns. The same problem would occur, and I do not say that the naming of Sig Enns to be the Chairman of the Human Rights Commission makes the Commission not appear to be an unbiased body. I'd have to see what was done. And certainly the Nick Ternette case, I can envisage perfectly legitimate organizations saying, "We want somebody in this job, we don't want a person of high political profile, it will make it more difficult to do the job." I believe that that is a reasonable statement. I believe that if Nick Ternette was somebody else and that that man was running around saying that the Ayatollah Khomeini is right, that the Shah should be extradited back to Iran, and the hostages should be kept until he has done, and after they bring him back that the Americans should be condemned or what have you, I can imagine somebody saying, "Well, that is his opinion, he can go ahead and express it. I don't want to have that particular person working for me. It may even be that I would have him working for me if he was less profile, but I don't want that additional complication in my organization."

Surely the Member for Wellington - when the Act was put in, it wasn't intended to say, that no matter what you do, what you say, what position you are taking publicly, you will have the same rights to a job as anybody else, because if it did, then that is the villain, because we will never be able to achieve that. What we will do is create a lot of liars in society. They will say, oh it wasn't because he runs around saying that the Jews should be cremated and that Hitler was right that I didn't hire him. I just took the aptitude tests, which are very subjective; I looked at them very carefully and I didn't like that one. He will lie, he used to be honest; he used to say, "I didn't hire that guy because I don't like the way he is running around town doing things, but now there is a law that says that if I say that I go to jail, or something; or I have committed an offence, and therefore I have to figure out something else to say."

Now, Mr. Chairman, I put in on the record, I will not hire a Nazi, and I will go before that Human Rights Commission, and if I have to go to jail, I will go to jail, but I will not hire that person, and I don't care what your Human Rights legislation says. The Honourable Member for Wellington should think about that, he should think about that.

MR. CHAIRMAN: The Member for St. Vital.

MR. WALDING: Thank you, Mr. Chairman, on another point.

I raised a matter with the Minister at the Committee when we were discussing the Minister's Estimates last year, having to do with a matter that I consider to be discriminatory on the part of the government itself, and the Minister undertook to review the matter with the Commission. I would like to ask him now if he would give us the results of that review, please.

MR. MERCIER: I don't have that review with me, Mr. Chairman; that was the teacher problem that you raised.

MR. WALDING: Yes, Mr. Chairman, it was the matter of the teachers. Would the Minister be prepared to give me a copy of that review?

MR. MERCIER: Mr. Chairman, I'll review my files and supply the member with the information that I can.

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MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. I do wish to address the concerns raised by the Member for Inkster, because I suppose in a sense, we've shared a lot of things together in our life. We haven't always agreed, but of necessity, we've shared the same cultural heritage, the same religious belief and, for a good many years, the same political philosophy. We were members of the same party, and I want to tell them and I think I've said this before in our caucus, and I'll say it publicly, that I believe in affirmative action program. I know he doesn't, he doesn't think that it can affect the sort of reform that is necessary. He believes that an anti-Semite will always be an anti-Semite, and a Jew who hates someone else will always hate them and you can't change.

MR. GREEN: Mr. Chairman, let the member stick to his own beliefs on a matter of privilege. I do not believe what he has just said. I do not believe that an anti-Semite will always be an anti-Semite. I believe that there a lot of anti-Semites who don't think they are, and those are the worst kind. But I do not believe that an anti-Semite will always be an anti-Semite. I never expressed that opinion.

MR. CORRIN: I accept that he - to put it couch in more general terms, he seems to feel that it's the right of a person to - not their right perhaps, but at least he would accord them the opportunity to discriminate on the basis of their own persuasion of predeliction.

MR. GREEN: Let the member stick to his own beliefs. I take my position.

MR. CORRIN: Mr. Chairman, I believe, in response to the member, through you, Mr. Chairman, that there is a benefit to be derived from affirmative action programming and legislation in the area of human rights. I believe that it is only through affirmative action programming as is embodied in the concept of the Human Rights Acting Commission. Mr. Chairman, the member asked me for my opinion and asked me to state it, and now he's turned his back on me and walked out of the forum. Mr. Chairman, I believe that it is only through these sorts of innovations, these sorts of reforms, that we heighten public awareness of a pervasive problem in our society. It is true, we all do have individual points of views and perspectives. Sometimes these individual perspectives are labelled by others, by society as a whole, even at times, to be prejudices. We define them as bigotries and biases. They relate to race, they relate to religion, they relate to God knows what, probably as many things as there are permutations in human nature.

But, Mr. Chairman, when we embody these sorts of concepts in law, we take a great step forward. We do what our forefathers did not do. We address the problem. We say to people that it is wrong, that it is wrong to have these sorts of petty biases, regardless of how they came to be and whether or not they are possibly even justified. And I'm sure some are, I'm sure some people have bitter experiences that not only stay with one generation of a family or one generation of a people, of a country, but for many generations. But notwithstanding that, Mr. Chairman, I would suggest and suggest with respect that by addressing the problems in their broadest sense, we bring the light of public scrutiny to bear upon them, and in so doing, we enhance the prospects of some real reform, some real change in the way people think. We change people's outlook. We really do bring people together in the sense that they begin to realize that it isn't just natives that get pushed around, or Jews, or Marxist-Leninists, or blacks, but we all, to some extent or another can fall prey to those sorts of petty prejudices. It pertains to us all. We have something in common and we share it.

So I would suggest to the Honourable Member for Inkster that there's good reason why we have these sorts of laws on the books, and it's true that they don't always work. But I would suggest that we must do our best to assure the public that they can be effective tools, even if just educative tools, and I suggest to do that we have to make people obtain confidence. We have to give a sense of confidence in the institutions which we enshrine. And I'm respectfully suggesting that when we appoint partisans - and I'm saying this now with respect to Mr. Moates. I did not note that he was a New Democrat. I've never met this gentleman. With Mr. Moates, I would suggest that the case does pertain. Mr. Fairweather - there's a distinction. He was the recommendation of all parties in the House. You couldn't ask for a finer man, and the job he's done is a singular statement of his ability. But I would suggest, Mr. Chairman, that the problem won't go away. We can't sweep it under the rug; we have to continue to deal with it in effective ways.

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MR. CHAIRMAN: 3.(b)(1)—pass; 3.(b)(2)—pass - the Member for Wellington. 3.(b)(2).

MR. CORRIN: Mr. Chairman, we might ask for some direction. Could the committee indicate how far they wish to go this evening, just so we have some idea of how late we're going to be here?

MR. CHAIRMAN: We had hoped to get down to the top of 18; in other words, clean up 17, really, is the Minister's aim.

MR. CORRIN: Well, I can indicate with respect to Item (f), I can indicate that a member who is unable to be here tonight wants to speak to the Manitoba Lotteries Licensing Board. I believe the Member for St. Boniface indicated that he had several issues to raise, and I have several more on this item, Mr. Chairman.

I know of nobody on our side that wants to speak to Items (c) or (e), but I can say that we'll be dealing with Item (d), The Manitoba Police Commission, to some extent as well. So, if we're to proceed tonight, it will be a very late night indeed.

MR. CHAIRMAN: 3.(b).

MR. CORRIN: Dealing with 3.(b), Mr. Chairman, I would like to deal with other aspects of The Human Rights Act, which had been found to be wanting, and there is one in particular that I think deserves the Minister's attention.

As he is aware, there is currently no prohibition with respect to landlords obtaining agencies to effectively do their renting on their behalf.

Apparently, it has come to the attention of the Manitoba Association of Rights and Liberties that this is a real flaw in the Act insofar as it effects discrimination in the renting of housing, which is not within the ambit of The Human Rights Act.

Apparently the - and I think the offensive section is Section 2(1) and Section 4(1) - apparently the Commission has determined that rental agencies can discriminate as between people with respect to the letting of suites, or residential premises, whereas it is an offence under the Act for a landlord to do that. If they delegate the responsibility for letting the premises to a rental agent, that's quite acceptable. And this, apparently they found in their study, included cases where the landlord had actually told the agent of certain preferences; like, had submitted a list of preferences to his agent - his or her agent - and the agent had really merely just followed the instructions received from the principal.

Now, I would like to know whether this has been brought to the Honourable Minister's attention, Mr. Chairman, and I would ask whether there's any intention in this session, or the upcoming session next year, to rectify this particular problem.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, I'm advised that, as I indicated earlier, the presentation by MARL referred to this matter. I indicated earlier that the total report was under active consideration by the board. I understand the specific case referred to in the report has either just been finalized, or will be finalized within a matter of days, by the Human Rights Commission, and there will be a press release outlining that particular decision.

MR. CHAIRMAN: 3.(b)(2)—pass. The Member for Wellington.

MR. CORRIN: On the same general area, The Human Rights Act, Mr. Chairman, I would ask whether or not there's any consideration now ongoing with respect to the allowed discrimination under the Act relative to mental disability.

The Act prohibits discrimination based on physical disability, but apparently there is no explicit reference to mental disability, and there have been complaints provided to MARL, and others, including, I think, some of my colleagues on this side of the House from constituents.

Regarding forms of discrimination in housing and unemployment experienced by people with mental handicaps, this I appreciate is a very difficult area. Obviously, it's presumed that there would have to be a form of discrimination, for instance, in the area of employment, on the basis of mental capacity. I mean, not all jobs require the same capacity, but I wonder whether the general heading of Mental Handicap can be added to the list of prohibited practices under the terms of reference of the Act.

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Could the Minister indicate whether or not he agrees that there is a need in this respect, Mr. Chairman?

MR. MERCIER: Mr. Chairman, again, this is part of the MARL Report, which I have indicated is under active consideration by the Human Rights Commission.

MR. CORRIN: Mr. Chairman, it's the Attorney-General's responsibility, surely, to revise The Human Rights Act.

MR. MERCIER: That's right, but the Human Rights Commission have the statutory authority, and surely they should be the first ones to deal with this report. And that's exactly what's happening.

MR. CORRIN: I don't disagree with that statement. Mr. Chairman, I wish to indicate, I don't disagree with the representation made that the commission should have an opportunity to deal with the report. I am merely asking whether the Minister, who is, after all, the elected representative, unlike the members of the board whom he appointed - and let's get things straight, Mr. Chairman - those people were appointed by him. He's their master. The terms of reference of that Act make them responsible to the Minister, if my memory serves me correctly, and I think you'll confirm that.

MR. MERCIER: Right. That's why they're reviewing the report, and they'll be reporting to me when that's concluded.

MR. CORRIN: That's fine and, Mr. Chairman, I would indicate that I respect the right of the Minister. As a matter of fact I respect him for asking for the opinion of the members of the board. That's, of course, why he appointed them, because he has a great deal of confidence in them.

But the point is, Mr. Chairman, that we want to know what I think most people, particularly people who have these sorts of handicaps, people with a mental handicap in this province of one form or another, who have children or relatives who have this sort of handicap, I think are entitled to know what the Minister thinks, it's fairly easy. Does the Minister think that the Act should make provision for people who are afflicted with a mental handicap?

Does he think that a person should be able to deny housing to a retarded person? Put it in it's basest and simplest terms. That's the question. That's the sort of thing we campaign on during elections. That's the sort of thing that finds its way into election platforms, Mr. Chairman.

MR. MERCIER: Mr. Chairman, when the Human Rights Commission has completed their review and report to me, and I consider that report and make a decision, then I'll indicate the answer to the member.

MR. CORRIN: Mr. Chairman, I will respect that. But, Mr. Chairman, really I think it's a perversion of the process of estimates, which is really the only opportunity between elections, outside I suppose Question Period, for the public to see the distinctions and differences between the parties and their representatives.

I don't see why it has to be a secretive matter as to where the Attorney-General stands on such a simple matter. I mean, it's not one that requires, I think, a great deal of deliberation. One would almost have thought, as a matter of fact, that it would have just sprung from his lips, that he believes in equal rights for people afflicted with mental handicaps. I'm surprised that he can't just say, yes, I believe in equal rights.

It shouldn't be. I would hope, at this point in the twentieth century, it's not a controversial item. I'm surprised that it provokes that sort of response.

I don't know whether the other questions I have will meet the same response. But, Mr. Chairman, I do intend to ask them.

MR. MERCIER: If based on that report, they will.

MR. CORRIN: Mr. Chairman, I would want to know whether the Minister would be willing to consider designating certain civil service positions as political, so that they could be hired and fired by the government of the day on a partisan basis, so that those people wouldn't have the right to appeal to the Human Rights Commission.

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There was a lot of complaint about this. I suppose there will always be a lot of complaint, let's not put it on a partisan basis. There will always be a lot of complaint when a new government takes office. Certain people are going to be asked to submit resignations, or they're going to be forced, by one means or another, to do so. I would suggest that's a fact of political life, Mr. Chairman.

I would hope that no responsible member of this House would suggest that every single person in the employ of government is an objective player that should be retained by the other side. I think that would be a very naive proposition, and I would hope that nobody in this modern day and age would really believe that.

Now, Mr. Chairman, I would ask whether or not we could consider designating certain positions as being political positions, so that the appointees to those positions know that they're appointed on a partisan basis; they accept their retention on that basis. I would suggest that Deputy Ministers would certainly fall into that category as far as I am concerned. I can't understand why the practice hasn't arisen in this jurisdiction as it has in many jurisdictions, of all Deputy Ministers simply submitting resignations when the new government comes in, doing the graceful thing - the thing, I think, that shows proper respect for the process - submitting their resignations, tabling them, and the Cabinet simply will review them, and in some cases they will be accepted, and others, they will be denied.

I suppose there may be discussions ensuing, but of least it's not a controversial matter where people have to be summoned into the Premier's office in the early hours of the morning to be given the sack, or where people feel that they are being dealt with in a high-handed manner.

Let's face it. Deputy Ministers are just what the name implies. They are adjuncts associated with the ministerial responsibility; they are policy makers; they should be policy makers - that's what we want, I would hope that's what we want - and it seems to me that these people should be designated now as being political, and we should accord the reality.

I would ask whether or not the Honourable Minister would be willing to consider designating certain positions as being political in order to facilitate the due process of the administration of government.

MR. MERCIER: Mr. Chairman, Section 6.(6) of the Act would appear to be appropriate. It states, "that the provisions of this section relating to any discrimination, limitations, specifications or preference for position or employment based on sex, age, marital status, physical handicap or political beliefs, do not apply where sex, age, marital status, physical handicap or political belief is a reasonable occupational qualification and requirement for the position or employment."

MR. CORRIN: On this point, I would indicate that the MARL reporters found that there is a prescription on the extent and ambit of the Act in this regard. They were satisfied, and I might indicate that the main reporter was the Assistant Dean of Law at the University of Manitoba.

They found that these people had a justifiable . . . --(Interjection)-- Well, not to my knowledge. Certainly not to my knowledge, Mr. Chairman. If you want to make a point, I'll show you the party records. You can look back as long as you want.

Mr. Chairman, in this regard, I would indicate that they have recommended that there be special categories for people in that category so that the people who are sort of swept up in that sort of mentality - and this seems to happen all the time. The innocent victims of that sort of mentality, when the purge comes, are not also swept out of office. It makes eminent good sense to designate the politicians so that the innocent ones at least get left alone to live, and can obtain their positions.

What happened, Mr. Chairman - and I say this with all respect and perhaps it has happened in many jurisdictions - is that there is a purge of general application. We all heard and participated in the debates that took place in the first session of the Legislature, in December of 1977.

It was indicated on several occasions that this was justified. Perhaps it was, in some cases. I would agree. I don't feel that much sympathy for certain people. I would have thought that they would have understood that was their term of reference.

But I also believe that other people were justifiably aggrieved. They were thought to be affiliated politically when they weren't. Interestingly, and I can disclose this, I think, without

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prejudice, because I won't name names. I can tell you right now, Mr. Chairman, that there are indeed, card-carrying NDP activists in your civil service. I know them, because I'm in the NDP party. They weren't all appointed by us. Some of them were around before 1969. But I can tell you that they are there, and they were good civil servants, I believe before 1969, and I think they still are, as is evidenced by their retention by their Ministers. But I don't see why - I know for a fact that other people, where it was intimated to other civil servants that they were thought to be political and they were released, when I know for a fact they weren't. That they were completely innocent. In no, way, shape, form or degree were they culpable. They were completely unassociated with the New Democratic Party.

I know for a fact that several members of my party think that certain members of the civil service are card-carrying Conservatives. I don't think some of them are, because I know them. I think that they are just good civil servants, but they are now under suspicion. It seems to me that the only way we can get the thing on the table and above-board is to designate positions and to play fair with these people. I don't mind playing that way; I don't see why it should be otherwise.

And I would ask the Attorney-General, on a practical basis, whether he would agree, that we could designate certain positions, and the incumbents would therefore know that they lived and died with the government; they took the same risks as their Ministers.

MR. CHAIRMAN: 3.(b)(2)—pass; 3.(c)—pass; 3.(d)(1)—pass; 3.(d)(2)—pass - the Honourable Member for Wellington.

MR. CORRIN: Mr. Chairman, my hand has been up for some time, since 3.(b).

MR. CHAIRMAN: 3.(d)(2). . .

MR. CORRIN: 3.(b). Mr. Chairman, my hand has been up since 3.(b), the same item.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. Another area where I'm concerned, Mr. Chairman, is the requirement that all complaints be filed in writing. I'm not sure whether, and there may have been some change with respect to commission policy in this regard, but if not, Mr. Chairman, I would wonder whether it's suitable to expect all people to file their complaints in writing. First of all, not all people are literate in this province, leastwise not in the language that most of us speak and understand; and second of all, it's cumbersome and takes a lot of time to file.

I can't understand why we can't have telephone complaints. We have that sort of technology, why can't we have a telephone complaint and do the same thing as the pizza parlours do and phone back and see if the person really made the complaint? And get started right off the bat, rather than having a person come down, or mail in his complaint in writing, and sort of going through that whole lugubrious, unproductive process.

MR. CHAIRMAN: I wonder if I could draw the attention of the Member for Wellington, we are on 3.(d)(1). Right?

MR. CORRIN: No, Mr. Chairman, with respect, we are still dealing with the Human Rights Commission. I don't know how we got to 3.(d) when we have been discussing Human Rights . . .

MR. CHAIRMAN: I passed it; I went on to 3.(c).
The Member for St. Vital.

MR. CORRIN: That's wishful thinking, Mr. Chairman.

MR. WALDING: On a point of order, Mr. Chairman, I believe I'm partly to blame here. I sat next to the Honourable Member for Wellington and wanted to have a word with him about something when he finished his remarks during the time that the Minister would presumably be responding. When I was speaking with him, you passed quite quickly, I believe that item (c) and (d).

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I respectfully suggest, Mr. Chairman, that you do leave perhaps just a little more time on each item to make sure that all members have had their say and are really finished before moving on to the next item. It was not my intention to prevent the Honourable Member for Wellington from making further remarks on that, and I do believe that he had his hand up indicating that he wanted to speak.

MR. CHAIRMAN: I appreciate the opinion of the Member for St. Vital, but we haven't been on this a long time and I simply asked, and went on, and passed (c) and went on, and then I did catch. . .

The Member for Wellington.

MR. CORRIN: A point of order, Mr. Chairman. It has always been the practice and procedure, not only of you, but of all Chairmen preceding you, in my experience in this House, to allow supplementary questions to answers given pursuant to lines of questioning. And I don't know how we could rightfully move on to another point, first of all when my hand was up, and second of all, Mr. Chairman, when the questions is at all supplementary. This is tantamount to - and I say this with respect - to closure. And I know from past experience that this Chairman has very strong views about that, and would not wish to associate himself with such a suggestion, so I say that with a great deal of respect.

But, Mr. Chairman, The Human Rights Act and the Human Rights Commission and the concept that we're dealing with is simply too important to gloss over in order that we can have an early evening and go home. Mr. Chairman, that's not what we're here for. We're here to do business, we're well paid for it, on the point of order, and I think we should sit as long as is necessary to finish this item. If we're here till 6:00 in the morning, it's work well done, and people will thank us for it, I'm sure; and if they don't, we'll thank ourselves.

On the point of order, the Honourable Minister of Economic Development indicates that it's nonsense that we should work into the early morning hours. Mr. Chairman, I'm disappointed to hear him make that remark. I don't think he really believes it, he's probably just tired because of the lateness of the hour. But I would suggest that I am prepared to proceed if other members are, and certainly if you are, Mr. Chairman, notwithstanding your avowed disinclination to proceed beyond midnight.

MR. CHAIRMAN: I am at the mercy of the committee.
The Honourable Minister.

MR. MERCIER: Mr. Chairman, on a point of order, the matter was passed.

A MEMBER: Mr. Chairman, do you really believe that you can work and think well at 4:00 o'clock in the morning?

MR. CORRIN: No, I don't.

MR. CHAIRMAN: Your Chairman can't . . .

MR. CORRIN: It would be better if we left it to the morning, I admit, but . . .

MR. CHAIRMAN: But, in any case, if I could just draw to the attention of the committee, we do return to all of this on the Minister's compensation, if there has been an avenue that we've sort of slipped over.

MR. CORRIN: Mr. Chairman, I would move, seconded by the Member for Churchill then, that the House do now adjourn. Or that the committee rise, excuse me.

MR. CHAIRMAN: There's a motion that committee rise. All in favour? Against? The nays have it.

MR. CORRIN: Can we call for Yeas and Nays, Mr. Chairman?

MR. CHAIRMAN: We can't call Yeas and Nays after 10:00 o'clock.

MR. CORRIN: Well then what can we do with the motion?

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MR. CHAIRMAN: It's defeated. Proceed. We go ahead.
The Member for St. Vital.

MR. WALDING: Mr. Chairman, on a point of order, I believe the Honourable Member for Wellington is asking for a recorded vote. Perhaps you could ask for a show of hands. That should be sufficient.

MR. CHAIRMAN: The question is a motion to adjourn. Show of hands?

A COUNTED VOTE WAS TAKEN, with the results being as follows: For - 4, Against - 7.

MR. CHAIRMAN: The motion has been lost. The Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. On this item, dealing with . . .

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, on a point of order, I thought we were on (d)(1).

MR. CHAIRMAN: That's as I called it, Mr. Minister.

MR. CORRIN: Mr. Chairman, on the point of order, I think, really, that is wishful thinking. I don't know why members are disinclined to deal with the item at hand. I don't know why they want to gloss it over and run off to something else. They are all indicating that they are pleased to sit, they are obviously all attentive and ready to go, they're full of vim and vigour, they've just voted us down on an adjournment motion. I can't imagine why they don't want to debate the issue, or at least further debate the issue, if they are inclined to continue the sitting hours. It seems to be a logical inconsistency in their position.

You can't have it both ways. Either they want to do the business of the House, or they want to adjourn. It's one or the other. We can't play little word games and pretend that we finished the evening's business because there was a second's lapse in proceedings, and I think that the Member for St. Vital has more than adequately explained how that may have occurred, although my hand, Mr. Chairman, I assure you, was extended. It was extended, and I don't know how you could miss it, and I had a supplementary question. I'd ask for a ruling.

If the Chairman wishes that debate not be allowed to proceed on the Human Rights Commission and the question of Human Rights in Manitoba, we're going to have closure invoked on that subject, by all means let's go on to the next one. I think that that will be a matter of record and we should proceed.

But members on this side wish to make their position known. We are prepared to continue discussing this either this evening or tomorrow when we're fresher. Could we have your ruling, Mr. Chairman?

MR. CHAIRMAN: To the Member for Wellington. I really had clearly thought I had passed it. I looked up, there were no hands. I went on to (c), there were no hands and then at (d), your hand did come up, and that's where I stopped. Then I got to (c)(1), when I really thought I was on (c)(2).

There is ample opportunity on the Minister's Compensation to cover all this, because if we continually do this backing up, when will we really . . .

The Member for Souris-Killarney.

MR. RANSOM: On a point of order, Mr. Chairman. The Honourable Member for Wellington says that members of his party were prepared to discuss that item, but when the item was called, there was no one prepared to speak when you passed the item, Mr. Chairman.

MR. CHAIRMAN: The Member for St. Vital.

MR. WALDING: To the same point of order. I spoke on this matter just a few minutes ago, and I hoped that I had given you an explanation of why it went on. The Member for Wellington has now asked you for a ruling and that would seem to be the best course.

Perhaps you would rule whether we are now at 3(b) or at 3(d), or wherever you believe that you had reached. Would you make that ruling and we can proceed?

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MR. CHAIRMAN: I feel fully that I had passed 3(b)(2) and I was on this other page when I was looking up. I passed 3(c) and it was 3(1) and (2) that the question came.

MR. CORRIN: On the point of order, Mr. Chairman, really I can't see it. In all fairness to suggest that you've gone through - you realize, I hope you appreciate you've done over a million dollars worth of business in something under 10 seconds. I mean, let's deal with this, man to man and candidly. You've done a million dollars worth of business, taxpayers' dollars. We're talking about a million dollars; a million dollars taxpayers have invested in this particular House. That's a pretty substantial responsibility, Mr. Chairman.

I am asking you, and I'm going to ask the Attorney-General because he hasn't spoken. Does he agree that he wishes to allow a million dollars of his department's Estimates, taxpayers' dollars, to be dealt with in less than 10 seconds, on the basis of a vagary? On the basis that the Chairman didn't perceive a hand within a 10-second space? Because if that's the case, Mr. Chairman, I think we should just discontinue this whole process, it's a sham.

There is no point in continuing with this sort of liberal democratic process. We are all wasting our money. We should send our cheques back to the general revenue. We are all wasting the taxpayers' money.

It's interesting that the Member for St. Matthews, who's so concerned about paycheques, is not here tonight to debate this issue.

Mr. Chairman, I note that it's a disappointment that many members aren't here but I think with respect to them it's probably because of the hour.

As the Member for St. Matthews said, a lot of people in this House do two jobs and I would suggest, respectfully, that including the Attorney-General and his staff, who I never cease to amaze that we keep up members of the staff until 11, 12, 1 and 2 o'clock in the morning, and then expect them to be at their desks sharp at 8:30 and do a good day's work.

I mean, I don't know how you can ask a civil servant to work from 8:30 in the morning to 2:00 a.m. on occasion and then expect that person to discharge his duties the next day; and particularly if you do that for three and four days running. If we ran our businesses that way surely we would be in desperate straits in no time flat. You just can't expect a person to work that sort of schedule, it's just beyond the bounds of human capacity.

MR. CHAIRMAN: Committee, as I said from the first day, I want somehow a signal from some of you, whoever wants the Chairman's eye. I did not get the Chairman's eye. He didn't show any sign when I went through that. But I'll make this one exception. We'll go back to 3.(b)(2).

MR. CORRIN: Thank you very much, Mr. Chairman. We respect you for it. I think that's very generous of you.

Mr. Chairman, with respect to this item, we would also wonder what the position of the Attorney-General is with respect to what is known as affirmative action, or reversed discrimination programming and its interpretation through The Human Rights Act.

Recently in the United States there is a case that failed to resolve the question of whether affirmative action programs constitute discrimination against the majority. And there are similar concerns being raised in our province, particularly by people who feel aggrieved - and these of course are majority groups that feel aggrieved - by the concerns raised by my honourable friend for Inkster. I'm wondering, whether or not, Mr. Chairman, we would consider making explicit and well defined, in our legislation, the sanctity of affirmative action program in order to assure that there is no reverse style discrimination in our province in the future. I am not suggesting that the Act is wholly unacceptable on this point; I think that it does make some references to affirmative action respecting elderly people in housing; I think it also talks about special employment programming. But I am not sure that everybody is happy that it goes as far as it should. I'm asking the Minister whether he feels that it's cut to suit the form of the individual it applies to or whether he feels it should be expanded, drawn out and better defined.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, as I think the member noted, there are specific legislative provisions, Section 4(4) and Section 9, related to housing problems for elderly persons and special employment programs. I understand that the Human Rights Commission are presently reviewing this area of affirmative action programs with the federal Human Rights Commission.

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MR. CORRIN: Thank you. A supplementary then. I am wondering, in terms of the educational activity and the fact that there has been only 4.5 percent per year increase in terms of the appropriation for this particular department or sub-department of the Honourable Minister's Ministry, whether or not there is any intention, on the part of the government or the Minister, to provide any sort of special relief. And I say this because I am mindful of the fact that he did provide some element of special relief for Legal Aid Manitoba last year. I believe there was, if my memory serves me correctly, and I may be off base to some extent, Mr. Chairman, I believe there was an additional grant or appropriation of between \$300,000 and \$400,000 during the course of last year to make up some deficiencies in the Legal Aid programming.

I think if we look at the Estimates book for last year we'll see the appropriation that we voted was actually less than the moneys received by about that amount. I am wondering whether or not, in order to do affirmative action with respect to the Human Rights Commission, the Minister will consider exceeding and giving an additional supplementary grant in order to provide make-up moneys for educative programming within the department. And I would stress the need for this sort of programming, Mr. Chairman, through you to the Minister, with respect particularly to northern areas. I don't of course represent a northern constituency, but I can indicate, Mr. Chairman, that it has been reported to me on a number of occasions that there is a deficiency in terms of staff allocation in those areas.

And, Mr. Chairman, I think given the fact that, and I don't like to belabour the point, that many complaints emanate from the native community, or should emanate from the native community I suppose, as they do in other provinces, that it would seem warranted that we invest some money in the northern program in order to afford them equal access to the legislation and the Commission. So I would ask whether he is contemplating any such additional grants to the Human Rights Commission?

MR. MERCIER: Mr. Chairman, the Human Rights Commission, which is not a department or sub-department as the Member for Wellington refers to it, but is a Commission with statutory authority, have struck a special committee of the Commission to deal with educational programs. I understand that within the next few months they will have completed their review of educational programs. Because that study is under way I don't know what the results of that study is going to be, but they are reviewing the matter and will be reporting in the next few months.

MR. CORRIN: A supplementary, Mr. Chairman. Is the Minister satisfied then that the 4.5 percent per year increment was satisfactory to provide the necessary funding base to enable the Commission to do its educative work. Does the Minister feel that 4.5 percent a year reflects an adequate level of funding for this particular area of programming?

MR. MERCIER: Mr. Chairman, these Estimates started off with a statement by the official critic of the opposition, the Member for Burrows, who expressed a concern that the increase in this department was too high. I tried to point out at that particular time we were faced, out of the \$4.2 million increase in this department, about \$1.6 million was a fixed cost under the RCMP contract for Law Enforcement, that we have no alternative. I indicated last year the major problem in the administration of justice was the backlog in the Provincial Judges Court in criminal cases. We have a number of increases throughout this department where increases occur in order to deal with that very important problem.

As you look through every program under the department there are increases in expenditures that are necessary, either by way of statute or as they relate to these important programs. There are increases in this for the Human Rights Commission, overall, as there were during the last two years. There are increases in the Commission budget related to education, to obtaining a special film to be used for educational purposes. As I have indicated, the board themselves are reviewing their whole education program and will be reporting within the next few months.

MR. CORRIN: Yes, on this point, Mr. Chairman, although it was the opinion of the Member for Burrows that too much money was being spent on the department, I must say, and I say with respect, I don't think that the Member for Burrows was, at the time he made his opening statements, aware of the fact that one-third of the increment for the department was going to the . . .—(Interjection)— I think in the absence of the Member for Burrows, we should refrain from mentioning his qualifications one way or the other, Mr. Chairman - but I

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don't think he was aware that a disproportionate sum had been appropriated because of the agreement with the federal government for policing. I don't think he was aware at that time that one-third of the appropriation through the department was going towards the policing agreement. I don't think he was aware that under General Administration, Planning and Management had gone up a fantastic sum from \$346,000 to almost \$450,000 in just one year. And I think, with respect to him, he was somewhat misled at that particular juncture and it's somewhat unfair to suggest that he would agree with that statement if he were to reflect and review it now.

I think the reality is that there has been an increase but it's fallen into areas in some cases where there was no control, we simply had no recourse but to up the ante. And in other areas, although the Minister may feel that they are top priority, I would respectfully submit that the decision as to priority may have been wrong. I personally feel that the money should have been put into the Human Rights Commission and myself I think that there is a high correlation between educational activity and the complaint rate. I don't think that the two are mutually exclusive. I think that people, in order to use their rights, have to be made aware of them. I think the first step is education and it costs some money and then people go out and take advantage of their rights because they are aware of them.

Also, you have to provide access, so you can't ask a person living in a remote northern community to write a letter down to Winnipeg or to some centre. As I said earlier, a lot of them don't even write. It's a real problem. I think we have to provide new forms of access using technical innovation - telephones being the most basic one - and I think, Mr. Chairman, in further extension of this particular relief that we have to take affirmative action to make up for the very very low priority that has been accorded this particular area over the past three years. No other part of the department receives such low standing since 1977.

It may have been the chairman's position, the chairman of the Commission - although I indicated earlier that according to that press report he admitted that it was to be deplored that the funding was so low, he only was able to sustain the situation and accept the situation because he didn't believe that education works. He just simply does not have a commitment to the educative process. He believes that, I suppose he believes in osmosis, the osmosis principle, where people absorb their rights.

But you know, the Minister yesterday, Mr. Chairman, through you with respect, yesterday or the day before, indicated that in other areas such as publication of names, that the only answer was education. He was hoping that their education would be the answer; we should continue to publish the names of accused because the answer, the key, was education. Well, there is an inconsistency there. It doesn't logically flow, Mr. Chairman, that on the one hand you've got education as the answer to your problem; and on the other hand very similar and I would submit parallel circumstances; it's not applicable or appropriate. We can't always have it both ways. We can't always do that flip-flop.

MR. MERCIER: Well, Mr. Chairman, if the Member for Wellington has completed his remarks. I point out to him and he can check Hansard if he wants, Mr. Chairman, because I looked back at the original statement I made. It was very brief but I said, "members will note an increase, etc., of \$4.2 million, an increase of 12 percent over 1979-80. The major reasons for increase are as follows: increased cost of Law Enforcement \$1,617 million." The Member for Burrows, the official critic, was seated almost immediately to my right. And I wonder, Mr. Chairman, if the Member for Wellington would undertake to confer with the official critic of the department and/or the Leader of the Opposition in order that the members of the opposition might inform us as to their true position tomorrow.

MR. CORRIN: Mr. Chairman, with respect to that, I don't think there is any question about the true position. I think it's a question of all members being apprized of the same facts, and I think that it's unfair of the Minister to suggest that the Member for Burrows was anything but misled when he made his remarks since he didn't know. He could not have known in full detail all the facts that are now before the House. But notwithstanding that, Mr. Chairman, I am not one to avoid conflict with a peer and a colleague. I am not one that considers political affiliation to be above and beyond all else and I think the Minister knows me too well. I just don't play that way and I never will. I can tell you that I respect people's opinions notwithstanding, whether they're Conservatives, Liberals, Marxists, Leninists, or NDP.

I would like to ask though whether the Minister feels that the support of educational function in role, will have an affect on the efficacy, the ongoing viability and activity of the

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Commission. I would like to ask whether he feels that it will augment its activity or whether he feels that it will augment its activity or does he agree with Mr. Enns, does he agree that it's totally pointless and a waste of public money? I think that it's in fairness, Mr. Chairman, we should know whether there are any policy differences between those two party affiliates. I have indicated that there can be differences as between members on this side. I would like to know whether there can be differences between members on the other side. Would the Minister care to reply to that as I think it's a fair question, in view of the question posed to me.

MR. MERCIER: Well, Mr. Chairman, there is an ongoing educational aspect to the activities of the Commission. As I indicated, the Commission are reviewing their whole education format, there are some increased funds in this year's budget for special programs, particularly film one in schools where probably the most important results can be obtained from an educational program with young people. There has been a growing number of cases with the Commission over the years, so that if the member is suggesting that lack of funds has diminished the effectiveness of the role of the Commission we can argue it two ways, I appreciate that. But there is an ongoing educational program, it may not be to the degree the Member for Wellington wishes to see it, but because concerns have been raised that's exactly why the Commission is looking at it, to review the whole educational program that they have. I don't know what the results of their review and recommendations will be but it's expected to be done within a couple of months.

MR. CORRIN: Mr. Chairman, supplementary to that, I would indicate - this is my opinion and I may be in error - but it's my understanding that the Commission was entertaining the thought of establishing a third office in Brandon, that that was well into the preparatory stages, that was well along the planning route; I'm aware of the fact that the idea of implanting the office in Brandon was abandoned; I'm also aware of the fact - and I believe the Minister must now be aware of the fact - that the office in The Pas has been subjected to a staff reduction. I would ask, in view of that, whether or not we don't already know the stated predilection and preference of the Commission. I mean, why are we waiting to hear whether they believe, when in fact their actions speak louder than any words will? They're cutting back.

Now, you can suggest that it's a question of policy, I would suggest it was probably really a question of, first of all, perhaps the Chairman's expressed views about the educative role, but also the restraint program, which may have been induced by the Chairman's lack of support for the program, the educative aspect of the program. But clearly, if they've cut back on the staff at The Pas, and we can check through the Minister's Estimates and I think you can confirm that there was a cutback; through you, Mr. Chairman, to the Minister, they've abandoned the establishment of the office in Brandon, so Brandon doesn't have an office and The Pas is the only other office outside Winnipeg as far as I know. There's one office here and there is one small office in The Pas and that is it for Manitoba, Mr. Chairman, as far as I understand it. Given the fact that half of Manitoba's population lives outside of Winnipeg, I really can't see, you know, I presume most of them find it very difficult to come down here, either up or down. It's got to be a real bother, I don't think the Commission is travelling. I'm surprised that members from the north and from rural communities haven't brought this up before, Mr. Chairman.

Why should a fellow, just because he lives in some rural place, like a rural town such as Gladstone, have to drive himself all the way and take a day off work to drive himself down to Winnipeg to make his complaint, to appear? Why should he have to do that? It seems to me that we could put some sort of offices into some of the larger rural communities, particularly where there are pockets, obviously Minnedosa would be an example, Neepawa, I think, could sustain such an office.

MR. CHAIRMAN: No problems in Minnedosa.

MR. CORRIN: Well, Mr. Chairman, you're not supposed to participate in the debate, and I'm sorry that there'd be a problem in establishing an office in Minnedosa. I'm sure your constituents would be disappointed to hear that you don't approve of the establishment of an office. Perhaps you have special access to the Commission and its members that your constituents don't enjoy. But, nevertheless, for them I'd imagine it's quite a long drive or a bus ride, and I think they would appreciate to have some amenities in their community and

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improve the quality of their life. Certainly my constituents only have to get on the bus or walk for a few minutes. I don't see why a person living in the Chairman's constituency should have to go to such trouble to do his business.

But, nevertheless, I would suggest that the very fact - and we can look at the report, we can look at the 1978 report - out of 384 complaints received during 1978, 283 emanated from the city of Winnipeg, Mr. Chairman. So you can see that it seems that either people in the city are very much disproportionately aggrieved lot, but they seem to always be getting into hassles involving human rights, that circumstances are disproportioned or that we can presume that half the population is not being afforded the same opportunity. —(Interjection)— Well, I note that the Member for Gladstone says that, Mr. Chairman, he'll look after his people, but I don't think he does so in the absence of participating in this sort of debate. I'm sure that some of those people - the difference between 384, I guess it's about 101 people, I'm sure a few of those 101 may have come from his constituency and may have —(Interjection)— that's all right, I encourage this sort of thing - may have been put to some bother and trouble to come down to Winnipeg to participate.

I have some other remarks but the Member for Gladstone wants to make his opinion known, Mr. Chairman, and I think in fairness we should, while we're addressing this particular issue hear from the Member for Gladstone. So I will gladly accede if he wishes to proceed.

MR. CHAIRMAN: The Chair recognizes the Member for Wellington. Carry on, finish your remarks.

MR. CORRIN: Okay, thank you, Mr. Chairman.

MR. CHAIRMAN: The Member for Gladstone is next.

MR. CORRIN: So, we'd ask whether the Minister can indicate whether there are any plans to implant more staff, more facilities, in the rural and northern communities in order to redress this particular problem. Perhaps I'll stop there because we don't want to go into another area before the Minister has had an opportunity to deal with that, and the Member for Gladstone can present his position.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MERCIER: The Commissioner presently utilized the Legal Aid Office in Brandon in order to take calls and staff that office on a number of days per month. They're looking at expanding the operation in Brandon, they're looking at expanding the operation in Thompson, they're looking at, as I understand it, a toll free number that's used by the Labour Department, I believe, for people. So they're looking at a number of different areas, Mr. Chairman, of expanding the service outside the city of Winnipeg.

MR. CHAIRMAN: The Member for Gladstone.

MR. JAMES R. FERGUSON: Thank you, Mr. Chairman. Just looking forward to my honourable friend across the way from that great and glorious constituency of Wellington, referred to my constituents in two towns, Neepawa and Gladstone, and basically all I would have to say is that in regard to this item I feel that our people are very well served. We don't have to come in here and make two and three-hour speeches about nothing. Anyone that has a complaint is looked after, either through their MLA or through the places that are open for them to use. And, of course, being a lawyer, he has to spout off for many many hours to get his point across. I can get my point across in very few seconds. The simple fact is that my people are being looked after by their MLA, as I said, and by the systems that exist. So, consequently, with those few words, Mr. Chairman, I would turn it back to the Member for Wellington because I'm quite sure that he has another hour of nonsense to yap about, which isn't going to prove anything, and it'll be on the same tack and the same line he is on at this point.

MR. CHAIRMAN: Do you have a point of order, the Member for Wellington?

MR. CORRIN: No, I'm just speaking now that he's turned it back to me. Mr. Chairman, I thank the Member for Gladstone for his generous . . .

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MR. CHAIRMAN: The Member for Wellington, I thought he might have had a point of order there.

MR. CORRIN: No, I thank the Member for Gladstone for his general remarks, Mr. Chairman, maintaining the finest tradition of this House. I would indicate that I could certainly agree that his members have been adequately spoken for in the few seconds that he's participated in these debates. With respect, I don't think he would have much more to add if he were to go on, Mr. Chairman, and he acknowledges . . . --(Interjection)— Mr. Chairman, I think I have a point of privilege. He knows that he's bigger than I am, and that I'm afraid of him but I'm just a soft city boy, I'm not a . . .

Mr. Chairman, going on, I'd like to also raise the question of whether or not the Minister is thinking of providing speedier relief to complainants who want to go directly to court, rather than proceeding through the Commission. There are some areas, I understand, where complainants can go directly to the court in order to obtain an injunction restraining discrimination, but I'm advised by fellow counsel and some other colleagues that this is not always the case; that access to the courts sometimes is impeded by the current Human Rights Act, and that this has caused some imbalances. I would point out that very often what is required is an early injunction enjoining some person from a particular course of discriminatory activity. And, Mr. Chairman, I'd ask the Minister whether he wouldn't agree that it would facilitate the purpose of the Act to allow people to, in certain circumstances, appropriate circumstances, circumvent the Act, go directly to court so that they can obtain special injunctive relief which cannot be preferred or offered to them by the Human Rights Commission.

While he is conferring with his consultant, Mr. Chairman, we might also talk relative to the question of appeals. We're told that, in 1978, this government denied the individual's right of appeal if the Commission dismissed their complaint. Now, I think that is accurate information, Mr. Chairman, that there was an amendment to the Act in 1978, and I think that members on this side can be duly chastised because I think with due respect we should have been aware of that amendment and we didn't pick it up. But, nevertheless, it's been brought to my attention by legal counsel, who are acting on behalf of complainants, that the right of appeal has been lost. And I would ask the Minister what his position is on that? Was he aware that he was taking away people's right of appeal, or is this just some sort of adjectival defect in some revision to the law? If it's just a matter of an innocent drafting error which has created this problem, then he might suggest that we might want to further revise the legislation in order to accord the right of a complainant, an unsuccessful complainant, to appeal. It seems to me that if a person wants to spend the time and the money on a judicial appeal they should have the right to do it. It seems only sensible that it's a basic right and if a person feels that they want to spend their time and money in pursuing that . . . --(Interjection)— Mr. Chairman, I would ask the Minister whether he could advise us of his position in that regard.

MR. MERCIER: Mr. Chairman, with respect to the matter of injunction, Section 34 of the Act . . .

MR. CHAIRMAN: Order.

MR. MERCIER: Section 34 of the Act, Mr. Chairman, allows for obtaining of an injunction without going through the commission process. I'm advised that there is a case on in Brandon right now under this particular section.

With respect to limiting the Right of Appeal, I am not aware of any particular amendment the member is referring to. Can he advise us as to the particular amendment?

MR. CORRIN: Dealing with the question to me, before we go back to the other item, Mr. Chairman, I will try and put this in perspective. I believe that Section 30 of the Act provides for an appeal to the Court of Queen's Bench from any decision or order of the Board of Adjudication.

First of all, there have only been to my knowledge, two cases actually adjudicated. That's up to the board. As far as I understand it, the board decides what they want to adjudicate. That isn't something that the complainant can influence or effect. So with respect to all the other hundreds and hundreds of complaints - it may be well over thousands now - they haven't been accorded that right.

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Now, recently - and I hope I'm right in this - in 1978 the Commission was given the power under Section 19 of the Act to dismiss a complaint at any stage, if they were satisfied that the complaint was without merit. Okay?

So, Mr. Chairman, the effect of that is, because the draftsman neglected to provide for any appeal from such a dismissal, the effect of that is to preclude people from exercising the appeal option. I trust I make myself clear on that point.

It is obvious that it is not an expressed prohibition. What it is rather, Mr. Chairman, it's one of those situations where, in trying to affect one purpose, we have inadvertently affected two. One may be laudible but the other one isn't.

I can accept the fact that the Commission may have been burdened by a number of complaints that did not warrant further investigation; I can accept that. And I can accept the fact that no government can afford to fund this sort of commission on a global and unrestricted basis. I can understand that, otherwise you would just have endless staffing increment.

But, Mr. Chairman, what I can't understand - and I think it's an honest error, I really do - I can't understand why we should preclude people if they feel aggrieved and want to go to court, even if a person says I think the Commission was wrong, I think that was a damned good appeal, and they're willing to go to the Court of Queen's Bench at their own personal expense to have a judge decide the matter, I don't see why we shouldn't allow them to. I mean, that's a matter for them to decide and I don't think we should take away their right. That's the point I was trying to make.

MR. MERCIER: Mr. Chairman, the amendment to Section 19 does not appear to abridge, in any way, the right of a person to take an action under Section 34.

MR. CORRIN: Half the lawyers in Winnipeg are waiting for this.

MR. MERCIER: Mr. Chairman, if I could repeat.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, I don't believe the amendment to Section 19(4) in any way affects the right of a person to take an action under Section 30(4). If the member isn't satisfied, we can certainly review that matter again with the Commission, to see if there has been some effect on Section 30(4) that was not intended. I do know the amendment to Section 19(4) was proposed by the previous board under, as Chairman at that time, Mr. Meyers, in order to deal with the kinds of situations the Member for Wellington has referred to. But if he thinks there is some doubt and in fact has noted that this has happened in some cases, we could certainly re-examine that.

MR. CORRIN: Well, on that point, Mr. Chairman, I would indicate that I don't know that the Commission would be in a position to know what people's feelings are on the point. Obviously, if they can simply dismiss a complaint, how would they be in a position, Mr. Chairman, through you to the Minister, how would they be in a position to know that a person felt aggrieved? Other than, I suppose, a telephone call in the night.

MR. MERCIER: Well, Mr. Chairman, I'm not suggesting that. We're talking about the legal significance of the amendment to Section 19(4). If that has in any way restricted the opportunity for a person to proceed under Section 30(4), then we can examine that.

MR. CORRIN: When the Minister is examining that I think in fairness, Mr. Chairman, I should suggest that we also examine the question of prerogative writs and their application because I think some counsel take the position that there should be provision for prerogative writs, for an application for an order pursuant to the law relative to prerogative writs.

So they feel that perhaps because this is essentially a decision of the Minister of Tribuna, that that law should apply and they should be able to proceed.

Other counsel take the position, as I understand it, that that's not the case. I think generally what's happening is, everybody is afraid to take the first step. Lawyers who have this problem, and of course it's our clients problem really, but lawyers are afraid to counsel their clients one way or the other because it does cost a lot of money to go to the Court of Queen's Bench.

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They don't know whether to go on the prerogative writ or to tell their clients it's impossible and they need a legislative amendment. I think the Minister will agree with me that when you're in that sort of position, it's very embarrassing if you tell a client that you can obtain the prerogative writ and you're confident about it and off you go and you're wrong; you get egg on your face and obviously the profession falls into disrepute.

MR. FERGUSON: Do you win very many cases, Brian?

MR. CORRIN: I don't win very many. That's because we take hard cases, that's what I keep telling them.

The Member for Gladstone wants to know what my record is. My record is very poor, Mr. Chairman.

MR. FERGUSON: I kind of thought it might be.

MR. CORRIN: Yes, I am proud of the record, Mr. Chairman, because as I said I think it can reflect two things, either a bit of incompetence or perhaps the willingness to take difficult cases.

In this regard, I would tell him that when the last member of the Manitoba Court of Appeal was appointed, Mr. Justice Charles Huband, he, in his acceptance speech at the ceremony when he was inducted into the court, indicated that he was proud that the lawyer with the worst record in the history of Manitoba and the Court of Appeal . . . I think he had not the worst record but he'd had in one respect the worst record; he'd had 17 consecutive losses. He indicated that he was . . .

MR. CHAIRMAN: On a point of order. The Honourable Minister of Economic Development.

MR. JOHNSTON: Are we discussing the records of lawyers or judges or anybody with losses, or are we discussing the Human Rights Commission?

MR. CORRIN: Well, on the same point of order, Mr. Chairman, it's only respectful for me to reply to the questions posed by the Member for Gladstone. I think that the hour is late and he wanted to discuss my competence and ability and I was just trying to assist him.

MR. JOHNSTON: Mr. Chairman, I didn't hear anybody take the microphone.

On the same point of order, Mr. Chairman, I didn't hear anybody take the microphone on the other side.

MR. CHAIRMAN: The point of order is well taken.

MR. JOHNSTON: Thank you.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. Mr. Chairman, dealing with this area generally I think that it's of the utmost urgency that the Minister's department provide a realistic budget to the Manitoba Human Rights Commission, in order to enable it to perform its role.

I think members on this side, in conclusion on this particular item - and I know that this item has been of great interest to members on the other side of the table this evening, Mr. Chairman, - I would indicate that, as is indicated by their continuing and incessant chatter and animated discussion as between themselves, Mr. Chairman, that we feel that there has to be a substantial upgrading of the financial support for the Commission or else the whole exercise will fall into disrepute.

We can't allow 40 percent reductions as occurred last year to be sustained, and there was with respect - and I know that, Mr. Chairman, the Minister is looking somewhat horribly aggrieved - but there was in terms of certain aspects of the activities of the program, more money was provided last year. But the point is that there were shortfalls. There were substantial and significant shortfalls.

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It has been suggested by others, not just myself, that they amounted to 40 percent. I would indicate in this regard, Mr. Chairman, that I know that there have been studies done by the Manitoba Association of Rights and Liberties. There was a newspaper article printed in the Winnipeg Tribune. All of which confirmed that there had been reductions in the amount of 40 percent, and I would quote from the MARL report:

"The 1978 operating budget of the Manitoba Human Rights Commission was reduced in absolute terms, disregarding the further reduction resulting from inflation, by 40 percent. Although the 1978 Annual Report tried to put a brave face on the situation, it does not disguise the fact that this utterly unwarranted reduction constituted a staggering blow to the cause of Human Rights in Manitoba."

And they noted that even before the reduction the Commission was unable to do many of the things that it must do if Human Rights are to be satisfactorily protected in the province and they acknowledged the fact that the current budget was, as they described it, "slightly less niggardly", but they indicated that it is inadequate to perform even the functions contemplated by the present legislation, much less those additional duties that they recommended.

I think that credence should be given to the Manitoba Association of Rights and Liberties report. I think that common sense should be applied. I think that we should disregard the statements of the Chairman. I think we should go into a more educative role. I think we should provide rural services, northern services. I think that we should endow the concept with financial wherewithal so that it realizes the full potential that it has, Mr. Chairman.

MR. MERCIER: Mr. Chairman, just one brief comment. The vote in the 1978-79 budget for the Human Rights Commission was \$412,500.00. The vote in 1979-80 was \$433,600.00. We anticipate that the final figures for 1979-80 will be \$9,000 above that and therefore actually amounted to total expenditures of \$442,900.00.

MR. CORRIN: Mr. Chairman, I thought the Minister of Economic Development had a point he wished to make for the record. He indicates that he couldn't be bothered to talk and yet a minute ago, Mr. Chairman, he indicated he wanted to continue to sit.

Mr. Chairman, I think the point that's being made with respect to the funding cutbacks is that moneys which are being appropriated are not being funnelled into the salary component, that area of the administrative component of the agency, the commission.

I think the moneys are, in effect, when you contemplate the very real reductions in gross appreciation, are not being channelled into constructive growth areas. Sure as some money is being put there, and only 4-1/2 percent per year; let's be realistic, it's considerably less than the rate of inflation. But the point is that that money is just being exhausted paying the rent and doing a number of other basic things, keeping up the stationery and things of that very basic nature.

MR. CHAIRMAN: Could I bring attention to the committee, I would like to have the committee stay proceedings until the tapes behind us are. . .

The Member for Wellington.

MR. CORRIN: Yes, in this regard, Mr. Chairman, I would like to indicate there has been some concern on the part of other members how late we are going on this item. I can indicate right now that I have completed my remarks and I am perfectly willing to proceed beyond Item 3.(b) this evening if we wish to proceed now to 3.(c).

MR. CHAIRMAN: 3.(b)(2)—pass; 3.(c)—pass; 3.(d)(1). . .

MR. CORRIN: No, on 3.(c), Mr. Chairman, I think obviously the Minister should make some short summation or synopsis for the committee of what has transpired this year. Why are we spending \$575,000.00, what is the money going into? I think we all want to know.

MR. MERCIER: Mr. Chairman, I think the explanation, which I hope the member has before him, that I distributed pretty well sets out the reasons for the increases in this particular area as a result of new people becoming eligible for permanent pensions, etc., and the number of people on disability pensions, it's pretty well a fixed operation.

MR. CORRIN: I believe the Member for St. Vital wishes to make a point, Mr. Chairman.

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MR. WALDING: No, pass (c), Mr. Chairman.

MR. CHAIRMAN: 3.(c)—pass; 3.(d)(1). The Member for St. Vital.

MR. WALDING: Mr. Chairman, I note that part of the committee adjourned about an hour and a half ago and I see some signs of weariness among the members of the committee. Might I move that committee rise.

MOTION presented and lost.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Mr. Chairman, on a point of order first, I would indicate that the Minister indicated to me just yesterday that he was quite willing to sit until the recess at noon on Friday. He indicated that at that time he had a trip to take to Dryden and he wished to be relieved of the responsibility of participating in these Estimates at that point. We indicated to him that we certainly would accommodate him, apparently it's a trip with a family member. We respect his right to be with his family where we should probably be tonight; it's after midnight.

Mr. Chairman, I don't know, I just say this on the point of order and the motion. It's going to expedite, sitting all night isn't going to expedite much at this point because of the nature of what is about to come up. You know, it won't make a lot of difference. As a matter of fact, I would suggest with respect to everybody, that if people are fresh in the afternoon it would be done in about one-tenth of the time. I am willing to concede, as the Member for Minnedosa is living testimony to, that it's very difficult to function beyond midnight. I don't know about the other members but I started my work day at 8:30 this morning and it's a long day.

MR. MERCIER: Mr. Chairman, last year the Estimates for this department took 3-1/2 days. We're now four days.

MR. CORRIN: So, what does that mean?

MR. CHAIRMAN: The Member for Wellington. 3.(d)(1).

MR. CORRIN: I don't want to be argumentative, but on that point, Mr. Chairman, I would indicate that if the Estimates are longer it could be that the Minister should note that first of all there are more funds to be voted this year; and second of all, there may be more matters to deal with. The Ministry has now been in the hands of the incumbent for another year and it's not unlikely that members now have more matters for discussion and debate. We now know much more about the policy position stated by the government and the Minister. We now know much more about the ongoing conduct in administration of the Minister's department and we are in a far better position. —(Interjection)— Mr. Chairman, on that point of order, the Member for Minnedosa seems to feel that there is no interest of members on this side. I can assure him that there is a great deal of interest on the part of this particular member.

One of the things he may not appreciate, Mr. Chairman, is the fact, and he forgets, I suggest it must be the case that people have very short memories, that the experience of being in opposition is such that this is one of the very few opportunities you have to participate. This is one of the very few opportunities that a member of the Legislature has to confront, in a political parliamentary form, the responsible agents of the government Ministries. And, Mr. Chairman, this is not a small point. You know, in Ontario and in Saskatchewan and all over Canada today Legislatures have now gone into multiple sittings. They do it on the sessional basis, on a semester basis. Manitoba is lagging behind in that we still seem to have this idea that parliament is a disgrace, that the thing to do is sweep it under the rug. I'll tell members on the opposite side that if they should fall back into opposition it will not be to their advantage to cut short Estimates. Perhaps that's why they languished for so long in the opposition, Mr. Chairman, because they couldn't exploit their positions.

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MR. RANSOM: Did the honourable member get a point of order? I wonder if we could know what the point of order is.

MR. CHAIRMAN: The Member for Wellington on a point of order.

MR. CORRIN: Well, I believe we were talking about the Minister's. . .

MR. CHAIRMAN: I called 3.(d)(1) and if you're speaking on it, I can't read you for it.

MR. CORRIN: Well, on the point of order, the Minister said, which has nothing to do with 3.(d)(1), that he took great exception to the fact that we spent half a day longer this year than we did last year on his Estimates. He seems to feel that this is unjustifiable conduct on the part of the opposition. I am simply replying on the point of order that there are several good reasons why we should, and there are several very good reasons why the government should respect that right.

MR. CHAIRMAN: I don't think the Member for Wellington has a point of order. 3.(d)(1). The Member for Wellington.

MR. CORRIN: Well, this is of course the subject that we discussed yesterday to some small extent under Criminal Procedure. We asked at that time, Mr. Chairman, whether the Frampton Report was going to be made public to us. We were told that there was no hope of that because the matter was sub judice. In other words, Mr. Chairman, what can be printed in the press, what everybody in Manitoa knows, everybody knows because there is publication in this province, everybody knows what those two officers are alleged to have done to Mr. Frampton. We can't discuss it in the Legislature even though we all have access to the press reports but the public can read about it in the newspapers.

So, Mr. Chairman, we are once again asking the Honourable Minister whether or not he'll reveal the recommendations made by Mr. Schulman, and whether or not he intends to take any action on the findings of the Manitoba Police Commission, which were by the way, partially disclosed in the newspapers relative to that issue.

MR. MERCIER: Mr. Chairman, on August 3rd of last year I issued a news release which contained all of the recommendations of the Frampton inquiry report. I withheld those portions of the report related to the evidence that was referred to in the report because of the charges against Mr. Johnson and Mr. Baraniski. Those matters are still before the court and I appreciate there may have been some news reports which dealt the hearing but until the matter is dealt with in the courts I do not intend to release the balance of the report which contains the evidence that was before the Commission.

MR. CORRIN: Mr. Chairman, thanks to the vigilance of the press, we know that Mr. Schulman, because he was interviewed, indicated that he had recommended to the Attorney-General that there should be outside supervision and scrutiny of police procedures.

MR. MERCIER: Those recommendations were released. Every recommendation was released. That's in the news release.

MR. CORRIN: Well, Mr. Chairman, it's very generous of the Minister to suggest that it was in the news release and I will respect that. The point is, with respect to the recommendation by Schulman to the effect that there should be public scrutiny, public supervision by an independent agency of police interrogation of accused persons, does the Minister think that we should put in place some method that will assure that result? In that regard, Mr. Chairman, I think that in some places in the world they have now taken to televising, videotaping, the interrogation procedure. A statement, the Honourable Minister, Mr. Chairman, will correct me if I'm wrong, but I think a statement is inadmissible unless it is made on the tape. That doesn't say of course that the guy can't be standing behind the television camera with a loaded shotgun, and I'm not suggesting that very many policemen would ever resort to that sort of tactic, but obviously in the Frampton case such tactics were resorted to. There was evidence that Mr. Frampton was beaten with straps, boards, he was kicked, he was pushed into the wall, his head was bust open. . .

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MR. MERCIER: Mr. Chairman, on a point of order, Mr. Chairman.

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

MR. MERCIER: The matter is before the courts and those kinds of comments by the Member for Wellington are completely out of order.

MR. CORRIN: Oh, well, on the point of order, Mr. Chairman, I'd like to know why are they out of order?

MR. MERCIER: They're out of order because the matter is sub judice.

MR. CORRIN: Oh, for God's sake, Mr. Chairman. Mr. Chairman, you know, we're going to have any reform. This administration, it's fairly evident there will be not one single reform. Everything is sub judice. It's a bloody disgrace. Even the term the Minister uses revolts me. In law school, I remember the Dean, who has now been appointed to the Law Reform Commission. . .

MR. MERCIER: Point of order.

MR. CORRIN: No, Mr. Chairman, I am on my point of order. I don't think that there can be two points of order on the floor. Mr. Chairman, pursuant to that point of order, the chairman of the present of the Law Reform Commission appointed by the Minister, told his class, the Dean of the law school told the law class that any lawyer that resorted to Latin maxims should be suspected. It's the last refuge of a scoundrel. You know, sub judice, what does that mean? It's before the courts. Say what you mean; speak English. Latin is a dead language. Mr. Chairman, it's not a language of record; he can speak French if he wishes, some of us will understand that, we don't understand Latin.

MR. CHAIRMAN: Order. If the matter is before the courts then I rule it out of order.

MR. CORRIN: Well, Mr. Chairman, on the point of order. Why is it before the courts when at this very moment, in this province, there are people who are being interrogated? What has that got to do with being before the courts? What I am saying is that every hour of every day in this province there is a person being interrogated by police personnel. You can be assured of that. What has it got to do with being before the courts? Obviously nothing. The point is, that it is a refuge. You can't discuss anything it once was before the courts. Well, if we apply that as a general rule of thumb, Mr. Chairman, with respect to this Minister's Estimates, we can't discuss anything because everything is before the courts at one time or another. Wouldn't it be handy if one of the other Ministers could say sub judice, however that's spelled, it's sub judice, with great authority, but they can't. They pity the poor Ministers, they have to speak English and they have to give answers. And most of them are forthright and they are forthcoming. They don't cop out.

MR. MERCIER: Mr. Chairman, on that point of order, the Member for Wellington had made certain comments about evidence and about certain conduct of two individuals. . .

MR. CHAIRMAN: Order. The Honourable Minister.

MR. MERCIER: Mr. Chairman, the Member for Wellington had made certain comments about certain evidence relating to two charges which are now before the courts against the two individuals he named. That is my only concern and I don't think we should be discussing anything that might prejudice the fair trial of those two accused. If he wants to discuss the concept and the other recommendations related to a more independent mechanism for dealing with allegations, police brutality, fine. I was referring to the specific evidence that he had just stated when I raised the point of order, Mr. Chairman.

MR. CORRIN: Mr. Chairman, in order to resolve this pointless debate, we'll deal with the concept because that's what we were dealing with.

The point is, Mr. Chairman, that there are people continuously day by day being interrogated in our jails. They are, as Mr. Schulman pointed out, and he is, I think, again

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above reproach; he was appointed by the Minister. Mr. Schulman indicates that people in those circumstances, it is impossible for the rights of individual citizens to be protected. Nobody will ever know with certainty whether an individual, who alleges that he was beaten up, was or was not beaten up; you can't tell.

I mean, it could be that the accused is using that as a refuge; I'm sure that happens on numerous occasions. A fellow gives a confession and then later he finds out that it's going to be used as the major piece of evidence in his case, he turns around and he says, "Gee, it was beaten out of me. I didn't do that voluntarily. You know the policeman hit me over the head a few times."

Well, we don't want to accord him any special standing either. But I am suggesting that if there are cases where people are beaten up - and this may happen from time to time, and I'm not going to deal with the Frampton case but that was at issue - I think that we might do something in order to protect the rights of the individual.

The videotaped television idea is not a bad one. It's not perfect. As I said earlier, I suppose the policeman could use much more sophisticated methods. As we all know, there are very subtle methods of extracting information. I mean, I suppose if you said, "I am going to arrest you" or "I'm going to arrest your wife", or "I'm going to arrest your girlfriend", or your son, that that's just as much of an inducement for an accused to give a statement as if you hit him over the head with a pipe.

The point is, though, that we have to do something. Television is one mechanism we could employ. I would suggest the best, though, may be an independent person present at all such interrogations, who simply acts as an independent observer, doesn't participate, just sits in the room and can be subpoenaed to court to say what he or she saw with his or her own eyes and heard with his or her own ears. And I would suggest in that case, I think we would have many fewer complaints.

The present situation, Mr. Chairman, as I am sure you are aware, is that individuals and lawyers very often make allegations against the police. They suggest that - they even name names on occasion - some individual beat them up and the individual's reputation, I think, is washed out. I don't see how a policeman . . . We should be just as concerned about a policeman's reputation as an accused person's reputation. If in a small town where there are only a very few police officers and everybody knows them and respect on the law is premised on respect for those men or women, as the case may now be, if somebody makes an allegation that that officer took them for a ride and beat them up, that's pretty significant.

So I would suggest that one way we can protect people from that is, we can start to devise ways and means, however imperfect, to at least, to some extent, provide some assurance that both parties' interests are balanced, so that both parties' rights are protected. So that policeman don't have to put up with that sort of nonsense; don't have to put up with that sort of humiliation and embarrassment; and accused people on the other hand perhaps on occasion don't have to put up with what transpires in cases, as would appear to be the case in Frampton.

Mr. Chairman, I would just ask the Minister whether he can comment; whether he feels that it's time that there be some revision of the law in this regard; whether he feels that he is willing, on behalf of his department, now to make a statement to that effect.

I think we've had so many allegations in this respect. It isn't just Frampton. I think both of us remember from City Council it was almost a weekly occurrence that some lawyer said his client got banged over the head. Then the Winnipeg Police Commission would say, "Well, we're told that's untrue and that that's all just a fabrication", but nevertheless the reputation of the officer was wiped out. Nobody could come forward and say, "Well, I was there. I was with the policeman. I didn't see him punch the guy out. I didn't see him threaten him. I didn't see any of this. I didn't see any of it and why are we allowing this to happen? Why should we ruin his reputation?"

So I'm asking whether the Minister would be interested in providing protection for both sides, the police as well as the accused in this regard.

MR. MERCIER: Mr. Chairman, I believe I indicated in the Legislature last week, in response to a question from a member of the opposition, that we indeed were considering legislation with respect to the recommendation of the Frampton Enquiry Report.

MR. CORRIN: Well, Mr. Chairman, I'm not asking him to make recommendations on the Frampton Enquiry Report. I'm just simply asking him to respond to the question which has nothing to do with the Frampton Enquiry. He wanted to talk conceptually, so I'm speaking

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conceptually. Does he or does he not share that interest and is he going to do something about it? Let's not worry about Frampton; it's sub judica, whatever that may be.

MR. MERCIER: Well, Mr. Chairman, the Member for Wellington appears to be a little confused. The Frampton Enquiry Report made certain recommendations relative to changes in legislation affecting investigation of complaints and an independent review of those complaints. We are considering, and have under active consideration, legislation to implement such a recommendation.

MR. CORRIN: Well, which method does the Attorney-General prefer, Mr. Chairman? That's the question.

MR. MERCIER: The Member for Wellington will see the legislation when it's introduced in the Legislature in the normal course.

MR. CORRIN: Well, Mr. Chairman, I think it's interesting that we always have to wait for the legislation when it's introduced. Why is it that this Minister refuses ever to tell us what he believes? That's what politics is about.

MR. MERCIER: What the parliamentary democracy system is, under which we operate, is that legislation is processed through Cabinet before it's introduced in the House, and I am unable to advise him the recommendations that I made to Cabinet and the deliberations in Cabinet. When that process is completed and it's introduced in the House, he will see the legislation that's introduced by the government.

MR. CORRIN: We're a bit disillusioned and disappointed in that we appreciate the nature of the Cabinet system, Mr. Chairman, but we also appreciate the fact that Estimates review is the time for people to be forthcoming in their own opinions and positions, and they shouldn't be ashamed of them.

It doesn't matter whether those views and opinions are shared by the Minister's colleagues. What is important to the people who elect him is his views. You know he represents an inner city constituency. The Member for Gladstone a few moments ago, off the record, was making some disparaging remarks about my core constituency, my core area constituency. I'm disinclined to debate that although that is a very inflammatory description of my constituency. I can tell him it won't be appreciated by the Member for St. Matthews when we put that in our pamphlets, and we'll run against him, not you.

Mr. Chairman, the point is that there are policing problems in the City of Winnipeg. We all know about them. I have been told that the Minister is not planning in running in Osborne - I hope I'm not leaking any official party secrets - that he's moving out to Fort Richmond in the next election. Perhaps he thinks he can run away to the suburbs and get away from his "core area problem", but some of us can't. Some of us are going to have to stay in our constituencies and keep on fighting.

Mr. Chairman, as a core area representative to another core area representative, one political low life to another political low life. . .

MR. CHAIRMAN: The Member for Gladstone on a point of order.

MR. FERGUSON: Yes, on a point of order, Mr. Chairman. I would point out to the Member for Wellington that he mentioned two towns in my constituency that he thought required the service of him and I can assure him that, if they were going to hire a lawyer to look after them, they certainly would not be looking at him.

And to say that I was using disparaging remarks against his constituency, I may or may not have done.

MR. CORRIN: On that point of order . . .

MR. FERGUSON: I'm not finished either. We've listened to you for about two hours.

MR. CORRIN: You said you could say your piece in a few seconds.

MR. CHAIRMAN: The Member for Gladstone, on a point of order.

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MR. FERGUSON: At least I won't take two hours to say nothing, as my honourable friend across the way has spent. Well, I've basically said what I wanted to say. So carry on. We're quite willing to spend another two hours listening to you say nothing.

MR. CHAIRMAN: I don't think the Member for Gladstone has a point of order, and I would ask all members to address the Chair because how in the world can we keep this thing going.

MR. CORRIN: Mr. Chairman, with respect to that, I would indicate that I was offered a job in Neepawa by a lawyer who has subsequently, because of the depressed economic situation in that particular part of the province, had to go to Arizona to earn his living.

MR. CHAIRMAN: Order.

MR. DOWNEY: Are we not on the Estimates of the Attorney-General's Department, and could you not identify the item from which we're trying to speak to.

MR. CHAIRMAN: The Member for Arthur on a point of order.

MR. DOWNEY: I'm asking you the point on which we are trying to debate in the Estimates of the Attorney-General's department.

MR. CHAIRMAN: Yes, I would ask the members to stay to 3(d)(1), and keep our remarks to that line. 3(d)(1) - The Member for Wellington.

MR. CORRIN: --(Interjection)-- Mr. Chairman, am I recognized or is the Minister of Agriculture recognized?

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. It is very difficult to deal with Estimates when they gang up, 7, 8, 10 to 1, Mr. Chairman, and that's the effect of the bully-boy syndrome.

MR. CHAIRMAN: I recognize the Member for Wellington.

MR. CORRIN: Mr. Chairman, with respect to the position taken by the Minister in that regard, I would simply say that we personally feel that it is time - and we are willing to state our position - it is time that there be some review of methodology. We feel that something does have to be done and we would think that there should be legislation brought into effect.

We would ask, in this regard - this is with respects to the rights of arrested persons - whether or not the Minister was able to make a satisfactory review of the allegations made, not only by Frampton but several people that the police - and this was a statement made by a police officer last April, I believe, April or May - that the rights of accused to retain counsel were not always provided.

We would ask whether or not the Minister has had any opportunity to find out whether all accused persons being taken into custody are now allowed to contact a lawyer immediately upon their being brought into custody. And I would note, Mr. Chairman, that that basic right would appear to be enshrined in the Bill of Rights. We would ask whether any steps have been taken to assure an accused person of their rights to obtain counsel.

MR. MERCIER: Yes, Mr. Chairman.

MR. CORRIN: The answer being yes, could we ask what sort of mechanisms have been put in place to assure the right of an accused person to counsel immediately upon his arrival in custody?

MR. MERCIER: Mr. Chairman, a directive has been issued from the Chief of Police to all members of the department.

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MR. CORRIN: Mr. Chairman, we appreciate the fact that there was directive issued; what we've asked is whether or not the Minister is satisfied the directive is now being complied with. I think last year it was indicated that there had been other directives issued but the policemen simply weren't paying any attention.

I want to know why the Minister and how the Minister is able to assure us that the police are now following these regulations and how he is policing and enforcing that.

MR. MERCIER: I have no reason to disbelieve that, Mr. Chairman.

MR. CORRIN: I want to make the point, Mr. Chairman, and I think it's important to make the point, that there is an essential conflict of interest in the Attorney-General's role in this regard simply because he is the effective prosecuting agent and he well knows that most prosecutions are founded on statements and confessions given to the police.

So when I ask him, why and what he is doing to patrol and enforce this very important liberty and right, it's with good reason. It's because of those first few critical minutes in police custody can make the difference between a successful prosecution or a failed prosecution. And as we all know, if a person doesn't know his or her rights, they are, of course, at somewhat of a disadvantage. And there had been numerous reviews into this, Mr. Chairman, it goes on, and on, and on through the years it would appear. It seems that all governments shrink back from this issue. Perhaps all governments have a vested interest because of the conflict of interest, but I would suggest that it's long overdue that there be some affirmative action taken by the Attorney-General to protect the rights of people who are brought into custody.

And so I would ask him how he knows for sure, because he hasn't put into place the independent observer, which would be the simple of doing it, to have the independent party there and present in order to advise the person of their rights, and this could all be done through an independent agent who could come to court on a subpoena and testify. How does he know? Is he just taking the police chief's word that everybody is following his edict? We all know that they don't follow his edict because we all read the paper, and we found out that the police chief is having a lot of problems with respect to policemen who won't follow his orders. That's why they're doing a consultant's study and report. So how does he know that this right is being accorded accused persons?

MR. MERCIER: Mr. Chairman, as I indicated before, I have no reason to disbelieve that directive is not being reviewed. I would have expected that if it was not being carried out that one out of the 1,000 or more lawyers might have written to me and complained. I have received absolutely no complaints.

MR. CORRIN: Didn't you? Well, Mr. Chairman, I suggest that the honourable member then go to the Bar Association Convention, that was debated. That was a resolution on the floor of the convention. If he's so concerned about lawyers, it was well advertised and publicized, it was a resolution brought forward by a criminal subsection of the Manitoba Bar. Their position has been on record for some time. I think the Manitoba Association of Rights and Liberties has taken the same position. I can't understand why the Minister is waiting for a specific letter to be directed to his office.

MR. MERCIER: Mr. Chairman, that resolution, as I understand it, is in the hands of the Federal Minister of Justice's Department and the Uniformity Law Conference.

MR. CORRIN: Yes, that's premature to debate that but I think after a seven-year freeze on the Legal Aid budget, people have stopped writing letters, Mr. Chairman; that's not germane. On this item, Mr. Chairman, I would indicate that we're concerned also about the police investigative unit. I don't know about my honourable friend, but I do receive complaints from lawyers regularly, and my colleagues tell me that the police investigative unit is wholly unsatisfactory. And I don't know about other areas, but the City of Winnipeg, I have been told that it is nothing but a whitewash, that the policemen who participate in the investigation of their fellows don't do so with any great degree of vigilance. I understand that that was included in the Schulman Report; I don't know whether it was included in your press release. The Minister nods his head affirmatively, but Mr. Schulman came to the same conclusion, that those investigations simply weren't worth a pinch of anything.

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Mr. Chairman, it's been recommended that there be independent investigative units. I would ask the Minister what his position or his - I don't know whether this is again, high "p" political, on the subject of caucus debate but does he believe that there should be independent investigative units?

MR. MERCIER: Mr. Chairman, that recommendation as I said earlier relates to legislation which is under active consideration. When the government has made a decision, and the legislation is introduced, he will then have an opportunity to see it and comment on it.

MR. CORRIN: Well, can the Minister tell us whether or not he thinks it's even warranted to have that sort of investigation? He told me a minute ago, and I'm not playing word games or semantics, Mr. Chairman, he told me a minute ago that police could look after themselves. The police chief had issued a directive, it was being enforced. I'm wondering why, in this case, he's reviewing it. Why can't the police chief issue a directive, Mr. Chairman, through you to the Minister telling the investigative unit to clean up their act, do a thorough job? Why isn't that satisfactory? Why do we need all this superfluous legislation? I'm just wondering perhaps, there is a sardonic touch to my remark, Mr. Chairman, but I can't understand the continuing inconsistency. Mr. Chairman, the Minister wants to reply to that.

MR. CHAIRMAN: 3.(d). The Member for Wellington.

MR. CORRIN: Mr. Chairman, we also want to know whether or not the Winnipeg Police Commission is going to be required to hear complaints in public. We understand that they sit regularly in camera. This is not a practice that has been followed by the Manitoba Police Commission, but as I understand, is still pursued by the Winnipeg Commission. We would ask the Minister whether he can indicate whether he feels that those meetings should be private or public.

MR. CHAIRMAN: 3.(d)(1). The Honourable Minister.

MR. MERCIER: Mr. Chairman, that will be dealt with in the legislation.

MR. CORRIN: Well, Mr. Chairman, you know, the legislation is a long time coming. I have before me here some articles that have appeared . . .

MR. MERCIER: You asked for my Estimates to go first, you could have waited.

MR. CORRIN: I didn't, I wasn't even informed of your Estimates. I don't know why you're asking me or telling me that.

MR. MERCIER: Okay, you talk to your own people about . . .

MR. CORRIN: Mr. Chairman, this subject is quite old. I note that long columns have been spent exhausting the subject - September 29, 1979, I think one of the best articles done on this by Mr. Val Werier. Mr. Werier pointed out that the internal investigation unit had failed, and he was just reading part - this was not the Frampton inquiry, this was the Frampton trial before Mr. Justice Hewak in the Court of Queen's Bench - he pointed out that Mr. Justice Hewak had said that the internal investigation unit failed to attempt to locate and interview members of the department who were on duty at the time of Mr. Frampton's arrest and interrogation. To put it bluntly it was a reluctant superficial investigation. He's indicated that Manitoba lags behind other provinces in this regard. He's noted that judges in the United States, as well as judges in the Manitoba Court of Queen's Bench - this isn't just something that is a dearly held philosophy of Mr. Schulman, but the judges of Court of Queen's Bench, he's quoting Mr. Justice A.C. Hamilton of the Manitoba Court of Queen's Bench who has called for recorders to determine whether statements were voluntary.

Mr. Chairman, I can't understand, in view of the fact that this is really old hat. This is nothing of an emergent nature at this point. We've had judicial judges feel compelled to comment on it, high court judges. This is old old hat and yet the Minister continues to stonewall, and every month, every year we're drafting legislation. And that's an excellent response, we're sub judice. we're drafting legislation.

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The point is, Mr. Chairman, when do we actually see the results of all this activity. There's so much reporting and activity. Why can't we just listen to our judiciary, our senior judiciary? Why can't we just take to heart the opinions of people who know, people who have had a lot more experience in the courts than myself or the Minister? Why can't we just put into law what they have made recommendation to do? Why do we have to go around in circles, year after year after year? I know it will effect the prosecution rate. We all know that there is going to be a few prosecutions that will fall through and that the Minister might be subject to criticisms respecting his department. But the question is, why is he afraid of that? What has he got to lose? Why is he taking so long? I'd like to know that, Mr. Chairman? Does he think that Justice Hamilton is just shaking his gums when he refers to this publicly? Does he think it's something that he does when he thinks it's unwarranted, that he's just on a frivolous and cavalier basis, heads off to the press and makes a statement of that sort; when Justice Hewak does that? Does he think they make those sort of public observations for the good of their health or for the good of society? Does he think Justice Hamilton is partisan? Does he think he's a Marxist-Leninist as my friend across the table always likes to think of members in our party? Is that what he thinks? The Member for Gladstone has very strongly held convictions about the judiciary in this province, I'd imagine.

Now the Honourable Minister should be forthcoming and present us with his opinion. Did Mr. Knox think, what did Mr. Knox think of that? We should know what Mr. Knox thought about that. Mr. Pilkey's with us tonight, the Hall-Pilkey report hasn't been tabled yet, what does he think? I was with Justice Hall this morning, I spent an hour-and-a-half in his office. —(Interjection)— Perhaps we did.

MR. CHAIRMAN: Order, the Member for Wellington.

MR. CORRIN: Mr. Chairman, I think that with respect to all these matters, we keep getting reports but we never get any action. We have report after report after report, we have judicial commentary, we have all sorts of commentary.

MR. CHAIRMAN: 3.(d)(1).

MR. CORRIN: Mr. Chairman, is the Minister not going to answer?

MR. MERCIER: Mr. Chairman, the Frampton Inquiry Report was made in August of last year. Since then we have been reviewing their recommendations, reviewing legislation in other provinces. Mr. Chairman, if the Member for Wellington, I'm sure is aware of the controversy that's . . .

MR. CORRIN: That's the difference between you and me. I believe in free enterprise and private initiative.

MR. MERCIER: . . . of the controversy that has surrounded allegations of police brutality in other provinces and various mechanisms that have been used in other provinces to deal with these matters. We're reviewing legislation in other provinces and I am telling him frankly that that is not an overnight job, Mr. Chairman. Mr. Chairman, I'm trying to indicate to the Member for Wellington that it is not as simple as it would appear to him. There have been a variety of mechanisms used in other provinces which we are looking at. We're looking at their success or failure, the advantages or disadvantages of relevant legislation in other provinces. There's a necessity to consult with people involved in this particular area, and I hope that legislation dealing with this particular problem will be introduced at this session of the Legislature.

MR. CORRIN: I thank the Minister for his reply, Mr. Chairman. We'd also like to find out what the Minister is doing with respect to the Enns . . . Mr. Chairman, am I recognized or the Member for Minnedosa?

MR. CHAIRMAN: I call the Member for Wellington. I recognize him, let's get on with it.

MR. CORRIN: Well, Mr. Chairman, I'm sorry, we're not in a rush. This is a very important item.

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MR. CHAIRMAN: 3.(d)(1)—pass.

MR. CORRIN: Mr. Chairman, I'm sorry, I'm still speaking, I have the floor.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: I appreciate, Mr. Chairman, on a point of order, that members' tempers are becoming frayed, I appreciate that you initially indicated to the members of the Legislature you did not want to sit beyond 12:00 o'clock, and I appreciate the reasons for that and you have a lot more experience in that regard than I do, Mr. Chairman. But if it's the inclination of members opposite to do that they should at least be patient and sit quietly and participate if they wish. I don't ask you to enjoy it, just respect it.

MR. CHAIRMAN: The Honourable Minister of Agriculture.

MR. DOWNEY: On a point of order. Mr. Chairman, we're sitting here debating the Estimates of the Attorney-General's department. The Member for Wellington keeps thrashing straw and going over and over again the repetition of the Commission that we're talking about. I think that for the best interests of the debate that he is trying to now take over the chairman, telling you what you should do and when he has the floor and when he hasn't. Mr. Chairman, I would suggest that it is you that is running this meeting and not him.

MR. CHAIRMAN: Your point is well taken.
The Member for Wellington. 3.(d)(1).

MR. CORRIN: Mr. Chairman, on that point we'd like some direction and I think, with respect, we should know how far do members opposite wish to go tonight? Mr. Chairman, I am generously disposed to being reasonable and I am sure the honourable members opposite are aware of that. We just want to know, and there are just a couple of us, we just want to know how far the members are inclined to proceed tonight. We appreciate that. . . —(Interjection)— Well, the Member for Gladstone obviously wishes to contribute to the debate. I'll cede the floor again to him, Mr. Chairman.

MR. FERGUSON: Well, as I understand it, we are attempting to finish Resolution No. 17, for the Member for Wellington.

MR. CORRIN: Okay, if that's the point, if we can all agree that we only do 17, then I think that . . .

MR. CHAIRMAN: Order. The Member for Wellington. 3.(d)(1)—pass.

MR. CORRIN: No, Mr. Chairman, we want to discuss the Lyle D. Enns inquest. Is that sub judice, Mr. Chairman? Is the death of that young farmer sub judice too?

MR. MERCIER: Mr. Chairman, I wish the Member for Wellington would dispense with the facetious remarks. If he looks at that page 13, he will find under 5.(g) Fatalities Inquiries Act which he may want to raise under that item.

MR. CORRIN: I can raise it under either item, Mr. Chairman, and I will gladly, if the inclination of the members is to rise, I will gladly accept the recommendation made by the Honourable Minister and I will save it for tomorrow and I will deal with it under the item he suggested, and we'll close off by finishing item 17 tonight. For the record if we're going to do that, I will indicate that the Member for St. Boniface had to leave the Chamber tonight. He did indicate a desire to me, I don't know whether he indicated to you, Mr. Chairman, a desire to deal with lotteries; he's quite interested in that. But notwithstanding that, and frankly, Mr. Chairman, he can not sit until a quarter to one, he has a heart condition. People might laugh and pooh-pooh and say that, well, that doesn't make any difference. I think it does. He's under doctor's instructions, he can not do it. There is no reason why he should be required to do it.

MR. CHAIRMAN: 3.(d)(1)—pass.

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MR. CORRIN: But if we want to go through (f), the next item, if we want to proceed to the end of item 17, I'll respect that but we should put that on the record.

MR. CHAIRMAN: 3.(d)(2)—pass; 3.(e)—pass; 3.(f)(1)—pass. The Member for St. Vital.

MR. WALDING: Yes, I understand that we've now reached the Manitoba Lotteries Licensing Board, and I had one or two questions on this matter. I was hoping that we would get to the matter tomorrow but since there is some insistence on the members opposite to deal with it this evening then we presumably have to deal with it.

Mr. Chairman, I have been reviewing the debate on this item in the Estimates last year and I understand from the Minister's remarks of last year that there was some difficulty with investigation and that there was a half of one staff man year available last year for inspection of a very wide range of different lottery, gambling, and various gaming occasions. I note further, Mr. Chairman, that the Minister is providing for another one-and-a-half staff man years this year for the same function. Just as an aside, I noted an advertisement in the newspaper of a couple of weeks ago which would seem to be seeking at least one of those positions. I would like to ask the Minister if he can give a report to the committee of what difficulties were reported from last year with half of one inspector and why it was necessary to quadruple the inspection staff for the year coming?

MR. MERCIER: Mr. Chairman, I believe the Member for St. Vital may well be aware of the recommendations for increased inspectors that was contained in the Haig Report that was brought forward last year. Subsequent to that report we reviewed in detail the Alberta system where they do have a much more extensive lottery system and casino operations, something we're certainly not involved in to that degree. We determine that in addition to an inspector it would be helpful to provide an addition for an inspector auditor clerk to be involved in reviewing the many financial statements that come before the Lotteries Licensing Board, but which involve over \$23 million in total in lottery and casino operations in the province.

MR. WALDING: Yes, Mr. Chairman, I recall that we were discussing the Haig Report last year and this discussion rose partly from that, but also partly from the remarks of the provincial auditor, who had been concerned for several years and had made mention in his report of the concerns that he had on this matter and it was probably more because of those concerns that I brought up the matter last year. The Minister did mention casinos and I am wondering if he is under the impression that this is the area that the inspectors will be covering.

MR. MERCIER: Mr. Chairman, they'll cover casinos as well as all of the other lotteries that are licensed by the Board.

MR. WALDING: Mr. Chairman, I am trying to recall the number of licences that the Commission issues in a year and I think it runs into the thousands; if a licence is not issued for every single event, but if the number of bingos and lotteries and various other gambling occasions is added up, it does run into the thousands, perhaps the Minister can advise me of what sort of numbers we're talking about?

MR. MERCIER: Mr. Chairman, the figure in 1979-80 is estimated to be 1,080 licences issued.

MR. WALDING: Yes, then I'd like to just for clarification, Mr. Chairman, ask the Minister if that 1,080 is a separate number of occasions or whether one licence can be issued for a recurring, say, weekly or monthly lottery or bingo or something like that.

MR. MERCIER: Mr. Chairman, those licences are issued on an annual basis. I just bring to his attention, perhaps remind him, there would be a great deal of licences issued under municipal authority which are under a certain monetary limit.

MR. WALDING: Yes, I understand that, so the Minister is then confirming that one annual licence could be issued to a particular organization to enable it to have, for example, 52 bingos in a year?

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MR. MERCIER: Yes, that's right.

MR. WALDING: Can I ask the Minister then what the experience was for last year when there was half an inspector? Is there an estimate of how many of these functions were covered, were there any difficulties found, were there any charges laid? And arising from that experience, what does the Minister expect to find with a quadrupling of that inspection staff for the coming year?

MR. MERCIER: Mr. Chairman, the additional staff person, in the first inspector, is the subject of the advertisement that you saw in the newspaper, I take it, or in the Civil Service bulletins. There will be a second one following upon that one. Up until now the Board has generally relied on various police departments, or the secretary, for their own personal investigations.

MR. WALDING: Mr. Chairman, just going from memory and I can probably find it in Hansard from last year, but I do seem to recall that the Minister told the committee at that time that the Lotteries Licensing Board had one full-time employee and that half of that time was served in inspection duties. Perhaps the Minister can confirm that.

MR. MERCIER: Mr. Chairman, there were two employees, the administrative secretary and a secretary of staff.

MR. WALDING: Mr. Chairman, still going from memory and at the moment I am unable to find the reference in Hansard but I do recall the Minister telling us that - I believe the title is secretary to the board - that part of that person's responsibilities was a certain amount of inspection and that that was half of one staff man year, that was listed and that we approved last year. Now can the Minister confirm that for me?

MR. MERCIER: Mr. Chairman, I don't recollect indicating that he spent half of his time in doing inspections. He did spend some time in inspections.

MR. WALDING: One reason, Mr. Chairman, that bears that out is the program highlight on page 11 of the Minister's documents that he furnished us with, where it says, "to increase the board's effectiveness, etc., we are adding one and a half staff man years which seems to bear out that if there was a half a staff man year last year for inspection, that the one and a half to be added this year would bring him up to the two inspectors that he expects to have.

MR. MERCIER: Again, Mr. Chairman, I'm afraid we're in the same circumstance here as we were in the previous matter that the Member for St. Vital raised. The position that has been bulletined now is one that has been added to by way of Supplementary Supply during the course of this fiscal year, 1979-80.

I have to apologize because the page doesn't indicate that that happened during the fiscal year by way of Supplementary Supply.

MR. CHAIRMAN: The Member for St. Vital.

MR. WALDING: Would the Minister please explain that in a little more detail and save me asking a number of questions to get the same information?

MR. MERCIER: Mr. Chairman, the increase that's shown on that page 1.26 is correct when compared to what was originally approved in the Estimates last year plus another staff man year which was added by way of Supplementary Supply during the course of the year, 1979-80.

MR. WALDING: I'd like to ask the Minister, then, how many inspectors are there now, as of today?

MR. MERCIER: The inspector is now in the process of being hired. That's the bulletin or the advertisement that the member referred to.

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MR. WALDING: Is the Minister then telling me that there are no inspectors as of today?

MR. MERCIER: That's correct, other than the inspection duties carried on by the secretary to the board, as has occurred in the past.

MR. WALDING: And those inspection duties would be the approximately half of one staff man year that were referred to last year.

MR. MERCIER: You're referring to the function of the secretary to the board now?

MR. WALDING: Yes.

MR. MERCIER: Well, again, I don't recollect referring to it as half of his activities but part of his activities.

MR. WALDING: Mr. Chairman, I have no hangup whether it's a half or a third or seven-eighths or something like that. I recognize that there was some inspection carried on by someone connected with the board. What I'm asking the Minister now, and was my first question, what was the experience of those inspections over the past year? And presumably they were not sufficient and that is the reason for increasing them very considerably for the coming year.

MR. MERCIER: Well, the difficulty, Mr. Chairman, is there is not enough coverage, has not been enough coverage; that to rely on the police department is not always helpful because the police sometimes have other priorities to attend to than to perform the inspections required by this operation. That's why, because of the minimal amount of coverage.

We've proceeded to authorize by way of Supplementary Supply this inspector and in the Estimates for the next fiscal year to provide for the inspector auditor.

MR. WALDING: Can the Minister indicate to us, approximately as a percentage, how many of those lotteries, etc., received some attention from the part-time inspector of the last year?

MR. MERCIER: Mr. Chairman, the member used the word "attention"; they would have all got attention in that statements were required, etc. Information as to the carrying out of the lotteries would have been forwarded to the appropriate police department but there would have been an unsatisfactory number of inspections.

MR. WALDING: Mr. Chairman, I understand that an organization wishing to have a licence must make application and that presumably would be part of the secretary's job. I also understand that there is some form of reporting afterwards, some form of financial statement afterwards. And I also realize that those would also come to the attention of either the secretary or the board, or both, that it's really not what I had referred to by "attention".

What I had more in mind was either a spot check on the night that the particular event was carried on or some other visit, or some other form of inspection, in fact.

MR. MERCIER: Mr. Chairman, the one item that I had no figure for, and I know that has been carried on in the past, is the number of times that members of the board themselves have stopped at various places where these lotteries were being carried on. That I know has happened a considerable number of times, but the exact number of times I can't indicate to the member.

MR. WALDING: Mr. Chairman, I'm also aware that has happened. I happen to know someone who was a member of the board and have received the same sort of information.

I don't believe it's the proper job of the board members themselves to do this sort of thing. I believe that the board itself had felt that they should have some inspection capability, and this is how it originated, and was taken up by the Haig report and also commented on by the auditor.

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What I'm trying to get from the Minister is, apart from those amateur visits, if I can put it that way, by members of the board, how many visits were there by the inspection staff over the last year? And approximately, either in numbers or as a percentage?

MR. MERCIER: Mr. Chairman, again there was no specific inspection staff, apart from the secretary to the board. But again I point out that whenever a licence has been granted by the board, that is referred to the police department in that jurisdiction for their possible attendance at the function. I can't indicate how many number of times the police force actually did attend at a function.

MR. WALDING: When I was referring to inspections over the last year I was referring to those carried out by the secretary. And now I am still looking for some indication - and I suspect it was totally inadequate - but can the Minister give me some indication in numbers or percentage?

MR. MERCIER: The secretary advises me that he attended possibly 35.

MR. WALDING: That would indicate a very small percentage, Mr. Chairman, and I readily see the need, especially when we're talking about sums of money in excess of \$20 million.

Can I ask the Minister if those inspections, either by the secretary or by the police, found any wrong-doing or misappropriation of funds, or anything else of a less than honest nature?

MR. MERCIER: The answer is no.

MR. WALDING: I'd like to ask the Minister's opinion, whether he thinks that all such lotteries, etc., are likewise blameless or whether it is simply because not enough inspection has been done to uncover anything there.

MR. MERCIER: Well, I don't know the answer to that question, Mr. Chairman. What I do know, and what I think he agrees, is that there have been an insufficient number of inspections and there is a real need for these additional two positions.

MR. WALDING: When the two inspectors, and I presume that they will be full-time inspectors, are in fact on staff, can the Minister give us an estimate of how many inspections they could be expected to carry out in a year or possibly as a percentage of the total number of occasions?

MR. MERCIER: That's a difficult question, Mr. Chairman. We'll certainly know much better next year at this time when we will have had the experience of one year's operation, but estimate that they should be able to attend 35 to 40 percent.

MR. WALDING: I can't recall, Mr. Chairman, whether the Minister told me when he expects to have both of these inspectors on staff and in the field.

MR. MERCIER: Mr. Chairman, the first position should be filled immediately upon completion of this advertisement, and the second advertisement will flow just as soon as possible, in anticipation of the successful approval of the Estimates.

MR. WALDING: Mr. Chairman, I am sure that the Minister feels quite confident that the Estimates of his department and for these two positions will in fact be passed and he must also have some idea of the planning involved with the board itself, as to when they expect to have two inspectors in the field. Now, perhaps he could advise the committee of when that is likely to be, or when it is hoped by the board that that will be.

MR. MERCIER: Well, it is my hope that both positions will be filled as early as possible to April 1st.

MR. WALDING: I want to refer now to the financial reporting function of the different organizations that put on these various affairs.

I have heard that they are somewhat unsatisfactory in that the financial statement really consists of a number of figures, filled in by someone who might have been involved in the running of the affair. It might be the secretary or the association, or something like that, and really that's all that it entails.

Now the Minister did mention earlier on when he was talking about inspectors that they would also be auditors, and I would assume from those remarks that the auditing function of those inspectors would have something to do with the returns made by the different organizations holding the function.

Is the Minister satisfied with the present form of reporting? If not, does he see some upgrading in the form of some sort of expanded financial statement? Or does he see these auditors going into the establishment itself and actually auditing their books and checking bills and receipts and things of this nature?

MR. MERCIER: Mr. Chairman, I'm advised that the format of reporting now is not that bad. But the inspector-audit-clerk may very well be engaged in checking some of the statements, by requiring invoices, etc.

MR. WALDING: Mr. Chairman, is it anticipated that this would be done on a spot basis, very much like the inspections are likely to be done on a spot and surprise basis?

MR. MERCIER: It will be done on a spot basis and a complaint basis.

MR. WALDING: I'm trying to recall the wording of the ad that I saw and perhaps I should have cut it out for future reference. I seem to recall the tenure of the ad seeking qualities more in the field of investigation and perhaps police work. I don't recall very much mention there being made to an accounting background or accounting proficiency. Now, is this to be a particular qualification that the Minister is looking for in these inspectors? And will the Provincial Auditor at all be involved in inviting these particular inspectors or checking on their auditing and accounting ability? And to what extent is the auditing function a part of their duties?

MR. MERCIER: Mr. Chairman, the advertisement that the member has seen is for the first position, the full-time investigator. The ad with respect to the inspector audit clerk has not yet appeared. I would certainly think that in dealing with that position the concerns of the auditor would be taken into consideration in view of his previous statements.

MR. WALDING: I had assumed from the Minister's earlier statements, and perhaps erroneously, that both inspectors and auditors were to be. Now if the Minister is now saying that the first person to be hired is an inspector only, can he then tell us what the position of the second one will be? Will that be an auditor only or an inspector who is also an auditor? I don't understand fully the position.

MR. MERCIER: Mr. Chairman, the first inspector, the one that is being advertised now is a position more designed towards investigations. The second position to be advertised will be an investigator auditor clerk.

MR. Chairman; 3.(f). The Member for St. Vital.

MR. WALDING: Yes, thank you, Mr. Chairman. I now understand the position a little better and having heard concerns raised over this matter for several years now, including back into the years that we were in government, and perhaps we didn't do as much as we should have at the time, I'd like to compliment the Minister on finally making a move in this area and upgrading the inspection staff. I wish him well in obtaining the services of two very good people and look forward to questioning him next year as to the results and the experience obtained. Thank you, Mr. Chairman.

MR. CHAIRMAN: 3.(f)(1)—pass; 3.(f)(2)—pass.

Resolved that there be granted to Her Majesty a sum not exceed \$1,490,200 for Attorney-General Boards and Commissions.
Committee rise.

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SUPPLY - LABOUR AND MANPOWER

CHAIRMAN, Mr. Abe Kovnats (Radisson): This committee will come to order. I would direct the honourable members' attention to page 68 of the Main Estimates, Department of Labour and Manpower.

Resolution No. 90, Item 2. Labour Division, (e) Manitoba Labour Board, (1) Salaries.
The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Chairman, just before we adjourned for Private Members' Hour, the Minister had indicated that the criticism that he had heard of Mr. MacKay was that he ran for office while he was chairman of the Labour Board. I think if the Minister will check back he will find out that Mr. MacKay resigned from the Labour Board when he was officially nominated to be a candidate for the New Democratic Party, ran in the election, did not succeed, and was reappointed to the Labour Board afterwards. I believe that if the Minister will check he will find that one, Harold Piercy, was a member of the Workmens' Compensation Board appointed by the Minister, did exactly that; he was a member of the Workmens' Compensation Board, he ran for office in the Rossmere election, he was defeated, as was Mr. MacKay, although the circumstances were not quite the same. Mr. MacKay was elected before the court recount and was declared elected, and that Mr. Piercy was then reappointed to the Workmens' Compensation Board after the election was over.

I wish he would see whether those suggestions are correct and to remove any suggestion that Mr. MacKay ran for office while he was chairman of the Labour Board; he had resigned.

And while we're at it, Mr. Chairman, and it's not on the specific item, but I wonder if the Minister would advise me whether G. Harold Piercy did any consulting work, or did any work for the department, other than the Workmens' Compensation Board, during the last two years.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Certainly not under the Labour Board portion of the Estimates. If the member maybe could be specific, I'll certainly take it as notice and check that out.

MR. GREEN: I appreciate that it's not under these Estimates. I'd have to either get it or give him notice now that I will want it during his Salary. When he says, be specific, I am asking whether he has done any work for the department other than as being an appointee for the government as an arbitration board member, whether he has done any consulting work, and when I refer to Mr. Piercy, I am also referring to his corporate firm, G. Harold Piercy and Associates, I believe it is, but there is global amount for him in Public Accounts, which takes us up to the end of the year 1979. I would like to know whether he has done anything for the department in 1979 or during the last fiscal year as a consultant in any way on the payroll of the government.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: I'll certainly check that out and get back to the Member for Inkster. In reference to Mr. Murdoch MacKay, the tone of conversation, as I thought we were getting into, was the credibility of the individuals as chairmans, and that's what I wanted to make it clear to the Member for Inkster that I had not heard of any blights on the record of the gentleman called Mr. Murdoch MacKay. That, in fact, I said to him, the only controversy as it relates to that particular individual was something that surrounded his nomination in running, and that's a very distinct difference. The intent of the conversation initially was the credibility of the past chairman, present chairman, and I concur that they are both very credible. I had nothing to say and made no reference to their credibility in the managing of that particular job.

MR. GREEN: Mr. Chairman, perhaps the Minister then did not hear. I indicated that the Chamber of Commerce asked that Murdoch MacKay not be the Chairman of the Labour Board, because he was the President of the New Democratic Party. That was the representations that were being made publicly at the time. The Minister didn't make them and I didn't suggest he did. I said that there is a deafening silence now from those hypocrites in the Chamber of Commerce, when O.B. Baizley, a former Cabinet Minister and prominent Conservative was made the Chairman of the Labour Board. I have no criticism of Mr. Baizley being the chairman, nor did I have of Mr. MacKay being chairman, but at least I'm consistent.

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I wish to point out the hypocrisy of those employer oriented groups who were complaining about Mr. MacKay being the chairman because he was the President of the New Democratic Party.

MR. CHAIRMAN: (1)—pass; (2). The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Chairperson. I wonder if the Minister could take this opportunity to provide us with some statistical information as to the number of certifications that were granted this year as compared to the number of certifications of last year, and if the Minister can also indicate the number of employees that were involved in the certifications, as well as the number of employees who were involved in certifications that were not granted for one reason or another.

MR. MacMASTER: We do not record the number of employees involved, Mr. Chairman, but there was 45 certifications granted; 14 were dismissed and 2 were withdrawn this year. Last year there was 80 granted, 18 dismissed and 17 were withdrawn.

MR. COWAN: The Minister is informing then, even if we gave him an opportunity for some time, that he would be unable to inform us as to the number of employees that we're involved in each specific certification — not needing that information tonight, but preferring to have it on file, if possible.

MR. MacMASTER: Well, we do not keep records of it. I suppose if a major search is requested by the member, then I'm not sure which way we would go, but quite obviously it's not impossible. But we certainly don't keep records of that particular item.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Well, it is an item of interest, Mr. Chairperson. It's not one that I would feel necessary to necessitate a major search. Perhaps I could ask the Minister: I understand that the Manitoba Labour Board comes out with, I believe, either monthly or quarterly reports during the year. Is that correct? They are making reports during the year as to their activities, on a month by month, or a quarter by quarter basis - I'm not certain of the exact timing involved - is that correct?

MR. MacMASTER: Quarterly.

MR. COWAN: Perhaps then I could ask the Minister if he can make the last year's reports available to us at some time during the next few days I could glean what information I need from those.

I would ask the Minister also if there have been any complaints brought forward to the Manitoba Labour Board this year in regard to working under unsafe conditions. Has the Labour Board dealt with any instances of areas where they believe the legislation has been either circumvented or there was a complaint that the legislation might have been circumvented?

MR. MacMASTER: The Board did not deal with any, Mr. Chairman.

MR. COWAN: Perhaps the Minister can go back one year and just refresh my memory because I'm not certain of the statistics. Can the Minister confirm there were two cases that were brought before the board in this respect in the previous year? Would that be a correct analysis of the number that were brought before the board in the year previous to this?

MR. MacMASTER: Yes, there were two the previous year and one was dismissed and one was withdrawn.

MR. COWAN: Yes. Can the Minister indicate also what other cases have been brought before the board this year, if it's not too difficult a task in regard to what sorts of complaints? I know we have some of the information in the 1979 Annual but it's not as complete as I would hope we could get from the Minister during the Estimates procedure.

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MR. MacMASTER: Mr. Chairman, there is a whole range of variety of situations dealt with by the Labour Board. On Page 47, application, certification, revocation, board rulings, amended certificates, etc. etc. I would think that it's fairly well broken down.

If the member has a specific area that he wants further broken down, I might be able to accommodate him in that respect.

MR. COWAN: Yes. Can the Minister inform me as to whether or not that would be the full list of activities and cases that were brought before the Manitoba Labour Board in the last year?

MR. MacMASTER: This was the total labour relations' cases dealt with by the Labour Board this year.

MR. SPEAKER: (1)—pass - the Honourable Member for Kildonan.

MR. PETER FOX (Kildonan): In view of the Labour Board having to adjudicate on matters in respect to the employment standards in The Construction Industry Wages Act and the various Acts, it also has to develop sound union management relations which I would imagine stem from its adjudication in disputes and probably in the development of certification. Can the Minister indicate to what extent the Labour Board is working in fostering the growth of collective bargaining in the province? Specifically, what is it doing to foster that?

MR. MacMASTER: Dealing as fairly and credibly and quickly with applications as they are put before them by unions and groups throughout the province, I think, is the key to it, Mr. Chairman, not in a prohibitive sort of a way.

MR. FOX: Well, I can appreciate that these things should be done as quickly as possible and as fairly as possible, but if it has a role to develop the collective bargaining process, then I would like to know what that role is. How do they apply themselves, what kind of a climate do they create for the collective bargaining process, where do they start? Do they enhance the opportunity for unions to develop? All of these things should have a basis. I would like to know what the process is. If it's going to foster growth, the Minister should be able to tell us how this is being done; if it's being done.

MR. MacMASTER: I could just simply say to the member that it certainly doesn't go out and solicit, it deals with matters brought before it in a fair and credible way and I would think that individuals or organizations feel reasonably secure in going before that particular board, have no fear of going before it, and I think that in itself is fostering good relationships when all parties feel that they can get a fair hearing before the board when they go there.

MR. FOX: Well, possibly that may satisfy the Minister. I don't think it satisfies me, because earlier today we were discussing the possibility that we would not have to deal with the minimum wage question if we had greater participation by unions if there were more people organized in the labour force, and this will never come about if the climate isn't created for it.

The report of the Manitoba Labour Board indicates that one of its performing functions is to foster the growth of collective bargaining in the province, and I would like to know whether we are just going to sit by and let that happen and then just adjudicate and quickly go through the certification or any other, or if there are disputes, we're going to do something about the negotiations and conciliations and so on, or are we really going to foster the growth of the collective bargaining process in the province. What are we going to do about fostering this growth? Are we going to advertise, you can have information in respect to the collective bargaining process? Are we going to say, the only way you get collective bargaining process is if you have the union or association or whatever? I think the Minister owes us an answer in that regard. If it's just going to be an adjudicating body, then it's not fulfilling that process.

MR. MacMASTER: Well, the staff attached to that particular Board, Mr. Chairman, to go out and speak to interested groups, labour, management, university, joint labour and management groups, spelling out to them their rights under the legislation of Manitoba, and thereby ridding them of a lot of the unknowns that sometimes create fears.

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MR. CHAIRMAN: (1)—pass. The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, I wonder if the Minister is able offhand to give us the percentage of employees in the province of Manitoba that have collective bargaining rights, either by certificate or by voluntary recognition.

MR. MacMASTER: Not trying to put the member off, Mr. Chairman, but I'm informed by one of the staff that the research department which will be coming up very shortly will have some of those figures for us. The Labour Board just doesn't have them at the moment.

MR. GREEN: That's fine, Mr. Chairman. When we get to the figure, I'd like it broken down, including the figure which includes the Manitoba Government Employees' Association and which does not include the Manitoba Government Employees' Association.

MR. CHAIRMAN: (1)—pass. The Honourable Member for Logan.

MR. JENKINS: Yes, Mr. Chairman, through you to the Minister, reading your report here, one of the performing functions of the Manitoba Labour Board is to foster the growth of collective bargaining in the province, and I don't see or haven't heard of any great amount of increase in the collective bargaining unit within the province. I wonder if the Minister has any figures that can give us the total growth of the collective bargaining units from over last year as compared to the year before. What percentage of the labour force at the present time in the province of Manitoba, under the provincial jurisdiction - I'm not talking of those employees under the federal jurisdiction because I realize that the Minister may not have those figures, but the figures that he should have or his department staff should have is, what is the percentage, has there been a percentage increase in Manitoba over the last, the current year that the Minister is reporting for over the year previous? Has the percentage increase been spectacular or non-spectacular or has there been a decrease. Nowhere do I see in the report any notice to the public and I guess to people who are interested and the Members of the Legislature, we are not aware that there had been any growth in the collective bargaining units in Manitoba, whether there are more people covered by collective agreements, and I'd like to know just what the department is doing to foster this. This is the words, to foster the growth of the collective bargaining in the province. What has the Manitoba Labour Board and the Minister's office itself done in this respect? Is there any figures that the Minister has for it at this time? We would appreciate them very much.

MR. MacMASTER: Well at the sake of circumventing some of the things that the Research Department may be able to give us in more detail, to the Member for Inkster and to the Member for Logan.

I have been handed a sheet of approximate numbers. In the year 1975, approximately 130,000; in 1976, 135,000; 1977, 130,000, back down again; 1978, up to approximately 143,000, and we do not have the numbers for 1979. Now, I don't know whether the Research Department will have anything more precise than that, but if they do not at that point, certainly by the questioning of the Member for Inkster, we will get it broken down.

But those are the general trends. So, from 1975 till 1978, that we're aware of, and these aren't positive figures, it's grown by - Manitoba - by somewhere approximate of 15,000.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: I wonder if the Minister, while he is getting this, if he could give us a total workforce at the time, organized and unorganized, because those who would be under a collective agreement would certainly be organized. But 143,000 out of what number? I believe that was the last figure that he gave us. And if while his Research Department is assembling this information, it would be appreciative and could we get the percentage at the same time?

CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Well, just off the top of my head I would suspect it's 450,000, 460,000 people, and the last number I gave you was approximately 143,000, and I think you will find that that is fairly constant. It has been increasing. In the last four or five years, as I said, it estimated 15,000 and I don't have the 1979 numbers, I'm sorry.

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MR. JENKINS: The other question that I asked, Mr. Chairman, through you to the Minister. What has the department been doing to foster the growth of collective bargaining within the province outside of offering conciliation services and whatnot? I'm just taking the first star, or asterisk noted line in your report here, that this is part of the performing functions of the department. Just what is the department doing to foster the growth of the collective bargaining process in Manitoba?

MR. MacMASTER: That's the identical question to what I was asked by the Member for Kildonan and I'm not sure whether he was satisfied with the answer and I'm not sure whether the Member for Logan will be satisfied. But as long as people have a fear because of the unknown, then that in itself impedes progress in a lot of areas.

And the mere fact that our departmental staff do go out and put on seminars and do, in fact, carry on discussions with labour groups and management groups and sometimes groups combined of both them, and have addressed the university on a variety of occasions, I think that in itself, Mr. Chairman, is making people aware of the fact that there is a provision that they could take advantage of; there is an action they can take advantage of. It's a responsible action, credible and should have no fear of taking that action if they so choose.

Those kind of things are being done and I think that helps foster the growth and the goodwill and the understanding of the collective bargaining process.

MR. CHAIRMAN: (1)—pass. The Honourable Member for Winnipeg Centre.

MR. J.R. (Bud) BOYCE: Mr. Chairman, if the Minister has answered this question before, perhaps he can refer me to Hansard. But I would imagine this is the place to ask the Minister what is being done to investigate the efficacy of industrial democracy?

MR. MacMASTER: I personally haven't done anything in that particular direction, Mr. Chairman.

MR. BOYCE: Well, Mr. Chairman, perhaps if we could spend just a moment on this department. As far as the operation of government and the administration of the affairs of mankind or womankind or personkind, whichever is the proper term, I personally . . . Perhaps, Mr. Chairman, I had better preface my remarks. I think that every person is entitled to a just reward for their contribution to the gross national product, and more specifically, to the income of any enterprise which may exist.

But, Mr. Chairman, I have an aversion, perhaps a naive aversion, for the expansion continuation of the adversary system without any attempt whatsoever to look at conciliation. Conciliation in the first instance, Mr. Chairman, prior to the change in government, I was very interested in the developing concept of industrial democracy, and had conversations with such people as the president of Pacific Western Airlines and others, who had tried as best they could to see if they couldn't involve in the workplace more input into the decision-making process. In my mind, I say that it is rather simple, because I, as an employer, don't pay wages. The purchase of my goods and services pay the wages. And being of the stripe that I am, I believe in paying as much as the traffic will bear in passing on that amount to those people who purchase the goods and services.

But, Mr. Chairman, I am a little bit surprised that the Minister would give me the answer that he does, that he hasn't looked at it. I'm not saying that it is a panacea. But, as a member of a self-interested group prior to getting elected - of course they call it a professional association, it's not a union. I don't know what the difference is, the Manitoba Teachers' Society or the Steelworkers or the legal profession or the medical profession - it's a self-interested group which is, by and large, organized to advance their own self-interest more than the public interest.

And, Mr. Chairman, I think it behooves the government to look at other alternatives, because this inflation that everybody seems to be talking so much but no one is doing very much about it, it puts us all in the position that we have to go for as much as we can, or I can. And we keep trying to pass on and pass on added costs. So I wonder if the Minister would undertake, on behalf of the House, someone on his staff to review this concept of industrial democracy to see if there is any utility in this approach to solving some of the problems which are facing us in labour-management relationships - labour-management relationships in that the public at large is the one that eventually pays for everything. Even the Trizec Building which is built at the corner of Portage and Main, will be paid for by the citizens of this particular province.

So that there is a public interest in the negotiations which take place almost anywhere, and I don't think that the government should be interfering to the extent that they dictate contracts, wage and price controls, if that's what that means. But nevertheless, Mr. Chairman, there must be some attention paid to other alternatives. So perhaps the Minister could undertake to have someone in his department take a look at it, and at some time during the Session, perhaps the government could put forth a position, or some formal group to look at it, to make suggestions. But just to ignore it, and think that it is the only way to continue to try and solve these problems, is by confrontation through, you know, you pay me this or I won't work; I don't think that, in the long run, this is in the interest of us all.

The history of the labour movement speaks for itself, and it was necessary and is necessary. But, Mr. Chairman, I think that if we don't look for alternatives, we're never going to find them.

Mr. Chairman, I don't speak as a labour critic from this side of the House. I'm just an average citizen within the province who has been through the mill sort of thing, that the first job I had in 1947, after three weeks we went on strike with the packing house workers. So I walked on a picket line. I was involved with the organization of a union, and know what can happen to people where the company doesn't want a union. So I speak with some knowledge about what is involved in unions, but not an authority on it. I am more an authority on what is causing some of the inflation other than the price of oil, and all the rest of it.

So, Mr. Chairman, without denying that the people in the workplace have a right to organize for their own safety, for their own economic well-being, I think the government has an additional responsibility in looking at other alternatives to solve labour-management unrest.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Well, Mr. Chairman, in a democracy as we know it, there is a variety of things you can do, and there are some in my opinion that you should not do.

The collective bargaining process, in my opinion, with all the faults that it has, is without question the best system that I know of in the free world today of resolving differences of opinion, if in fact there are responsible, good people at the table who wish to have a solution to their problem reached. And by and large, that's what we're blessed with in Manitoba, is some pretty responsible people on both sides going to the table.

There is a variety of other things that you can do, which I believe that our department and myself as a Minister have been doing a great deal of. The one thing that you have to do is to assure yourself and to assure the public that they are aware of the fact that the particular door to my office, that very physical door, is open to all people in Manitoba, regardless of what they feel their grievance is. And that has been the case certainly since I've been Minister, and I don't know of any variations by others.

The conciliation services that the member has mentioned, I really think, after talking to other Ministers across the country, and other staff, and other civil servants across the country that we probably have as good a team of conciliators in Manitoba as there is in Canada. I think they do an extremely good job. The record bears out that they're extremely capable. The letters of compliments that we receive from unions and management in relationship to our conciliation officer services are many and varied, and the compliments received, which I pass on to the individuals, are certainly welcome.

The other approach that we have put a lot of effort into, and I'm not sure if this falls into the industrial democracy sort of approach that the member is talking about is a tremendous amount of extra effort put into the workings of that group which is presently called the Cam MacLean Committee. There is a group of people in a variety of ways, under different circumstances, and in different industries, and in different sectors of our society which needed attention. I, in my opinion, did not think that they needed ministerial's attention personally by a form of legislation. I have asked them in dealing with several problems to attempt to work out between labour and management the best way to resolve the problem as it faced their industry meaning (industry), how it affected the working man and woman in the productivity of the company, and the viability to the industry and the ongoing hope that both the industrialists and the working people shared that the industry would continue to supply jobs and produce goods for the province of Manitoba. We put a fair amount of effort into that particular committee, and that's a different sort of approach that I think we're putting a lot of emphasis on, and I really believe is going to bear out a lot of fruits for the entire situation of Manitoba. Industrial, certainly, the work of men and women, certainly, in the ongoing well-being of the industries that the people are involved in.

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MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Chairman, the Minister must have misunderstood me when I referred to conciliation. I said I was a conciliator. I wasn't reflecting on the conciliation services of the province at all, because I know some of the conciliators. In fact, my first involvement with your present Deputy was when he was a conciliation officer some years ago with a school board dispute. He did an excellent job. Mr. Chairman, I just want to disagree on one little bit. The most efficient operation, as far as labour-management relations are concerned are productive co-ops, but these are only up to this point in time worked on small scales, and what I was asking about was, has anything been done to investigate this as a tool on a larger scale?

I'm not asking the Minister to interfere, tell anybody how to work at all, because it's up to the people in the workplace, these people to decide themselves how they want to function as a member of a trade union, or trades group, or anything else, but, nevertheless, all I suggested was that if we won't look at something, you know, we can't find out. And the concept of industrial democracy, all it really means, is that the people in the workplace have more input into management decisions, but at the same time, agree to take more responsibility for the productive capacity of the plant itself. I wasn't suggesting, number one, it was any reflection, whatsoever, on the conciliation officers within a department. And number two, that only the Minister I think -- maybe I misunderstand his function, the function of government. Maybe it's a difference in philosophy as far as government is concerned. But I think it's the government's responsibility to investigate and take a look at other alternatives, and if there is something there which should be looked at, then it should be promulgated so that the people can take a look at it by the very committees to which he referred.

MR. CHAIRMAN: (1)--pass; (2)--pass. The Honourable Member for Churchill.

MR. COWAN: Go on (1), Mr. Chairperson. I'm not certain whether I missed it or not, but I believe the Minister is giving us a staff rundown on the different departments as we go through. Had that been done in this particular instance? I'm sorry, I didn't . . .

MR. MacMASTER: I had already given it, but there's no problem with that. 7 last year, 7 this year, Mr. Chairman.

MR. CHAIRMAN: (2)--pass; (e)--pass; (f) Conciliation Services, (1) Salaries.
The Honourable Minister.

MR. MacMASTER: Mr. Chairman, the Conciliation Services, the primary responsibility of the Conciliation Services is to administer The Labour Relations Act as it pertains to conciliation services in the labour-management disputes and other related situations.

The objectives are to meet, consult with both labour and management when the two parties have failed to consummate a collective agreement in direct negotiations; and to research, advise, and if necessary persuade labour and management in areas of compromise to reach a mutually acceptable collective bargaining agreement; to continue to meet with the parties in dispute or make ourselves available if adverse action is taken; to promote good relationships in industry through conciliation or personnel contact for the needs of labour relations; to maintain industrial peace in Manitoba. Four conciliation officers and one director provide service under The Labour Relation Act for disputes in both the public and the private sectors. They also provide conciliation services under Part 18 of The Public Schools Act for teacher-school board disputes, and attend conferences, seminars and provide information for such events in classroom situations.

Last year, Mr. Chairman, there were seven and again, this year, there's no change, there is still seven.

MR. CHAIRMAN: (1)--pass; (2)--pass; (f)--pass. Item (g) Pension Commission. (1) Salaries--pass.

The Honourable Minister.

MR. MacMASTER: The Pension Commission of Manitoba is responsible for the administration of The Pension Benefits Act and the regulations thereunder. It is a prime

mandate under the Act to promote the extension and improvement of pension plans. All pension plans, with the majority of plan members in Manitoba, must be registered with the Commission. All plans are reviewed to ensure compliance with the provisions of the Act and the regulations. Each plan is checked yearly, at least, to ensure that the required funding under the terms of the plan and the legislation. This is to ensure that the promises to plan members will be met. Plan members are entitled to inspect certain documents concerning the plan and its operation.

The Commission acts in an ombudsman manner to assist plan members who are affected by terminations, corporate windups, layoffs, etc. The Commission administers agreements with other provinces, as well as the federal government, providing for reciprocal registration, inspection and audit of plans. The Commission advises the government concerning changes to the federal programs in regard to the impact they have for Manitobans.

Again, Mr. Chairman, I'd like to say that in so many of the areas that I've discussed to date, we've talked about the education process. I don't think it can be taken lightly that so many areas within my jurisdiction are getting into the education field, going out into the schools and going out to the public and going out to the labour movement and going out to management. This particular group has done exactly that, I think, in spades in the last particular year.

I had the privilege about an hour ago of addressing a seminar attended by approximately 120 people, the first one of its kind I think ever in the Province of Manitoba, put on by the Manitoba Federation of Labour with 120 people registered at it; put on and organized in conjunction with the Pension Commission group that we have within our department.

I have said over the course of the year, I've said to the opposition many times, that this is the direction we're going and I think it's pretty obvious that that's the way we're going in so many of our areas, is getting out and making people aware (a) of their rights and their benefits and obligations that they have as citizens and the help that we can be to them.

Last year, in numbers, there were six SMYs. This year we're adding one person as I had said last year that I thought we would add this year, it's a person to study and analyze benefits but also we hope to find room and find time within our staff, and I'm assured we will, to get out and do what I think is a very important educational program. Not only of making people aware what pensions are all about, but there is another area of deep concern to myself, and the department certainly shares it, and that's the pre-retirement planning. Senior citizens within our society today so often are walking into that retirement stage of life where they haven't possibly given a great deal of thought to their financial well-being or even to their domestic well-being. We have had many discussions with seniors who have borne out that exactly what I am saying is correct. So we hope to do more of that this year, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: Yes. First of all, Mr. Chairman, I wonder if the Minister can inform us whether all pension plans have now been registered in the province, whether he can give us a quantitative report on that. And the other question relates to his last remarks in respect to a pre-retirement education. Can he inform us what kind of seminars are taking place? Who is invited? Is it only people who are in organized groups or are they available to the public or to anyone in the labour force? What kind of areas of education is his department providing in this area?

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: The people within the Commission are speaking to the general public upon request, or sometimes at our own initiative, certainly in the last period of time and hope to be doing more of it.

They are open to accept invitations and they have, themselves, offered their services to the general public.

Could the Member for Kildonan repeat the precise question as to registration of pension plans? Did he want the number? I'm just not sure. I think I missed that question.

MR. FOX: Yes, Mr. Chairman, I did want the numbers although I would imagine they're probably in the book. But the other thing I wanted to know, whether all of the pension plans in Manitoba are now registered or not. And further to that, I would imagine there'll

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probably be some research going on, is the pension commission doing any research into the validity of some of these pensions and indicating to the people who are involved in some of these pension plans as to the hazards or the pitfalls that are inherent in some of these plans, because many of the plans have been inadequate in the past and they probably will be for awhile into the future, until they get the proper guidance on some of these issues. So what kind of work is the pension commission doing in that regard?

MR. MacMASTER: Well, in getting out and talking to the general public and organized groups, they do in fact spell out the benefits of pension plans in a philosophical way and certainly talk about the pitfalls that you may fall into under certain sets of circumstances.

The numbers that are registered; they all are registered in Manitoba and there's approximately 635.

MR. FOX: Yes, just one other question, Mr. Chairman, and that is the Minister indicated that the commission is prepared to go out and speak to organized groups as well as others. Can he inform us whether there is any publicity given to this and what kind, so that people who are not organized but may be involved in pension schemes, are also aware? Or that the general public can become aware that the pension commission has a role to play and may offer some valuable advice to them?

MR. MacMASTER: We have written to a large number of organizations in Manitoba making them aware. And we advanced, if you wish, or got farther into the field than just labour groups. We've gone to the extent where we're now notifying service clubs throughout the Province of Manitoba, and church groups, that we are available to come. Some are quite anxious to have us come and others, of course, haven't replied, but we are getting out to the general public.

MR. FOX: One further question and this is more specific. In respect to the terminated employees with Swift Canadian, can the Minister give us a resume of what took place and the kind of settlement these people were entitled to? Because I am aware that some of them were able to take early retirement but the criteria were vague and I haven't had the opportunity to get down to the details of it. Maybe the Minister can explain to us what occurred in this particular area.

MR. MacMASTER: The final moneys available and the numbers were \$11.50 per month times the years of service. For example, if a person had eight years, it would be \$90 a month at the age of 65, and that's the kind of thing that so many people are now looking for, not only in termination or layoffs but particularly tradesmen in the province, right across our country, who jump from place to place, that's the type of vesting and portability that they are talking about too.

MR. FOX: So in other words, the Minister is indicating that some people are entitled to a pension, but it will only be available at age 65; they can go on and work someplace else in the meantime. The Minister is nodding his head so he's concurring.

The other thing I would like to know is what kind of research is being done in respect to portability of pensions and what kind of advice or information, when the Pension Commission goes out to speak to public groups, is being disseminated in this particular area of portability and if there have been any discussions between the provinces and possibly the federal government on this particular area? Because in today's society with the mobility that we have, and of course with the problem that some areas have more jobs available than others, people have to start moving and finding jobs elsewhere, I think portability becomes more and more important and has a role to play. And I would like to know if the department is looking at this and if it's disseminating information and getting research material and also whether it's negotiating with other jurisdictions in this particular field.

MR. MacMASTER: We do have several reciprocal agreements with other provinces and some organizations. The municipalities now in fact do have portability and I have talked to the MFL and in fact the trades unions telling them in fact that a great deal of the emphasis must, or a great deal of the responsibility, must rest with them to work out national

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understandings with their trade unions across the country to get portability, i.e. when construction workers are jumping from province to province. So there is being work developed and work carrying on in this particular field, Mr. Chairman.

MR. CHAIRMAN: (1)--pass. The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Yes, Mr. Chairman. I would like to ask a couple of questions of the Minister on the item of the Manitoba Pension Commission. I wonder if the Minister could advise us to what extent the Manitoba Pension Commission has jurisdiction over pension plans that are established by companies that employ Manitobans in Manitoba, but who have the base of operations out of the province, and therefore perhaps have registered the plan outside of the province. And to what extent then can the Manitoba Pension Plan protect Manitoba employees if that is the case?

MR. MacMASTER: Well, Mr. Chairman, it depends on who has the greatest number of employees; that's the first point. If the greatest number of employees were, as the member mentioned, in Ontario, then they would administer the particular plan and we assure ourselves that Manitobans are protected under that particular plan. If the majority of the employees were in Manitoba, then we would administer the plan and, of course, make sure that the appropriate moneys were there to fulfill the plan and it would be up to the Ontario government then to assure themselves that the X number of employees that were in Ontario were covered by the plan. So the governments work together in that respect.

MR. EVANS: Well, just to clarify in my own mind, Mr. Chairman, the Minister is telling us that if the majority of the employees happen to be in a particular province, that will normally be where the plan is administered and so on. So let's hypothesize: A company who's base of operations is outside of Manitoba and it's majority of its employees are outside of Manitoba - a very small number let us say hypothetically, is working for an operation in the province - what powers and what administrative authority does the Manitoba Pension Commission have to ensure that that company will adhere to our regulations and to what extent do we have jurisdiction over that operation to ensure the employee is being treated fairly with regard to that employee's pension rights?

MR. MacMASTER: When we get a copy of the registration of the plan, if it is in Ontario, and if the head office is in Ontario and has a branch office here and want to do business in Manitoba, they must adhere to our legislation and we assure ourselves of course that has taken place.

MR. EVANS: I gather then that there is a certain amount of interprovincial co-operation, Mr. Chairman, which of course is necessary and good. Are there any provinces that do not have a pension commission or the equivalent thereof and therefore not have an organization that is available to us to liase with and co-operate with? So what I'm postulating is a situation, and I don't know, are there provinces in Canada where we do not have the equivalent of the Pension Commission of Manitoba and therefore have no jurisdiction to deal with? And does that present us with some problems?

MR. MacMASTER: Well, any particular province in Canada that has a plan registered and has employees working in Manitoba, must in fact register the fact that those boys in Manitoba are registered by a pension plan in whatever province. The only specific province in Canada who does not have something similar, not exactly in title but very similar to our pension commission, is the Province of British Columbia. And what they do is register all their plans with the federal government and we in fact have a reciprocal agreement with the federal government. So we're protected we feel, regardless of the jurisdiction in our country.

MR. EVANS: Okay, thank you, Mr. Chairman. Another question: How does the Manitoba Pension Commission assure itself that employees in Manitoba are fully advised of their pension rights?

MR. MacMASTER: We in fact do spot inspections throughout the province, Mr. Chairman. And employees in Manitoba have the right, the right of disclosure to know what in fact is taking place within their plan.

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MR. EVANS: Well then, do I understand the Minister, Mr. Chairman, to say that the Pension Commission ensures itself that the corporations, the companies, the employers involved, are notified of the requirement under the Act of having to make available to all employees their particular rights under whatever pension plan? Yes? Okay.

Well, I just want to say that I am pleased that the Manitoba Pension Commission exists and I wish it well and it's fulfilling a very vital role. I'm sure that as it gains experience, it's still a relatively young organization as I recall, and as it gains experience I'm sure it will be even more effective in the years ahead.

Just one other comment I have or question, and I don't really know how appropriate it is. But it relates to pensions and it relates to the problem of inflation as it affects pensions.

With the rate of inflation that we have today, Mr. Chairman, which is running near 10 percent, give or take a fraction of a percentage point, 9-10 percent. With a little bit of arithmetic I think you can calculate that within about eight years a given pension will reduce by about one-half in its effective purchasing power. In other words, if you had a \$10,000 pension when you retired today, at the rate of inflation we have today in about eight years I believe that \$10,000 becomes something like \$5,000 in effective purchasing power. In other words, if you retired today, 1980, by 1988 your \$10,000 pension would only buy \$5,000 worth of merchandise and services, in terms of 1980 dollars.

So the question of inflation is a very serious question today and therefore, I think it's deserving of consideration by government. I appreciate that pension plans are an item for negotiation between employer and employee and I do also appreciate that indexing can be very expensive. But at the same time we have to be cognizant of the fact that inflation, the kind of inflation we've been experiencing and unfortunately are likely to continue to experience, will mean that the real incomes of pensioners will erode very very rapidly.

So I'm wondering whether the Pension Commission of Manitoba has done any study and has any information on the problem posed by inflation. Is the Pension Commission studying this question? I don't believe it has any jurisdiction in the area; I think the terms of reference of the Pension Commission are to ensure that pension plans are carried out as they are being pronounced or as they're being described by the companies. But I would be interested in knowing whether the commission is addressing itself to this question.

MR. MacMASTER: Well, Mr. Chairman, that's part of the thing that we address ourselves to when we go out into the community in the Province of Manitoba and talk to people.

It's also one of the things that highlighted conversations during the course of the day and will tomorrow at this large seminar that we're putting on in conjunction with the Manitoba Federation of Labour here in Manitoba. It's also part of the reasoning why we say that it's important that we get out and talk to organizations and talk to groups of people throughout Manitoba about pre-retiring and do some planning about it.

The age that we talk about and it's not a magical age, it could be a year over or under, but we suggest to people as we're going throughout the Province of Manitoba that you should start planning and thinking about retiring at the age of 45, so that you've got time to start thinking of what that pension plan that you think is so great today, that you and your family sit down and throw some figures around on the kitchen table at night and think how comfortable you're going to be. You should start thinking about the things that the member has mentioned about inflation. You should start thinking about a whole bunch of things and we're suggesting really very seriously that people should start thinking down the road starting at the age 45, where they're going to be and what they have on the table in front of them is really going to be worth 20 years down the road.

It's a frightening experience. That's also why we think that we should get out and talk to people about pre-retiring and planning. I think it's very very important just along the lines of what the member has said.

MR. EVANS: Yes. Well, I welcome the Minister's comments. I'm very pleased to hear that. But most specifically, I don't think he addressed himself to the question, whether the Pension Commission is studying or has studied the impact of inflation on pensions in Manitoba. That was my specific question.

The other point I would make is that apropos inflation is that I know of many cases where people who have retired on what seemed to be a very comfortable pension a few years back are not so comfortable simply because of the fact of inflation, and I don't know how you prepare yourself for that. The fact is that if you are blessed with longevity you may have a problem.

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Really the solution in my view is that pensions be indexed. Now governments across Canada, by and large, I believe, have indexed pensions. The federal government certainly has, and I believe many provincial governments have. I believe this is one way, I think it's the solution to the question of inflation. Because what happens of course is, if employees or people who are living on what looks to be a very comfortable pension, do find themselves living to a ripe old age, they end up on some form of welfare, social allowance.

In fact, one of the biggest group of welfare recipients in Manitoba are pensioners. This may surprise some people; it doesn't surprise other people. But one of the biggest groups is the pensioners in Manitoba. And invariably these are people - well some of them have never had a company plan - but many have had what looked to be fairly nice company plans and then they find that inflation has eaten away at the real purchasing power.

The federal government has recognized this by indexing the old age security pension and also by indexing the Canada Pension. I would like to suggest to the Minister, and I don't know whether it's appropriate under the terms of reference or under the legislation, for the Pension Commission of Manitoba to do its part in promoting indexing of pensions.

The Minister could argue, Mr. Chairman, well that's really a matter for the employee and the employer, the union and the management to negotiate, and there's a validity in that point of view.

But I'm wondering, is it appropriate and if so could the, or would the Pension Commission of Manitoba promote indexing of pensions?

MR. MacMASTER: Well, there's so many areas of need in the line of pensions that need attention paid to it. The member might be interested in knowing that only 37 percent of the workers are covered by company pension plans in Manitoba. That in itself tells him certainly, and certainly told me, that there is a tremendous promotion job just to try and get those who are working today into some kind of plan. A tremendous amount of effort and energy has been put into that particular field.

And then you have the energy that has to go into the efforts of making those aware that they, as I said, have a plan and of what value really is it?

The member may not have been blessed as I was with the few years in union halls across this country, where up till very recently, Mr. Chairman, it was difficult to convince union members that a pension plan was something that shouldn't be at the bottom of the list of negotiations; it was something extremely important.

And it's only in the last few years that people have really started to take a hold of the pension plan concept, if you wish, and it's become a pretty high priority with bargaining units, and it's become a high priority with governments, but there's just so many areas that I think we have to get into. The indexing, I suppose ideally, if you knew how viable the operation was you were working for, what the predictions were down the road, there's just so many variables involved in that particular field. But there's an awful lot of work to be done in this area and I think we've demonstrated this evening that we're making excellent moves in the area of making people aware of the benefits of pension plans, and making them familiar with the contents of them, and the advantages of them, and the pre-retiring, and trying to wipe away some of the fears by making them more knowledgeable of the contents of what they do have.

MR. CHAIRMAN: The Honourable Member for Brandon East.

MR. EVANS: Well, again, I thank the Minister for that information. I am very interested in that figure of 37 percent that he mentioned. Only 37 percent of employees in Manitoba are privileged to be in some sort of a company pension plan I gather. That figure sounds rather low, but on the other hand, perhaps not so when you look at the large amount of labour, manpower that is not in the organized sector. I wonder then, it really is a ancillary question to a question I posed a couple of minutes ago, is the Pension Commission of Manitoba advocating or promoting - and I'm not clear on this, the Minister may have answered it - but is the Pension Commission advocating and promoting pensions among pensioners, or is it really being involved with educating employers and employees who are sort of into the pension schemes already; or are you touching - and I'm sure the sector of our economy that's involved is the tertiary sector, the service sector - I'm thinking of retail establishments, Ma and Pa stores, A & W, MacDonald's, these staff food outlets, retail stores. I imagine, I don't know whether the 37 percent pertained to a total that included full-time employees or whether that included all people who are working; and if that's the case, you would, of course, include a lot of part-time people, and of course, that's another dimension again.

But just talking about the full-time people, can the Pension Commission of Manitoba, or can the Minister, advise us whether the Pension Commission is taking aggressive action to promote this as a benefit that employers may wish to engage in on behalf of their employees or with their employees.

MR. MacMASTER: Absolutely, Mr. Chairman. The member made reference to the fact that it's a young department, it's new, and I think I've outlined this evening some of the problems facing it and some of the work that it has to do. The comments that the member has raised will certainly be noted. I hope the area of endeavours of the department and the fields of work that they have to get into will be also noted by himself.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Chairman. I want to thank the Minister for giving us some of the information that he has given us this evening. I think this is a interesting topic that I think all of us are - if we're not aware of it we should be aware of it - I think I have to agree with the Minister that one of the problems we've had over the years in organized labour has been to get a high priority for pensions. It has been, I know, as far as the railways for at least the last 10 or 12 years. One of the problems we had was to get the employer to even acknowledge the fact that pensions were negotiable and, in fact, we had a work stoppage which was one of the reasons why work stoppage occurred because the employers would not concede that pensions were a negotiable item.

I would like to deal with some of the aspects of the Pension Commission, the report, the annual report that the Minister has put out this year. What I'm interested in is in the 37 percent of the working force of Manitoba, that is in registered pensions plans under the Manitoba plan, I imagine that this 37 percent deals only with employees that the province has jurisdiction over. There would not be included in that personnel working for Air Canada, the national carriers, they would be excluded. So, we might have a higher figure than the 37 percent. I am not aware, and the Minister hasn't stated, how many of this 37 percent are partially funded or a completely funded pension plan within the province.

I think when we talk about vesting rights - and I notice that in your labour report dealing with the pension commission, about the fifth paragraph down, the report states, "Another windup occurred when Portage Lumber was placed in receivership, and all plan members received full vesting as at the receivership date." Now, this is well and good providing the plan is completely funded. But if the proportion of the money that is in the fund, in the pension fund, is in the main that of the employee and not of the employer, then the vesting that is vested in the plan for these employees is really only their own money; and if the firm is placed in receivership, what mechanism does the Pension Commission have in order to make sure, at the time of the dissolution of that company, that we know that when the retirement time comes that there will be no payments into the plan from the employer, because that company is no longer in existence.

You could have the same example happen here with the employees of the Manitoba Government Employees Association, the civil servants of Manitoba, because I understand that Manitoba's contributions to the plan are not completely funded either, and the payments that go to make up the funding, or the lack of funding, that has taken place over the years is only paid out of current revenues.

So what happens in a case when a company goes bankrupt? It's dissolved. I mean sure, you may state that there is a vesting for those employees that have been there for 10, 15 years, sure they get 15 years vesting rights, but what happens to the employee contribution that would come about if that firm had remained in operation viable and was making its payments into the pension payments for that person when he retired.

And I have some further questions, but I'll stop at this time and the Minister can enlighten me on that portion of where the Pension Commission comes into play and how it resolves this situation if it does occur.

MR. MacMASTER: Well, it's the responsibility of the Pension Commission to assure itself that funds are there to provide the plan, to put the plan in action for the employees. When a company goes bankrupt that does not affect the insurance moneys. Moneys are separate onto themselves in trust accounts off to one side and insurance accounts, and they're not considered part of the assets of a company when a company goes bankrupt and everybody comes charging in like the vultures do and want to grab the nuts and bolts and the pieces of

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machinery and that. The insurance money, the pension plan money is not part of those assets. That's separate, onto itself and it's the Commission's responsibility to assure itself that that fund is adequate.

MR. JENKINS: Thank you, Mr. Chairman. Maybe the Minister misunderstands me. I can see where the plan is completely funded. Now, I'm sure the Minister knows what I mean by completely funded plan, where we have a dollar for dollar matching on contributions. But where we don't have a dollar for dollar matching on contributions, where the contributions of the employer only come into play there's a partial contribution. But the full contribution of the employer doesn't come into play until the retirement of that employee. I mean, the two railways in Canada were given 60 years in which to completely fund their plans. There are, to my knowledge, not very many completely funded pension plans in this country.

Employee contributions are there, they go in every payday, there is a deduction into the plan from employees' wage packets, but there is, in many cases, not a dollar for dollar matching. The only plan that I know of, for certain, is the Canada Pension Plan, which is, in my estimation, the only completely funded pension plan within this country, where there is a dollar for dollar matching. The employee puts in a dollar, the employer puts in a dollar. And I know we have all kinds of pension plans in this country, and even in this province, but what happens to a plan where that is not completely funded, it is only partially funded by employer contributions. That employer goes bankrupt, goes belly-up, it goes into receivership; I know that the funds that are set aside into the pension funds, they may be with Great-West Life across here or someone else, but there has not been the dollar for dollar matching. And so when that company goes bankrupt, 60 or 70 percent of that money that is in the trust accounts is the employee's own money; the money is not there.

The same with the two railways. The railway plans on the CNR and the CPR have, in themselves, in excess of over a billion dollars each in their pension plans, but there's not a billion dollars of employer's money, besides the money that is there from the employees. The major amount of the money that is in trust accounts or invested - Mr. Chairman, I wonder if you could ask the members here, they are causing a bit of distraction and it's hard to concentrate.

MR. CHAIRMAN: Order please. It was starting to get to me too. I would ask the honourable members to please have a little consideration for the member that is standing in his place debating the issues. If we could have a little bit more quiet so that this interesting debate can carry on.

The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Chairman. I know I'm sometimes guilty of that myself, but I try not to cause a noise. It doesn't distract me, but I'm sure that the Minister and perhaps his staff are having a difficult time to get the point that I'm trying to put across. And what I really am trying to get across to the Minister is, and we'll take the case of the Portage Lumber, was that a completely funded pension plan? Was there a dollar for dollar matching from the employer and the employee? What was the contributions? I'm sure you can apply vesting rights, but vesting rights of a plan that is only maybe 50 percent funded, and the 50 percent funding that is in there is, in many cases, the majority of that money is the employee's money, not that from the employer. Then the employee is really getting only his vesting rights, he's being shortchanged because the money that was supposed to be there, hopefully 25 years down the line, is not there.

And if the Minister could assure me that this does take place under the pension registrations here in Manitoba, I notice here in funding they sort of skirt around it, they say employer contributions must be made no later than 120 days after the plan fiscal year end. Employee contributions must be submitted no later than 60 days from the date, and such contributions are deducted from the employer's remuneration. But it doesn't state that the employer's contribution is an equal one.

And if we're going to look at pensions in this country, then I think we have to start looking at making these plans viable. The only way you're going to make them viable is by making sure that those plans are completely funded. And I would appreciate it if the Minister can enlighten myself and other members on this side of the House just what state are the - was it 600 registered plans? That was the figure or was there 300 pensions that are registered here in Manitoba? Just what percentage of those are funded or partially funded, or are they funded on a date that that employee, when he retires, that the other portion bringing the money in comes in.

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MR. MacMASTER: Certainly they're all funded as of the time that the person retires. We can't always, and I think the point that the member is making is, we can't always assure ourselves that when we start to work for a company that the company will be in operation 25, 30, 40 years down the road. That is certainly part of the problem. There is such a wide variety and range of pension plans it's impossible to break out every particular type that's in operation. Of course, one of the most recent situations that the member certainly was interested in was the Swift's one, where in fact the total reverse, there are extremes on both sides; the member talks about where the employee pays a portion, the one in the Swift's situation, there was no contribution from the employees, it was strictly company. And in others it's 50/50, 20/80, 40/60, there's just such a large range of contribution methods that are established with pension plans in the province.

MR. JENKINS: Well, the Minister still hasn't answered the question with respect to the Portage Lumber. And also, the paragraph preceding that, the commission also served as a witness in a court case involving Johnson Brothers Manufacturing. The case was brought to court this year under the Criminal Code by the federal government. The commission's role was to ensure that all employees who were members of the pension plan received all the benefits promised to them under the plan. This was subsequently resolved to the commission's satisfaction late in 1979. It may have been solved to the satisfaction of the commission, but was it solved to the satisfaction of the employees involved?

And I know that there are, and I think I pointed that out to the Minister when I started taking part in this debate on pensions, that I said that there were a great variation of plans. And surely the Pension Commission must have some record of plans that are strictly company plans with a voluntary contribution, that's another method where they have a base plan; some are on a 50/50 sharing; some are on various sharings. But even in the cases where there is a 60/40, the companies even in that case are not completely funding the plan and living up to the contributions that are supposed to be coming into the plan. And as the Minister says, we can't all book down the road 25 years and say, well company X is going to be in business.

But I think the Minister would agree with me that it would be a heck of a lot easier to resolve these problems which do occur, that if a company goes bankrupt if we were working towards a 50/50 funding, and complete funding, we wouldn't have the problems. You don't always have to go bankrupt, companies can in many cases be taken over in amalgamation by another firm, I think Sangamo Electric was a classic example of a few years back, where employees had retired. The firm was subsequently taken over by, I think, an American international firm; employees had retired with pensions of \$100 a month, I think that was ten to twelve years ago, which was considered at that time not too bad a pension for the amount of service that they had put in. Subsequent to the takeover by a multinational corporation of Sangamo Electric these people lost pensions of \$100, they were winding up with pensions of \$20.00. I know that we've had registrations of pensions here in Canada and in Manitoba here in the last ten years, but I think we have got to sit down and take a real good hard look at pensions.

We may talk about the social democrats in Sweden and the Scandinavian countries, and I know it's a favourite topic of the Member for Morris, that these people spend themselves from the cradle to the grave, but they've put in a pretty damn good pension plan. We've had the opportunity here in Canada and fluffed it. We fluffed it in 1966 when we could have done an adequate job of making sure of the pensions.

When they talk about social security payments into the welfare system that we have here in Canada, and I'm not talking about welfare, about those on social welfare, but I'm talking about the welfare of the population of Canada as a whole. What I'm talking about is we have our eggs in so many baskets that they're hatching up all over the place. We contribute to company pension plans, we contribute to government pension plans, we contribute in our income tax onto old age security plans, we have a mish-mash, a real mish-mash of social security for our people here in this country and we pay a considerable price.

We may talk about the Scandinavians and how much they pay for their social security, but if we want to sit down and tot up the actual amounts that we are paying in social security payments to various forms of government and to various employer groups that we make work for, we'll find out that perhaps we're paying as much, or maybe even more, and in many cases are getting far far less, because much of it is being eaten up in administration costs on various levels. I think that I would suggest to the Minister, I'm sure that now that Pierre Trudeau is back in office in Ottawa we'll be having more and more of these federal-provincial conferences and that the Ministers of Labour, under, I think in most cases whose purview the

pension commissions come. --(Interjection)-- Well, Trudeau is due to retire and I understand he'll have a very good pension when he does retire from the House of Commons and I'm not begrudging him that one way or the other.

But I think what we should be looking at, and looking at very seriously here in this country, is a complete pension plan for all our people. As far as myself is concerned I have made I think some plans for retirement. I made some plans for retirement many years ago. I'm sure when I retire that I will be, God willing, and hopefully inflation won't run too wildly, but I think I shall be comfortably off. But there are many people, many people when we see that the Minister says 37 percent of Manitobans, excluding those under federal jurisdiction, only 37 percent of our people here in Manitoba have any pension. And it's not even a standard pension from what the Minister tells me, because some are just company plans, the railways had company plans prior to 1936, 1937, people retired with \$10, \$15 a month after many many years service. It was only when the plan became a contributory plan on both sides - and I think it gives each and every one of us, I think we have a responsibility to plan for our retirement. And I consider myself lucky that I was able to work at a place where there was a registered pension plan, where I could make contribution. I always thought it was something that was well worth doing.

But when we have the mish-mash that we have here in Manitoba, and Manitoba's not peculiar in that sense because it's just a microcosm of the whole country, a real mish-mash of social security for our people when they retire. And they are talking about pension plans running wild. Sure they're running wild because we have run willy-nilly all over the backfield with these types of pension plans that we've been allowing to come into existence. And I really think that the pension commission should - and I'm not knocking them I think that they are doing a good job, I appreciated the pamphlets that have been sent out dealing with the pension legislation as we have it in Manitoba - I think it's just the small first step that we are taking in this field and I look forward to the day that we will have 100 percent of our people in Manitoba covered by an adequate pension plan.

Hopefully it will be a federal pension plan covering all our citizens, but if we can't do that then I think we should be looking forward to getting a plan that will at least be looking after the people whose welfare we have the responsibility to look after.

Again I come back to the fact that the Minister has not answered my question with regard to Portage Lumber. I want to know and I want to know with the Johnson Brothers Manufacturing. To whose satisfaction, it was to the commission's satisfaction but was it to the satisfaction of the people that were employed by Johnson Brothers Manufacturing and the people employed by Portage Lumber Company?

MR. MacMASTER: Well the Johnson Brothers situation was a specific one that the member requested information on and the conclusion was that the employees got all their own contributions and they got the interest and they got the employer's contribution. Granted there was some difficulty, we don't deny that. With the Portage Lumber situation the identical or close to identical situation ended up where the employees did in fact get their own, they got their interest, they got the company's contribution but there was a one month delay in there while we were processing and working at establishing those facts.

MR. CHAIRMAN: (1)--pass. The Honourable Member for Logan.

MR. JENKINS: The Minister state that the employees received their contribution plus interest? Did also they receive the employer's contribution. Did they receive that also plus interest?

MR. MacMASTER: Yes they did, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: Yes, Mr. Chairman, the Minister mentioned that the 'commission is setting up seminars dealing with retirement planning and I think this is a worthy thing. I think that many of our people leave employment feeling that they are cast aside by society and really they have had no opportunity. I know it's something that the trade unions now are starting themselves to try and set up pre-retirement planning for people. Just how extensive is the program that the department has set up? Are they available to other groups other than organized labour. I think he mentioned before or maybe I misunderstood him when he was replying to either the Member for Kildonan or the Member for Brandon East about being

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contacted by church groups and others, was this dealing with the preretirement planning or was it with another aspect of the pension plan, that we have them here in Manitoba?

MR. MacMASTER: Dealing with pre-retirement planning, Mr. Chairman.

MR. JENKINS: I wonder if the Minister, through you, Mr. Chairman, to the Minister, I don't expect the Minister to give us a full-blown demonstration of the type of assistance that they are giving to these people but I would be appreciative if the Pension Commission could give us, they don't have to give it to us this evening, an idea just what type of program that they are advocating to the people to set up in pre-retirement planning. And if such documentation is available I'm sure that I and many other members and perhaps even members on your own side of the House would be very interested in seeing because I think it is something that we all have to face and it would be of great interest not only to members of this House but to, I think, to the general population of Manitoba.

MR. MacMASTER: Well we did send out a great number of the booklets called, "Some Of The Things You Wanted To Know About Pensions And Were Afraid To Ask." In addition to that if the Member for Logan and I really believe he is sincere in having an on the spot demonstration, I've made a note of it that I'll personally invite him to the next session that's being held in the city of Winnipeg.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Yes, thank you, Mr. Chairperson. When we talk about pensions and people retiring we tend to get locked into the concept of a mandatory retirement age, whether that retirement age be a legislated age or an age that is acceptable only because of certain social mores. In other words the society anticipates that you'll require at such an age and therefore you find more and more people retiring at that age, and that for a long time seemed to be constant within our society that we would at a certain age lay down our tools, walk away from our jobs, and take up a different sort of existence. --(Interjection)--

The Member for Seven Oaks says that he's all for it and he's much older than I and I'm not certain that I'm not all for it, I mean like tonight, Mr. Chairperson.

But the concept none the less, not to be sidetracked, the concept none the less is an important concept and it is a concept that is being changed that is changing now. The traditional attitude towards retirement is changing within our society and some of the reasons for that are the very reasons that the Member for Logan just addressed himself to. That when people after spending years and years and years of 40-hour weeks or whatever the number of hours may be, five-day weeks, going into a particular job and coming home and that job being the single most important factor in their life, important not only to provide them with funds and provide them with the necessities of life, bread and butter so to speak, but also to provide them with much of their sense of self worth, much of their gratification in life came from their job. That applies equally to the members who sit here or to the person who goes into the mine and at the end of the day says, I've done a good job or the person who goes into the supermarket and works a cash register and at the end of the day says, you know, I've done a good job, I've done something for my money. It applies equally to all people who must work for a living, that they should be able to get some sense of gratification out of their job, not only money. And so what happens is when they reach an arbitrary age, and that age being determined in some instances by legislation, in some instances by tradition, they then find that they are cut off. They have to go through withdrawal from all that job provided them with, money, a very important factor.

You know I believe one the member previously was talking about the fact that large numbers of people are on welfare that are retired and that is a fact because they are suddenly separated from their livelihood and the money that they're being provided with is not enough to keep them going. And even when they aren't subjected to having to go on welfare they find themselves having to cut down their expectations; they find themselves having to lower their standard of living and there is no more polite way of putting it that that, they have to lower their standard of living, they have to do with less and that is a difficulty, that is an emotional trauma. At the same time, as well as a financial trauma if I might throw that in, at the same time they're undergoing another type of trauma and that is that they have all of a sudden eight hours a day, five days a week, 40 hours a week to use a standard figure, that they don't know what to do with. If they have not been lucky enough to cultivate hobbies, if have not

been lucky enough to cultivate outside interests, if they are not lucky enough to get a part-time job to at least fill some of that void and provide them with more money, then they are in dire straits far too often. And so what we find is that people are choosing not to retire.

Now not being anywhere near any sort of retirement age myself I don't wish to place a value judgment on that. I notice some of the older members of the House have been listening with some interest but, myself, I am far enough away from that I can put that decision aside for another day, and also a value judgment on that. I don't know when I reach that age as to whether I'll want to retire. I don't know if I'll reach that age, Mr. Chairperson, I have the same doubts as anyone else in this world but I'm not going to get onto a whole discussion about the environment and the workplace and safety and health at this juncture because I know you would quite justifiably in that instance most likely rule me out of order, and to avoid that embarrassment I'll confine myself to the remarks. And the remarks are that we must begin to develop new support services for people who are retiring, who choose to retire and that should be a choice that is a voluntary choice.

And we also must develop ways and means of allowing people to continue in their work habits if they so desire. And there's some major societal problems here that we have to deal with. If a person does not leave the workforce at 65 they do not open up a job for a younger person and that's been one of the arguments against encouraging fewer people to retire, is that there are only so many jobs in society, in this economic world that we live in, that they are at a premium and that people at a certain age should have to step down so that the younger people coming on stream will have access to those jobs, access to that same economic opportunity, access to that same gratification that this worker has enjoyed so many years from his or her work. So that's one of the areas that we have to concern ourselves with.

Also we have to review the whole mechanism. What is retirement? What is work? You know, the attitudes towards these two subjects are changing, as I said, so we have to review that. We have to come to grips with this problem. Other jurisdictions are experiencing it, I think, to a far more significant degree than we are. I think one of the other reasons that is leading us to this change in society is that modern medicine and the healthier state of the population is allowing for people to continue on longer than they had previously. They aren't hampered by weak bodies because of the advances that have been made in regard to medical treatment, in regard to preventing certain diseases, in regard to enabling them to live a healthier lifestyle and therefore be more able to work longer into their lifetime.

So I would welcome any comments that the Minister might have in regard to dealing with what perhaps today is not a major issue but will certainly be a major issue in the years to come, if his department is dealing with that, preparing any sort of policy, investigating, researching, trying to come up with some analysis of what is happening and some analysis of what can be done to encourage people to make those choices which appear to be the most viable choices to them.

MR. MacMASTER: Well, Mr. Chairman, I'm sure the member was listening to the multitude of things that the Pension Commission is doing in relationship to virtually the majority of the things that the Member for Churchill has just alluded to. Certainly the pre retirement planning, I notice that the member said he wouldn't concern himself today so I suspect that, at least I hope, he along with others start thinking about really, as I said before, the value of what they have in place today will be down the road and what they should be doing about it. Certainly the traumas of retiring are pretty dramatic. In fact I've had the unfortunate situation of attending a number of funerals of friends who have retired and had given no thought to what they would do with themselves. I'm sure everybody in this Chamber has a friend who has not thought of retiring and today he is through, and tomorrow the system rebels. So it's a tremendous mental problem; it's a physical problem; it's a digestive problem; it's a home problem; it's a financial problem; and all those things have to be. In our opinion we have to start thinking about those things and as we said tonight we have just thrown out the year of the age 45, that's 15, 20, or 25 years. Sounds a little dramatic, but I don't think that it's out of line in any way, shape or form because people have to, not only the financial end, they have to start sorting out how the family in fact, is even going to put up with them being around the House every day. The hobby end of it is certainly important, what are you going to do in your spare time? Because for a productive individual to have worked 40 years, or 45 years, or 50 years, and for his system, just the pure physical system to come to a dramatic stop, sometimes is overwhelming to the system.

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That's what we're talking about when we're talking about pre-retirement planning, not only the financial aspects of it, but certainly the physical and the whole family aspect of how you're going to deal with yourself and deal with those around you. It's certainly a very dramatic situation.

MR. CHAIRMAN: (1)--pass - the Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Chairperson. I thank the Minister for that reflection on some of the concerns that we share. Is there any sort of counselling service? I note that the Minister in his opening remarks, perhaps if I can preface my remarks in this way, in his opening remarks had indicated there will be a job resource centre in order to enable people to enter the work force, in order to enable people to be mobile within the work force, to move around, has the Minister given any sort of consideration to a retirement counselling service that would come through this portion of his department or through any other portion of his department that would deal with some of the problems that retirees may face when they finally do decide that they want to leave the active work force?

MR. MacMASTER: That's exactly what we're talking in pre-retirement planning and counselling, talking about the situations that you're going to be faced with down the road, that's precisely what we're talking about.

MR. COWAN: Perhaps the Minister can indicate if a person so desired then would that counselling continue on after their retirement or once they have gone through the pre-retirement phase and have retired can they avail themselves of that service on a continual basis, or is it cut off to him, so to speak?

MR. MacMASTER: Mr. Chairman, as much as we appreciate the point being made, I think that emphasis at this particular stage has to be stepped in. We have to step into the system some place, and we sincerely think that we should be stepping in at the stage of helping people prepare themselves and making them aware of the problems they may be facing when they retire.

MR. COWAN: Yes, thank you, Mr. Chairperson. I would ask the Minister if he can explain in some detail the Civil Service policy on retirement, because this is a place where the Minister is able to make policy as opposed to dealing with the private sector where the Minister can only suggest and try to encourage. In his own department, in the government, one can use the vehicle of a government to implement changes that will act as an example to the private sector, so this is an area where the Minister can make some fairly definitive policy, the Minister can implement this policy and implement the support of programs and procedures to accommodate this policy, and then use that as a window to the private sector so they can look in and they can see, well, perhaps there is something to be said for this new policy. Perhaps it will work, we're seeing it work in the government. And it is a testing ground that is a very fertile testing ground for these sort of changes that will first recognize what is happening in society and develop mechanisms to deal with it for the purpose of extending those mechanisms out into society at large.

Therefore, what we have in this particular instance is an opportunity, an opportunity to deal with a problem as it starts to come on stream, as it starts to become more and more of a problem. Perhaps problem is the wrong word, Mr. Chairperson, to deal with the situation as it starts to change, to deal with the changing times, and to try to provide an example for others who may wish to deal with the changing times but don't have the resources available to them on an ad hoc industry-by-industry or workplace-by-workplace basis to be able to develop any sort of a comprehensive program.

MR. MacMASTER: The Civil Service Commission, I understand, provides a similar type of pension counselling to their particular employees, which is the group that the member is talking about, the civil servants within the province of Manitoba. Their Act, of course, the fund, the Pension Commission is responsible for assuring itself that that is in place.

MR. COWAN: Perhaps I might have missed it, and I do apologize for having missed it if I did, I'm not certain. But can the Minister indicate what the specific policy on retiring is for civil servants. In other words, are they to retire at a certain age, must they, can they

extend their service, maybe the Minister could just give us some brief background on that. That's in specific what I was talking about, that sort of policy that can serve as an example for the private sector employees and other public sector employers also, Mr. Chairperson.

MR. MacMASTER: Well, the Civil Service Act, and I suppose we could discuss it somewhat better under the Civil Service Commission, but the Act itself certainly makes reference to the age 65, and the pension is geared to that.

MR. COWAN: Well perhaps we can discuss it when we do come to the Civil Service, but I would just ask the Minister, rather than get into great detail of discussion, just ask him at this point, is it mandatory that a civil servant retire at age 65 or do they have an option to extend their service?

MR. MacMASTER: The fund itself is geared to the age of 65, and it's not, I think precisely to answer it, it's not optional by the employees.

MR. COWAN: So then a civil servant employed within the Civil Service must retire at or before age 65. Is that a correct interpretation of the Act? The Minister indicates that it is. Perhaps I can ask him, very briefly, and again I don't want to get drawn into this conversation prematurely, we can discuss it under the Civil Service, but if the Civil Servant has an option to retire earlier than age 65, and what, very briefly, what sort of procedures a civil servant would follow in that instance?

MR. MacMASTER: There are a series of options under the pension scheme if the member would like me to get them. I don't have them at hand at the moment, but to precisely answer his question, yes, there are options as to retirement.

MR. CHAIRMAN: (1)--pass - The Honourable Member for Flin Flon.

MR. THOMAS BARROW: I wonder if the Minister could throw some light on different types of pensions. For instance, the Calgary Police have a pension plan where they can retire after 20 years service. And now they're bringing it into the mining areas, 30 and 60 will give you full pension, the alternative of retiring or working. Of course, the idea of this plan, Mr. Chairman, is different occupations age men quicker than others. For instance, a person could sit in this House until they're 90, but he couldn't mine until he's 90. --(Interjection)-- I think so.

But seriously, Mr. Chairman, they got a 60 and 30 plan; I think Flin Flon have 58 and 30 years service to they give tjem a full pension. And of course, some mines have gone for 30 and out; the idea, if you serve 30 years underground, or in a smelter with bad conditions, . . . plant, well you know the conditions as well as I do, their health is much more apt to go than a person with a different occupation. Has the Minister given any thought to this type of pension plan?

MR. MacMASTER: That's strictly, Mr. Chairman, an employee-employer relationship which is established by both, and the member, I'm not exactly sure of the years but I think he's correct when he says it's gone from 60 down to 58. That's a negotiated thing between the steel workers and the companies where they are in fact moving the top figure down.

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: I just have a couple more questions. It came to mind, from the comments by the Member for Flin Flon, is there any research being done in respect to various occupations which do debilitate the human system more than others, and should not that be included as some of the information in respect to the development and education towards pension plans? This is one area, and the other area that I wanted to refer to was, in respect to the pre-retirement planning that's being done by the Pension Commission, to what extent is there collaboration and co-operation done with another government funded agency, the Age and Opportunity Bureau, which is working with senior citizens; and if we're going to discuss pre-retirement we should also be doing some follow-up work through that particular organization or any other, if they exist. And to what extent is the Pension Commission involved in that?

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MR. MacMASTER: There's a member of the Age and Opportunity group that's on the Commission, Mr. Chairman, and I do not have any information on research as alluded to by the member in his first particular point.

MR. CHAIRMAN: (1)--pass - the Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Chairperson. The Member for Flin Flon has touched on the subject that is of some interest to a number of members in the House here, having come out of the mining industry at one time or another during our working lives. Some of us may go back into the mining industry at one time or another during our working lives, I'm not certain. But the fact is that there are certain jobs, certain forms of work that do age a person very quickly, far too quickly; and again, I'm going to resist the temptation to go off into another area, the area of the impact and effect of work process and chemicals on individuals. As a brief aside though, it's extremely interesting that they have found noise to be a very debilitating factor in workers, that it ages them much quicker than an employee who is not working in an extremely noisy environment. And that being the case, of course in the mines where you're working up against a jackleg or if you're in the smelter and you're working next to a ball mill that's constantly going around and around, or if you're working in any sort of occupation, perhaps at ManFor where you've got the saws going, the loud noise, the vibration tends to age a person very quickly.

Shift work is another perfect example. People on shift work, the changing of the circadian clock, the internal clock in an individual, the changes that one undergoes as they jump from shift to shift to shift, have an aging effect on the body. The member from Flin Flon says it's a jet lag. Well it's a jet lag that hits you every week as you go from day shift to night shift. I've done that myself, Mr. Chairperson, and I tell you, you drag your posterior for the first couple of days until you are so full of coffee that you can't sleep any more, so you run on coffee for the last three days and then you finally get switched around by the time you go back on to days or afternoons, and that will age you very quickly. I felt 100 years old some days on Friday, a hundred years old if a day.

So that being the case that there are certain work environments that will age you quicker than others is a justification for certain people in certain work environments wanting to be able to retire earlier than others. And so they've come up with a series of formulas, thirty and out is a phrase that I think was used in the last negotiations in Flin Flon. I think there was some reference made to age of retirement in the last negotiations in Thompson. I know there were in Leaf Rapids and in Lynn Lake among the steel workers in the mining industries in the north. It is a very important point, a very timely point and they are trying to develop mechanisms to deal with this. But they have the advantage of belonging to a fairly powerful union and having some bargaining position, some clout, some economic clout, some bargaining clout. And so given that one would expect them to succeed faster than a person who is unorganized or does not belong to as strong a union or a union that is not as concerned perhaps with that feature, maybe concerned with something else of equal importance. So what we see in the North is we see a strong very concerned union trying to bring forth some major changes, trying to bring forth this early retirement, so to speak, and I'm not certain that it's early I think it's timely retirement. And by saying that we recognize the fact that there are different times for retirement for different people and different jobs. So they are trying to do that and they are having extreme difficulty as the Minister knows in making the sort of substantial changes that are necessary to allow a program like this to go forward.

I know that in times of extreme economic dislocation we see some advances made in this early retirement. I remember when Sherritt-Gordon Mines had to close down one of its mines because they had depleted the nickle ore body, a number of years ago in that community, that a lot of the people who were working were offered early retirement, retirement at 55, retirement at 58, if they had so many years service. I know that the case in Swifts is a similar case, that people there who had so many years service were provided with an early retirement plan by which they could retire. Sometimes on a nearly full pension but not always, as a matter of fact not usually on a nearly full pension.

But that being the case, the point that has to be made is that if the very well organized and very powerful pressure groups are having trouble implementing it there must be extreme difficulty for the less organized and the less powerful pressure groups and I believe that this is an area where the Pension Commission can direct its attention and do research, can provide some of the data that would be necessary, can do education not only with the employees but with the employers as to some of the benefits and disadvantages if there are any. I'm not

saying that this is a perfect system, I'm not saying that this system is right in all cases, that it is a system for all reasons and all seasons. I am saying that in certain specific instances this system seems to make a great deal of sense. It makes eminent sense that we should allow a worker the opportunity to opt out early because of hazards that they may face and that may have had a impact on their body, just as it makes eminent sense to allow a worker to stay on longer if they feel that they can do so medically and physically and mentally and spiritually.

The Member for Kildonan says like senators and I'm not going to get bated into that conversation, Mr. Chairperson, although there may be another time and another place when we want to talk a bit about the senators, the senatorial staff. But the case is that this is another opportunity for the pension department to provide a much needed service to workers and to employers alike and I would like the Minister if he can to take some opportunity to explain if any work has been done in this regard and if so, what; and if not, does he plan to have any investigations, any research or any educational programs in the near future that would concern themselves with this problem as opposed to the problem of someone wanting to stay on for a longer period past a mandatory retirement age?

MR. MacMASTER: I thought I'd made it reasonably clear that I think a great deal of emphasis should be put on making working men and women and employers throughout the province aware of the fact that pensions are a very real thing and a program that they should involve themselves in. We are made aware of the numbers of people who are not covered by any and who are dependending strictly on the government type pension plans. It's ever more important that we get out, but more emphasis, I think, on getting people actually into plans, period. That's a fair amount of work that has to be done. And coupling that with advising those that are reaching the middle ages, I guess you could call it, of the problems that they may face when they get into the retirement areas. I think that's where our emphasis will be placed, Mr. Chairman.

MR. CHAIRMAN: (1)—pass. The Honourable Member for Flin Flon.

MR. BARROW: The Minister's answer doesn't make sense, Mr. Chairman. You say they can get it on their own through the union and the Minister knows full well that a man 20, 30, up to 40, it doesn't bother him. He's not worried about the future. Flin Flon had the issue and it was a strike issue, 30 years service and out and they wouldn't vote against that. They wouldn't vote for it, rather, because they are not concerned. What the corporation does of course is offer a better wage package, give them a little more financial help and this is what takes the onus off the pension plan. A pension to work correctly should be legislated.

MR. MacMASTER: Well I share the thoughts that the Member for Flin Flon has said about the past lack of attention paid by unions, individuals, and employers as it relates to pensions. I said earlier this evening that I remember being in union halls where employees were not specifically interested in pensions. They are more interested in the extra nickel or the extra bit of a fringe benefit in some other particular area. I think tonight is a perfect example of the 120 people that are registered with the Manitoba Federation of Labour Seminar which we co-ordinated with them, that the labour movement themselves are being ever more made aware of the real dire need for employees to have good pension plans and I think society as a whole is getting educated along that field. And in conjunction with management, in conjunction with seminars we've put on and sessions that we've put on throughout the province and the more that we are going to put on, in conjunction with the seminar that we put on today and is carrying on, that type of education process has to bear some fruit in the future and I think the Member for Flin Flon would agree that union men, by and large, today are far more educated and far more aware of the fact and the need for a pension plan. It's not as difficult to stand up in front of a union membership today and talk about pension plans as it was 20 years ago.

MR. CHAIRMAN: (1)—pass. The Honourable Member for Kildonan.

MR. FOX: Yes, Mr. Chairman, I think we've had a very fruitful exchange and I certainly appreciate the Minister's candid answers in respect to what the Pension Commission is doing and how it's operating and I'm sure that most of the members on this side appreciate some of the thrust that is apparent. There is just one further question that has come to mind

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and it's always, although I have no Scot's blood but I hate waste, and what bothers me is, are we going to, through any form of vehicle that the Minister is aware of, look at the potential that is lost when those people retire? Is there any way of looking at that and utilizing it either through organizing it through voluntary groups or some others? I know that we have a person from the Age and Opportunity Bureau on the pre-retirement planning commission but even there, and since I have a father who is 83 and outside of the areas where he makes himself occupied and busy, there just aren't enough areas where they have a desire to have senior citizens participating in. And I think that it behooves us if we are going to be the ones who create the laws and the environment for the people to live in this province to also look at how we can help people adjust and utilize that resource which they've been capable of producing up until now and then we say at a particular age, well you no longer can participate in this industry, and so that potential is immediately lost to us because we retire that person. We may advise him prior to retiring, we may even give him recreational facilities through the Age and Opportunity Bureau but we do not utilize that potential and I'm just wondering whether we couldn't do something on that scale or in that regard through the Pension Commission Research Branch or any other research branch.

MR. MacMASTER: Well I think the potential great and I think society actually is quite possibly losing a great potential in not availing itself of, if nothing else, the knowledge of our senior citizens. I occasionally have lunch with two or three that I've known here in the city and it's just simply amazing that the thoughts that you have and where you think you're going that they in a lot of cases have sometimes been there in another way. The advice that they can give you is just something you can't buy, you can't read in a book. So the potential of our senior citizens, I don't think, has been totally tapped. Part of the answer is the Commission on Aging that our government is establishing and I think some of the things that they may be coming forth with is just exactly, I think there's a whole variety of things, but one of the points that I'm sure they are going to establish in a hurry is the potential of value to society of that particular group which I agree with the Member is untapped today in a lot of instances. We certainly, and I'll get into it later, we do contribute fairly substantially to the senior citizen job centre here in the city and it's a pleasure to talk to those people and it's pretty rewarding to listen to them talk about the job opportunities for senior citizens here in the city on a part-time basis. I would think that some of the people that are involved in that and those that are coming in and are very insistent, want to do something, that's what we were talking about, making reference to tonight, that if that opportunity wasn't there we might lose those people. So there are some efforts being made in that particular field, Mr. Chairman.

MR. CHAIRMAN: (1)—pass; (2)—pass; (g)—pass. Resolution No. 90—pass;

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Yes, thank you, Mr. Chairperson, on (2) could we just have a brief breakdown as to where the expenditures are going in this particular item? I see it's a stagnant figure so I'd just like to make certain that the expenditure is going to the same areas they were in the previous year.

MR. MacMASTER: They are professional fees, board fees, furniture and furnishings, printing of stationery, postage, telephone, automobiles, advertising and exhibits, publications, travelling, other miscellaneous and education assistance.

MR. COWAN: On that item, Mr. Chairperson, it's not necessary for the exact details but it is in roughly the same percentages as previous years?

MR. MacMASTER: Yes, it is, Mr. Chairman.

MR. CHAIRMAN: (2)—pass; (g)—pass; Resolution No. 90—pass.
Resolved that there be granted to Her Majesty a sum not exceeding \$4,476,600 for Labour and Manpower. Labour Division \$4,476,600—pass.
The Honourable Minister without Portfolio.

MR. McGILL: Mr. Chairman, I move that committee rise.

MR. CHAIRMAN: Committee rise.