



**Fifth Session — Thirty-First Legislature**  
of the  
**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

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**30 Elizabeth II**

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Speaker*



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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty - First Legislature**

**Members, Constituencies and Political Affiliation**

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Name	Constituency	Party
<b>ADAM, A. R. (Pete)</b>	Ste. Rose	NDP
<b>ANDERSON, Bob</b>	Springfield	PC
<b>BANMAN, Hon. Robert (Bob)</b>	La Verendrye	PC
<b>BARROW, Tom</b>	Flin Flon	NDP
<b>BLAKE, David</b>	Minnedosa	PC
<b>BOSTROM, Harvey</b>	Rupertsland	NDP
<b>BOYCE, J. R. (Bud)</b>	Winnipeg Centre	Prog.
<b>BROWN, Arnold</b>	Rhineland	PC
<b>CHERNIACK, Q.C., Saul</b>	St. Johns	NDP
<b>CORRIN, Brian</b>	Wellington	NDP
<b>COSENS, Hon. Keith A.</b>	Gimli	PC
<b>COWAN, Jay</b>	Churchill	NDP
<b>CRAIK, Hon. Donald W.</b>	Riel	PC
<b>DESJARDINS, Laurent L.</b>	St. Boniface	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOMINO, Len</b>	St. Matthews	PC
<b>DOWNEY, Hon. Jim</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>EINARSON, Henry J.</b>	Rock Lake	PC
<b>ENNS, Hon. Harry J.</b>	Lakeside	PC
<b>EVANS, Leonard S.</b>	Brandon East	NDP
<b>FERGUSON, James R.</b>	Gladstone	PC
<b>FILMON, Hon. Gary</b>	River Heights	PC
<b>FOX, Peter</b>	Kildonan	NDP
<b>GALBRAITH, Jim</b>	Dauphin	PC
<b>GOURLAY, Hon. Doug</b>	Swan River	PC
<b>GRAHAM, Hon. Harry E.</b>	Birtle-Russell	PC
<b>GREEN, Q.C., Sidney</b>	Inkster	Prog.
<b>HANUSCHAK, Ben</b>	Burrows	Prog.
<b>HYDE, Lloyd G.</b>	Portage la Prairie	PC
<b>JENKINS, William</b>	Logan	NDP
<b>JOHNSTON, Hon. J. Frank</b>	Sturgeon Creek	PC
<b>JOHNSON, Hon. Warner H.</b>	Morris	PC
<b>KOVNATS, Abe</b>	Radisson	PC
<b>LYON, Hon. Sterling R.</b>	Charleswood	PC
<b>MacMASTER, Hon. Ken</b>	Thompson	PC
<b>MALINOWSKI, Donald</b>	Point Douglas	NDP
<b>McBRYDE, Ronald</b>	The Pas	NDP
<b>McGILL, Hon. Edward</b>	Brandon West	PC
<b>McGREGOR, Morris</b>	Virden	PC
<b>McKENZIE, J. Wally</b>	Roblin	PC
<b>MERCIER, Q.C., Hon. Gerald W. J.</b>	Osborne	PC
<b>MILLER, Saul A.</b>	Seven Oaks	NDP
<b>MINAKER, Hon. George</b>	St. James	PC
<b>ORCHARD, Hon. Donald</b>	Pembina	PC
<b>PARASIUK, Wilson</b>	Transcona	NDP
<b>PAWLEY, Q.C., Howard</b>	Selkirk	NDP
<b>PRICE, Hon. Norma</b>	Assiniboia	PC
<b>RANSOM, Hon. Brian</b>	Souris-Killarney	PC
<b>SCHROEDER, Vic</b>	Rossmere	NDP
<b>SHERMAN, Hon. L. R. (Bud)</b>	Fort Garry	PC
<b>STEEN, Warren</b>	Crescentwood	PC
<b>URUSKI, Billie</b>	St. George	NDP
<b>USKIW, Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, D. James</b>	St. Vital	NDP
<b>WESTBURY, June</b>	Fort Rouge	Lib
<b>WILSON, Robert G.</b>	Wolseley	Ind

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 5 May, 1981

Time — 2:00 p.m.

**OPENING PRAYER by Mr. Speaker.**

**MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell):** Presenting Petitions.

The Honourable Member for Kildonan.

## MATTER OF PRIVILEGE

**MR. PETER FOX:** Mr. Speaker, I would like to raise a Matter of Privilege of the House. The Votes and Proceeding Number 71 and Number 70, both have pages which are numbered 219 and I think that is not possible. —(Interjection)— Well, it shouldn't be. Therefore, there should be a correction in the Votes and Proceedings of Numbers 71 and 70.

**MR. SPEAKER:** I thank the honourable member for bringing it to our attention and there will be corrections made.

The Honourable Minister of Finance.

**HON. DONALD W. CRAIK (Riel):** Mr. Speaker, I wish to raise a Matter of Privilege.

Mr. Speaker, in this House yesterday, we saw the Leader of the Opposition rise and present a Matter of Privilege to the House. He presented it on the basis that he had an advance copy of the day before's sitting, transcripts and used those transcripts to mount a Matter of Privilege in this House.

Mr. Speaker, under the Rules of the House, of course, the Leader of the Opposition was able to follow through on getting his point across and presented a motion which was not accepted in the House.

In the question period following, I said that my recollection of the matter was that the question which he had raised had been placed by the Member for Inkster, which would address the question that he was addressing as a Matter of Privilege. That information, Mr. Speaker, now that I have had a chance to look at it, verifies the fact that was the case. The Member for Inkster on the same day, namely last Friday, asked a question that was being addressed as a Matter of Privilege.

In answer to the Member of Inkster's question, I took his question as notice, Mr. Speaker, giving the indication that I would provide information back to the House. Mr. Speaker, that undertaking negated any Matter of Privilege that could possibly have been raised from the comments that were made last Friday and which are contained in the Hansard and are very clear.

The Leader of the Opposition flaunted the rules of this House. He deliberately took out of context remarks that were made in last Friday, deliberately avoided the question that was placed by the Member for Inkster and the answer that I gave him. Mr. Speaker, the entire case was put very clearly by the Member for Inkster and I gave an undertaking to get an answer back to him.

The Matter of Privilege, I think these events have gone on now — a number of Matters of Privilege

have been brought up, principally because, Mr. Speaker, there has been an openness and a willingness on the part of either the Hydro Board members or their staff to be as co-operative and as helpful as possible in providing all possible information.

Mr. Speaker, I cannot recall any time in the history of this Legislature, in which I have been here, in which such prompt answers have been given by the Utilities in question. Mr. Speaker, I can never recall a time in history when minutes of the Utility were made available. We can, of course, recall the times in the years of the former government where minutes were not made available and they were attempted to be seen by a member of this Legislature and were denied. They were denied by the Utility and they were denied by the Government, Mr. Speaker. That is not the case now. The events that have been occurring have been occurring primarily because there has been a complete openness on the part of the Utility to provide, number one, information, Mr. Speaker, albeit in the honesty of their efforts not in a sequence always that pleased everybody, but nevertheless followed through and provided their information. There was an openness on their part to set a policy to make the minutes available under specific and certain conditions that have been helpful to the pecuniary interests, as it turns out, of some members of the opposition but, nevertheless, Mr. Speaker, available to the Members of the Legislature and the public. (Interjection)—

**MR. SPEAKER:** Order please. If the honourable member cares to raise his point of order at the completion of the point of privilege, I will listen to him then. Order please. Order please.

The Honourable Minister of Energy and Mines. (Interjection)— Order please. Order please. I have recognized the Honourable Minister of Energy and Mines.

**MR. CRAIK:** Mr. Speaker, I return to my specific Matter of Privilege, Mr. Speaker. The specific . . .

**MR. SPEAKER:** Order, please. I will recognize the Honourable Member for Kildonan after I've heard the point of privilege and dealt with it.

The Honourable Minister of Energy and Mines.

Order, please. There has to be some decorum in the Chamber. I ask the honourable member to wait until I've heard the point of privilege at which point I will listen to the honourable member's point of order. I recognize the Honourable Minister of Energy and Mines.

**MR. CRAIK:** Mr. Speaker, I refer specifically to the Matter of Privilege which I raised. In the Hansards which are now available, Mr. Speaker, you will find on Page 3255, the complete vindication or the point that I'm attempting to make, Mr. Speaker.

**MR. SPEAKER:** Order, please. Order, please. Yesterday, I recommended the reading of the rules to all Members of the Chamber. It was brought to my attention by the Honourable Member for Winnipeg

Centre that the Chair was indeed in error in recognizing points of order while a point of privilege was in progress. I now recognize the Honourable Minister of Energy and Mines on his point of privilege.

**MR. CRAIK:** Mr. Speaker, as I said, I refer specifically to Page 3255 of the Legislative record, the Hansard, and it's very clear that the members point of privilege was non-existent, Mr. Speaker. He flaunted the Rules of this House in raising it; he was deliberately less than honest in doing so, Mr. Speaker, and dealt with only part of the question period that had taken part on Friday. The question that was asked by the Member for Inkster is still under consideration and it is my intent to reply to it when the information is available.

**MR. SPEAKER:** Order, please. The Honourable Member for Kildonan on a point of order.

**MR. FOX:** Yes, Mr. Speaker. I would first of all like to indicate that this House is going to operate chaotically if we do not have a point of order which is our procedure and which should come first. If a person is speaking on a matter of privilege and it may be a difference of opinion and not necessarily a matter of privilege, a member should have the right to raise a point of order and indicate that to you if you have not heard it and I think that's the reason why a point of order takes precedence over a matter of privilege.

A matter of privilege is a debating issue. A point of order is also a debating issue but a point of order is the procedures of this House and if we do not have correct procedures we have chaos.

**MR. SPEAKER:** I thank the honourable member for raising his point of order.

The Honourable Minister of Energy and Mines raised a point of privilege. He did not accompany it with a substantive motion, therefore I would have to rule the point of privilege as being out of order.

Presenting Petitions . . . Reading and Receiving Petitions . . .

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**MR. SPEAKER:** The Honourable Member for Radisson.

**MR. ABE KOVNATS:** Mr. Speaker, the Committee of Supply has adopted certain resolutions; directs me to report the same and ask leave to sit again.

I move, seconded by the Honourable Member for Virden, Report of Committee be received.

**MOTION presented and carried.**

**MR. SPEAKER:** The Honourable Member for Virden.

**MR. MORRIS MCGREGOR:** Mr. Speaker, I beg to present the Fifth Report of the Standing Committee on Economic Development.

**MR. CLERK, Jack Reeves:** The Standing Committee on Economic Development begs leave to present the following as their Fifth Report.

Your Committee met on Tuesday, May 5, 1981, to consider the Annual Report of Manitoba Mineral Resources Ltd., for the period from April 1, 1979 to March 31, 1980.

Having received all information requested by any member from Mr. Albert A. Koffman, President of the Board, Mr. C. Malcolm Wright, Vice-President of the Board and Mr. Robert Bray, Consulting Engineer for Manitoba Mineral Resources Ltd., the report, as presented, was adopted by the Committee, all of which is respectfully submitted.

**MR. SPEAKER:** The Honourable Member for Virden.

**MR. MCGREGOR:** Mr. Speaker, I move, seconded by the Honourable Member for Dauphin that the Report of the Committee be received.

**MOTION presented and carried.**

### MINISTERIAL STATEMENTS AND TABBING OF REPORTS

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. GERALD W.J. MERCIER (Osborne):** Mr. Speaker, I wish to table the Report of the Administrator of The Fatality Inquiries Act, under Section 29.1; and I also wish to table the Report on Conflict of Interest and Municipal Councillors from the Manitoba Law Reform Commission.

**MR. SPEAKER:** Notices of Motion . . . Introduction of Bills . . .

### INTRODUCTION OF GUESTS

**MR. SPEAKER:** At this time I would like to introduce to the honourable members some distinguished visitors from Jefferson City, Missouri, Mr. and Mrs. Richard Brauner. Mrs. Brauner is an elected municipal official in the State of Missouri. On behalf of all honourable members, we welcome you here today.

### ORAL QUESTIONS

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**MR. HOWARD PAWLEY (Selkirk):** Mr. Speaker, to the Minister responsible for Hydro. Who ordered the destruction of the Manitoba Hydro-Electric Board, 28th Annual Report, terminating March 31st, 1979, to the extent of some 4,000 copies?

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

**MR. MERCIER:** On a point of order, Mr. Speaker. Yesterday, while the Honourable Leader of the Opposition was referring to an original report, I asked him to table that original report, Mr. Speaker. I don't believe he has done so yet, and I think you admonished him that he should.

**MR. SPEAKER:** Order please. On the point of order raised by the Honourable Government House Leader. The Honourable Leader of the Opposition did not

quote from that report. He did not use it for direct quotations.

**MR. PAWLEY:** The Minister responsible for Hydro may have missed the question in view of the House Leader's intervention. Who ordered the destruction of approximately 4,000 first printing of the Manitoba Hydro-Electric Board, 28th Annual Report for the year ending March 31st, 1979?

**MR. SPEAKER:** The Honourable Minister of Energy and Mines.

**MR. CRAIK:** Mr. Speaker, I will, as I indicated in my statement earlier today, that I would undertake to provide as much information as I could in answer to the question raised by the Member for Inkster and if that sort of information is available, to the Leader of the Opposition, I will provide it.

The Honourable Leader of the Opposition.

**MR. PAWLEY:** Since that question was not posed by the Member for Inkster, I'm assuming that the Minister has indicated that he will accept this question just posed as one of notice as he did a question from the Member for Inkster this past Friday. Further to the Minister, how many of the copies were destroyed?

**MR. CRAIK:** Mr. Speaker, the information that I will provide will be the information that is available. If the information that he's asking for is available, I will provide it to him. I can't give him the undertaking that it is available but I will provide as much information as possible that may be available.

**MR. PAWLEY:** A further supplementary. How many of the said original copies are still in the files of Manitoba Hydro, if any?

**MR. CRAIK:** Mr. Speaker, I will provide as much information as is possible and available at this late date.

**MR. PAWLEY:** Mr. Speaker, further to the Minister responsible for Hydro. Could the Minister also accept as notice, if he cannot already provide us with the information, as to how the copies were destroyed?

**MR. CRAIK:** Mr. Speaker, I can tell the Leader of the Opposition, that I would have absolutely no idea what the answer might be to that question but I can tell him further that if he hadn't been so childish and walked out of the Public Utilities Committee meetings, he may have had all these answers . . .

**MR. SPEAKER:** Order please. Order please. May I suggest to all honourable members that questions and answers sometimes provoke and incite reaction from members in the Chamber and I would ask all honourable members, when they are either asking questions or answering questions, that they conduct themselves in a parliamentary manner.

The Honourable Leader of the Opposition.

**MR. PAWLEY:** Mr. Speaker, further, by way of supplementary to the Minister responsible for Hydro. Would the Minister now, on this day, after some three or four weeks of effort on the part of the

official Opposition to obtain the truth of these matters, in order to assist him to refresh his memory, now agree to the convening of a committee of this Legislature so that we can call all appropriate witnesses and documents to that committee so that the Minister at least may be able to refresh his memory so that we can get to the truth of the matters which we have been dealing with for the past three or four weeks?

**MR. CRAIK:** Mr. Speaker, to repeat; if the Leader of the Opposition and his group had had sufficient responsibility, they perhaps could have looked after all of these items at the table in Public Utilities Committee.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. SIDNEY GREEN:** Mr. Speaker, I would like to address a question to the Minister of Natural Resources relating to parks. I wonder if the Minister can offer those people of modest income who were lured into building and working very hard on having second homes in the Whiteshell Park, whether the Minister can offer these people any assurance that the operating rates with regard to those cottages will not force them to sell them to people who have large incomes and who will be the only ones who can afford to maintain their cottages in the park if such a program is instituted?

Mr. Speaker, I wonder if the Minister can offer any assurances to people in the Whiteshell Park area, who were lured under a very good Conservative program into working very hard to build and improve cottages in that area on the basis that there would be a very modest annual rental required, that these people will not be forced, by virtue of a large increase in rental, to be required to sell their cottages to the only people who can afford them, namely, wealthy people who didn't work and put them up there in the first place.

**MR. SPEAKER:** The Honourable Minister of Natural Resources.

**HON. HENRY J. ENNS (Lakeside):** Mr. Speaker, I apologize for my preoccupation in not hearing the honourable member's question in the first instance.

Mr. Speaker, I can most assuredly assure all those Manitoba residents that in fact will not be the case, that there will not be any kind of impose in terms of rent or other charges that would bring about the situation that the honourable member suggests.

**MR. GREEN:** Mr. Speaker, could the Minister then indicate that it is not his intention to follow the recommendations which were contained in the report that was tabled in this House which could indeed have that effect on many Whiteshell cottage owners? I want to indicate, Mr. Speaker, that I am an owner, that I will not be affected in the way in which I am talking because I will be able to maintain my cottage, hopefully, but there are many people who built and who are of modest income who will have done all the work with somebody else getting a prize if the rentals are so increased as to make it impossible for them to afford the maintenance.

**MR. ENNS:** Mr. Speaker, I'm happy to have the opportunity that the question gives me to indicate to

you and to those people directly concerned that, unlike the Federal Government that, without warning or without any consultation, imposed very substantial increases for similar cottage lots in the national park at Clear Lake, we have chosen, obviously in a very public way, to discuss with cottage owners and the general public the possibility of arriving at what is indeed a reasonable return or a reasonable payment for some of the services that they receive in the park.

Mr. Speaker, let me hasten to add that in my contact with many of these cottage owners, as well as the spokesmen or representatives of the association of the cottage owners of the Whiteshell, they indicate to me their willingness to do precisely that, to pay indeed a fair amount for the services required. That's a great difference though from attempting to use that taxation method as a source of revenue for the Department of Natural Resources; and to that extent I would certainly not be prepared to entertain those recommendations.

**MR. SPEAKER:** The Honourable Member for Inkster with a final supplementary.

**MR. GREEN:** Mr. Speaker, would the Honourable Minister agree that the kind of increases that he is talking about, although they would be weighty for each individual cottage owner, would not provide any substantial revenues to the provincial government but would rather force people to turn over the work, in some cases of 20 years, to somebody else because they couldn't afford to make the maintenance and would provide virtually no effect on the provincial revenue?

**MR. ENNS:** Mr. Speaker, I find no basic disagreement with the honourable member's supposition but let me again indicate to the honourable member that these recommendations, this draft summary, is a serious worthwhile attempt to work out developmental plans for that park. They are not recommendations that have been made to me as Minister and certainly do not in any way represent government policy at this time. This was the format that was laid out by my predecessor, and correctly so, to engage in an in-depth study with respect to what kind of development ought to take place in the Whiteshell. We are pursuing that course and I am satisfied that the final results, the final recommendations that will be presented to me and that I'll be presenting to the people of Manitoba, will be acceptable.

**MR. SPEAKER:** The Honourable Minister of Labour.

**HON. KEN MacMASTER (Thompson):** Mr. Speaker, a few days ago I was asked a question by the Member for Fort Rouge if I would be prepared to do something to change the legislation that allows only six month's back pay for vacation pay. There were other references to other sorts of pay in the question.

I took the question as notice and said I'd get back because I wasn't aware of the six-month term that the member was referring to. I would like to now assure the member that there is no legislation relating to six months.

**MR. SPEAKER:** The Honourable Member for Rossmere.

**MR. VIC SCHROEDER:** Mr. Speaker, I have a question for the Minister in charge of Hydro. A newscast today quoted a Hydro public relations staff person as stating that several thousand copies of the 1979 Hydro Report were destroyed because they contained some statistical inaccuracies. I am wondering whether the Minister could tell us specifically what those statistical inaccuracies were.

**MR. SPEAKER:** The Honourable Minister of Energy and Mines.

**MR. CRAIK:** Mr. Speaker, again, I will provide as much information as is available when I reply to the question that I took as notice.

**MR. SCHROEDER:** I have a further question to the Minister. If it wasn't the Minister who ordered the destruction of those reports, could he advise as to why whoever it was who did order them did not instead follow the usual course, if there were statistical inaccuracies, of adding an erratum, which would have cost something like \$10.00, instead of something like \$4,000.00.

**MR. CRAIK:** Again, Mr. Speaker, I will provide as much information as is directly available when I reply to the question that was taken as notice.

**MR. SPEAKER:** The Honourable Member for Rossmere with a final supplementary.

**MR. SCHROEDER:** We are awaiting anxiously the report to indicate exactly what statistical inaccuracies there were but could the Minister advise as to who it was who paid for the cost of this extravaganza?

**MR. CRAIK:** I don't accept the member's preamble, Mr. Speaker.

**MR. SPEAKER:** Order please. Order please.  
The Honourable Member for Rock Lake.

**MR. HENRY J. EINARSON:** Mr. Speaker, I wish to direct this question to the Minister of Agriculture. My question relates to that portion of the metric system which affects the livestock industry in this country, perpetrated on those people by the federal government. I wonder, Mr. Speaker, if the Minister of Agriculture could give some information to this House, to the people of Manitoba, and particularly to the farmers of Manitoba, as to what the attitude of the public market system in Manitoba is toward this aspect of the metric system being enforced in the Province of Manitoba?

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, I appreciate the question and I also don't mind telling the people of Manitoba, particularly the farm community, what I as the Minister think about the metric system that has been forced upon the people of this country.

Mr. Speaker, I may indicate to the member that the members or the President of the Winnipeg Livestock or the Union Stockyards has indicated to the Federal Government, that they would like to

delay or not have the implementation of the metric system in Canada until the United States of America proceeded to move in that direction so that they could in fact continue their exportation of livestock into the United States.

**MR. EINARSON:** A supplementary, Mr. Speaker, to the Minister of Agriculture. I don't know whether he has information to this question or not but I wonder if the Minister could elaborate and inform the House as to what the effects of the metric system will have on goods, in small stores, probably bringing in goods from the United States?

**MR. DOWNEY:** Mr. Speaker, it is not unlike the extra taxes that are put on the gasoline by the Federal Government to do certain things that are not in the best interests, Mr. Speaker, of the people of this country and the imposition of the metric system on the people of Canada, Mr. Speaker, is an added cost to the consumers of food in this nation.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MS. JUNE WESTBURY:** Thank you, Mr. Speaker. My question is addressed to the Honourable Minister of Labour and I'd first like to thank him for the information that we have. I'll be coming back to that on another day.

Mr. Speaker, at the time of his Estimates the Minister advised that a brochure was being put together relative to sexual harassment and promised to let me have a copy. I wonder if that brochure has been completed yet and if copies are available to members please, Mr. Speaker.

**MR. SPEAKER:** The Honourable Minister of Labour.

**MR. MacMASTER:** That brochure is not complete, Mr. Speaker.

**MS. WESTBURY:** Mr. Speaker, this is on another matter. Do you want me to go on now?

**MR. SPEAKER:** I would suggest there are several other members that wish to ask questions.

The Honourable Member for St. Vital.

**MR. D. JAMES WALDING:** Thank you, Mr. Speaker. My question is directed to the Minister reporting for Manitoba Hydro. In view of the Minister's earlier remark this afternoon that the Opposition could have obtained the information had it not walked out of the Public Utilities Committee on April 9th, I wonder if the Minister could give the House an explanation of why a letter from the President of Manitoba Hydro, dated April 15th, gave false information regarding the report of Manitoba Hydro for 1979?

**MR. SPEAKER:** The Honourable Minister of Mines and Energy.

**MR. CRAIK:** Well, Mr. Speaker, the member will have to be more specific than that.

**MR. WALDING:** Mr. Speaker, if I'm entitled to give the Minister an explanation of the question, I'd be glad to do so. The President of Manitoba Hydro

wrote a letter to me, dated April 15th, in which he indicated that there were 4,020 copies of the 1979 Report, for a total cost of \$3,959.59.

He wrote to me another letter some two weeks later dated April 27th asking to correct the figures, Mr. Speaker, and that the figures should read 4,040, for a total cost of \$7,769.55.

Incidentally, Mr. Speaker, I note that copies of both letters were sent to the Minister. My question is, if the Minister is suggesting to us that we could have obtained this information as of April 9th when the Public Utilities Committee was sitting, can the Minister explain why the president did not have that corrected information until the 27th of April and why he sent us false information as of April 15th?

**MR. CRAIK:** Well, Mr. Speaker, there is just no question about it, that those are the sorts of questions that should be raised at committee.

Mr. Speaker, if the . . .

**MR. SPEAKER:** Order please.

**MR. CRAIK:** . . . if the members opposite can lose some of their restlessness, they would perhaps grasp the fact that they had every opportunity to ask questions like that, at the committee meeting and I want to point out that when they were asked, they were asked as rapidly as I've ever seen questions answered at the committee.

I understand this question that the member is referring to now was placed by way of a phone call to one of the employees of Hydro and that the answer he got back came back immediately, as fast as he could, and presumably the second one was a corrective letter.

Mr. Speaker, you know, what we're really experiencing here is an attempt by the Utility to be as open as possible about matters and you can see the kind of good it does to the type of people that are asking the questions. It appears to serve no good purpose at all, except to have them to continue on with their gamesmanship.

**MR. SPEAKER:** The Honourable Member for St. Vital with a final supplementary.

**MR. WALDING:** I believe it's a first supplementary, Mr. Speaker, the second one was an explanation for the benefit of the Minister.

A supplementary question to the same Minister. In view of the fact that the correcting letter indicates that there were slightly over 4,000 copies printed, I wonder if the Minister would be prepared to acknowledge that this figure is misleading, in that it does not indicate that there were in fact about twice that number of copies printed and that there was in fact a second printing and that some copies were destroyed? Would the Minister be prepared to admit that this letter of correction from Hydro is in fact misleading to the House and to me?

**MR. CRAIK:** Mr. Speaker, again the question is along the lines of the general question that was placed which I indicated I would attempt to get information on and that will be provided. Whether it's specific enough for the member will remain to be seen.

**MR. SPEAKER:** The Honourable Member for St. Vital with a final supplementary.

**MR. WÄLDING:** A final supplementary, Mr. Speaker. In view of the delay that is being occasioned by us having to ask questions of the Minister and from him to get the information from Hydro and report back and whereas we have seen, not in every case totally, accurately, would the Minister now be prepared to reconvene the committee and let us ask the questions directly and get at the truth?

**MR. CRAIK:** Mr. Speaker, what the member is asking for, is for someone to bail them out of a mistake they made of walking out on a committee. They had every opportunity to continue on and ask the very questions that they are now attempting to ask. So, Mr. Speaker, what we —(Interjection)— Mr. Speaker . . .

**MR. SPEAKER:** Order. Order please.

The Honourable Member for St. Johns on a point of order.

**MR. CHERNIACK:** Yes, Mr. Speaker. The Minister keeps alluding to certain members of a committee leaving the committee before adjournment, but I was not a member of the Committee. I was not present and the vast majority of members of this Legislature are not members of that committee. I think it's time the Minister realized that when new evidence comes before us that he can't go back on the previous occasion to say You had your chance. Many of us did not have any opportunity at all and we're suggesting that we should have it.

**MR. SPEAKER:** Order please. Order please. The matter raised by the Honourable Member for St. Johns may have been a personal explanation but it was not a point of order. Will the Honourable Minister complete his answer?

**MR. CRAIK:** Mr. Speaker, I note that other members opposite who are not members of the committee attended that committee, and you know, I could name at least one who not only attended but even moved a motion without being a member of the committee.

Mr. Speaker, I had a question . . .

**MR. SPEAKER:** Order please. May I suggest to the Honourable Minister that matters that were internal to a committee should not be raised in the Chamber here at this time.

**MR. CRAIK:** My mistake, Mr. Speaker. Can I answer another question that was placed first by the Member for Fort Rouge some time ago, and was similar to a question placed yesterday by the Member for Elmwood with regard to the processing of Bird River chromite deposits? The question placed by the Member for Fort Rouge was: "Can the Government tell us whether there was a meeting of officials including officials of his department or any other department of this government, the Government of Ontario and the Mining Industry officials, held in Ottawa last month concerning this process? And can the Minister confirm that the metallurgic procedure referred to is in advanced state of development?"

Mr. Speaker, in answer to it I'm provided with the information that on March 13th, Dr. Ian Haugh, who

is the Assistant Deputy Minister of Mineral Resources, attended the Mineral Science Laboratory Seminar at the Canada Centre for Mineral and Energy Technology, called CanMin, and it was given by Dr. Hans Brandstatter of the Ontario Research Foundation. The subject of the Seminar, and I quote was, "Extraction of chromium from low grade domestic deposits." And it was directed principally towards the possible processing of the Bird River deposits using processing technology, developed by Dr. Brandstatter at the Ontario Research Foundation. Dr. Haugh attended the meeting to monitor any new developments that might lead to the exploitation of the Bird River deposits. Subsequently, it was reported in the Northern Miner on April 2nd, 1981, and in the Free Press on April 15th, that Dynamic Mining Explorations would fund additional research by the Ontario Research Foundation to test whether the process technology could be applied on a larger scale. We also understand that Phase 1 of this program . . .

**MR. SPEAKER:** Order please. May I suggest to the Minister that if he has a lengthy answer that perhaps it might be better that he provide it for the member in written form.

**MR. CRAIK:** I believe this portion of the answer is more specific to the question asked by the Member for Elmwood. The first one was more specific to the Member for Fort Rouge.

We understand that Phase 1 of the program is estimated to take about six months and cost approximately \$107,000.00. If this phase is considered to be successful, the program will continue into Phase 2 which will be concerned with the preparation of trial quantities of ferrochromium or detailed performance evaluation initially at Ontario Research Foundation and later at customer locations. No time period has been set for the Phase 2 program.

**MR. SPEAKER:** The Honourable Member for St. Johns.

**MR. CHERNIACK:** Thank you, Mr. Speaker. I'd like to address a question to the Minister reporting for Hydro who has protested today that Hydro wishes to be open and complete with its answers, to request him to reconcile the statement which he made on April 30th, on Page 3178 of Hansard, to the effect that, and I quote from his statement from Hansard, "I presume that since they've asked for the information, that is, the information contained in the letter to Aikins Thorvaldson, that they will want to pursue a request to those answers if that becomes available, I'll be pleased to make it available to the House," to reconcile the statement that they will want to pursue their request with the announced intention of the Chairman of Hydro, that he has no intention of asking for a meeting or further information from Mr. Martin as suggested by the Aikins MacAuley letter.

**MR. SPEAKER:** The Honourable Minister of Energy and Mines.

**MR. CRAIK:** Well, Mr. Speaker, I was asked that question yesterday and I indicated that I hadn't been



given that information by the Chairman of Manitoba Hydro.

**MR. CHERNIACK:** Would the Minister then undertake when he is searching for the answers to the various questions which he has taken as notice, will he undertake to communicate with the Chairman of Hydro and confirm with him that he indeed does intend to proceed to obtain answers to the questions which he asked in his letter to Aikins MacAuley and which they responded would be in the knowledge of Mr. Steward Martin who was due back in the City, I think on April 27th, and therefore must be back by now, will he undertake to ascertain and confirm that they are doing that and obtain the answers for us?

**MR. CRAIK:** Mr. Speaker, this is a slightly different matter than the one we were talking about earlier. I gave the House the undertaking that when the information became available from Hydro on this matter that I would relay it to the House.

**MR. SPEAKER:** The Honourable Member for St. Johns with a final supplementary.

**MR. CHERNIACK:** Mr. Speaker, I wonder if I could ask the Minister whether he will answer the question I just asked; and that is whether he is prepared to ascertain from the Chairman of Hydro what his intentions are in obtaining the answers to the questions which he directed to Aikins MacAuley and Company and which they said he could readily obtain from Mr. Steward Martin who, from their letter, should be back now?

**MR. CRAIK:** Mr. Speaker, I have said repeatedly that the relationship, negotiations, discussions between Hydro and their legal counsel are carried on on the basis that they are the client and the counsellor, and when that information becomes available, if it becomes available, I will provide it. There has been already, as the member knows, information that has been made available from Manitoba Hydro on these matters. If further information becomes available, it will be made available.

**MR. SPEAKER:** The Honourable Minister of Health.

**HON. L.R. (Bud) SHERMAN (Fort Garry):** Mr. Speaker, last Friday, I in effect took as notice a question from the Honourable Member for Inkster as to whether I could confirm reports in that day's Winnipeg Free Press that surgery was being cut back in Winnipeg Hospitals due to a shortage of anesthesiologists. In the interim I have had the opportunity to examine the situation, as I assured the member I would, and I cannot confirm that the situation is as the Free Press portrayed it on Friday, Mr. Speaker.

The Health Services Commission does not confirm to me that hospitals are in that difficulty; they in fact advised me that hospitals have not conveyed that type of difficulty to them. This does not suggest for a moment that there is not a shortage of anesthesiologists in Manitoba or that some anesthesiologists are somewhat unhappy and probably legitimately so. Those are problems that we're addressing, Mr. Speaker, and I'm responding

to the honourable member's question about impact on surgery.

**MR. SPEAKER:** The Honourable Member for Elmwood.

**MR. RUSSELL DOERN:** Mr. Speaker, I would like to direct a question to the Minister of Mines concerning his answer about a potential chromite mining development. I'm not quite sure I understood his answer but I would like to reiterate what I asked the other day; have there been any discussions between the government and representatives of the Dynamic Mining Corporation about this mine?

**MR. SPEAKER:** The Honourable Minister of Mines.

**MR. CRAIK:** Mr. Speaker, I will have to take that as notice.

**MR. DOERN:** Mr. Speaker, the other question I asked, which I believe was not answered as well, was whether the government is interested or has been approached to invest or participate in this particular venture.

**MR. CRAIK:** Again, Mr. Speaker, I will take that as notice as well.

**MR. SPEAKER:** The Honourable Member for Wellington.

**MR. BRIAN CORRIN:** Yes, Mr. Speaker, I would ask the Minister of Health if he can elaborate on the response he gave to the Member for St. Boniface yesterday with respect to the question of how the government is assuring the safety and well-being of patrons of radiologists who were unable to afford the pre-payment of radiological fees at those offices that have opted out of Medicare?

**MR. SPEAKER:** The Honourable Minister of Health.

**MR. SHERMAN:** Well, I can't really, Mr. Speaker. The question, as I recall it yesterday and I haven't checked Hansard, was whether I could assure the Honourable Member for St. Boniface that no Manitoban would suffer as a consequence of the fact that approximately 50 percent of the radiologists in the province are at this moment in time opted out of Medicare. I did give that assurance but I don't care at this juncture to elaborate on that, Mr. Speaker. We are in the midst of negotiations with the MMA at the present time but I would repeat that assurance.

**MR. CORRIN:** Yes, I would like to ask the Minister a supplementary to that, what the government is doing to assure that indigent persons or persons of modest means will not be deprived of medical health services as a result of not being able to afford to prepay these particular physicians fees, Mr. Speaker?

**MR. SHERMAN:** Well, we are concerned about it and I have asked the Health Services Commission and my officials to look at that hypothetical possibility. Perhaps it is not so hypothetical but at the moment it is and we are looking at it, Mr. Speaker, to ensure, as I said, that no one suffers.

**MR. SPEAKER:** The Honourable Member for Wellington with a final supplementary.

**MR. CORRIN:** Yes, I would like to ask the Minister to respond to the observation I make that on television news several days ago there was a lady who complained that she was unable to make the pre-payment to her physician in this respect and therefore might have to suffer the loss of assistance in this regard.

**MR. SHERMAN:** Well, all I can say, Mr. Speaker, is that there are radiologists and there are groups of radiologists and there are hospital radiologists all over the city and all over the province who are still in Medicare and certainly arrangements can be made to protect persons who find themselves in the circumstances described.

**MR. SPEAKER:** The Honourable Member for St. George.

**MR. BILLIE URUSKI:** Thank you, Mr. Speaker. I direct this question to the Minister of Agriculture and ask the Minister, in view of the fact that hearings are now under way by the Milk Producers' Marketing Board concerning going back from the one-pool quota system, milk pricing system, to the two-pool system, I wonder if the Minister can indicate what the impact will be and whether new producers who will be coming into the production of milk will be afforded equal opportunity to have a share in both quotas?

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**MR. DOWNEY:** Mr. Speaker, I can't indicate to the member what the impact might be of reverting back to a two-pool system, however, there is a request by the Chairman of the Producers' Marketing Board to meet with me at a convenient time to discuss the proposal. Until that is done, Mr. Speaker, it would be very difficult to explain or to understand the details of what their proposal is.

However, Mr. Speaker, if it is in the best interests of the dairy producers of the Province of Manitoba that it would facilitate or put them in a healthier state so they could provide the consumers of milk in the province with a top quality product at a price which is affordable, then we would have to give consideration to it, Mr. Speaker.

**MR. URUSKI:** I ask the Minister of Agriculture whether he can assure me that new producers who will go into the milk industry will not be forced to produce strictly industrial milk; that their returns will be a blend price of the two prices as is the case now.

**MR. DOWNEY:** Mr. Speaker, the honourable member, to be specific, again it would be difficult to answer that and I think that the people of Manitoba and the member opposite should be well aware of the fact that it is difficult for any new producers to get into the production of supply-management products if, in fact, there isn't any quota to make available to them for the production of milk, production of turkeys, production of eggs, production of broiler chickens; that there is a very limited amount of people that can get into the production of those commodities. So there is more

to the issue than just what the member brings to the attention of the House.

**MR. URUSKI:** I wonder if the Minister of Agriculture can indicate whether or not he will assure the processors of industrial milk, the cheese processors, that there will be an adequate supply of industrial milk when this two-quota system, two-pool system comes into effect.

**MR. DOWNEY:** Mr. Speaker, I cannot make that assurance that there will be enough product for the dairy processors; there are a lot of other things that will have to be taken into consideration. As I indicated, I am prepared to meet with the chairman of the Milk Producers' Marketing Board to discuss what their proposals are and I think we have to be fully able to look at what alternatives are available to the producers and if there are opportunities for new entrants into the industry.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MS. WESTBURY:** Thank you, Mr. Speaker. My question is to the Honourable Minister of Government Services. During the appearance of the Autopac Board before committee we were assured that, as soon as their estimates were concluded, they would again be available for radio programs and interviews on open-line programs. Can the Minister now tell the House why these interviews are still being refused by those senior officials of Autopac?

**MR. SPEAKER:** The Honourable Minister of Government Services.

**HON. WARNER H. JORGENSEN (Morris):** Mr. Speaker, if the member is suggesting that I have instructed the Autopac officials not to appear on by-line shows or any other show, then I can advise her that I have issued no such instructions, as a matter of fact I have encouraged them to do so. Whether they do or not, of course, is up to them but they have no prohibitions from my office.

**MR. SPEAKER:** Order please, time for question period having expired we'll proceed with Orders of the Day.

## ORDERS OF THE DAY

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, I move, seconded by the Honourable Minister of Natural Resources that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

**MOTION presented and carried** and the House resolved itself into a Committee of Supply with the Honourable Member for Radisson in the Chair for the Department of the Attorney-General; and the Honourable Member for Virden in the Chair for the Departments of Legislation; Canada-Manitoba Enabling Vote; Flood Control and Emergency Expenditures.

**CONCURRENT COMMITTEES OF SUPPLY**  
**SUPPLY — LEGISLATION**

**MR. CHAIRMAN, Morris McGregor (Viriden):** I call the Committee to order. We are on Legislation.  
The Honourable Minister without Portfolio.

**HON. EDWARD MCGILL (Brandon West):** Mr. Chairman, if I could just remind the members that under Legislation the first three appropriations have Statutory Authority and don't require an actual vote from our committee but it would be an opportunity for the members to ask any questions on those three items. So perhaps, Mr. Chairman, we could deal with them in order in case there are questions.

**MR. CHAIRMAN:** (Items 1 to 4 were read and passed.)

Be it resolved that there be granted to Her Majesty a sum not exceeding \$1,033,900 for Legislation — pass.

5.(a) — pass; 5.(b) — pass.

Be it resolved that there be granted to Her Majesty a sum not exceeding \$1,701,400 for Legislation — pass.

6.(a) — pass; 6.(b) — pass.

Be it resolved that there be granted to Her Majesty a sum not exceeding \$198,000 for Legislation — pass.

7.(a) — pass — the Member for The Pas.

**MR. RONALD McBRYDE:** I would like to ask the Minister without Portfolio if he sees extensive use being made of this section this spring?

**MR. MCGILL:** Mr. Chairman, this appropriation for Salaries is considerably in excess of the previous appropriation and the reason for that, of course, is that under the new Elections Act it was possible to set up a separate office for the purposes of running elections and of carrying out the provisions of The Electoral Finances Act so that this office is now established. It has a staff complement of five SMYs and has provision for four members and the Chairman of the Election Finances Commission.

As to when the operations of that office will go into overdrive I have no information for the member.

**MR. McBRYDE:** Under this section, I'm not quite clear then, how much of the procedure of the whole election machinery, once an election is called, is included under this section and how much isn't.

**MR. MCGILL:** Mr. Chairman, I think the answer to that would be that all of the procedures relevant to the carrying out of elections and those which were combined with other functions previously will now be separate and established in the new office.

**MR. CHAIRMAN:** 7.(a) — pass; 7.(b) — pass.

Be it resolved that there be granted to Her Majesty a sum not exceeding \$160,400 for Legislation — pass.

Now we'll return to Page 7, Executive Council.  
The Honourable Minister.

**MR. MCGILL:** Mr. Chairman, I think, in order to accommodate the members of the opposition, we will

deal with the Canada-Manitoba Enabling Vote and if we complete that, then we'll go on to the Flood Control appropriation, and then we'll return to the Executive Council, if that's satisfactory.

**MR. CHAIRMAN:** The Leader of the Opposition.

**MR. PAWLEY:** Mr. Chairman, I'm not quite certain from what Mr. McGill has indicated, whether or not he is suggesting that after the Flood Control Section is dealt with and we return to Executive Council, that it is then his intention to process this particular item through committee on behalf of the Premier. I want to indicate to you, Mr. Chairman, and to Mr. McGill, that we want the Premier present in order to deal with matters pertaining to the Executive Council. I think it's only right and fair that indeed the Premier himself be present to deal with that section.

**MR. MCGILL:** Mr. Chairman, I see no difficulty, if we complete other items, of the committee rising and perhaps we can reconvene at eight o'clock. I am not able to confirm that the Premier will be returned; he is out of province today but I don't know the actual time of his return but we'll certainly be prepared to reconvene at eight o'clock, which is the normal practice, and if the committee is prepared to proceed, then we can decide at that time.

**MR. CHAIRMAN:** The Member for St. Boniface.

**MR. LAURENT L. DESJARDONS:** Mr. Chairman, there is only the one thing. We understand that the First Minister has responsibilities outside of the province and that's fine and what you suggested is also fine, except the question of coming back tonight and then finding that the Premier is not here. Could an effort be made to find out before 5:30 if he'll be here and then there won't be a committee if he is not here tonight.

**MR. MCGILL:** Well, I think perhaps by 5:30, we should be able to determine that, yes. I was assuming that perhaps all members would be here in any event because of the committee in the House. However, I'll endeavour to get that information.

**MR. CHAIRMAN:** The Honourable Member for Churchill.

**MR. JAY COWAN:** Thank you, Mr. Chairperson. I'm not certain whether we're on a point of order or not but I think the record should be clear that the action that is being taken in respect to juggling the items which appear before us is not for the benefit of the opposition, as indicated by the Minister without Portfolio, but is in actuality for the benefit of the First Minister who cannot be present and the action is necessitated by his act, by his absence from the province today, on legitimate business of the province and we have no quarrel with that, except that we do wish the record to be clear it is that reason for the juggling and not because we have made any special requests for different items to come forward in a different way.

**MR. MCGILL:** Well, Mr. Chairman, in response to the Member for Churchill, the original request for us to vary the order in which these appear in the

Estimates Book was from the Member for The Pas who pointed out to me that your group would much prefer the Minister to be here. It's entirely within the prerogative of the First Minister to appoint someone to act in his absence. However, I'm quite prepared if specifically you wish to have the First Minister present for these specific items, I think we can do that. But the request, I should point out for the record, was first made by the Member for The Pas, who wanted to proceed in an order other than the order which they normally and logically appear in the Estimates.

**MR. COWAN:** I think it's just going to be a matter of semantics then, Mr. Chairperson. If the record is going to be made clear, let us then make it clear that the request was necessitated because of the absence of the First Minister, notwithstanding from whom it originated.

### SUPPLY — CANADA-MANITOBA ENABLING VOTE

**MR. CHAIRMAN:** Resolution 123, page 112, Canada-Manitoba Enabling Vote. 1. the Member for The Pas.

**MR. McBRYDE:** I wonder if the Minister, who's acting for the Premier, could just give us some overall description of why this is necessary and what it all means.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. McGILL:** Yes, Mr. Chairman, I can advise the member that for the past several years Canada-Manitoba Enabling Vote has been authorized in the annual printed expenditure Estimates, as it is this year.

The purpose of this Vote is to facilitate the management of the cash flows associated with the Department of Regional Economic Expansion and other federal agreements, particularly in their startup stages. This in effect, Mr. Chairman, provides a percentage of the amounts voted in respect to the Canada-Manitoba Development Agreement, to be cash-flowed by the Department of Finance and so, if at any time they require some flexibility in the total amount of funds available as programs proceed they are able to accommodate them in this way.

We have really dealt with these programs under the various line departments and what we're looking at here is a percentage of the total appropriation that is provided by the Department of Finance.

This year the Enabling Vote totals some \$14.2 million which is an increase of \$4.3 million, or about 43 percent above the Vote for last year. This increase is primarily attributable to the proposed new Northern Development Agreement and to the Winnipeg Inner-City Initiative, which is currently being negotiated with Canada.

**MR. McBRYDE:** So my understanding of this then, Mr. Chairperson, is that a number of the items here are ongoing agreements and that these funds are reimbursed to the departments as they carry out their part of those ongoing agreements. There are two agreements in here that, I assume, are not new agreements. There is the Winnipeg Inter-City

Initiative, which is a brand new agreement, which is not signed yet.

**MR. McGILL:** That's correct.

**MR. McBRYDE:** And there is the Manitoba-Northern Development Agreement, the new agreement, which is not signed yet but there has been an extension of the old agreement because it was not signed yet. Is that . . . ?

**MR. McGILL:** Mr. Chairman, I am advised that there was an extension of the old agreement in the case of certain ongoing programs but that the new Northern Development Agreement is not yet complete; it has not yet been signed by both parties.

**MR. McBRYDE:** I will have some more questions, Mr. Chairperson, when we get to the Northern Development Agreement, but we could go to 1.(a) now.

**MR. CHAIRMAN:** 1.(a) — pass — the Member for Lac du Bonnet.

**MR. SAMUEL USKIW:** Mr. Chairman, I just wanted to pursue the statement of the Minister with respect to the items that we are going to be dealing with. The Minister indicated that these items were indeed dealt with by the various departments and I believe that is true to a certain extent, although I believe not all of these items have been conclusively dealt with in the sense that there are certain stages of development with respect to some of the packages and is it not then reasonable that we, at this point, determine or elicit from you, sir, just where we are at with respect to those agreements? Does the department not have the capacity to inform the committee just where we are at with these agreements at this time?

**MR. McGILL:** Mr. Chairman, I would think that might be a little difficult. I would certainly like to accommodate the member. I pointed out that in discussions and debates with respect to the Estimates of the line departments involved, that certainly some considerable discussion has taken place. What this Vote really provides is a 20 percent amount, in most cases, of the total amount involved in each of the programs, enabling the Department of Finance to facilitate cash flow where this is required. It also provides some flexibility to the Department of Finance if one program is proceeding at a more accelerated rate than another program. The only amount included here which has not previously been dealt with is \$1.4 million of proposed Manitoba Telephone System expenditures and these were not covered in the Main Estimates that have been presented to you.

**MR. USKIW:** Mr. Chairman, perhaps we could pursue it this way: If you look at the first item, Item (a) Value-Added Crops Production Agreement, \$673,700, yet in the Department of Agriculture the total expenditure is shown as \$1.682 million, of which \$1.009 million is Recoverable from Canada. I am trying to relate those two figures and perhaps I am missing something or some misunderstanding on my part as to why those figures vary. They are two different figures.

**MR. MCGILL:** Mr. Chairman, I think the figure the Member for Lac du Bonnet has picked out, the \$1.682, is represented as \$1.7 here in the Vote that we have in front of us.

**MR. USKIW:** Mr. Chairman, I'm not sure that I can find that figure. In item (a) the total figure is \$673,700, of which \$404,200 is Recoverable from Canada.

**MR. MCGILL:** Mr. Chairman, I am advised that the \$1,682,600 that the member is referring to is the total expenditure for that particular program and the recovery item of \$1,099,600 is that which we will recover from Canada.

**MR. USKIW:** That's also for the current fiscal year, and so is the item on page 112 presumed to be for the current fiscal year, and yet there's a vast discrepancy in the numbers and I'm sure there's an explanation. I just don't know what it is. I am sure there is a logical explanation somewhere. We are going to spend \$1.682 million according to the Department of Agriculture, yet in the Enabling Vote we show \$673,000 of which \$400,000 in round figures, is recoverable. On the Agricultural Department we show \$1.682 million. Now this must be new money; this cannot be the same item. Is that correct? It cannot be the same item, because why would we vote for it twice? We have already voted \$1.682; I wouldn't think we would need to vote it again on the Canada-Manitoba Enabling Vote, so it must be new money for additional programming.

Mr. Chairman, on page 13, gives us the explanation, or does it? No, it doesn't; the figures aren't the same. \$420,00 is included in the Canada-Manitoba Enabling Vote. No, we don't have that figure here either. Mr. Chairman, if the staff needs some time to dig that up, I'd be willing to proceed to other items if there is a need for time.

**MR. MCGILL:** Mr. Chairman, there seems to be a little difficulty here in respect to that amount contained under 1.(a) \$673,700 and reconciling it with the footnote in the Estimates here. My support here has not yet really run that down.

**MR. CHAIRMAN:** Is there leave, then, by the committee that we leave 1.(a) and return to it? (Agreed)

1.(b) — pass — the Member for Logan.

**MR. WILLIAM JENKINS:** Just a minute, Mr. Chairman, because we have been looking at No. 1, and we're trying to accommodate you, now give us an opportunity to look at Tourism to see if we are not in the same situation that we are here in the Department of Agriculture. (Interjection)— No problem there; that's all right.

**MR. CHAIRMAN:** The Member for Logan possibly still has a question.

**MR. JENKINS:** No, Mr. Chairman.

**MR. CHAIRMAN:** The Member for Lac du Bonnet.

**MR. USKIW:** I have a question with respect to just where that agreement is at the moment, if that

information can be made available. I gather the Destination Manitoba package was not complete and I'm not sure if it still is not complete. We're not quite sure what we're ending up with in that program. Is the Minister in a position to give us some clarification as to where that agreement is at this stage in its development?

**MR. MCGILL:** Mr. Chairman, I am advised that the Tourism Development Agreement was signed April 1st, 1979, and it has until March 31st, 1984, to run.

**MR. USKIW:** Is the Minister saying then that to elicit the detail as to a component of that agreement, that this is not the place to do it?

**MR. MCGILL:** Well, Mr. Chairman, I think probably that is correct, that it would proper to develop that debate in the line department.

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

**MR. USKIW:** Mr. Chairman, give us some time to go from one to another.

**MR. CHAIRMAN:** Might slip it over you that way. 1.(d) and we'll just sit there until you signal to . . .  
The Member for Lac du Bonnet.

**MR. USKIW:** Those two items concur so I have no problem with that.

**MR. CHAIRMAN:** Okay, we're at 1.(d). Was 1.(d) the member was referring to or was it above that?

**MR. USKIW:** No, it was 1.(c), Mr. Chairman, and we're satisfied with that.

**MR. CHAIRMAN:** Okay, we're at 1.(d) — the Honourable Minister.

**MR. MCGILL:** Mr. Chairman, I think, for the Member for Lac du Bonnet, he must have hit on the one with the anomaly in the very first one. The others seem to correspond, but it could be as we now suspect, a typing error in that first one, but we'll run that down.

**MR. USKIW:** Well, Mr. Chairman, I'm satisfied as long as the information is brought back, whatever it is. It doesn't have to be brought back to this committee, but at some stage that we have the committee.

**MR. CHAIRMAN:** 1.(d) — pass; 1.(e) — pass; 1.(f) — the Member for The Pas.

**MR. MCBRYDE:** Mr. Chairperson, on the Manitoba Northern Development Agreement, and I'm assuming that the figure that appears here is for the last year of the old agreement, in the first column and that the . . .

**MR. CHAIRMAN:** Committee, maybe then we should pass 1.(e) and get to 1.(f). I think the member was referring to 1.(f). 1.(e) — pass; 1.(f) — the Member for The Pas.

**MR. MCBRYDE:** Thank you. I'm assuming that the first column there is the last year of the old

agreement, \$5.9 million, and I wonder if the Minister could give us some indication of the projected nature of the increase and what program areas will the increase be to get with the new agreement to \$9.2 million.

**MR. MCGILL:** Mr. Chairman, I'm advised that some of the matters relating to that increase are still in the negotiation stage and I know that it's available. I wonder if the Minister of Northern Affairs would like to comment on that request from the Member for The Pas.

**MR. CHAIRMAN:** The Honourable Minister of Northern Affairs.

**HON. DOUG GOURLAY (Swan River):** Yes, I think that we covered this as fully as we possibly could during the Estimates of the Department of Northern Affairs, in that the agreement at the present time is not signed. The proposals put forward by the province have not been acted upon by the federal people as yet.

As I indicated in the committee at the time, we have sent telexes and been in touch with the Federal Minister responsible. He has indicated that he would be back to us perhaps this week with respect to negotiations on the Northern Development Agreement. However, we haven't heard from him yet this week to date and those moneys shown there are for those areas that are still to be finalized in negotiations.

**MR. McBRYDE:** My understanding then would be, Mr. Chairperson, that the \$9.2 million is a very general ballpark figure in that there's no way to pin down with any accuracy the increase in that particular item. Would that be a correct understanding?

**MR. MCGILL:** Mr. Chairman, my advice is that we do have specific proposals and funds provided for them but we have no information or confirmation that these have been approved by the Federal Government and that is our difficulty.

We think that these appropriations and the Enabling Vote is fairly close to what is required, however, it still remains for that agreement to be signed by both parties.

**MR. McBRYDE:** Mr. Chairperson, my understanding of this type of agreement and negotiation in this type of agreement, that often the proposal will go back and forth 10, 20, 30, 40 times before there is agreement, so I guess my question then is, how far into the negotiations are they? Is it a matter of there's been agreement at one level and waiting for a ministerial agreement in Ottawa, or is it a matter of where only the 12th time it's gone back and forth and there will probably be another 20 yet for it to go, or what?

**MR. CHAIRMAN:** The Honourable Minister of Northern Affairs.

**MR. GOURLAY:** Well, as I indicated in the Estimates of the Department of Northern Affairs, the negotiations have been completed as far as we can go with the federal people here. The package has

been sent to Ottawa for Federal Ministerial acceptance or rejection or for further negotiations and the Federal Minister has not responded one way or the other today. Perhaps there will be further negotiations on some of the areas but this is what we are waiting on at the present time.

**MR. McBRYDE:** Mr. Chairperson, the \$9.2 million in the Northern Manitoba Development Agreement which, of course, is an important part of the government's expenditures for Northern Manitoba and if it's done right can begin to get some things going again in the north that haven't been under way or that have been cancelled or let lapse or been given up on in Northern Manitoba. We began, of course, asking questions about this agreement and what was happening with this agreement last year. It seemed to us that the Department of Northern Affairs and the province didn't really get serious in terms of the new agreement until this past fall. I think that the people who have been in the provincial service for a while and those of us who were there before, are aware that these negotiations with Ottawa are a long drawn-out process and take some considerable time to complete, finalize, get them signed, sealed and collected. In my mind, it's another problem of poor management, poor planning and poor preparation on the part of the Conservative Government and on the part of the Departments of Northern Affairs and Finance, who are supposed to be, at least the Ministers of those departments, that are supposed to be on top of these things and get things prepared.

When a number of departments came before committee for their Estimates review, we asked questions of the Ministers involved, well, when is this item of Northlands going to become valid, where the item appeared in a Minister's Estimates, and the Minister of Labour, particularly, was his usual insulting self when he said, well, of course, we'll have it signed by the end of the fiscal year, that they would have it signed by March of this year. Of course March has drifted by at this time and the province isn't ready, hasn't completed their negotiations in the back and forward exchange that's necessary to get this kind of agreement in place. We as northern representatives are really afraid that \$9.2 million, which is critical for Northern Manitoba, part of which is part of ongoing programs and is built into departmental budgets that have been delivering those programs since the Northlands Agreement was first signed many years ago, and part of it appears to be some new programs and new fundings to overcome the lack of attention that this government has paid to Northern Manitoba hopefully, and to assist with the development of the north in hopefully some new and innovative way, because there hasn't been any new or innovative programming since 1977 in Northern Manitoba.

We are in danger of losing this \$9.2 million as far as we can see because there's no assurance from the Federal Government that they will be signing. We are getting close to being two months late now in having that agreement signed and I think the reason for that is because there wasn't the preparation done and there wasn't the work done thoroughly in the first instance.

One of the situations in terms of this kind of a Northern Development Agreement that relates to the

residents of Northern Manitoba and to the Indian and Metis populations in Northern Manitoba is to give them some say and some input into the programming and into the deliberations and into the planning of this kind of agreement. Well, there's no way, Mr. Chairperson, there's no way, when you start in the fall, when you start six months before an agreement is to be signed, that you're going to do the kind of spadework necessary, the kind of homework necessary, the kind of consultation necessary, the kind of negotiations necessary with the people of Northern Manitoba to prepare a new agreement. There's not even time, the way this government has proceeded, to do the necessary negotiations with Ottawa because those negotiations haven't been completed on time, let alone the kind of negotiations and discussions that even this government made some promise of doing in the 1977 election, that they would have full consultation with the people of Northern Manitoba and the native groups of Manitoba before they embarked on programs and preparations that would affect them and benefit them, hopefully.

So we're in a situation now where we are very worried, very concerned, as northern representatives, that our part of the province is going to get shafted once again by the Conservative Government and by the lack of planning and preparation to proceed.

So we would like this item to be passed because it's an important item for us but we're very concerned that even if we pass this item here today, that an agreement won't be signed for some time.

The other question to the Minister who is reporting for this section, and maybe the staff can answer, what exactly happens to programs now that are in existence that are being funded out of this agreement? Are programs going to be halted until the agreement is signed? Will programs continue in the hope that the agreement will be signed? If the agreement isn't signed until summer or next fall, then how much of this money will lapse, because we have seen when this government came into office, that a number of programs that were cut were cost-shared agreements, were programs that were cost-shared 60 percent by the Federal Government and when the province then saved 40 cents on a dollar, and seriously hurt Northern Manitoba, they lost those 60-cent dollars from the Federal Government. We have seen that moneys have gone back under this agreement in 1977, 1978, and 1979, moneys that were available for the province to spend on behalf of Northern Manitobans to encourage the development of Northern Manitoba, funds that actually lapsed because of the actions of this government.

Now we are in danger of losing a whole agreement and I would like to know what happens in the interim. If the agreement isn't signed until four months from now, what happens to programs that are ongoing and will there have to be then, a lapse of, if it's three months, of a quarter of the amount that's shown here?

**MR. CHAIRMAN:** The Minister of Northern Affairs.

**MR. GOURLAY:** Mr. Chairman, I would just like to put on the record that we have had considerable consultation with the various people involved in the Northern Development Agreement and we have also, as I indicated earlier, completed a package with the

federal authorities here in Manitoba. That package has been sent on to Ottawa for concurrence, or for further negotiations. The Federal Minister has not responded to our request that because April 1 has now passed, that we could get some assurance that the programs would be retroactive. We are still waiting to hear an assurance from the Minister on that. He has agreed to get back to us shortly but we still have not heard from him as far as I am aware; he has not contacted my department. Perhaps he'll be in touch with the Minister of Finance any day now, hopefully this week.

When the Member for The Pas mentions that we have not been prepared, the negotiations with the federal authorities have been going on for several months and the package was presented to the federal people some time prior to the end of the March and the fact that the federal people have now sat on it for several weeks and have not got back to us, we can't do anything further than that, if they wish to sit on it.

**MR. CHAIRMAN:** The Honourable Minister without Portfolio.

**MR. MCGILL:** Mr. Chairman, I just would like to interject here. We are falling into a bit of the problem that the Member for Lac du Bonnet asked about, and that is to rehash all of the debates on these programs. What we are really dealing with here is a percentage of the money involved in programs and I am hoping that the Member for The Pas has had an opportunity, when your Estimates went through, to bring up his concerns about the delay in having this agreement approved and the possible affect it will have on the programs in that area. I don't think that the committee at this stage should go through that debate a second time. Now I'd appreciate your comments on it but I think we might be in the predicament of debating each of these shared programs over again which was not the intent.

**MR. MCBRYDE:** Mr. Chairman, I don't know what the intent of the government was. I know that I am being asked as a legislator to approve this amount of money and I want to explore this amount of money and I want to make my comments on this amount of money and I intend to proceed and do same. When the Minister of Northern Affairs indicates that negotiations have been under way with the Federal Government for several months I think he hits the problem on the head because anyone that's been involved in Federal-Provincial negotiations knows that you don't negotiate this kind of a \$9.2 million agreement in several months, sometimes it takes several years. And this is where the Provincial Government has fallen flat on its face by not beginning these negotiations sooner and not doing their preparation in terms of these negotiations.

I would like to specifically ask — the Minister of Northern Affairs said various people of the north have been involved in discussion and negotiations in regard to this item that's before us in regard to this agreement — I would like to know specifically from the Minister what groups were involved in discussions and negotiations specifically on the Manitoba Northern Development Agreement. I would like to ask him what town councils were involved; I would like to ask him what community councils were

involved; I would like to ask him what band councils were involved; I would like to ask him the involvement of the NorMan Regional Development Corporation; I would like to ask him the involvement of the Tribal Councils; I would like to ask him the involvement of the regional districts of the Manitoba Metis Federation; I would like to ask him the involvement of the Four Nations Confederacy and the Manitoba Metis Federation. Were there specific negotiations with any of those groups, specifically about their input into this agreement and, if so, when did these negotiations take place and with whom?

**MR. CHAIRMAN:** The Honourable Minister of Northern Affairs.

**MR. GOURLAY:** Mr. Chairman, I think that the Minister without Portfolio's comments, with respect to rehashing all the items, could have been more appropriately discussed under Northern Affairs estimates. I had staff available; all that information was available. I can't recall from memory all of the details with respect to the consultation process. That information could have been made available recently when Northern Affairs was being discussed and I think it is true that we can just get into a rehash of all the line departments here if we are not careful.

**MR. McBRYDE:** Yes, Mr. Chairman, the Minister has indicated that various people have been involved. I am sure that the Minister would be aware if there was a meeting specifically on the Manitoba Northern Development Agreement, whether or not there was a meeting held with the Four Nations Confederacy. I am sure that the Minister would be even more aware if there were meetings held with the Manitoba Metis Federation because I am sure he is well aware of any meetings that he has with the Manitoba Metis Federation, in light of his relationship with that organization, and I wonder if the Minister could just give us a clue whether in fact there was really any discussion or involvement or whether there was zero. I suspect there was zero, so maybe the Minister could tell us whether there was zero or whether there was one day that they did discuss this matter with these organizations, with the people of northern Manitoba.

**MR. GOURLAY:** Mr. Chairman, I seek your guidance on these issues. Do we want to get into detailed discussion on these types of issues? Why would they not have been brought up at the time of the Northern Affairs estimates? I can recall some of the details but I would like to have them more fully explained for the record's sake and I don't have all that information at my fingertips but certainly I can answer a lot of the questions. But are we going to get into line department discussions at this time?

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MCGILL:** Mr. Chairman, I thought that point had been raised and that there had been some agreement on it that we would deal only with the Enabling Vote on these matters and that we had already had an opportunity to debate as we dealt with the line department estimates, the programs themselves, the cost-shared programs.

So what we are really asking here is for the committee to approve a percentage of the funds

involved so that the Department of Finance can facilitate the programs themselves and where programs proceed at varying speeds they will have some flexibility in funding them.

I think, Mr. Chairman, it would be a mistake for us to do again what could have been done under the estimates of each department.

**MR. CHAIRMAN:** I would just like to say to the committee I think it is well known my stand and reputation and I have said it many times, I would hope not to chair a committee when we are continually repeating ourselves.

The Member from The Pas.

**MR. McBRYDE:** Mr. Chairman, some of the agreements that are listed here are ongoing agreements and so it is a matter of the line by line dealing with it. The agreement that we are talking about now, and going into some discussion on, is not an agreement yet. It is not a signed agreement, it is not in effect yet, and I think the manner of dealing with that agreement, this is an appropriate place to do it. If we are to pass this item then we would like to get some information in terms of the Manitoba Northern Development Agreement and the details of that particular agreement.

So I would ask the Minister of Northern Affairs whether or not there was any discussions or any consultation with northern people, and northern groups specifically, on this agreement.

**MR. CHAIRMAN:** The Minister of Northern Affairs.

**MR. GOURLAY:** The answer is yes.

**MR. CHAIRMAN:** The Honourable Member for Churchill.

**MR. COWAN:** Mr. Chairperson, I think the point has to be made in response to the Minister without Portfolio's comments that there are several opportunities throughout the legislative session for Opposition members to examine different programs. The way the structure is set up now, where you have two committees operating concurrently necessitates from time to time using different vehicles for questioning in order to get a clear picture. I don't think that we should be denied an opportunity to go into some detail in respect to an item which is amounting to some \$9.2 million and for which we have very little explanation on the potential use of that money.

I would ask the Minister for Northern Affairs if he could indicate if any programs that would be funded by this advance money have indeed been discontinued as a result of the failure of the Provincial Government to negotiate a new agreement with the Federal Government?

**MR. CHAIRMAN:** The Honourable Minister of Northern Affairs.

**MR. GOURLAY:** Well, I think these items were discussed in the Northern Affairs Estimates. Some time was spent on these areas and I don't feel that this is the place to rehash those. The members can check in Hansard. Certainly the opportunity was available to get into the consultation process, to ask



questions in those areas and I don't believe that we had one question on that.

**MR. COWAN:** Unfortunately I was not able to be at that committee meeting last evening. However, I can recall asking the Minister questions about the Northlands Agreement during the question period, which is another opportunity to pursue this line of questioning. I may make suggestions to the Minister through other avenues that are available to Opposition members and ask questions of the Minister by personal correspondence, by private conversation, by any number of alternative methods of seeking information, but I think this is a legitimate avenue of seeking information as well. I don't mean to put the Minister on the spot but I do think that we are talking about a sizable amount of money. There is some doubt as to whether or not that money is in fact going to be utilized. There is a great deal of question as to how exactly that money would be utilized and the fact that there is no agreement right now and the Minister can't tell us when there will be an agreement. The Minister can't tell us further to that if there will be retroactivity included in that agreement.

So I think the questions are legitimate and if he can't answer them now, then perhaps he can get back to us on them, but I don't think that his failure to be able to provide us with detailed information should in any way preclude us from asking the questions.

I would ask the Minister if he does know of any programs which are going to be discontinued as a result of the failure of the Provincial Government to negotiate a new Northlands Agreement or as it's entitled here, a New Northern Development Agreement, with the Federal Government?

**MR. GOURLAY:** Mr. Chairman, I want to put on the record that these areas have been discussed and if the members opposite who couldn't be in this committee when Northern Affairs was being discussed can check Hansard for the discussion that took place at that time.

**MR. CHAIRMAN:** The Member for St. George.

**MR. URUSKI:** Mr. Chairman, the Minister indicated that they were discussed last night. I happened to have been here in the committee along with my colleague, the Member for Ste. Rose, and when we tried to get answers from the Minister dealing with the types of programs that he would have liked to see in the new agreement, what areas he was striving for, what areas were being discontinued, all the Minister told us basically, and he can correct me if I am wrong, was that the moneys that are shown in his department and are shown in other departments as far as existing programming goes, that's about as much as he could reveal to us.

With respect to negotiations, he said he wouldn't allow us. We tried to get from him what types of programming, what new thrusts the department was heading on that the Minister wanted to expanded upon; we got no information from him.

Surely, Mr. Chairman, members on this side who weren't here could certainly very well pursue that line of questioning with the Minister since we basically got no information from him last night.

**MR. GOURLAY:** Mr. Chairman, I think that, as I recall, there was some discussion with respect to the fact that the general programming of the former Northlands Agreement would be continued with some extra thrust in the field of economic development and employment, but I couldn't be specific on the areas of activities that are being negotiated at the present time because of the fact that there are two partners involved in this agreement and one of the partners has not signed the agreement and it's normal confidentiality of such an agreement that we make joint announcements with respect to programming when the agreements are signed. For those reasons, we can't be specific on the activities that are being negotiated.

**MR. CHAIRMAN:** The Member for The Pas.

**MR. McBRYDE:** Mr. Chairperson, I would like to ask the Minister a couple of specific questions in relation to this specific agreement and the negotiation thereof. Has the Minister or his staff held direct consultations on the Manitoba Northern Development Agreement and the proposals therein, on that item specifically, with the Norman Regional Development Corporation?

**MR. GOURLAY:** Mr. Chairman, I can't recall specifically whether discussions were held with Norman, but certainly the Northern Association of Community Councils were contacted. They did supply us with a fairly detailed brief of their recommendations on the new Northern Development Agreement. There were considerable ads placed in newspapers, on radio, requesting input from individuals throughout the north and response was received from this type of advertising.

Other organizations were contacted for the consultation process. Some of those committees or organizations did not choose to meet with the province.

**MR. McBRYDE:** I wonder if the Minister could tell us what organizations were contacted by mail to ask for a meeting. Were the tribal councils, like the Swampy Creek Tribal Council and the Keewatin Tribal Council asked for their input in this letter-writing manner? Was the Manitoba Metis Federation and the regional districts of that organization written and asked specifically for their input? I think that the Minister should probably have some clue in terms of Northern Manitoba, since that's supposed to be his portfolio, that communications within an organization, within the council groups, it's not that easy if you write a letter to one organization that doesn't have any funds, to have consultation with its members in terms of the project.

So the Northern Association of Community Councils may be able to get some input from its affiliates, the members of that at the community level, and maybe, Mr. Chairperson, the Four Nations Confederacy is able to get some response from their regional parts of their organizations, but one of the major organizations in Northern Manitoba that represents a good part of the population, the non-treaty Indian population, or the Metis population of Northern Manitoba, has zero funding. Their funding has been cut off from the province and I can see it as being almost impossible for them to have any

discussion or consultation with their regional and members of locals, because of that action by this Minister in the province.

So I would ask the Minister if it was only a written letter? Was that a written letter, plus some ads on northern radio and papers that asked for submissions, or were there formal meetings set up at the community level at all, or was it entirely a matter of writing some letters and putting some ads in the paper?

**MR. MCGILL:** Mr. Chairman, now here we are being pressed for detailed information that requires staff and which should have been asked at the meeting on the Estimates of the Department of Northern Development. We are doing exactly what we decided, and I believe there was some general concurrence over there, that we would not again debate in detail the Estimates relating to these particular programs.

What we are asking you to approve is an amount of 20 percent of the money which we propose to be used for these joint programs. The opportunity for the detailed information, which you are now requesting of the Minister of Northern Affairs, was given clearly when his staff were here last night when his Estimates were debated.

Mr. Chairman, I think you'll really have to rule on this question because we're into a whole area here which could involve each of the amounts in this Enabling Vote.

**MR. CHAIRMAN:** The Member for The Pas.

**MR. MCBRYDE:** Mr. Chairperson, my understanding from my colleagues, when I stepped out for a moment, was that they didn't agree to any specific way of handling these and I think that the items that we're concerned about are items (f) and (g) which are new items and which are not ongoing items. Those are agreements that are presently under negotiation.

So if we're not able to ask questions and we're just supposed to automatically approve \$9.2 million, then I think that's asking quite a bit of a legislator to get some information, in terms of the preparation of this agreement and in terms of how it's proposed to carry out this agreement, if and when it's signed. Asking us to approve \$9.2 million without getting some very simple information from the Minister, information that he started to provide and could probably provide more if he were allowed to do that. We, on this side, I don't think can agree to just pass these items without some understanding of the agreement itself and how the negotiations were carried out for that particular agreement.

**MR. CHAIRMAN:** Committee, as the Chair tried to think back, this system come in in about 1974 and I don't recall, whether I was sitting there or here, really going into all of the detail of each line. Now have we been wrong since the mid-seventies, or indeed are we wrong this afternoon? I need some guidance from the Committee.

I would think that if we go into the full depth of it well we might as well have not went through those other affairs earlier if that would be the feeling of the Chair at this moment.

The Member for Churchill.

**MR. COWAN:** Yes, well, since you are seeking guidance, Mr. Chairperson, on the point of order,

which I suspect was raised by the Minister without Portfolio, I would suggest that we were wrong in neither case and that we were perfectly right in both cases in that, from time to time, circumstances change.

I don't see the fact that we review in detail one particular time and we don't review in detail another particular time as being a mutually exclusive process. I think that there are times when you want to go over an item; there are times when you want to delve into deeper detail on an item; there are times when you don't want to and, if I can use some other examples which are available to us, of course question period being one of them, where we may discuss items which are discussed in Estimates, but as well, Supplementary Estimates. When we go into Interim Supply we have an opportunity to discuss all these items and I don't, at that time, hear a suggestion that we shouldn't be talking about substantial expenditures without some review.

I can assure you that I, for one, and I can only speak for myself, do not intend to go into great detail on this particular item. I don't believe any of us have yet to go into great detail on this particular item. I think what we have tried to do is to examine the expenditure in light of the fact that there is no agreement. I think that's very germane to the Canada-Manitoba Enabling Vote. You see on most of those items that there are in fact agreements or have been agreements.

In this particular item, in the Winnipeg Inner City Initiative item, there is no existing agreement and I think for that reason alone we are obligated to review the situation in slightly more detail than we would do if, in fact, there was an agreement. I don't want to put the Minister on the spot because I see that he doesn't have a staff here and neither is there any reason for his staff to be here but I think there are some general concepts which certainly should be discussed. I don't want to speak to those on the point of order but I just wanted to give you some advice, if possible, at least if not advice my perception of the situation here, that we can be right by discussing in detail and we can be right by not discussing it in detail and it depends entirely on the circumstances and I don't think there's any set rule that says we have to or we do not have to.

**MR. CHAIRMAN:** The Member for Rhineland.

**MR. ARNOLD BROWN:** Thank you, Mr. Chairman. We've been following a rather unusual procedure here where one Committee member is asking questions of another Committee member. The normal practice, I believe, has always been that the questions were asked of the Minister in charge of a particular department which, in this case, is the Minister without Portfolio, who is dealing with this matter on behalf of the Premier.

I am sure that if the members were to make a list of the questions which they would like to have answered I am certain that the Minister for Northern Affairs would accept these questions and try to get these answers back to them. But it's very obvious that the Minister cannot answer them today, at the present time.

So, if that was acceptable, Mr. Chairman, I would say then we should move on.

**MR. CHAIRMAN:** The Member for Churchill.

**MR. COWAN:** In speaking to the comments by the Member for Rhineland, I think if he will remember back to the initial question on this item, which was asked by my colleague, the Member for The Pas, he will recollect that the question was asked of the Minister without Portfolio; that the Member for The Pas's question was directed specifically to the Minister who is undertaking the responsibility for this particular item.

It was the Minister of Northern Affairs who interjected on behalf of his department. We did not ask questions of the Minister of Northern Affairs directly, to start off with, but it was the Minister of Northern Affairs who showed a willingness to provide information which was being sought and, by way of accommodating him, I think what we did do was get into a pattern of directing questions to the Minister of Northern Affairs, through you, Mr. Chairperson, but that was only upon the initiation of the process by the Minister himself.

So I think that the Member for Rhineland should take that into consideration when he does form an opinion as to the advisability or the inadvisability of pursuing the discussion of this item in the Estimates in this way.

**MR. CHAIRMAN:** The Minister of Northern Affairs.

**MR. GOURLAY:** Mr. Chairman, do I hear that we shouldn't be participating in this Committee as representing various departments? I just throw that out, that to go into detailed questions, that opportunity was provided by each department and, as I indicated, I don't have much staff here. I could have supply detailed information to all the questions that were asked of my department yesterday or previous days. I can provide some parts of the information accurately but I can't remember all the details. As I mentioned earlier, I throw it out for your clarification, how much detail do we get into in this section with respect to the line departments?

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MCGILL:** Well, Mr. Chairman, I accept some of the criticism directed to me by the Member for Churchill. I was endeavouring to accommodate the members opposite by calling on the Minister of Northern Affairs who I know is directly involved in the negotiations leading, we hope, to the conclusion successfully of this Development Agreement.

Now, if I had not done that, in order to assist with what I thought were general questions relating to when the agreement would be signed, I would certainly have not done so and I regret now that I have done that because it is indicated that the questions are going from the general to the specific.

Mr. Chairman, if we could retrace our steps then perhaps I'll attempt to deal with what questions you have to put further in respect to this Enabling Vote.

**MR. COWAN:** Well, if it will make your task simpler and the work of the committee easier, Mr. Chairperson, I can suggest that we do not intend — and I emphasize the word intend — to ask any specific questions in respect to this agreement but would like to ask some general questions as to why the negotiations are not being accomplished. We would like to ask the Minister without Portfolio, or

the Minister of Northern Affairs if he would care to answer, why they believe the Federal Government is dragging its feet on this issue. I'm paraphrasing the Minister; I'm not certain I'm using his exact statement, but those sorts of general questions, I think should be addressed before we pass an item which right now appears to have no use.

**MR. MCGILL:** Mr. Chairman, if I could just summarize, my advice is that these discussions in respect to a new agreement began last summer and that they have continued and have been pursued by Manitoba since that time. A more recent move was that the Minister of Finance attempted to arrange a meeting with the Federal Minister and his advice was, very recently, that such a meeting he felt was not necessary. I would interpret that to mean that probably we are getting reasonably close to conclusion on this agreement.

You asked me if I could give you some idea of how it appeared to be, whether this agreement was going to proceed.

**MR. COWAN:** Well, then, that begs a question, Mr. Chairperson, of why is it that the Federal Government has taken so long to deal with this. I recall that during the question period when we addressed this issue the Minister of Finance said that they had sent a telegram to the Minister responsible at the federal level. I'm not certain whether he said they had not received an answer to that telegram but I think that was the case. Then he said that they had sent another telegram some three weeks later to the Minister, again asking for some indication of where this agreement was in respect to approval by the Federal Government and, I think, at that time he indicated that there was no answer. Then he responded finally to say that he was going to be contacting the Minister again.

This seems to be an unusual practice of the Federal Government; at least to me it would seem to be an unusual practice. Or, if it is not an unusual practice, I can say it's a hell of a way to conduct negotiations. It certainly predisposes those negotiations to a lengthier tenure than is necessary.

So I would ask the Minister if he can shed some light as to why it is the Federal Government seems to be dragging its feet. Do they not want this agreement? Are they concerned with the way the province has consulted with the different constituents who are affected by the agreement and therefore want more time so that there can be more consultation? Are they acting upon the advice of any Manitoba groups which are affected by this particular agreement? There's a series of questions which certainly should be answered before approving this expensive sum under the item in the Estimates.

**MR. MCGILL:** Mr. Chairman, I can appreciate the concern of the Member for Churchill on that particular topic. It would be idle of me to speculate on the reasons why the Federal Government is not proceeding as expeditiously as we would think they should in this matter.

I can tell the member that it is within the last few days that a response has been received saying that, and I am paraphrasing, the Federal Minister felt that it was unnecessary at this stage for a meeting to take place between our Minister responsible and himself.

Now the member can interpret that in his own way but it would, as an optimist in this situation, I would think rather that he feels such a meeting is not necessary because he feels that we are perhaps reasonably close to conclusion on it. That is a speculation.

**MR. COWAN:** That is probably as accurate a speculation of the cryptic message that has been relayed to us as one could make. However, if one were to be pessimistic, one could also view it from the perspective of the Minister having decided to cut off negotiations, which is also a bargaining ploy, in respect to finding no room for manoeuvring. Now I'm not certain that's the case. I certainly hope it isn't the case because that would drag this whole process out longer than it has already been dragged out and I think that would be detrimental to the people of Northern Manitoba. I certainly would want to make very strong representation to the Minister responsible, if that were the case, and perhaps I will make representation to the Minister. As a matter of fact, I think I can make the commitment to make very strong representation to the Federal Minister, on the assumption that that may be the case and ask the Minister for further clarification, because I think that's important to get from the Federal Government.

My question to the Minister without Portfolio, will the government be complementing that strong representation on behalf of one of the representatives of that area with correspondence of their own which would seek to clarify the situation and to encourage the government to come to a speedy resolution of the negotiations?

**MR. MCGILL:** I think, Mr. Chairman, it's safe to say that the Minister responsible is perhaps even more enthusiastic about reaching a summary conclusion to this matter. He has made contact in two different Telex messages and he has received, to repeat, within the last few days a response from the Federal Minister indicating that he did not think at this stage that it was necessary for a meeting between the Ministers. We will certainly communicate your concerns to the Minister responsible.

**MR. COWAN:** I will be communicating him as well and will suggest to the Minister responsible that I am informed by the government that they are anxious to have these negotiations culminated.

One final question to the Minister, for the time being at least, and that is, what will happen to this sum of money, this \$9.206 million if in fact they are unable to reach an agreement with the Federal Government on the Northern Development Program?

**MR. MCGILL:** Mr. Chairman, I am advised that this funding would not be required immediately and as negotiations are proceeding, these funds will be held in abeyance. They would be required when the negotiations are concluded. If any other use is made of these funds, it would only be done with Cabinet authority. I am further reminded that 80 percent of the funds are in the department's Estimates and not within this Enabling Vote.

**MR. MCBRYDE:** To make sure I clearly understand this then, Mr. Chairperson, there are programs now that are listed line by line in the Department that

have been ongoing since the new fiscal year began, since the old agreement expired. Has there been any of those programs that have been cut, reduced, or eliminated because of the delay in the negotiations?

**MR. MCGILL:** I am advised that it's our understanding that there has been no reduction in the ongoing programs up to this point.

**MR. MCBRYDE:** How long can the province go on on a hope and prayer? How long will those programs continue if an agreement isn't signed, or does the Minister have any idea of that?

**MR. MCGILL:** Well, if some indication were given that the negotiations were going to be unduly prolonged or that there was some indication that the Federal Government was not going to proceed then it would have to be a decision of Cabinet with respect to termination or otherwise of programs.

**MR. MCBRYDE:** I wonder, not necessarily right now, but I wonder if the Minister could get some of the staff people that are here to give us an indication . . . with the ongoing programs those moneys will be spent and hopefully the province would be reimbursed 60 percent of those funds. The section of the Northern Development Agreement that is new programs and since this is only a percentage of it, it would take a little bit of just some calculation to figure this out, that's why I am saying that the Minister could have the staff answer it at a later date; how much a month is for new programs in the Northern Development Agreement? That is, if there is a certain amount that's being expended right now, or was spent for the month of April which is past, but there are programs that were not started because the agreement wasn't signed, so funds were not expended in April that we have approved expenditures for, and how much a month are we losing or saving, depending on how you look at it as long as the agreement isn't signed? I wonder if that information could be calculated roughly and communicated to us at a later time.

**MR. MCGILL:** It would be most inaccurate and difficult to obtain that kind of a figure now since some of these agreements are being negotiated and we are unable to say with any certainty that they'll be approved. So we would be skating around a bit there and I would think that once the Development Agreement is signed it would be a fairly accurate figure. We could produce a figure fairly accurately then.

**MR. MCBRYDE:** The Minister without Portfolio is probably aware that the province could lower its huge deficit this year because not only is it the date that the agreement is signed, but if there is new programming it's going to take a number of months to put new programming in, so we are probably approving a 12-month expenditure to this item and to the other items we have passed in the Estimates. We are probably approving a 12-month expenditure which could easily be only a 6-month expenditure, or maybe there is some of the new programs proposed that won't even get off the ground in this fiscal year. So we are approving much more than is necessary because of the delay in the signing of the agreement,

and that's not necessarily a question, it is just a general comment, so that the Minister is well aware of that, that there is more being asked for than will be spent now that the agreement is delayed.

**MR. MCGILL:** Mr. Chairman, I suppose there always is a danger that some of the new programming could suffer if the Federal Government are slower and continue to drag their feet in respect to completing this Development Agreement. The ongoing programs, I would expect, and I'm advised, they probably will continue. The approval of these funds was for dispersal within the fiscal year. Now if in the unlikely event that the Development Agreement remained unsigned for several months, we would be well into that fiscal program. We are hopeful that does not occur.

**MR. MCBRYDE:** Mr. Chairperson, we have done it before, and I think that this particular agreement was underspent in 1977 and 1978 and I think probably 1979, so that there were federal funds available that in fact lapsed because of program reductions.

The other comment to the Minister for his information is that there is the possibility that the lack of consultation which I was questioning the Minister of Northern Affairs about has some relationship to the Federal Government delay. Now I don't know that but it is possible that these groups that wanted some more input because they weren't involved have communicated with the Federal Government their dissatisfaction with the Provincial Government's lack of consultation, so that may be a factor.

Realizing, Mr. Chairperson, that we are probably approving more money than they are going to be able spend this year, we'd let this item — I think we'll let this item pass and ask a few questions on the next one.

**MR. CHAIRMAN:** 1.(f) — pass; 1.(g) — pass; 1.(h) — the Member for The Pas.

**MR. MCBRYDE:** On 1.(g), that item does appear in the Urban Affairs Estimates. What is the calculation in terms of this item? Is that agreement quite close or is that one that is going to be a little while in the making still and will the same thing apply that probably this will be more than what is needed for this fiscal year or is this number based on a partial year program or a full year program?

**MR. MCGILL:** Mr. Chairman, the estimate was made and prepared in the amount funded in this way on the basis of a full year. Negotiations between the province is represented by the Attorney-General, the City of Winnipeg is represented by the Mayor, and the Federal Minister, Mr. Axworthy, in this case, are proceeding. They have not been signed yet. There is no firm and signed agreement but we are given to understand that progress is being made and we think this is probably a reasonable Enabling Vote in this case.

**MR. CHAIRMAN:** 1.(g) — pass; 1.(h) — the Member for The Pas.

**MR. MCBRYDE:** A couple of quick questions on 1.(h). Was the full amount under this program

expended last year, and secondly, when does this particular agreement expire?

**MR. MCGILL:** The answer to the second part of the question is March 31st, 1982, the agreement expires.

**MR. CHAIRMAN:** 1.(h) — pass.

**MR. MCBRYDE:** You could pass those and they could tell me after.

**MR. CHAIRMAN:** All right. 1.(h) — pass. Now we'll return to 1.(a) for — I need again guidance. Do we have the answers for 1.(a)?

**MR. USKIW:** Mr. Chairman, on that point I agreed that at some convenient point for the department, that they would bring back the information. It doesn't have to be to this committee.

**MR. MCGILL:** I think we have that information and we'll give it to you.

**MR. CHAIRMAN:** If we are allowing 1.(a) to pass, then I will pass the resolution. Be it resolved that there be granted to Her Majesty a sum not exceeding \$14,236,600 for the Canada-Manitoba Enabling Vote — pass.

It is 4:30. What's the wish tonight now? Are we coming back to Flood Control?

The Honourable Minister.

### SUPPLY — FLOOD CONTROL AND EMERGENCY EXPENDITURE

**MR. MCGILL:** Mr. Chairman, I wonder if we could deal with this Flood Control and Emergency Expenditures of \$1,000,000.00. That would leave the Executive Council then.

**MR. CHAIRMAN:** Okay, 1. pass. Be it resolved that there be granted to Her Majesty a sum not exceeding \$1,000,000 for Flood Control and Emergency Expenditures — pass.

Committee Rise.

### SUPPLY — ATTORNEY-GENERAL

**MR. CHAIRMAN, Abe Kovnats (Radisson):** I would direct the honourable members' attention to Page 18 of the Main Estimates, Department of the Attorney-General. Resolution No. 24, Section 9, Canada-Manitoba Legal Aid, Item (a) Salaries.

Before I acknowledge the first speaker I would just like to announce that this is the 1st day of the 3rd month that I have stopped smoking.

The Honourable Member for Wellington.

**MR. CORRIN:** Thank you, Mr. Chairman. I wish to commend you for your efforts to resist the seductive effects of tobacco. I think that you're certainly an example of willpower and fortitude and, hopefully, good health.

Mr. Chairman, before we proceed, I wish on a matter of personal privilege to note a correction in the Hansard record of yesterday's proceedings, yesterday afternoon session. It's at Page 3306. The final portion of the debate, prior to the 4:30 Private

Members' Hour has been attributed to myself. Properly, Mr. Chairman, that should have been attributed to the Member for Churchill. This is like a rugger or football game, Mr. Chairman, I can barely see you behind this scrummer huddle that is forming to my immediate right. I think they're going to provide a flying wing through which we can . . .

To go on, Mr. Chairman, we're dealing with Legal Aid and I wish to make just but a very few brief general introductory remarks relative to the state of this program and service from the 1981 point of view. I wish to indicate, firstly, that I wish to register, once again, my complaint at the unduly protracted length of time that was taken prior to the recent revision of the Legal Aid Lawyers Tariff. Mr. Chairman, I want to tell you those fees were frozen from 1973, as I recollect, to 1981. I want to know, Mr. Chairman, whether the government would dare freeze Medicare rates paid to physicians for that duration of time? I'd like to know, for that matter, Mr. Chairman, whether the government would dare freeze salaries paid to itself — and we, of course, know the answer to that, Mr. Chairman — for anything near approaching that length of time.

So while this government, Mr. Chairman, presumably using lawyers' taxes, too, was hastening to give itself and the Cabinet a raise last year; while it acted so expeditiously in that regard, Mr. Chairman, it failed to consummate negotiations with respect to lawyers' salaries for some three-and-one-half years of office. And that was compounded, Mr. Chairman, by the fact that there had been no increase in salaries since the beginning of the second term of the last Schreyer Government.

Now, Mr. Chairman, I'm not going to make a case for lawyer's poverty, it would be highly unseemly and inappropriate. I do not believe that there are many lawyers whose incomes are that modest that they qualify for that sort of support in the House but I do believe, Mr. Chairman, that the approach taken is one of disrespect; I think that it is indicative of the rather low esteem that this government has for lawyers who do litigation work. It's oft told among barristers, people who practice in the courts, that this government has been wholly insensitive to them as members of the legal profession; I believe that to be true. We're not discussing Queen's Counsel but the nature of those who have been appointed over the past three years to that position are indicative of the government's priorities and they seem to be corporate law, not litigation law, not criminal law, not family law.

So, Mr. Chairman, I'm standing today in my place to censure the government for its dilatory approach to this matter. For those, Mr. Chairman, who believe — and I think it's appropriate because we so often hear about lawyers living so high on the hog — I did just a little arithmetical calculation to try and ascertain what a so-called fat-cat lawyer, who had a litigation practice dependent wholly on Legal Aid, would earn because I know that there are youthful members of the Bar, and perhaps not so youthful members of the Bar, who do a great deal of Legal Aid litigation work, Family or Criminal Law. Mr. Chairman, I extrapolated on the basis of the former rate which has pertained since 1973, namely, \$25 per hour. Mr. Chairman, I reckon that a person working 40 hours a week, 160 hours a month at \$25 an hour would gross some \$4,000 per month income.

I, then, Mr. Chairman, realistically took into account what the average operating cost of a small practitioner's office, this is an office man perhaps with one secretary, not a particularly lavish office — I'm not talking about something in the Richardson Building or the Trizec complex. I looked at that and I said that realistically we would have to ascribe at least \$2,000 per month to the maintenance of that type of office facility, taking into account rents paid to the landlord; costs of things such as zerox machinery, typewriting machinery, telephone cost, other incidental expenses involved in the maintenance of the office, that would include stationery and those sorts of materials and so on and so forth. I practice myself in what I would regard a relatively modest situation and I can tell you that my overhead is more than \$2,000 per month now, and I've spoken to other lawyers who tell me that they think that a small office can't operate on less than \$2,500.00. But, in any event, I've ascribed \$2,000 per month, which leaves a net income of roughly in the order of \$2,000 per month for a lawyer who is working at that tariff full-time, 40 hours per week, month in month out.

Mr. Chairman, I don't think that \$24,000 a year is a princely salary. I think that it's well within the expectation of most members of society and I might say that it doesn't have a patch on senior administrative salaries paid to Legal Aid officials, and certainly doesn't being to compare with the salary taken home by the Honourable Attorney-General. I would daresay it's well less than 50 percent, because there are no free cars thrown in and automobile expenses thrown in with that, Mr. Chairman.

So, Mr. Chairman, I can say that there has been a dereliction of duty with respect to the practising litigation bar by this government and this Attorney-General. I think that he will find that this generally, it's for him to find, but has caused a deterioration of relations between himself and the practising litigation bar. I think he will find that there is some strident opposition to things that he would like to take priority.

I think it was unnecessary; it was something that could have been dealt with expeditiously by the government and in a business-like fashion, but for some peculiar reason, this government decided to accord it an unusually low priority and I might say that the increase of \$10.00 per hour, Mr. Chairman, accorded these practitioners after over eight years — after over eight years of government neglect — is not that generous either.

It's certainly better than nothing, but it does nothing to make up, Mr. Chairman, for the real losses sustained by practising members and, Mr. Chairman, when I say this I want to talk about the realities of working with Legal Aid, because I happen to do some Legal Aid work. I don't think I've ever been in a situation where I haven't had a Legal Aid client in my office and I can tell you that the reality is, that those who practise legal aid work are often not getting \$25.00 an hour and this is part of the mythology you know, that lawyers are actually paid the hourly rate.

Well, I want to tell you, Mr. Chairman, that if you do family law and there are many barristers in this province who do a lot of family law through Legal Aid. There are all sorts of tariff ceilings, which prevent you from billing the \$25.00 an hour.

The Attorney-General never did much litigation work when he was in practice, Mr. Chairman, and I think he'd be the first to acknowledge that but, Mr. Chairman, I want to say that it is very difficult when you're dealing with operative tariffs, it is very difficult to provide the kind of service that most people deserve when you're told that you can only bill to a maximum in terms of preparation time, even though a particular case might be very, very complex, even though it might involve a lot acrimony between the parties and necessitate a lot of consultative negotiation, you are restricted by these damnable tariff ceilings. So the effect is, Mr. Chairman, that I have seen many lawyers who quite rightly argue that they are actually billing out at the rate of about \$15.00 to \$20.00 per hour, when the effect of the ceilings are taken into consideration.

So what you do is, you put a restriction on the lawyer that is willing to put a little extra into a difficult case and you encourage the lawyer who doesn't want to do anything extra.

Mr. Chairman, this government didn't put those ceilings into place and I'm anticipating the Attorney-General rising and saying, well, that's the fault of the NDP. Well, the New Democratic Government put that tariff in place, Mr. Chairman, in a time when \$25.00 an hour was much more realistic and I believe that there were very few complaints among practitioners then because it did provide some flexibility for those sorts of difficult cases and so it didn't work the sort of hardship that it has in the past three-and-one-half years.

Mr. Chairman, I want to also talk about the holdbacks. That's another encouraging feature and I'm being of course sarcastic of this government's approach to Legal Aid. First of all it was a 15 percent holdback. That was the effect of the 1977 Restraint Program, so not only were you getting the same \$25.00 an hour that you might have received in 1973, but you were now subject to a 15 percent holdback on that fee as well.

So, Mr. Chairman, I want to ask you, when you take into account the fact that there are all these tariff ceilings; that for many years there were these percentage holdbacks imposed on solicitors, I want to ask whether the government feels that it is accorded the proper respect to this profession and I want to do that with respect to some degree of relativity. I would like a comparative note to be made of the treatment that has been given to physicians and other professions, optometrists and other people who provide professional services and I don't understand it. I believe, Mr. Chairman, and I will say, that if we were dealing with corporate lawyers, the sort of lawyers that this government loves to appoint to its Q.C. ranks, every January 1st, that they would have been accorded proper respect and there wouldn't have been that sort of neglect, but we weren't, Mr. Chairman. We were dealing with the sort of lawyers that deal with the sort of people that this government has shown disrespect for, from Day One.

So, Mr. Chairman, I made those comments, I want to only make mention now of the user fees that have been imposed. I would like to see any study which has indicated that the user fee has, in any way, enhanced the service. You know, we're always called upon to make the argument in proof, or to disprove the utility of user fees, you know, the discouragement of otherwise unnecessary lawyer-client consultation.

I would like to see the other case made for once, Mr. Chairman, by those who advocate the user fee approach. I would like to see the Attorney-General rise and say that these are the findings, which prove that user fees are of some efficient utility and actually somehow enhance the degree of service, in all the senses of that term, improve the degree of service which is afforded clients of the program. I would like to see him make that case.

I would also like him under this Estimate item, Mr. Chairman, talk — I'd like to see him talk about the amendments that were made to The Law Society Act, enabling the transfer of moneys that used to be earmarked for Legal Aid, moneys from the lawyers of this province trust funds to the general revenues of the government. I'd like to see him defend that initiative in retrospect. That particular matter has now been, I think it's one or two years since that particular amendment took place. I would like to see him tell us why he believes that the new system is in any way superior to the old system, the old approach. I believe, Mr. Chairman, that the reality is that they're every year, having to transfer moneys from general revenues anyway, in order to meet the actual expended budget costs of the program.

I would also like, Mr. Chairman, in the course of these Estimates, to see the Minister rise in defence of his government's policy position with respect to juveniles and the limitation of access formerly provided to juveniles by this government. I understand that it is now necessary for somebody, for some bureaucrat to make a decision as to whether or not a juvenile is likely to be incarcerated as a result of a charge. I would like to know who makes those decisions and whether or not there's any attempt to access and evaluate the success rate. I would like to know who makes those decisions and whether or not there is any attempt to assess and evaluate the success rate. I would like to know how accurate those predictions are and I would like to know, just on a general cost benefit balance, whether or not qualitatively the program has really been improved by that sort of restriction on it. I know that some money has been saved but I'd like to know whether justice has been served in Manitoba by that sort of restriction.

I would also like to know, Mr. Chairman, and I know that I am going to hear a great deal about this being a self-governing board and more or less an autonomous agency of government and one that the Attorney-General doesn't affect, and I would like to hear that case made in relation to a restraint policy, Mr. Chairman, because I find it somewhat humorous to note that the government on the one hand always says that they can't control the circumstances, but on the other hand just enjoy the control of the purse strings. I think that is a real measure of control, probably the best measure of control a government has.

Mr. Chairman, I would like to also hear with respect to this item, I'd like to hear the Attorney-General's response to former Provincial Judge Garson and his allegation that there are too many people in the provincial courts who are going unrepresented. He noted 25 to 30 percent that he found were coming to court unrepresented by lawyers whom he believed should be enjoying legal representation. He noted that many people were

confused by the whole process, were unable to meaningfully participate in it because it defied their understanding and he felt that there was need for more legal assistance in the Provincial Judges' Courts.

So I would like to hear — after all these years I would like to hear the Minister make a definitive defence of this government's approach to this important program. I think, before an election, it's incumbent upon him to give us some summation of his understanding of the government's success in managing this vital program. I think a failure to do that, Mr. Chairman, will be evidence of some neglect on the part of this Minister to attend to his proper duties.

**MR. MERCIER:** Mr. Chairman, firstly with respect to the Member for Wellington's comment about amendments to the Act relative to lawyers' trust funds, that was purely to reflect the actual accounting practices that were being followed in government, I believe since the inception of that program. The money was going into General Revenue and the amendments in no way, Mr. Chairman, affected the amount of moneys available to Legal Aid or to (Interjection)— Pardon me? I wish the Member for Wellington would perhaps do some research, Mr. Chairman, before he speaks on some of these matters. I have said, Mr. Chairman, that amendment in no ways affects the amount of moneys that accrue to Legal Aid or to the Legal Education Program. They reflect the accounting practices that were done in the Department of Finance since the inception of the program where they took the money into General Revenue, accounted for it, and paid the moneys out in normal procedures. That has not changed since Day One, Mr. Chairman.

Mr. Chairman, I find it somewhat, almost nauseating to hear the Member for Wellington raise his concern about a lack of increase in the hourly rate paid to lawyers since the inception of this program. His government was in power from 1972 until the fall of 1977 while this program was in force, Mr. Chairman, and the hourly rate was not increased during that five- or six-year period of time. I stand to be corrected but I don't recall, Mr. Chairman, the Member for Wellington raising once during my Estimates the fact that the hourly rate to lawyers should be increased.

I would acknowledge to him, Mr. Chairman, as I have to the Legal Aid Board, to the Legal Aid Liaison Committee of the Law Society, that the hourly rate should be increased and dealt with on an annual basis because this year, Mr. Chairman, we are faced with a 38 percent increase in the Estimates for Legal Aid, in order to increase the hourly rate paid to lawyers by some \$10.00 per hour, Mr. Chairman, which is the first increase in the hourly tariff paid to lawyers. I have indicated to the Legal Aid Board and to the Law Society and the Committee that I hope that this will be dealt with from now on, on an annual basis, that any government is not caught in a situation where they are attempting in one year to increase and to make up for a number of years increase in one year.

I don't believe, at the same time, Mr. Chairman, that Legal Aid work is intended in any way to be a primary source of income for lawyers. The Member for Inkster, I am sure, will recall —(Interjection)

**MR. CHAIRMAN:** Order please. One speaker at a time.

The Honourable Attorney-General.

**MR. MERCIER:** As I have said, Mr. Chairman, I don't think Legal Aid is intended in any way to be a primary source of income to lawyers in Manitoba. The Member for Inkster, and other lawyers who have been involved in Legal Aid, will recall that prior to the introduction of the Legal Aid Program that lawyers provided legal aid services at no charge to members of the public, Mr. Chairman, and I believe that is part of — and they still do in many cases. (Interjection)— Yes, while I was a member of the firm that the Member for Wellington referred to, Mr. Chairman, in fact I did all of that work for all the lawyers in the firm and I did it for a number of years and I continued to do it, Mr. Chairman. I don't think we are here, Mr. Chairman, to debate the legal practice of the Member for Wellington or myself or the Member for Inkster, so I would urge him to restrain himself, Mr. Chairman.

I would point out to him that with the implementation of the new tariff, the board advises me that based on a comparison of the tariff across the country, that this new rate would probably be the second highest in the country. The Member for Wellington has referred to user fees, Mr. Chairman, and again the board advised me that the user fees have only been implemented in certainly not more than 25 percent of the cases.

Mr. Chairman, I would have hoped that the Member for Wellington would have welcomed this particular portion of the Estimates. I do believe that it was an increase in the tariff that was due. I hope that it will be done on an annual basis in the future so that any government will not find itself in the position of having to make up an increase that has resulted from a number of years of oversight.

**MR. CHAIRMAN:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Chairman, I have wanted to speak on this item for some time. I want to carry over, Mr. Chairman, some of the concerns which maybe some of the same officials will have heard registered when I was a member of the Treasury Benches with respect to the provision of legal aid and which experience, as far as I am concerned, has strengthened my concerns and I wish to have those concerns registered to the Attorney-General.

Mr. Chairman, first of all, let me make one thing clear, that insofar as providing legal aid for a person whom the state has marshalled all of their resources to fight and to try to convict, I am saying, Mr. Chairman, we are not doing enough. I believe that kind of legal aid should be available to anybody that wants it, that they shouldn't have to come in and get a certificate. I believe, Mr. Chairman, that kind of legal aid should be universal to those who choose it. Now, the fact is, many will not choose it. Many will say I prefer to hire a lawyer who is going to make a separate arrangement with me, similar to a doctor opting out, and I'm going to hire that lawyer and we are going to make our own arrangements as to fees and, yes, I have a particular advantage with regard to money and I'm willing to do so.

But I am prepared, Mr. Chairman, to say that any person who is going to be fought by all of the



resources of the state, it should be similarly in our interests to defend that person and although we cannot defend him with the kind of fee that, as the Member for Wellington says, a corporate person can charge, I say that we can provide a basic defence and that, by the way, is the kind of defence that many people are getting now because the Member for Wellington indicates that some lawyers work for Legal Aid. That is an entirely new concept. I can tell you that when I practised law, the concept that a person would work, and devote his entire work to Legal Aid, was just remote. I understand that is now the case and I am certainly not saying this in any criticism of those who do it — they may be performing a much more valuable service in perhaps some judgmental mind than I am — but it was not a concept in our time and prior to Legal Aid, that somebody would devote his entire hourly work to legal aid.

As a matter of fact, we had almost an obligation of honour where they spread it around, and they still continued to spread it around even after it was paid for. But when the payment became such that it was a possible income, some people got involved in that, either by choice or otherwise, and I do not criticize it, Mr. Chairman. I can tell the Honourable Member for Wellington that some people in corporate law offices make no more than \$24,000 a year, which is the figure that he mentioned a person could get working on Legal Aid, and if you take that Legal Aid and multiply it now by 40 percent more, with \$10.00 over \$25.00, a 40 percent increase, then we are talking about a gross of something like \$65,000, because 40 percent over 48 would be —(Interjection)— Well, the fact is, Mr. Chairman, 40 percent of 48 would be almost half of 48, so add \$20,000 to 48 and that's what the gross will be. If the net stays around where you're talking about, the person could — I'm not trying to say that it's a huge income or a small income, but I'm saying that it was never expected that one would employ his entire legal practice to Legal Aid.

However, if that is being done, and I'm not arguing with it — I don't want to deal with the lawyers on legal aid. To me, lawyers have never been the problem for legal aid. Legal aid isn't a method to solve lawyers' problems; legal aid was a method to solve problems of people who couldn't afford a lawyer. Insofar as it is being done in criminal cases, Mr. Chairman, I have absolutely no objection to it. I would even want to see it extended because I think that it's unfair for a person to have to fight the state on his own resources and it's the state that comes in and fights him and gradually, Mr. Chairman, we are going to get to a universal legal aid situation where we are dealing with criminal cases; we are going to get there and it will only be a question of time.

I also, Mr. Chairman, have no criticism of legal aid when we are dealing with status situations, when we are dealing with the question of marriage and divorce, adoption, if need be, other things where a person is really not involved as a litigant with another litigant, but is involved as a litigant with perhaps the state in order to clear up his position, and he cannot afford it, then he should have legal aid extended to him and I have absolutely no objection to that. I would want to be more definitive about the kinds of areas where it occurs. Where I do have, Mr.

Chairman, and I have always had, a problem is where legal aid is involved as between two citizens. And, Mr. Chairman, I know this happens. The Member is shaking his head. If it doesn't happen, Mr. Chairman, I'm going to have to stop my remarks but I understand that if a person gets involved in a lawsuit and can't afford it he can go to Legal Aid and Legal Aid will pay for his fees as against the other citizen.

Now, Mr. Chairman, I don't want to go off on a complete misapprehension as to what the facts are. Is that not the case? Certainly, where one citizen is suing another citizen; where two neighbours are suing each other, and this is done, it is within the rules that it's done. One neighbour will come in and say that I am poor, for whatever reason, and I'm entitled to have Legal Aid at the rate of \$25, now it will be \$35 an hour, and the other citizen will go to the same Legal Aid people and they'll say you have a bank account, you have a car, and you have a good salary, you fight the guy who is on Legal Aid.

Mr. Chairman, you have no idea the animosity that is created as between two citizens when one citizen has his lawyer's bills paid by the State and the other citizen does not have his lawyer's bills paid by the State. It is a situation, Mr. Chairman, where you are creating a hardship which is far more worrisome than the hardship that you are ostensibly trying to avoid. Because, Mr. Chairman, litigation and the costs of litigation are a problem to everybody and are a feature, an important feature in how far you carry litigation. If you have one citizen who has to carry the litigation himself and the other citizen who has his litigation carried by the State, you could, Mr. Chairman, and I'm suggesting you do, you have one person who would be happy to settle the case, who sees money going out of his pocket everyday that he is involved in the litigation, and the other fellow saying, "The State is paying my side. I will carry this just as far as I want to carry it."

Now, Mr. Chairman, this is, in my view, a very unacceptable situation and I can only conceive of, at the moment, and I hope that the discussion will perhaps bring forth other suggestions, two ways of dealing with it. My first choice, Mr. Chairman, is to say that Legal Aid will not be involved where two litigants are going after one another; that you will not have the State on one side or the other. In the olden times, Mr. Chairman, it use to be a crime to do it. It was a crime called champerty and maintenance for one person to provide funds for another person to litigate, because litigation is itself a harassment and there is numerous litigations that could be available if people did not have some reluctance to go to court. If you have citizen who is reluctant to be in court, but is being sued by somebody that is on Legal Aid, you have an undesirable situation, Mr. Chairman, and it was always my view that Legal Aid in support of civil litigation should either not exist or it should be very, very sparingly used.

Now, Mr. Chairman, I have a possible alternative which I want the Minister to consider. If you have two neighbours and one of them is entitled to Legal Aid. I would say that at the option of the other, he should, too, have Legal Aid regardless of his circumstances.

Now, Mr. Chairman, does the Attorney-General understand why this would make it at least partially acceptable? You have two litigants. Let us assume

that one of them is on social assistance; has a problem, has not ever been able to earn an income. Let's say that the other one is a packing-house worker and earns \$15,000 a year and over the years has saved money and has got a house and a car, when he goes in he's not entitled to Legal Aid, the rules say you're not entitled. Now he is suing his neighbour. His neighbour is entitled to be maintained by the Crown at the rate of \$35 an hour and he finds the Legal Aid lawyer who is willing to do it. The other fellow goes to a lawyer and he's not entitled to Legal Aid, and every hour that he is there it's costing him, let us assume at the same rate, \$35, so at ten hours it's \$350.00; when there's a trial it's \$2,000 or \$2,500.00. He is going to lose the vacation that he planned next year, because he is involved in litigation and the other fellow who is on Legal Aid and will lose nothing, lose nothing at all.

Is it not fair, Mr. Chairman, to say to the person who is involved with the Legal Aid suit, with the Crown on the other side, that regardless of your circumstances you have an option to go on Legal Aid, too, so that at the end of it you don't come off worse than the guy who is on Legal Aid; that you will both be, if the opponent is on Legal Aid, you are entitled to the same rights as the opponent, and because you happen to be working and have a modest income, we are not going to penalize for working and having a modest income. Now, if the other side is not on Legal Aid, then both sides are equal, and they each suffer the litigation. I can tell you, Mr. Chairman, that much litigation is stopped because the people start suffering the costs of it. I say that that is largely healthy, not unhealthy, that it is better that litigation, if it can be, be avoided rather than pursued. But, the guy who is on Legal Aid, and I'm not saying that it's some particularly wrong mentality of him, the guy who is on Legal Aid doesn't see the problem with regard to litigation. He doesn't see every time he comes to the lawyer that the lawyer says, "Now look, if we're having another appointment I want you to know that we're up to this figure in our analysis and when we have the Examination for Discovery it will be another figure, and when we go to trial, it's another figure."

There are virtually hundreds of lawsuits that stop, Mr. Chairman, because the pressure of economics starts bringing about some melting of stubbornness on one side or the other. Mr. Chairman, I'm saying this out of experience. This is happening continually. Where Legal Aid is involved, it becomes another proposition. I never envisaged, Mr. Chairman, when Legal Aid was set out I thought mostly that it would be involved in defending people against criminal charges; secondly, that it would be involved in dealing with status situations, but it was not, in my mind, Mr. Chairman, and I did discuss it when I was a member of the Treasury Benches, that we would have the State line up behind one litigant as against another litigant. Yes, there are hardships in the world. I admit that the guy who doesn't have any money is at a disadvantage in a lawsuit. He's at a disadvantage in many other things, and I suppose that it's also a difference whether he is being sued or he is suing, but it is a problem.

I say to the Minister that the way out of the problem is to either remove yourself from civil litigation involving a suit of one citizen as against

another citizen, or at least make sure that once Legal Aid is available, that the other side has it available to them, too, and regardless of means because it ceases to mean anything as to whether there is means on one side or the other. The fact is that the State is supporting the litigation and once the State is supporting the litigation, it introduces an element into the litigation which is not normal. I ask the Minister to look and see how many cases he has where the public is on one side with its purse as against somebody who doesn't qualify because he has a job and he's working and earns a salary, and should that be the penalty to one side of the litigation that the person happens to not qualify for Legal Aid under those figures.

Now, Mr. Chairman, I have another area which is even, in my view, more pernicious. The most pernicious of everything that Legal Aid is doing is that Legal Aid has suddenly seen itself as not being a service for litigants who are involved in legal disputes, but for people who wish champions in political disputes, and that has happened more than once, Mr. Chairman, and I don't even know how they qualify. You got, let's say, a 100 people who want to be represented in relations to some tenant's dispute. How do they qualify for Legal Aid? First of all, those disputes are essentially political disputes. They are people taking one position or another position on something that involves policy, and the best example of that, Mr. Chairman, was with regard to the Sherbrook-McGregor Overpass. How does the public get involved in funding a lawyer for a group of people who happen to be against the Overpass as against the rest of the people who happen to be for the Overpass, and are those the kinds of movements where the public should be providing a lawyer?

Mr. Chairman, in the days when I was heavily involved in these things, there was no question that there would be a lawyer that the group gathered money for or that there would be a spokesman whom they paid nothing and who would be part of the position that was being taken, and if it happened to be a lawyer at the same time, that was fine. But, by what criteria, and if it's criteria that was set up by our Government then I condemn them no less, I condemn them no less, by what criteria do we appoint lawyers to citizens organization who are dealing with policy questions whether it be the right to distribute literature of a certain kind or the right to post handbills or the right to fight the landlords on a collective bargaining basis or should we appoint one for the landlords as well? Why are we involved in matters affecting policy and political decisions with the appointment of lawyers and the paying of them. That's what we did, Mr. Chairman, with regard to the Sherbrook-McGregor Overpass, and I consider that the people in North Winnipeg who happen to be for the Overpass should not have to fight a political question as against a group that is provided with a lawyer paid by the State. I consider that to be, Mr. Chairman, an abuse of the entire concept of Legal Aid and I am saying that if there are criteria under which that comes, they should be changed so that those criteria are no longer available.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** Mr. Chairman, with respect to the first area that the Member for Inkster raises, in the

fiscal year ending March 31st, 1981, out of a total number of completed cases of 10,914, of which 6,483 were completed criminal cases, there were also 4,393 completed civil cases. Now those involve a range of cases from divorce, separation, variance applications, custody, adoption, filiation, immigration, workers' compensation, Unemployment Insurance Commission, welfare matters, labour matters, bankruptcy and damage and property claims which I take it would be the area the Member for Inkster is referring to. There were some 163 cases in that area. They involved an average cost for a completed case of \$217.09.

Mr. Chairman, I don't have the information here which would indicate out of those 163 cases how many were between a neighbour and another neighbour, or how many were a damage claim, or a property claim against a corporation or a business, so I can't indicate the number of cases involving two individuals suing each other.

Now in those cases, Mr. Chairman, I think as the member is aware, the person would have to qualify; there would have to be an opinion as to the merit of the case and at the same time I believe it is a policy of Legal Aid in many of these where there's a fee — it's regarded as a fee generating case — the applicant in some cases they enter into contingency agreements with lawyers, but the average cost per completed case, Mr. Chairman, again is \$217.09.

The Member for Inkster may very well be aware of a case which involved the kind of circumstances that he cites, one neighbour suing another where perhaps it was an extended, protracted suit and did involve a much greater sum than the average cost of \$217.09, but perhaps, Mr. Chairman, ask the Member for Inkster to reflect and there's an old saying that hard cases make bad law. —(Interjection)— I think the Member for Inkster said it a number of years ago.

Mr. Chairman, it may very well be that there were a couple of cases like the one he referred to but it would certainly appear at first glance with an average cost of \$217.09, that they are relatively simple cases involved — I would have to make a further enquiry I think, Mr. Chairman, as to how many of these actually involved individual against individual and look at that experience — but at first glance it appears out of the total of 9,914 completed cases in the last fiscal year that a very small number of them would have involved legal aid becoming involved in a civil suit of a neighbour against each other. I will, Mr. Chairman, ask Legal Aid to perhaps indicate to me out of those 163 completed case, how many were of the type that the Member for Inkster referred to.

With respect to the second area, Mr. Chairman, that the Member for Inkster raises, the regulations passed in 1972 provide that a neighbourhood Legal Aid Centre shall — this is 53(c) of the regulations — "subject to the approval of the executive director, advise, assist and represent such groups and organizations as is deemed advisable by the executive director". The criteria, Mr. Chairman, that apparently the Legal Aid use in this is, does the group represent lower income people and would Legal Aid benefit that particular group. They are using that criteria. There may very well be instances where Legal Aid perhaps could and should represent a lower income group where activity of the Legal Aid Centre is directed towards a legal problem.

I think what really causes the concern of the Member for Inkster is when that group over and above the legal problem that may be involved participate or become involved in a political dispute and on that question, Mr. Chairman, I would share his concern.

**MR. CHAIRMAN:** The Honourable Member for Wellington.

**MR. CORRIN:** Thank you. On this same subject, Mr. Chairman, I too wish to register a few observations. I don't share the same concerns that the member — well I share some of the concerns but I think some of the member's and I am referring to the Member for Inkster's concerns — are somewhat misplaced and misdirected.

I for instance, Mr. Chairman, do not perceive Legal Aid as being overly involved in the community justice concept. I regard Legal Aid to be much in withdrawal in reaction and for that matter even somewhat hostile and repugnant to that approach to community legal services. Mr. Chairman, I can tell you that there are some interesting paradoxes in this whole question. Let's explore some examples.

My friend from Inkster talks about Sherbrook-McGregor and he talks about the Citizens Action Group that was provided legal assistance through Legal Aid in that regard. Well, Mr. Chairman, as I understand it those people, being people who were affected by the proposal to build the overpass were eligible as a group in that apparently none of them had income which disqualified them for Legal Aid assistance. Apparently they all were able to establish that they were within the income guideline. They also presumably were able to satisfy somebody at Legal Aid, presumably the executive director that they had a meritorious case or at least a case which superficially appeared to have merit.

The other day the Attorney-General was talking about the general subject and theme of prosecutorial discretion and we were talking about cases and I believe the Member for Inkster agreed with him, that appeared to be sound at first blush and after evidence was adduced in court began to reveal its weak underpinnings so it was argued that certain cases although they initially appeared to be well placed and well laid were otherwise.

I think that Sherbrook-McGregor could well be put in a very similar category. So if one argues for prosecutorial discretion, I think one also has to argue for a defence discretion; discretion vested in Legal Aid in order that hundreds, nay thousands, of indigent citizens could afford access to the justice system which hopefully we all respect and cherish. So I would say, Mr. Chairman, that ultimately it is the system, it is access to justice and the affordability of access to justice that is the ultimate test of whether the Legal Aid Program is doing what it should.

I don't know why — in my own mind I can't see why somebody should not be able to challenge the legality of an overpass and freeway and on the other hand should be able to file suit for damages resulting from some other sort of event. It seems to me that although you may not be the victim of expropriation that you can be the subject of incidental nuisance and can suffer some very real prejudice as a result of government committing some illegal act and in this case as I understood it, Sherbrook-McGregor's

opponents were suggesting that the government was acting illegally, this is the civic government aided and abetted by the provincial and federal levels, were acting illegally.

The Member for Inkster noted that in cases where all the power of the state were brought against an individual accused that he felt there should be legal aid assistance to defend those people. He was I guess, referring to criminal cases. Well I'm saying that isn't the only case where all the weight of the state can be brought to bear against poor people, under-privileged people, and Sherbrook-McGregor is an excellent example.

Mr. Chairman, let us suggest, and I think in fairness the Member for Inkster could suggest that the Legal Aid officials were not scrupulous enough in evaluating individual cases of this category that were brought before them for attention. Let us accept the fact that the Sherbrook-McGregor case did not even have a superficial veneer of respectability in the sense that it should have appeared at an initial and cursory glance to be a case without merit and one that did not fall within the ambit of legal aid involvement. I am willing to accept that.

The problem I have is that there are other cases that similarly fall into that category as well and I'll use two examples. The first case I would cite would be the case of the Transcona Freshwater Fishmarketing Corporation Plant where I recollect very distinctly and clearly about four to six weeks ago that it was determined — and this was published in the media — it was determined that those citizens whose basements were flooded by the — I was going to use the term excrement, probably garbage would be a better term — by the garbage from the plant — and I think it defies explanation where those fish scales and skins and heads and tails could have come from if not from the plant across the street because of the obvious quantity that was forced into the basements of so many of the homes in the development — those citizens when they applied for Legal Aid — and I want you to know that many of those citizens, Mr. Chairman, I am given to believe were people living in public housing or people eligible for Shelter Allowance Assistance by the government so I presume that most probably they would also be eligible for Legal Aid — but those persons were denied access, not because their case lacked merit, Mr. Chairman, no, not because it lacked merit, because the reports were clear that the case was found to have merit. The argument was that even though they qualified for assistance or at least some of them qualified for assistance within the eligibility guidelines and even though the case had more than superficial merit, the case for damages against the Freshwater Fish Corporation and perhaps the City of Winnipeg, that those people were refused because the case could be handled by the private bar on a profitable basis. This is a case for damages, Mr. Chairman. This is a case where the people are going to the court and they are asking the court to award them a sum of money in compensation for damages they have suffered. In other words special damages for the costs associated with cleaning up their basements; for buying new washing machines; if they had a rec-room, new furniture for the recreation room, and so on and so forth.

This is not a case simply where there is a prosecution and guilt or not guilt. This is a case where every dollar that is recovered would be put towards damages, actual damages sustained by a claimant. The argument was that if they weren't able to afford a good lawyer's hourly rate, and I think that all the lawyers in the room would agree that most senior lawyers are now charging much in excess of the \$35 accorded Legal Aid lawyers, I would say that \$50.00, \$75.00, \$100.00 an hour isn't that unusual among the ranks of private barristers.

Mr. Chairman, what they were suggesting was that these people, if they couldn't afford to put down retainers and make deposits so that these lawyers would be retained and would work, should go on a contingency basis, and that was reported in the paper, that they could simply go on a contingency basis. That means, Mr. Chairman, they could simply sign a contract with a lawyer whereby they assign a percentage of the eventual damage award to the lawyer so that the lawyer could bargain. The lawyer could say, "I'll take your case; I'm a very good lawyer; I'm a Q.C. and I have an excellent reputation; I'm 15 years or 20 years senior at the bar and I'm very experienced; I'll do your case. It's a good case; Legal Aid told you that. I'm going to take one-third," and that's not unusual in these cases, Mr. Chairman, "I'm going to take 25 percent or one-third of all the damages the court awards you in compensation for your loss."

So, Mr. Chairman, I ask you, what price justice? Here's a person who qualifies for Legal Aid, who suffered a real loss, a person who is simply asking for compensation to put them back to where they were before the loss was sustained, and Legal Aid is putting them in the position where they had to give perhaps 25 or 30 percent of the award of the court, if it's a good case, to a lawyer. Now I ask you, Mr. Chairman, is that justice? I ask you, if we're going to complain about the people who are afforded the opportunity with respect to Sherbrook-McGregor to use Legal Aid services, equally is it not unjust for Legal Aid to treat this category of person?

Mr. Chairman, let's not forget about probably the most famous applicant this year at least, for Legal Aid assistance, one of our own members. Mr. Chairman, he went to Legal Aid. Mr. Wilson went to Legal Aid and he said, "I want to challenge the validity, the jurisdiction of the Province of Manitoba, the Provincial Government, to pass legislation depriving me of my salary and my seat pending my appeal", and as I understood it from the reports, Legal Aid said, well, you qualify, Mr. Wilson, for assistance — apparently they reviewed his income and his assets and decided that he qualified for assistance — but somebody there decided that he didn't have a good case. So as I said we get into some very very difficult situations.

So you have not a Court determining whether Mr. Wilson can make a good case but you have Legal Aid making the determination and those who want to argue for prosecutorial discretion can juggle and toy with that whole situation because there you get into an interesting situation, guidelines that are not wholly objective because the question of whether a case is a good case or a bad case — well, last week the Member for Inkster suggested that he thought a lot of cases were in essence, in quotation marks,

“somewhat prejudicated” because judges very often were motivated by something he referred to as the inarticulate major or basic premise, basically gut feeling. I believe that to be true. I concur with him. I think that’s a decisive factor and that’s why you’re better off, usually, having a lawyer who can make a powerful case, even a passionate appeal, than you are with a lawyer that is unable to sustain that sort of approach. I think it does have an effect on the court if you can generate that sort of feeling of general indignation, the judge comes to feel indignant about the plight of the person represented by that lawyer in that court.

So, Mr. Chairman, I would like to see all the parties to this discussion or debate deal and reflect on those issues. I don’t know how you, with any definitude, deal with that sort of subject. I don’t know how one draws subjective and objective guidelines in such a way that you have the best of all these worlds but I can see in those three cases some interesting contradictions and some either illogical stances or logical inconsistency.

So I’m not going to stand here and suggest that I have any absolute solutions but I’m willing to suggest that there are degrees of certainty and definitude and if we don’t want to prejudicate the case of Robert Wilson, why don’t we send his case on to the courts? If he’s eligible for the system, why don’t we let a judge instead of a Legal Aid officer decide whether his case has merit. Pretty soon, Mr. Chairman, we’re not going to be able to do that because pretty soon there’s going to be an election and I presume the judge is going to say that the matter is no longer — there’s a legal maxim but I can’t remember what it is any more — but the matter is no longer topical and it’s therefore not worthy of judicial consideration because Mr. Wilson will no longer be in the position presumably. He probably will cease to be a disqualified member and he will simply be an ex-member, presuming that he fails to regain his election. So he won’t be able to bring a reference of that sort to the court’s attention any more so we’ll never know unless some other member falls into the same situation, whether we have passed a law that is within our jurisdiction or a law that the courts would hold to be beyond our jurisdiction.

I don’t know — I would like to ask the Attorney-General if he can advise us what reasons Legal Aid had for holding against Mr. Wilson’s application. I would like to know, since we are not going to be able to receive a judicial statement, a judicial declaration on the point, what the quasi-judicial position of Legal Aid was. I don’t know who the Chief Justice of Legal Aid Manitoba is these days, presumably a lawyer of some seniority, maybe not as senior as the Chief Justice of the Court of Appeal of Manitoba, but nevertheless presumably of some seniority and I presume that he or she has made this decision.

So I would like to know why Mr. Wilson was turned down and what aspects of his case don’t recommend themselves to the government and to the Legal Aid officers.

I would also like to know why the Freshwater Fish people are being asked to go on a contingency basis. I would like to know whether the government would like to make up the difference between the amount they receive and the amount of the

contingency legal fees. Is the government willing to make up the extra 25 percent or a third so that these people don’t suffer any hardship? I think these are all good questions for discussion.

**MR. MERCIER:** Mr. Chairman, I am advised with respect to Mr. Wilson’s case that the Legal Aid obtained an opinion from an outside solicitor who replied there was not an arguable case and the claim did not have a reasonable chance of success.

With respect to the Transcona matter, Mr. Chairman, I am advised that Legal Aid have had a longstanding policy, I believe since the inception of Legal Aid, that in these types of cases where there is a contingency arrangement, that is the way in which they are held, the way in which they are disposed of and handled.

Mr. Chairman, the Member for Wellington suggests that the applicants under that system might suffer a loss after payment of the contingency fees and they should be reimbursed. In the same way I guess, Mr. Chairman, the Member for Inkster would argue that in any litigation where the plaintiff is successful, after having not being able to recover the full legal costs of the action, virtually all successful plaintiffs still suffer a loss even if they win in court. So should an applicant for Legal Aid in a civil matter be in any different position?

**MR. CHAIRMAN:** The Honourable Member for Fort Rouge.

**MS. WESTBURY:** Thank you, Mr. Chairperson. I wanted to go back to a question that I asked in question period on the 24th of April with reference to Legal Aid. I don’t want to refer specifically or name anybody, but the Minister on that occasion told me that applicants for Legal Aid have their applications decided on as to whether they qualify for assistance, depending on the individual circumstances of the case. This was in response to my question about applicants who are driving luxury cars, more than one car, and who still have pleasure boats and that sort of thing. Apparently they are deemed qualified for Legal Aid and I cannot understand why that can be. I suggest that a lot of the general public also cannot understand how that can be, excepting that it’s based on an income requirement and surely however, certain luxuries should be disposed of in order to pay for legal fees.

I think this is a violation of the whole spirit of Legal Aid, that that person should be able to drive two and three cars. If they have no job, no employment — (Interjection)— I am not anti-welfare, Mr. Chairperson, at all, and never have been. My record on welfare matters stands on its own feet and I am certainly not opposed to that.

What I am opposed to is somebody who applies for Legal Aid — and I’m totally in sympathy with the Transcona people, I don’t think they have been fairly treated at all and there are many other cases where the people have not been treated fairly — but in a case where there are two or three cars being driven by a person who apparently has no income, if he has no job, I don’t see why he needs two or three cars and why at least the luxury cars could not be disposed of to pay for the lawyer’s fee. I just cannot understand that. I would like the Minister to try to explain from his point of view, how that can be justified.

Mr. Chairperson, I believe there are an awful lot of people who would dispose of their luxury cars to pay their lawyer's fee and who would take a mortgage on their residence to pay a lawyer's fee and I don't really think that they should necessarily have to mortgage their residence for that, but on the matter of the extra cars and the pleasure boats, I just do not see why we should be paying the lawyer's fees for such an individual under those circumstances. I hope the Minister can explain this so that I feel a little better about it.

**MR. MERCIER:** Mr. Chairman, just generally, the policy of Legal Aid is not to ignore — they don't take into consideration the first car or the personal residence. If there is more than one car then that is taken into consideration in determining whether a certificate should be granted.

**MR. CHAIRMAN:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Chairman, I want to go back to the civil litigations, 176 cases —(Interjection)— 163.

**MS. WESTBURY:** Why can't you let people finish their series of questions.

**MR. GREEN:** I'm sorry.

**MS. WESTBURY:** Mr. Chairperson, I don't understand this. I thought people were allowed to finish their series of questions.

**MR. CHAIRMAN:** Order please. If you are going to speak to the Chair, the Chair will acknowledge you and then you can speak.

The Honourable Member for Fort Rouge.

**MS. WESTBURY:** Thank you, Mr. Chairperson. I'm sorry if I'm out of order. If I am I wish you'd tell me because the same thing happened to me in another committee and the chairperson acknowledged that they do let people finish their series of question, so I'm just getting confused.

**MR. CHAIRMAN:** Order please. I acknowledged the Honourable Member for Fort Rouge on a point of order rather than as a speaker because I had acknowledged the Member for Inkster.

The Honourable Member for Inkster.

**MR. GREEN:** Mr. Chairman, I am prepared to yield to the Member for Fort Rouge but I just want her to know that every time the Minister gets up and sits down, I too would like to follow and I gather that's the practice that's used in the other committee room. —(Interjection)— Mr. Chairman, I don't know that the Member for Fort Rouge let me go ahead; I just got up and took the floor. I was recognized by the Chairman.

**MR. CHAIRMAN:** That's correct.

**MR. GREEN:** In the course of my remarks, I was proceeding on an assumption which I wanted to have cleared up before I proceeded any further. If the member has no common sense, then I can't deal with it.

I was prepared to sit down and let her go ahead with the question, but I do indicate that in this Committee, it has not been the practise to let — (Interjection)— Mr. Chairman, I am prepared to sit down and let the honourable member go ahead with her question, but I do indicate to her that in this Committee no member is permitted to follow one question after another. If she wants to go ahead and ask her question, go ahead.

**MR. CHAIRMAN:** The Honourable Member for Fort Rouge.

**MS. WESTBURY:** Mr. Chairperson, I wonder if you can explain to me then why in another Committee I've been told more than once that whoever asks the question is permitted to follow their series of questions and that is done time after time in the other Committee, all the time. I just would like to know who's right and who's wrong. If I have no right in the matter, I'll know ahead of time and I won't sit around here for two hours waiting for a chance to ask a question.

**MR. CHAIRMAN:** Well, I will answer the Honourable Member for Fort Rouge, not as a criticism from her to me, but just as a question. I do try to allow people to follow up on their questions, inasmuch as I think that it's good government. If you are looking to find out a certain thing, the Minister has the answers and one question leads to another. I am a little bit confused when I listen to a speech for 20 or 30 minutes and I'm just making a statement, I'm not criticizing anybody in particular, but I do have some concern when I listen to a speech for 20 or 30 minutes and then there might be some semblance of a question at the end of the speech and I don't know whether in fact I am allowing a followup or not.

So it's my confusement — is that a proper word? — it's my confusion, you know as to whether you were following up a question or whether a member is following up or not.

The Honourable Member for Inkster.

**MR. GREEN:** Mr. Chairman, I have proceeded in the rotation that you have gone in. I did not know that my friend was going to ask a series of questions and nor do I think that that is the practise.

I intend to deal with the question that I asked some time ago and this had to do with civil litigation. The Minister indicates there is 163 cases; that the average cost of those cases was some \$200 per case. He says I may know of a particular case. I can tell the Minister that I'm not going to give him a particular case and that what is more, that I do not know of a case that is analogous to one that I suggested, that is a neighbour versus a neighbour.

What I do know is that the rules permit it and I was concerned with it five years ago, I am concerned with it today. I know that you have 163 cases. I would ask you to look at which cases involve, Mr. Chairman, that which I am concerned with. That you have a Legal Aid litigant against another litigant, who it's costing money to, and the State lines up behind one litigant to challenge another litigant, and I tell the Honourable Minister that in the common law that was known as champerty and it wasn't even the State that did it, it was another citizen, so that sometimes the State has got far more resources than

the other citizen. I am happy to hear, I am very pleased to hear that it hasn't gotten to a stage where it is demonstrably out of hand. That you're dealing with 163 cases, I consider that a lot of cases. Citizen against citizen, if that's what they are, I consider that to be a lot of cases. That they had been on a rather modest level, I am happy, but the grievance is nevertheless the same, Mr. Chairman.

I think that it is a tremendous hardship for someone to find out that he's in a litigation; that he is a man of relatively modest means and he's fighting against the state and I also want to indicate that the purpose of Legal Aid was not to put a person in a preferred position to somebody else, but relatively the same position with regard to legal expenses. So if you had two of these people in Transcona and one was well-to-do and didn't qualify for Legal Aid and the other one was not well-to-do and did qualify and they each recovered \$1,000 and they were charged exactly the same legal fees, they would each wind up with — and let's say it was a third, which I don't know if it is — they would each wind up with \$666.00.

I don't know that we can put a premium on the Legal Aid person. What we can say is that that person, who is deprived of \$333, is deprived of a necessity and that is a question for social assistance, not for Legal Aid, but shouldn't they wind up with the same recovery. Isn't that the basis of legal aid? Because otherwise I do not know that a person on Legal Aid should have an advantage over another citizen with regard to legal fees and that's the difficulty that I see in the Transcona case. I do see that you cannot say that if a person's stove is damaged or an essential is damaged by virtue of them having been involved in a dispute and they went and got Legal Aid and the stove costs \$800, but as a result of their having to pay a lawyer, they wind up with \$500, somebody has to make up the \$300, but is that Legal Aid? Otherwise I see a problem with the member's suggestion.

If two neighbours, side by side, one qualifies for Legal Aid and one one doesn't; they both recover \$1,000; the one that qualifies for Legal Aid gets \$1,000; the one that doesn't qualify for Legal Aid gets \$666.00. Why would we want to create a situation where it's an advantage, and that's the difficulty that I see in that question and the same difficulty, Mr. Chairman, the same difficulty and I'm going to come back to it.

Person versus person, I suggest, Mr. Chairman, if it's as small as it has been, like you say 200 cases, that in principle, Mr. Chairman, if there is Legal Aid on one side the option should be for the other side to be in the same position regardless of means, because otherwise, Mr. Chairman, you create a tremendous hostility and I'm going to use an analogy of people.

Everyone of us has constituents who live in senior citizens' homes. Some get the supplement; some do not get the supplement. The person who gets the supplement for whatever reason, he may be regarded as the person who lives in the next room; as a person who wasted his money; who spent very big during his lifetime; who didn't save anything; who behaved in such a way as to not provide anything for himself, so that when he got to 65 he's entitled to a supplement. The next person may have not earned

more money during their lifetime; may have earned less money during their lifetime; but put some away; spent less; bought things; had an income, they're not entitled to a supplement. There is tremendous hostility generated between that person who gets less from the government, than the other person and it may very well be that the circumstances are such that the first one, who is being penalized, behaved in every way more "responsibly", because that's very difficult to judge, than the second one.

It's the same thing with Legal Aid, Mr. Chairman. You will find that some people who receive Legal Aid, and I'm not faulting it, will have been in circumstances which they did not behave as well as they could have for whatever reason and therefore are left without an income. They are fighting cases against people who were no better off, who earn no more money, maybe the same wages, but they have money with which to pay Legal Aid. I don't think that second person should be penalized and I urge the Minister, if it's small, the better thinking at least some — I am not for the extension of Legal Aid, I am for the restriction of Legal Aid, the extension only in criminal cases. In criminal cases I would extend it universally.

In the civil cases, I am for the restriction and I can tell the Honourable Minister that with regard to this so-called group justice, I am for eliminating it right away. That was never the intention of Legal Aid. It was never the intention of Legal Aid, that there would be knights on white horses riding in front of a group who says that I'm going to get you a better deal. That's for politicians, that's not for lawyers, and politicians don't work on Legal Aid, they work for nothing and if they get elected they get some remuneration, but let the politicians do that.

With regard to that case in North Winnipeg, Mr. Chairman, I know that they manufactured some case against The Transport Board. You know, are these poor people who did it? I didn't know that Lloyd Axworthy is that poor. He was fighting the Sherbrook-McGregor Overpass. Why didn't he chip in for a lawyer? Why didn't he chip in for a lawyer? Why didn't all of those people chip in for a lawyer, Mr. Chairman, all of them who were involved. I saw who was fighting the Sherbrook-McGregor Overpass. You know what it's like, Mr. Chairman, it's like the insurance company, who when they say, they wanted to show that if poor people — they pushed the agents and their wives and their children in front and said, here are the people that you're fighting. That wasn't a fight.

The Sherbrook-McGregor Overpass was fought against poor people in the North End of Winnipeg, against poor people, not for poor people, and if there were poor people on either side it's politicians who have to fight their cases for them, not lawyers paid for by the State, as against one group of citizens in society as against another group of citizens in society.

Mr. Chairman, change the regulation. Cut it out right now, cut it out right now. I want to know whether the Legal Aid lawyer, who apparently, Mr. Chairman, it wasn't even a hired lawyer, it was the Legal Aid permanent staff who went and did that job, so we don't even know to what extent it involved time. Was the permanent staff involved at the citizens' meeting? Were they involved at the citizens'

meeting? And it makes it much more reprehensible if it's the permanent staff, because now it's the Legal Aid Office, the agency of the Crown, not hired sent to a lawyer of your choice and get them paid, but the Legal Aid Office became the advocate of one group of citizens in the community as against another group of citizens in the community. Cancel it, Mr. Chairman.

The regulation was put in, I was a party to it, mea culpa, cancel it, I will congratulate you. It is a bad regulation. It is a bad use of the Legal Aid system. It should be eliminated.

**MR. CHAIRMAN:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Chairman, I would like to know whatever happened to the concept of justice being the ultimate aim. I'd like to know whether or not that is not the true goal. The Member for Inkster is so concerned about adversarial conflict between neighbours, isn't the real objective, the real goal, Mr. Chairman, the seeking of truth and justice. I would remind him, Mr. Chairman, that that is the whole purport, that is the whole purpose of the justice system, to take these dispute out of the realm of the individual conflict and put them within the construct of the system. The Attorney-General smirks and laughs, but I tell you, Mr. Chairman, that his sacrifice of the people of Transcona to the predatory whims of contingency fee lawyers and I could go on and on about contingency fee lawyers, Mr. Chairman, simply is not the answer.

Mr. Chairman, I say that groups should not have fewer rights than individuals. I believe that if an individual has a right to take a matter through Legal Aid to the courts, that certainly a collective of individuals, a group, should have equal rights and I know of no such philosophy that perversely runs counter to that approach to our system of justice. You know one that would say that an individual should be able to go to the court, but not if the other individual is going to have Legal Aid too, because justice in that case should be subverted and should be suppressed, not one where there is any taint or touch of political innuendo to the case even though there's a question of justice involved, a question of legality involved for interpretation by the court. So I say we shouldn't sacrifice people in order to have some obsequance to some false god. I don't what the Member for Inkster would have us do but I say that we should use common sense and reason in our approach to this particular problem.

**MR. CHAIRMAN:** The Honourable Member for Inkster and there's only 10 seconds left.

**MR. GREEN:** Mr. Chairman, I don't need any lessons from my learned friend as to what one does in the pursuit of justice. In my legal life I can point to him many examples . . .

**MR. CHAIRMAN:** Order please. The hour is 4:30. I am interrupting the proceedings for Private Members' Hour and will return into committee at 8:00 o'clock this evening.

## IN SESSION

### PRIVATE MEMBERS' HOUR

**MR. SPEAKER:** Order please. We are now under Private Members' Hour. The first order of business is Private Bills. Bill No. 16, standing in the name of the Honourable Member for Logan. (Stand)

Bill No. 33, standing in the name of the Honourable Member for Logan. (Stand)

### ADJOURNED DEBATES ON SECOND READING — PUBLIC BILLS

**MR. SPEAKER:** Bill No. 5, standing in the name of the Honourable Member for Minnedosa. (Stand)

Bill No. 14, standing in the name of the Honourable Member for Rhineland. (Stand)

**MR. WALDING:** I wonder if we could have all those bills standing in the name of the Honourable Member for Logan, stand, please

**MR. SPEAKER:** Bills No. 17, 18, 20, 21, 24, 28, 30, 37, 40 and 47 standing in the name of the Honourable Member for Logan. (Stand).

### BILL NO. 43 — AN ACT TO AMEND THE PUBLIC UTILITIES BOARD ACT

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, I believe that I concluded my remarks on this question. I see that the Minister is not here. I did say in concluding that I hoped the Minister would now demonstrate that any private member had a right to deal with The Public Utilities Board Act in such a way as to get it changed. I had always suspected that I didn't have as much power as the Minister did but if he wants to lead me to believe otherwise, I hope he will see it through.

**MR. SPEAKER:** The Honourable Member for Gladstone.

**MR. FERGUSON:** Mr. Speaker, I move, seconded by the Member for Roblin that debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** Bill No. 49, standing in the name of the Honourable Member for Gladstone. (Stand)

### SECOND READING — PUBLIC BILLS

#### BILL NO. 22 — AN ACT TO AMEND THE ARCHITECTS ACT

**MR. WARREN STEEN (Crescentwood)** presented Bill No. 22, An Act to amend The Architects Act for second reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Member for Crescentwood.

**MR. STEEN:** Mr. Speaker, as is mentioned on Bill No. 22, this is An Act to amend The Architects Act and the original bill that was passed for the architects in Manitoba was passed in this Legislative Chamber in 1924. That bill has been amended twice



in the past, Mr. Speaker, the first time in 1970 and then once again in 1974.

The purpose of this bill is to take The Architects Act and try and standardize The Manitoba Act with acts that exist in other provinces on behalf of architects in those particular provinces. The bill, Mr. Speaker, basically consists of in my opinion, a number of housekeeping matters. For example, under definitions there is a substitution for the word "appointed" where we can now have elected members of the architects council rather than appointed. In another area under definitions, Mr. Speaker, where it refers to "secretary", now that will read in the future from secretary it will be the executive secretary of the association. The association of architects are such now, Sir, that they require an executive secretary or a full-time paid person rather than one of their own members acting in a voluntary capacity as secretary.

Then under another section, Mr. Speaker, it refers to "head office" and in the past the head office always said the City of Winnipeg and this is being changed to refer to the Province of Manitoba. For example if the president of the association was an architect who practised and resided in the city of Brandon and it was deemed by the association that it would be advisable to have the executive secretary in the office placed in the city of Brandon, under the present act this could not happen, it must read the City of Winnipeg so we are trying with this act and the amendment, we are changing it to read as in the Province of Manitoba so that particular location could be on a more flexible basis.

There are a number of other changes within this bill, one for example is admission of graduate of the University of Manitoba, and they are substituting now from what was in the past, so it will now read in the future that any such graduate shall be admitted as a member of the association after service in an architect's office for a period of not less than two years fixed by the by-laws following his or her graduation from the University. This is in keeping with the architect's associations in other provinces where a graduate works as an apprentice or as an articling student for an architectural firm.

Another area of change, Mr. Speaker, is in reference to fees. Currently — and when I am speaking of fees I am not talking about fees charged to clients, I am talking about fees paid by their members to their association — currently those fees are fixed and those fees are outdated because of inflation over the last 10 years. The fee structure for the architects is just not sufficient that they can run their operation and their offices on the present fee structure, so what they would like to do is have their executive set the fees each and every year rather than have them fixed in the Act.

Also the designation for architect or architects will read in the future, Mr. Speaker, a firm may use the designation "architects" if each member of the firm is a member of a Canadian provincial association of architects in good standing and registered as such and at least one member of the firm is a member of the association in good standing and registered as such. So it will in the future require that at least each firm of architects has on their staff and as a member of the firm a qualified graduate of a school of architecture and a member in good standing of that association.

They also wish to have, Mr. Speaker, a reciprocity agreement so that architects from other provinces can come into Manitoba and practise as Manitobans from time to time desire to practise in other provinces. I can cite an example in recent years where Manitoba architects have been doing work in the Province of Alberta and currently for a Manitoba architect to practise in the Province of Alberta, they must buy into a partnership that exists within the Province of Alberta, but in other provinces within Canada if they associate with a firm or if Manitoba is prepared to permit architects, say for example from Saskatchewan to practise here, then Saskatchewan is prepared to accept Manitoba architects. The one area that is an area of difficulty is currently with the Province of Alberta because that's a very popular area of development now and the current regulations that Alberta are prepared to accept are that Winnipeg firms must buy into Alberta practices, but hopefully in the future the same arrangement that exists between other provinces will exist for Manitoba architects wishing to practise in Alberta.

Another area of change, Mr. Speaker, is work to be done by non-members currently reads, "a building of 4,000 square feet and a value of \$35,000 or less". By placing a figure such as \$35,000 of financial value on the building, it's just not practical, Mr. Speaker, because of escalating costs and inflation the \$35,000 figure is just not a practical figure in this day and age. So what they want to do in this bill is to change it to 400 square metres and the 400 square metres is arrived at because that is what the Manitoba Building Code accepts, a building that you or I as private citizens could build without the use of an architect, and that is exactly what the City of Winnipeg's bylaws accept and that is what the Manitoba Code accepts. So what the architects want to do is delete that \$35,000 figure which is rather outdated.

Another area of revision is the names and addresses of persons preparing the plans and when the plans are prepared that at least one member who has prepared those plans in an architectural firm is a resident of Manitoba and has a Manitoba seal.

Another area that the association would like to see changed is penalties for breach of provisions of the Act by their own members who have failed to live up to the code of ethics and so on. Currently the penalties are set at \$50.00 and \$100.00 and they would like to see that increased to \$50.00 for the first offence and \$1,000 for the second offence of any member of their association who is not acting and abiding by the rules of the association. So the \$50.00 and the \$100.00 figures are really unrealistic figures in this day and age.

Then another area, Mr. Speaker, is preparation of plans for own use. It's notwithstanding anything in this Act. Any person, mechanic or builder may make and prepare plans and specifications for, or supervise the erection, enlargement or alterations of any building that is to be constructed by himself or herself, or tradesman employed by him, provided that such building is retained by that person for their own purposes for at least two years after completion. The purpose of this is so we don't have people who are unqualified preparing plans for buildings and going ahead and building buildings without the proper plans. Currently you don't have to have an

architect's seal on a set of plans, you can have an engineer's seal on plans and that is accepted by the City of Winnipeg's Building Codes and by the Manitoba Building Codes, and what we want to do here is just to clarify that within this Act for the architects.

The final point, Mr. Speaker, that I would like to make reference to is the seal, and every person or firm practising as an architect or architects in Manitoba in accordance with this Act shall have a seal, the impression of which must contain the name of the architect, or in the case of a firm the name of at least one member thereof being a member of the association with his place of business and the words "registered architect". The purpose of changing this in regard to the seal is that there are a number of architectural firms that in the past have had as many as six or eight partners and the seal in the past has always had to contain the names of each and every member of that partnership, and as you perhaps, Mr. Speaker, and other members of the Chamber know, architects have had a tendency over recent years to get away from naming the six or eight partners in the letterhead and on their seal and going to maybe initials of two or three of the senior partners and this is what the association would like to see changed so that the initials of two or three senior partners would be acceptable on the seal rather than naming the six or eight partners as has been the case in the past.

So as I said at the outset, Mr. Speaker, in my opinion these are housekeeping amendments within Bill 22, to The Architects Act, which was originally passed in 1924 and has on two other occasions been amended in this Legislature, so this is the third time that their Act is being amended and I would recommend to you and to all members of the House the passing of this Bill at Second Reading and that it be permitted to go on to committee where at such time the President and the Executive Director of the Association will be present to answer any questions or concerns that Members of the Legislature have at that time.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MS. WESTBURY:** Thank you, Mr. Speaker. As far as I am concerned, this Bill can go on to committee. My party doesn't oppose it at all.

**MR. SPEAKER:** The Honourable Member for Kildonan.

**MR. FOX:** Mr. Speaker, I move, seconded by the Honourable Member for Ste. Rose, that debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 25 — THE REGISTERED RESPIRATORY TECHNOLOGISTS ACT**

**MR. SPEAKER:** Bill No. 25. The Honourable Member for Springfield.

**MR. ANDERSON** presented Bill No. 25, The Registered Respiratory Technologists Act, for second reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Member for Springfield.

**MR. ANDERSON:** Mr. Speaker, it is with pleasure that I introduce Bill No. 25, The Registered Respiratory Technologists Act, for second reading. The second reading at this time is particularly apropos because the Canadian Society of Respiratory Technology is holding its 16th Annual Educational Forum and General Meeting for 1981 this week at the International Inn here in Winnipeg, with a registration from across Canada of some 400.

In addition, Mr. Speaker, the Honourable the Minister of Health, has signed a proclamation designating the week of May 4th to 9th, 1981 as Respiratory Technology Week. With your permission, and for the interest of members, I should read that proclamation signed by the Minister of Health because it calls to our attention the fine work that is being done by respiratory technologists.

"Proclamation: Whereas respiratory technology is a vital health discipline designed to help physicians diagnose, treat and promote the well-being of patients with respiratory and associated disorders; and Whereas respiratory technologists in Manitoba and throughout Canada continue to establish new levels and standards of excellent in this demanding field of technology; and Whereas through their own skill and dedication and through extensive medically-supervised education and training, registered respiratory technologists have outstanding competence in providing unique respiratory care, skills and services of a therapeutic nature; and Whereas the Canadian Society of Respiratory Technologists will hold its Sixteenth Annual Educational Forum and General Meeting in Winnipeg May 5th to May 8th, 1981; and Whereas it is in the general public interest to recognize the important work of this society and to give evidence of our appreciation for the work of respiratory technologists, now therefore be it known that I, L.R. (Bud) Sherman, Minister of Health, do hereby proclaim that the week of May 4th to 9th, 1981 shall be designated as Respiratory Technology Week in Winnipeg. I enjoy our citizens to welcome Canadian Respiratory Technologists to our province and to observe this special week." Signed by the Minister.

Mr. Speaker, the respiratory technologists are relatively few in number, with less than 200 here in Manitoba and some 1,400 in all of Canada. However, respiratory technology has developed as a natural corollary to the increased sophistication of therapeutic methods directed towards cardio-pulmonary disorders and respiratory technologists play an increasingly important role in the day-to-day treatment of patients with respiratory disorders.

I should read into the record, Mr. Speaker, a definition of respiratory technology as given by the Canadian Society of Respiratory Technologists, and I'll quote: "It's an allied health discipline devoted to the scientific applications of technology in order to assist the physician in the diagnosis, treatment and promotion of the well-being of patients with respiratory and associated disorders."

In spite of the ever-increasing sophistication of respiratory technology, the respiratory technologists recognize that the physician is still the captain of the health care team and the work of the technologists remains entirely under the direction of the attending physician.

I have had the privilege, Mr. Speaker, of observing firsthand the activities of respiratory technologists on a day-to-day basis in our hospitals. They are entrusted with certain aspects of the care of patients ranging in age from the new-born infant to geriatrics and all manner of acute and chronic respiratory problems, as well as post-operative care of quite a number of surgical patients.

The medical profession is very supportive of the technology. There is a clear definition of their technology in the Bill and it is medically supervised and while the respiratory technologists expand their definition, they make it very clear in this Act that other people or disciplines can carry out certain procedures as required. If respiratory technologists are not available in a particular locale or in a particular circumstance, other medical and associated lay personnel must indeed be able to carry out many of the functions of a respiratory technologist.

With regard to education standards, the Association is very anxious to maintain the concept of an advisory council in order to maintain a Manitoba presence in the setting of their standards of care and they are proposing amendments for the committee stage which will provide for the board to be certain that the standard for their technological education are consistent with the standards of the Canadian society.

At present, the standards for respiratory technology are recognized on a Canada-wide basis and all provinces in Canada are represented on an executive committee which is the examining body for these people. There is an annual revision of the curriculum by physicians and technicians who are specialists in this area.

An amendment at the committee stage will be proposed to further clarify the intention of the technologists that any person can perform the act of respiratory technology under the direct supervision of a duly-qualified medical practitioner or a registered respiratory technologist and that they could be paid for these services.

In principle, this will permit an institution or an employer to have a physician on staff, or a fully-registered trained respiratory technologist carry out this function in that hospital. This section is required to enable any physician to utilize available personnel when the expert help of a respiratory technologist is not available.

In general, Mr. Speaker, these are the highlights of this particular bill. Again, as in other legislation being put forward by the other health disciplines, the guidelines call for a separation of licensing and disciplinary procedures from the business and economic aims of the various disciplines. The bylaws are the responsibility of the board. The regulations must be approved by the Lieutenant-Governor-in-Council. There is provision on the board for lay representation, as well as on the complaints and disciplinary committees. The disciplinary procedures are in concert with those procedures adopted by the nursing disciplines one year ago and there is ministerial representation on the advisory committee or advisory council.

Mr. Speaker, the respiratory technologists are a vital component of the modern health-care team. This Bill will give them the recognition they deserve

and I think the Bill will commend itself to all the honourable members and will be discussed further in committee, where we can have more detailed explanations given by members of that technology for the benefit of all members.

Thank you very much.

**MR. SPEAKER:** The Honourable Member for Kildonan.

**MR. FOX:** Mr. Speaker, I move, seconded by the Honourable Member for Ste. Rose, that debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** The Honourable Member for Winnipeg Centre.

**MR. BOYCE:** On Bill No. 53, Mr. Speaker, could we have this matter stand? There is an indication that we may call it 5:30.

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, I wonder if there is a disposition to call it 5:30.

Mr. Speaker, tonight there will only be one committee in the House, on the Attorney-General Estimates.

I would move, seconded by the Honourable Minister of Government Services, that the House do now adjourn and resume in Committee of Supply at eight o'clock.

**MOTION presented and carried** and the House adjourned and stands adjourned until 2:00 p.m. tomorrow. (Wednesday).