



**Second Session — Thirty-Second Legislature**  
of the  
**Legislative Assembly of Manitoba**

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**DEBATES**  
and  
**PROCEEDINGS**

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**31-32 Elizabeth II**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

Name	Constituency	Party
<b>ADAM, Hon. A.R. (Pete)</b>	Ste. Rose	NDP
<b>ANSTETT, Andy</b>	Springfield	NDP
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BANMAN, Robert (Bob)</b>	La Verendrye	PC
<b>BLAKE, David R. (Dave)</b>	Minnedosa	PC
<b>BROWN, Arnold</b>	Rhineland	PC
<b>BUCKLASCHUK, Hon. John M.</b>	Gimli	NDP
<b>CARROLL, Q.C., Henry N.</b>	Brandon West	IND
<b>CORRIN, Brian</b>	Ellice	NDP
<b>COWAN, Hon. Jay</b>	Churchill	NDP
<b>DESJARDINS, Hon. Laurent</b>	St. Boniface	NDP
<b>DODICK, Doreen</b>	Riel	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOLIN, Hon. Mary Beth</b>	Kildonan	NDP
<b>DOWNEY, James E.</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>ENNS, Harry</b>	Lakeside	PC
<b>EVANS, Hon. Leonard S.</b>	Brandon East	NDP
<b>EYLER, Phil</b>	River East	NDP
<b>FILMON, Gary</b>	Tuxedo	PC
<b>FOX, Peter</b>	Concordia	NDP
<b>GOURLAY, D.M. (Doug)</b>	Swan River	PC
<b>GRAHAM, Harry</b>	Virden	PC
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry M.</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HEMPHILL, Hon. Maureen</b>	Logan	NDP
<b>HYDE, Lloyd</b>	Portage la Prairie	PC
<b>JOHNSTON, J. Frank</b>	Sturgeon Creek	PC
<b>KOSTYRA, Hon. Eugene</b>	Seven Oaks	NDP
<b>KOVNATS, Abe</b>	Niakwa	PC
<b>LECUYER, Gérard</b>	Radisson	NDP
<b>LYON, Q.C., Hon. Sterling</b>	Charleswood	PC
<b>MACKLING, Q.C., Hon. Al</b>	St. James	NDP
<b>MALINOWSKI, Donald M.</b>	St. Johns	NDP
<b>MANNES, Clayton</b>	Morris	PC
<b>McKENZIE, J. Wally</b>	Roblin-Russell	PC
<b>MERCIER, Q.C., G.W.J. (Gerry)</b>	St. Norbert	PC
<b>NORDMAN, Rurik (Ric)</b>	Assiniboia	PC
<b>OLESON, Charlotte</b>	Gladstone	PC
<b>ORCHARD, Donald</b>	Pembina	PC
<b>PAWLEY, Q.C., Hon. Howard R.</b>	Selkirk	NDP
<b>PARASIUK, Hon. Wilson</b>	Transcona	NDP
<b>PENNER, Q.C., Hon. Roland</b>	Fort Rouge	NDP
<b>PHILLIPS, Myrna A.</b>	Wolseley	NDP
<b>PLOHMAN, Hon. John</b>	Dauphin	NDP
<b>RANSOM, A. Brian</b>	Turtle Mountain	PC
<b>SANTOS, Conrad</b>	Burrows	NDP
<b>SCHROEDER, Hon. Vic</b>	Rossmere	NDP
<b>SCOTT, Don</b>	Inkster	NDP
<b>SHERMAN, L.R. (Bud)</b>	Fort Garry	PC
<b>SMITH, Hon. Muriel</b>	Osborne	NDP
<b>STEEN, Warren</b>	River Heights	PC
<b>STORIE, Hon. Jerry T.</b>	Flin Flon	NDP
<b>URUSKI, Hon. Bill</b>	Interlake	NDP
<b>USKIW, Hon. Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, Hon. D. James</b>	St. Vital	NDP

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 8 August, 1983.

Time — 2:00 p.m.

**MR. ASSISTANT CLERK, G. Mackintosh:** It is my duty to inform the House that Mr. Speaker is unavoidably absent and I would ask the Deputy Speaker to take the Chair in accordance with the Statutes.

**OPENING PRAYER by Mr. Deputy Speaker.**

**MR. DEPUTY SPEAKER, P. EYLER:** Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**MR. DEPUTY SPEAKER:** The Honourable Minister of the Environment.

**HON. J. COWAN:** Mr. Speaker, I'd like to make a statement and table a report.

Mr. Speaker, I'd like to table the Report on the Symposium of Hazardous and Special Wastes and outline the government's response to the report's major recommendations.

Much of the main focus of the report's recommendations is on the development of public information and extensive public consultation in all aspects of a hazardous waste management system. The report also made recommendations on requirements of legislation, as well as, on the operation of a disposal facility.

The report also states that reduction, recycling and reclamation should be the long-term basis of Manitoba's Waste Management Program.

I support these recommendations and many of them have or are being addressed by the government. I also want to emphasize our commitment to reduction, recycling and reclamation. It is our intention that this be a major focus of the Hazardous and Special Waste Management Program. In addition, Mr. Speaker, the principle of public participation in the siting, design, construction, operation and long-term monitoring of any hazardous and special waste system.

With regard to increased public information, the government has just published an information package on hazardous wastes, which includes a detailed brochure, a short pamphlet on the Manitoba Program and an extensive bibliography. Members of the House will be presented with copies of this during the course of this afternoon.

I would also mention that my department is currently updating a 1980 study of waste generators in Winnipeg, and is also obtaining specific information on waste haulers. In addition, this fall, departmental staff will be participating in an information exchange program with industries throughout Manitoba. The purpose of this information exchange is to obtain more specific information on the types of wastes being generated by industry and on the way these wastes are being handled and disposed.

This information will assist the government to develop a short-term solution for hazardous waste disposal until a more intensive management system can be put into place.

As for the more specific recommendations on the construction and operation of a facility or management system, we welcome these recommendations and will give them detailed examination. However, the Clean Environment Commission will be holding public hearings later this year to review the type of system required and the possible locations for it. Recommendations from these hearings will also play an important role in the final decision.

Other recommendations contained in the report will be addressed as the program progresses.

Mr. Speaker, I'd like to express my thanks to the eight-member, non-governmental committee which prepared this report and organized the Manitoba symposium. A great deal of hard work went into both of these efforts and I am extremely grateful to the committee.

As you will recall, I announced the three-phase Hazardous and Special Waste Management Program last year. The Manitoba Symposium on Hazardous and Special Wastes was an important component of the first phase and was held at the Winnipeg Convention Centre on March 16th, 17th and 18th of this year.

The report's recommendations result in part from discussions at the symposium and as such reflect the views of many Manitobans who participated in that effort. The report, along with the new informational package will be circulated to a variety of groups and individuals, including municipal officials, environmental groups and individuals who attended the symposium, for their review and comment.

This report is an important document which will assist the government in formulating both short- and long-term policy to hazardous waste management in Manitoba. I hope all interested Manitobans will take the time to read it and provide their continuing comments.

Thank you.

**MR. DEPUTY SPEAKER:** The Honourable Member for Fort Garry.

**MR. L. SHERMAN:** Mr. Speaker, on behalf of the member on this side of the House, I thank the Minister for his statement and for his action in tabling this particular report. It's a report that is awaited with interest by all of us on both sides of the Chamber. I welcome the continued initiative in the field of hazardous waste management and related areas of the kinds of things that were being discussed in intensive fashion and were, in fact, under way under the administration of the previous government, and certainly acknowledge the follow-through by the current government on those programs and initiatives. We'll look forward to studying the report now that it's available, Sir.

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

**HON. J. PLOHMAN:** Mr. Speaker, I have a statement. Mr. Deputy Speaker, I would like to report that aerial spraying to combat western equine encephalitis was conducted over the communities of Roblin and Russell Sunday morning, and over the communities of Deloraine and Melita this morning. Weather permitting, aerial spraying will be conducted over the communities of Neepawa and Minnedosa this evening from 6:30 until 9:30 p.m.

Data received this morning indicate that the communities of Ste. Rose and Grandview should receive the aerial application. If weather conditions permit, this will be done Tuesday morning.

Monitoring is continuing in the Souris, Rivers, Killarney, Carberry and Boissevain area. The centres of Winnipeg, Brandon, Dauphin and Selkirk are also being watched closely.

Long range weather forecasts indicate that the current hot and humid weather conditions which have accelerated mosquito numbers and activity is expected to continue. Although a decision to respray the centres of Winnipeg, Brandon, Dauphin and Selkirk has not been made, each passing day of hot and humid weather makes the situation more likely. Data is being collected and evaluated on a daily basis.

Additional supplies of malathion arrived in Winnipeg last night with another tanker expected shortly.

Let me, again, conclude that personal protection remains as the best means of defense against contracting Western Equine Encephalitis.

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

## ORAL QUESTIONS

### Child abuse investigation

**MR. DEPUTY SPEAKER:** The Member for Fort Garry.

**MR. L. SHERMAN:** Mr. Speaker, my question is to the Honourable First Minister. I would ask him, Sir, whether he can confirm that an investigation will be conducted into the handling of a recent widely-publicized child abuse case in the jurisdiction of the Children's Aid Society of Eastern Manitoba, the case which all Manitobans, I'm sure, would agree was both tragic and very shocking.

**MR. DEPUTY SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, I agree with the concerns that have been raised by the Member for Fort Garry. The Acting Minister, I believe, was undertaking some investigations this morning pertaining to same, and might be in a position to respond to the question.

**MR. DEPUTY SPEAKER:** The Honourable Minister of Economic Development.

**HON. M. SMITH:** Yes, Mr. Deputy Speaker, such an event, I guess, occurs in Manitoba every day, but it is one of the more difficult types of cases to detect and to bring to light where protective and appropriate action

can be taken, both for the child and for the family members involved. In this case, the department has asked the Executive Director and the Board of Children's Aid of Eastern Manitoba to give a full report on their records relating to this particular youngster and family and report back, as soon as possible, to the department, at which time the report will be studied and appropriate action will be taken.

**MR. L. SHERMAN:** Mr. Speaker, I would ask reassurance from the Acting Minister of Community Services that things like this don't happen every day. If they do, then the entire system must be reviewed, re-examined and taken apart piece by piece from top to bottom. Certainly child abuse, unfortunately, happens every day but it doesn't go unacknowledged and unreported by professionals, at least hopefully it doesn't. I would ask the Acting Minister for clarification on that point.

**HON. M. SMITH:** Mr. Speaker, I recall just a few short years ago when reports started coming out in the media and indeed two professionals working in the field with children, documenting the extent to which cases like this were, in fact, occurring. I suppose it can be akin to the wife-battering information that has only recently come to light in terms of its extent and of the lack of services to provide immediate respite and, indeed, to work constructively over a longer period of time in a preventative mode.

I have worked myself with children involved in such situations and I think one of the sad but real facts we must deal with when working with cases of this sort, Mr. Speaker, is that children are not always able or willing to give a clear accounting of what has occurred. They often communicate by means of a kind of inference, and sometimes it is extremely difficult with even the most experienced workers to detect when a youngster is referring to an actual event of this kind, when they are fantasizing or when they are, in fact, referring to something rather more run-of-the-mill. It is that type of information which we want to get from the workers involved, get their version of the story because to date, as I understand it, we do have a judge's comment on testimony given by a youngster in court about events that occurred over three to four years of that child's life.

Now it is our intent, of course, to work either by dealing with the particular workers involved; if we find there was not reasonable care of professional judgment involved here, to see that that is remedied and, in fact, in-services or further sensitizing of our social worker staff to enable them better to deal with such cases is called for, I'm sure I can speak on behalf of the Minister in the department, that such training will be offered.

**MR. L. SHERMAN:** Mr. Speaker, there's no argument with the points that the Honourable Minister has to make with respect to the difficulties of this role. Would the Honourable Minister concede that professional social workers are trained to address those difficulties, as professionals in any discipline are trained to address and identify difficulties, and that in this case there seems to be some question as to the competence with which the Children's Aid Society of Eastern Manitoba

addressed evidence and testimony, even though it came from children? Would the Honourable Minister concede that there are professional requirements that appear not to have been met in this case?

**HON. M. SMITH:** Mr. Speaker, I think the honourable member earlier today did say that his own direct experience in this field was limited. I can assure him, Mr. Deputy Speaker, that however well trained a social worker is that you are dealing with human communication, with the ability of youngsters of immature years to know what has occurred, to be able to articulate it, to form judgments about it, and it is not a simple and straightforward communication process that occurs. The best social worker in the world, Mr. Deputy Speaker, is not able, in all instances, in an early stage of such encounters with youngsters or a family, to deduce what the family members will not divulge willingly.

I reject entirely the implication that what we're dealing with here is professional incompetence or poor organization. I maintain that we will look into this specific case to see if there was any individual lapse of judgment, or failure to take reasonable steps, Mr. Deputy Speaker, but to infer that any social worker can, with 100 percent accuracy, deduce in precise and exact terms all the details of what goes on in a family, in a case like this, suggests to me, Mr. Deputy Speaker, that the member opposite is indeed not familiar at all with the complexities of this type of work.

**MR. L. SHERMAN:** Mr. Speaker, is the Acting Minister saying that she is satisfied with the way that the Children's Aid Society of Eastern Manitoba handled this case?

**HON. M. SMITH:** Mr. Deputy Speaker, I, in no way ever said I was satisfied, but nor will I prejudge that I am dissatisfied. We have asked for a chronological report of events, as they were seen by the CAS, and by the individual worker, which I think should be a normal procedure in dealing with any complaint and, only after looking at that report, looking at the record of the people involved and their general performance in the job, will we move to take any additional steps; but that will proceed and I assure the member opposite that we are not taking this case lightly, nor sitting back doing nothing about it.

**MR. L. SHERMAN:** Well, Mr. Speaker, I'm glad at least to extract that amount of sensitivity and response from the First Minister. In her condescending answers earlier she gave the impression that this is a normal procedure, and I asked the First Minister whether a professional social worker, and his or her administrator, do not know or should not know that in cases like this there are experts in the child protection unit, the child abuse team at Children's Hospital which can be called in? Notwithstanding all the niceties and all the patronizing talk that the Minister makes about the difficulties of the job, with which I do have some familiarity, Mr. Speaker, there are teams of experts who are able to address those problems and try to find the answers. Would not a professional social worker have some responsibility to call that kind of team in, when there was evidence of this kind?

**HON. M. SMITH:** Mr. Deputy Speaker, one of the difficulties we are encountering with these so-called teams of experts, is that in dealing day after day with some of the most difficult and painful cases, they themselves come to feel that they lose a sensitivity to the issues involved, so calling in experts as if it were a special kind of poison control, is not always the only or best line of action. It is one line of action that is available to people.

We have been stressing in our whole approach to child welfare, that we need to develop systems of greater accountability and a clear statement of policy and approach to these problems. This will be true in working with this particular case with this particular CAS, as it will be when we are dealing with every other CAS in the province.

**MR. L. SHERMAN:** Mr. Speaker, I find the insensitive response of the Minister absolutely incredible. Is the Minister trying to argue that Dr. Ken McRae, Dr. Charlie Ferguson, Dr. Sally Longstaffe, the whole team at the Child Protection Unit at the Health Sciences Centre is so close to the problem that they can't see the woods for the trees; so close to the problem that they don't understand it, or that they lose their sensitivity to it? That's incredible, Mr. Speaker. Will the Minister not respond in a way that I think all Manitobans would expect her to respond, by saying there appears to have been a failure here to meet professional competence requirements and that she and the government will investigate the way in which CAS East handled this case?

**HON. M. SMITH:** Mr. Deputy Speaker, I've given my word that we will investigate. I have said, in terms of professional competence, that we're not about to prejudge a person at this stage of the game. He has a right to make his case known; we have a right to hear what he has to say; and what the CAS has to say along with it.

When I referred to some of the difficulties encountered by the teams of experts, I was thinking most particularly of the police group we have that works in these cases and they, themselves, say it is so painful and difficult to deal day after day with cases where youngsters are abused, and pitifully abused, Mr. Deputy Speaker, that they too would welcome a more expanded and team approach to problems of this severity, but it is our commitment that we will put together a multipronged approach to deal with these problems and be as sensitive as it is humanly possible to be, so that we are dealing as responsibly as we can.

In the long run though, probably it is the preventative role, the general awareness of the community at large, that such treatment of children is unacceptable and that every adult member of this society will see themselves as a protector of children and willing to report such suspected cases or actual cases to people who can take it further and do the constructive family counselling that is called for.

**MR. L. SHERMAN:** Can the Minister concede that prevention is wonderful, but when a grave injustice has been committed against children that there is a process which can be followed to rescue them? The team

approach that she is talking about is already in place, introduced by my government and supported and funded by the current Minister of Health through his appropriations which provide for that child protection unit at the Health Sciences Centre, and that a simple contact to that unit was all that was required. There was no need to go to the police if people involved didn't want to go to the police. Would the Minister concede that unit is there, that team is there? She doesn't need any more other than a professional response to its existence on the part of professional social workers.

**HON. M. SMITH:** Mr. Speaker, for the scenario outlined by the member opposite to be in effect, it has to be established that the youngster did communicate unequivocally to the social worker in a way that could be understood at an earlier time point.

At the moment, what we have on the record is that the child said that that's what he had done several years ago in a court testimony. Although I think it is important to hear children's testimony and to take seriously their opinion and their reporting, I don't think we can assume that a child having said he did something three years ago is proof positive that the communication did occur.

Mr. Deputy Speaker, I plead with all people dealing with youngsters of this age in this area of work to recognize that it is not a simple question of a child walking in one morning and telling the intake worker that he has been sexually abused, and would they please do something appropriate. Children are loyal to their families. They are embarrassed. They often don't have a vocabulary with which to communicate. They often fantasize about such things. A social worker does their level best to sort out this kind of communication and information and take appropriate action. We are not judging our social worker one way or the other, Mr. Deputy Speaker, until we have a fuller report.

**MR. L. SHERMAN:** That's terrible, just terrible. Everybody knows it's difficult to identify, but professional social workers are . . .

### Labour Liaison Officer

**MR. DEPUTY SPEAKER:** Order please. The Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Speaker, my question is to the Minister of Economic Development. In view of the fact that Mr. Don Roger was the Chief Executive Officer of Gamble's before becoming the Deputy Minister of Economic Development; and in view of the fact that Mr. Bob Thompson was a Vice-President with General Electric and the Chief Executive Officer of General Tire just previous to coming to the Manitoba Government; and Mr. Roger having come to us at about \$48,000 a year and Mr. Thompson at about \$54,000 a year, can I ask the Minister of Economic Development what search was made and what justification is there for hiring a liaison officer, not a deputy, a liaison person for \$85,000 a year in this province?

**HON. M. SMITH:** Mr. Deputy Speaker, we hired a consultant to do a job that we felt could be done,

needed to be done. We hired someone that we felt could do the job well, and we negotiated the best terms that were available.

**MR. F. JOHNSTON:** Mr. Speaker, with the figures for the other gentlemen that I just mentioned, I suggest that the negotiations weren't very good.

Mr. Speaker, I would ask the Minister of Economic Development and Tourism, in view of the fact that the Premier stated that there was a most extensive search, at least he thought the most extensive search ever carried out in the province for a Deputy of Economic Development in Manitoba - and that's not quite right, because when Mr. Thompson was hired, there was just as extensive a search made, but we're used to those statements by the Premier - but in view of the fact, Mr. Deputy Speaker, that the Premier made this statement and the press release that I am reading about Mr. Ed Robertson, "The new Deputy Minister of Economic Development and Tourism has a broad mix of private and public sector experience with knowledge in strategic planning processes, community economic development, industrial policy, sector analysis and investment stimulation," in view of the fact that the Deputy that was hired has all those qualifications and very likely is not making much more than \$56,000 a year at this time, could the Minister please explain why they negotiated \$85,000 a year for the present advisor that they have hired?

**HON. M. SMITH:** Mr. Speaker, in spite of opinions to the contrary that the public sector employees are in a higher wage scale than the private sector, we find that when we're wanting some of the expertise from some elements of the private sector that, in fact, the wages at the lower end may be lower, but the wages at the upper end are much beyond what exists in the public sector. Therefore, when we are dealing with people from that sector, we negotiate the best we can manage.

**MR. F. JOHNSTON:** Mr. Speaker, I am holding another press release from the government which talks about "The business-labour government conference termed a success." It goes through some of the things that happened at the conference, but I am looking at a picture that was attached to it where we have Mr. Martin; the Premier, Mr. Pawley; Mr. Fullerton and the Minister of Economic Development. "Premier Pawley confers with Gerry Fullerton, Imperial Oils' Corporate Manager . . ." etc., "during news briefings and at the following interview two-day Business and Labour Conference at Portage la Prairie." Conference leaders are shown on this picture. Can I ask the Minister of Economic Development if the recommendation to hire an advisor, a liaison between government and business came from the Economic Development Conference?

**HON. M. SMITH:** The specific recommendation did not, Mr. Deputy Speaker, but a desire for better communication and for a sharing of our common economic problems in Manitoba to see, in fact, whether there were not more areas of consensus was a strong desire by all groups represented at that summit conference. We have given our commitment, although

we know there are short-term differences of opinion and different perspectives, Mr. Deputy Speaker, that most often get aired in this House.

There are longer-term concerns where it is our conviction, at least on this side of the House, that we have more to unite us than to divide us. We're committed to building that kind of dialogue and those kinds of links and jointly sponsored activities, because we believe in Manitoba's future and that by working together all groups can, in fact, advance that economy.

**MR. F. JOHNSTON:** Mr. Deputy Speaker, my further question to the Minister of Economic Development. For \$85,000 a year, will Mr. Fullerton be reporting at 8 o'clock in the morning and leaving at 4:30 at night? Will he be putting in the time that the Deputy Minister of Finance, who probably earns about \$65,000 a year, who is probably the best advisor on Finance that this province has and being paid probably paid \$20,000 less . . .

**HON. R. PENNER:** Question?

**MR. F. JOHNSTON:** . . . will Mr. Fullerton be putting in - and I hear the Attorney-General yelling, question, and he's touchy on this one - so, Mr. Speaker, will Mr. Fullerton be putting in a full day's work daily and have a holiday schedule, etc., for \$85,000 a year?

**HON. M. SMITH:** Mr. Speaker, for someone at this level of pay, I think what you find is their commitment to the work extends far beyond the eight-hour day. We will, in fact, on occasion see Mr. Fullerton in there earlier in the morning, but many times see him on into the evening hours. I certainly expect that weekend assignments will be a part of his total workload.

**MR. F. JOHNSTON:** Mr. Deputy Speaker, a final question. The First Minister indicated that Mr. Fullerton would have expenses. I wonder if the Minister will be approving expenses at the Manitoba Club, where the First Minister will not go for dinner, or the St. Charles Country Club; I wonder if the expenses at those clubs will be paid for by the government, and is he being hired so they can have liaison at those clubs where they don't like to go.

**HON. M. SMITH:** No, Mr. Speaker.

**MR. DEPUTY SPEAKER:** The Honourable Member for La Verendrye.

**MR. R. BANMAN:** Thank you, Mr. Speaker, I direct my question to the Minister of Economic Development, and would ask her, in light of the government's attempt to offset its anti-business taxation policies, and its anti-business legislation, which we are being asked to deal with and, in light of the fact, they have now hired a person for \$85,000 to try and beef up their PR with regard to business, at a salary, I might add, Mr. Speaker, three times that which the members of the Legislative Assembly get, it doesn't even meet the old two-and-a-half times one criteria for the members of the Legislature, let me ask the Minister of Economic Development whether or not this individual will also be receiving a government car?

**MR. DEPUTY SPEAKER:** The Minister of Economic Development.

**HON. M. SMITH:** Well, Mr. Deputy Speaker, the question started off saying something about our government being anti-business, and I was just starting to list all the activities that we fund in support of private business; support for technology adaptation; trade promotion for investment expansion; the entire range of small business activities.

Mr. Speaker, what the members opposite, because they tend to think that things have to be either black or white, their way or completely opposite, I submit that the member on this side see the economy of Manitoba and the business community, as an essential part of a larger whole, and that what we are working out is their appropriate place in the field of economic growth. An individual such as Mr. Fullerton will be assisting us by giving us feedback on the perceptions of business, and also by communicating our policies and thinking to them, to attempt to by-pass this absolutely unsubstantiated view that a social democratic government is anti-business. Mr. Deputy Speaker, we are pro-business but we want to put business in perspective.

Now to get to the final question asked; yes, he will have the use of a government car.

**MR. DEPUTY SPEAKER:** Order please. The Member for La Verendrye.

**MR. R. BANMAN:** Thank you, Mr. Speaker. It's interesting to finally have that answer after a three-minute dissertation about what the individual's going to be doing. It should be interesting, Mr. Speaker, to see what his report is going to be on the 1.5 percent payroll tax which is taking 112 million out of the pockets of the laborers in this province this year.

I wonder if the Minister could inform the Legislature whether or not, included in this package of \$85,000 a year plus a car, whether or not there are any pension benefits that will accrue to this individual?

**HON. M. SMITH:** Mr. Deputy Speaker, I should take that under advisement. To my memory there are not pension supports.

I do wonder at the noise coming from the other side about the level of pay for an individual. They seem so astonished whenever we suggest anything like an individual wealth tax, where we say those who are most favoured in the society should take their fair share of supporting important public services; somehow they think that is completely a dangerous thing to do, and yet here they find a salary applied to some individual to perform a valuable service, and they think it laughable.

Mr. Speaker, I would ask them if they are now going to be supportive of an individual wealth tax and a personal surtax on income, if they're so disapproving of high incomes being given to people from the business community.

**MR. R. BANMAN:** Mr. Speaker, I wasn't quite sure if the Minister answered my question as far as the pension benefits are concerned; I wonder if the Minister could elaborate.

Mr. Speaker, to the Minister, how can she as a member of a socialist party who has espoused the two-and-a-half times one principle in this Legislature, try and chastise the opposition for the stand on this. They are hiring an individual at \$85,000 which is substantially, which is at least seven times, or six times more than a person working on a highways crew, and this is the government who was going to introduce the two-and-a-half times one in this province, and by their action today have exactly shown the two-facedness of this particular government.

**HON. M. SMITH:** Mr. Deputy Speaker, as the long term goal it is this government's desire to move towards a narrower gap between the top and the bottom of income in society. Mr. Deputy Speaker, one way that can be done is through taxation; the other way is through income.

In our working with the MGEA, and in a refusal to take an advance in salary this year, we are demonstrating our willingness not to have increases at the upper level.

Mr. Deputy Speaker, in dealing with someone like Mr. Fullerton, we are paying attention to where he comes from in the private sector and moving it down closer to the middle range. We are realistic enough to know that we cannot accomplish a closer income spread overnight, Mr. Speaker, but we are heading in that direction, I assure the members opposite.

**MR. R. BANMAN:** Well, Mr. Speaker, two questions. No. 1, will he be paying into a pension fund, or is the government contributing to any pension fund for this particular individual?

The second question is, will the Minister table the contract in the Legislature which has been signed with this individual?

**HON. M. SMITH:** Mr. Deputy Speaker, there are not pension benefits in a consultancy contract of this sort. In our rough rule of thumb, when we're dealing with Deputy and ADM, senior management level in government, we normally impute about a 30 percent value to the other types of benefits that they get. In this case those benefits are not included. They're not added on so the 85,000 would be in lieu of that type of benefit.

**MR. R. BANMAN:** Mr. Speaker, a final question. Will the Minister table the contract which they have signed with this individual, this \$85,000 contract, so that the people of Manitoba and the Legislature will know what kind of termination clauses are included, what length of the agreement? Will the Minister table that contract in the Legislature right away?

**MR. DEPUTY SPEAKER:** The Honourable Minister of Finance.

**HON. V. SCHROEDER:** Well, Mr. Speaker, we are prepared to table the document as soon as it's been signed. I don't believe it's been signed yet.

**MR. R. BANMAN:** Mr. Speaker, in light of the fact that this is going to be one of the highest paid individuals

in the Civil Service in the province, is the government having second thoughts about signing the contract?

**HON. V. SCHROEDER:** Well, Mr. Speaker, I think the Member for La Verendrye should be aware that Mr. Fullerton will not be a civil servant, it's a consulting contract; and he should also be aware that there are many individuals working in the public service in this province who are receiving a greater income. We can list a whole range of people in the public service at higher rates than that.

### Mosquito fogging

**MR. DEPUTY SPEAKER:** The Member for Emerson.

**MR. A. DRIEDGER:** Thank you, Mr. Deputy Speaker, my question is to the Minister of Government Services. It is generally known that the southeast is the most densely populated poultry operations in Manitoba. Due to the fact that St. Malo Beach, for example, is the second highest populated resort area in Manitoba on weekends and individuals have apparently identified the type of mosquito that is carrying the disease factor, Western Equine Encephalitis, in the area in large numbers, can the Minister indicate whether any monitoring has taken place in the southeast and, if so, to what extent, especially in the St. Malo area?

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

**HON. J. PLOHMAN:** Well, Mr. Speaker, I'm not aware of any individuals identifying these mosquitoes. It's very difficult to do with the naked eye, particularly if you're not trained, so I don't know that there have been individuals identifying those mosquitoes in that area, but I don't doubt that there would be, Mr. Deputy Speaker, because the counts of *Culex tarsalis* are high throughout the province. There has been monitoring throughout the province, however, we have restricted the spraying operations to communities over 1,000 population at this time. This has been done, of course, for practical reasons. It's very difficult to spray every square inch of Manitoba and also probably undesirable to do so, as well, from other points of view, particularly from environmental points of view.

So what we've tried to do, and I've explained previously, is to try and balance the risk to the population of Manitoba with the practical spraying program and, at this time, the cutoff has been at 1,000 population. The community that the honourable member is speaking of is lower than that, so therefore, it has not been designated as a spray area.

**MR. A. DRIEDGER:** To the same Minister then. Can the Minister indicate to what extent monitoring is taking place, or is there no monitoring taking place in communities that are under the 1,000 mark population that they have arbitrarily set?

**HON. J. PLOHMAN:** Mr. Deputy Speaker, I would have to find out exactly if there are any traps in that area close to the St. Malo area, but there has been monitoring throughout the province with special



attention to the communities that are over the 1,000 population. I'm not sure that there is a trap in the direct vicinity, in the immediate vicinity of that area, but certainly the overall area has been monitored in the Red River Valley area and has been designated high risk. As the honourable member well knows, earlier on a spraying program was conducted and the counts are lower now, but there may have to be respray in some areas depending on what the results are of testing that is carrying on at this time.

**MR. DEPUTY SPEAKER:** The Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Mr. Speaker. On the very same subject matter, the Mayor of Gilbert Plains has been in contact with me in the last hour or so, and I thank the Minister for his statement that Grandview should receive aerial application. Dauphin has already received applications; Swan River has received application; Roblin has received it, Russell. Why would you leave Gilbert Plains out when they are a population of 950 or 960 or 970, very close to 1,000; the mayor would like to know?

**HON. J. PLOHMAN:** Well, Mr. Speaker, that is not to say that there is not a high risk in communities under 1,000. Again, it was a matter of balancing the risk with the ability to conduct the spraying program.

There are a number of communities that are just under 1,000 - 800 to 900 people - and if you immediately open up this particular community, then you have to open up to a number of other communities that fall within another range. If you go down to 800, then people will say, well why didn't you spray communities of 750, or 700, or 650, or 600 and so on and so forth, and it keeps going. Right at this time we've had the cut off at 1,000 people, and we have not, at this time, from the results of monitoring and from the cases and so on that have come in, had a strong reason to feel that we have to broaden this to every community in the province. So the reason that Gilbert Plains was not done is because it was under the 1,000 population, whereas Grandview is just over that.

**MR. W. MCKENZIE:** Thank you, Mr. Speaker. I hope the Honourable Minister will phone the Mayor of Gilbert Plains, Mr. Hail, this afternoon and explain to him what he is telling the House, that the Gilbert Plains people, because they're less than 1,000 people are different than the people in Grandview and Dauphin and they don't need to be sprayed. So, if that's the way this government is going to run the spraying program, we'd better take another look at it.

### Hazardous waste management report

**MR. W. MCKENZIE:** I'd like to ask a question of the Honourable Minister of the Environment who had made the statement today. Can I ask him if he's prepared to send this report to all the small industries in rural Manitoba who are concerned today about their future regarding this study and these phases that the Honourable Minister is proposing to implement?

**HON. J. PLOHMAN:** Well, Mr. Speaker, I don't see the Honourable Minister of the Environment here.

### Mosquito fogging

**HON. J. PLOHMAN:** But just in answer to the statement that was made by the Member for Roblin-Russell. He should recall that in 1981, when the government that he was a member of at that particular time conducted an aerial spraying program, they cut off the communities at the population size of 1,800. I have mentioned this in the . . .

**A MEMBER:** What about those with 1,700?

**HON. J. PLOHMAN:** That is the question that we ask, you know, 1,600, 1,500 and I think, Mr. Speaker, it has to be pointed out - I don't know whether the Honourable Member for Roblin-Russell wasn't here or wasn't listening before, but he should be aware, because I've said that in this House before and it's clearly on Hansard, that the cutoff in 1981 was at 1,800 and we reduced that down to 1,000 so that we could cover more communities. The honourable member should be aware of that and make his statements in context of 1981, as well.

**MR. W. MCKENZIE:** Mr. Deputy Speaker, I thank the Honourable Minister of Government Services, who now has supported our amendment to the bilingual accord, who said: 1981 is different than 1983. We tried to make the argument the other day that even December 6th and 7th at Pearl Harbour were different dates, so what he does now won't support, and I hope you'll vote for our amendment which you opposed the other day.

I would like to go back, Mr. Speaker, to the question I raised. He rose in his place to answer the question to the Minister of the Environment. Can I ask him, are you the Deputy to the Minister of Environment, because that's my question. He's not in his chair, who can I ask the question of? Is this study, all these reports that have been distributed today, have they been distributed to all the small businesses in rural Manitoba?

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

**HON. R. PENNER:** I'll take that as notice on behalf of the Minister, Mr. Speaker.

**MR. DEPUTY SPEAKER:** The Member for Minnedosa.

**MR. D. BLAKE:** Thank you, Mr. Speaker. My question is to the Minister of Government Services responsible for the spray program. I wonder if he can inform the House if any instances have been brought to his attention, or if he's getting any complaints, in connection with damage to paint surfaces on automobiles through the malathion spray program?

**HON. J. PLOHMAN:** No, we haven't that I'm aware of, Mr. Deputy Speaker. We are advised that the size of the droplets averages around 60 to 70 microns which is below the danger level for affecting paint, and this is one of the areas that we had concern with originally and we intentionally made certain that the size of the droplets was small enough that it would not affect paint and, of course, in California and other areas where they

have sprayed in the past, the micron size was much greater. The average mean mass median of the size of the particles was in the 800 micron range, much larger, 10 times or 15 times larger than what we are experiencing here in Manitoba. The average in Manitoba is much less than that and it does not affect the paint from the advice that we have.

**MR. DEPUTY SPEAKER:** The Member for Minnedosa.

**MR. D. BLAKE:** The technical advisor tells me, Mr. Deputy Speaker, that in California, the method used was to kill the fruit flies. In order to attract them, they had to mix the malathion with molasses and it was the molasses that destroyed the paint surface on automobiles. I'm wondering if he has checked with the Manitoba Public Insurance Corporation to see if they have had any claims paid for paint jobs, as a result of the spraying of malathion.

**HON. J. PLOHMAN:** I, again have had no reports and the officials have been very thorough in providing up-to-date reports to ourselves on this and I have received no reports. I should mention that the human hair is 100 microns and we're talking about an average of 60 microns, which is less than the size of the human hair, when we're talking about the droplet size here. So the members can get an idea of exactly how small a size of droplet we're talking about.

### Highway construction

**MR. DEPUTY SPEAKER:** The Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Speaker. I would like to pose a question to the Minister of Highways and Transportation. Based on the additional highway construction approval from the Jobs Fund, could the Minister of Highways indicate the estimated cost that the department have put on two projects, namely, the reconstruction on Highway 269, which involves base and asphalt surface treatment for 11.6 miles, and could the Minister provide the departmental estimate for the reconstruction on the Easterville road, eight miles of drainage improvement, grade upgrading, base and asphalt surface treatment?

**MR. DEPUTY SPEAKER:** The Honourable Minister of Transportation.

**HON. S. USKIW:** Mr. Speaker, the Member for Pembina, having been the Minister of Highways, should know that you don't reveal cost estimates in advance of tenders being called.

**MR. D. ORCHARD:** Mr. Speaker, I thought these were all ones that he would be tendering very shortly and he could provide that information to me on a confidential basis, knowing the close working relationship that the Minister and myself have come to appreciate. If he could provide that information, I'd be grateful.

**HON. S. USKIW:** Well, Mr. Speaker, I'm sure the member appreciates the importance of confidentiality at this stage of the game. It's not my intention to reveal those figures to anyone.

### Hazardous waste management report

**MR. DEPUTY SPEAKER:** The Honourable Minister of the Environment.

**HON. J. COWAN:** It's my understanding that questions were just addressed to me in my absence regarding the distribution of the Hazardous and Special Wastes Symposium Report to industry throughout the province. I would like to indicate that on the symposium committee, we had representatives of not only all of the municipalities through their organizations, but also representatives of business and labour organizations participating in the development of the report. I can assure you that we will be giving the report as wide a circulation as possible and that we will be consulting with industry and others alike, in order to determine their response and to solicit their criticisms as well as their suggestions on the report.

As well, as we indicated in the Throne Speech earlier in the year, we will be bringing forward draft legislation regarding hazardous and special waste management for a holdover between the Sessions, so that we can consult on specifics of a bill with industry and with other interested groups such as naturalists and labour organizations over a period of time in order to get the benefit of their advice. So, yes, we will in fact be distributing this widely and we will be undertaking intensive and extensive consultations with all of those groups over the next number of months.

**MR. DEPUTY SPEAKER:** Order please. The time for oral questions has expired.

### ORDERS OF THE DAY

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

**HON. R. PENNER:** Mr. Speaker, would you please call the adjourned second reading debates on Bills 55, 77 and 18 and then we'll see where we are?

### ADJOURNED DEBATES ON SECOND READING

#### BILL 55 - THE LEGISLATIVE ASSEMBLY ACT

**MR. DEPUTY SPEAKER:** On the proposed motion of the Honourable Attorney-General, Bill No. 55, standing in the name of the Minister of Municipal Affairs.

**HON. A. ADAM:** Mr. Speaker, I adjourned debate on Bill 55 on behalf of the Attorney-General.

**MR. DEPUTY SPEAKER:** The Honourable Attorney-General would be closing debate?

**HON. R. PENNER:** Yes, I believe so. It had a number of speakers this morning.

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

**HON. R. PENNER:** Mr. Speaker, I'll be brief in closing debate. I think we've had an excellent discussion in the speeches that have been made in reply to, over the past months.

Let me first of all, answer a question raised by the Member for Minnedosa who this morning asked what would be the mechanism for determining allowable expenses. I would just point out to him the provisions of Section 63(2)(b) of the act which leaves that to be determined by the Board of Internal Economy, and pursuant to a subsequence to Bill 93, that will then become The Legislative Assembly Management Commission. So that's how that will be done, so there will be no arbitrariness about it. It will be an all-party group that will look into that particular question.

A question that has been referred to again and again in debate, Mr. Deputy Speaker, has been the question of the constituency allowance. Clearly, here the element in our proposal is accountability. That surely is not only its essence but a tremendously important question. The danger of the present system, where you have a non-accountable, albeit taxable, advance is that it can become - I'm not saying that it is - but it can become hidden salary and, indeed, if we want to raise the salary of members of the Legislative Assembly, we should do that openly and someone suggested opposite, in a disclosed way.

Certainly, the present taxable non-accountable advance is treated by the income tax people as income, and it may well be the case, in some instances in days gone by, or some instances that occur in the future. You'll note that I avoid reference to the present, that some of those in receipt of what was designed to be, meant to be used for a constituency expenses, perhaps rationalizing that there are a whole number of constituency expenses that they don't keep track of and that the use of this money by themselves really does go for the purposes intended.

But it seems to us it would be better, first of all, to make the amount realistic in today's terms; secondly, to make it accountable and thirdly, to make it non-taxable. So that was the thrust behind the proposal and I don't think that there should be any suggestion that there were some sort of hidden motives or anything or that kind.

Mr. Speaker, the general thrust of our legislative package in this area, The Election Act, The Elections Finances Act, Bill 55; Bill 93, which as you know is The Legislative Assembly Management Commission Act; Bills 18 and 47 the Conflict of Interest legislation, is first of all fairness in elections; secondly, propriety, effectiveness and accountability in service once elected. I think those are good principles and may be. Indeed, we know that there are some criticisms sometimes more sharp than in other areas of some of the principles we've enunciated to fulfill those expectations. Time alone will tell whether some of the new provisions are effective or not effective. We have reason to believe and are confident that they will be.

I agree certainly with the comment of the Member for River Heights this morning of the importance as to the service of members of this Assembly to the people in the democratic process. This is not in any way to denigrate the closeness of municipal councillors to their constituents but in a way members of the Legislative Assembly certainly, compared to MPs, Members of

Parliament, are closer to the grassroots and we should do everything possible to bring them closer to the grassroots. That is why if it is possible that we have taken a step towards making it possible for members to open up constituency offices, then so much the better.

It may be that, as suggested by the Member for River Heights, that not every constituency is suitable for a constituency office although when he used the example of my constituency, he's quite wrong. Fort Rouge is certainly an area which can benefit, and I'm going to see that it does benefit, from one or more constituency offices. My constituency, for example, albeit not as widespread as a rural constituency, is much more diverse than most rural constituencies. The north of Portage is very much different than south of Portage and I would want to be in a position - not to have an office that's open every day, that would be unrealistic - but once every two weeks to be north of Portage and once every two weeks to be south of Portage so that, in fact, the people of the constituency will know that their member is there and will come.

It has been suggested that, well, only a few will come. That may be to begin with but I think that as the knowledge of the availability of these offices and the service that can be rendered is known, that that indeed will be of great assistance to people who have to rely on their elected representative whether it be municipal or legislative level, to render service on those kinds of day-to-day things which are important. So those are my closing remarks, Mr. Speaker, and I would be pleased, of course, to deal with any specific recommendations that might come forth at committee which can still lead to some change and some improvement.

**QUESTION put, MOTION carried.**

**MR. DEPUTY SPEAKER:** Call in the members.

**MR. H. ENNS:** Yeas and nays, Mr. Speaker.

**MR. DEPUTY SPEAKER:** The question before the House is shall Bill No. 55, an Act to amend The Legislative Assembly Act, be now read a second time.

**A STANDING VOTE** was taken, the result being as follows:

### **YEAS**

Adam, Anstett, Bucklaschuk, Carroll, Cowan, Desjardins, Dodick, Doern, Dolin, Fox, Harapiak, Hemphill, Kostyra, Lecuyer, Mackling, Malinowski, Parasiuk, Pawley, Penner, Phillips, Plohman, Schroeder, Scott, Smith, Storie, Uruski, Uskiw.

### **NAYS**

Banman, Driedger, Enns, Filmon, Gourlay, Hammond, Hyde, Johnston, Kovnats, Lyon, McKenzie, Nordman, Oleson, Orchard, Ransom, Sherman, Steen.

**MR. ASSISTANT CLERK:** Yeas, 27; Nays, 17.

**MR. DEPUTY SPEAKER:** The motion is accordingly carried.

## INTRODUCTION OF GUESTS

**MR. DEPUTY SPEAKER:** Before proceeding I would like to direct the attention of the members to the gallery on my left where we have seated the Speaker of the Legislative Assembly of Alberta, the Honourable Gerald Amerongen, accompanied by his wife.

On behalf of all members of the Legislature, I'd like to welcome you here today.

## ADJOURNED DEBATES ON SECOND READING (Cont'd)

### BILL 77 - THE PUBLIC SCHOOLS ACT

**MR. DEPUTY SPEAKER:** On the proposed motion of the Honourable Minister of Education, Bill No. 77, standing in the name of the Member for Pembina who has 35 minutes remaining.

**MR. D. ORCHARD:** Mr. Speaker, prior to the adjournment at 12:30 I was offering some comments to the Minister on Bill No. 77. I just want to reiterate that the Minister in bringing this bill to the Assembly and in attempting to force its passage this Session is indeed going against the will of the vast majority of people involved in the education system. There's no question that she has the support of her five Cabinet colleagues who are teachers by profession, and that this bill is stemming as a result of internal pressure in the Cabinet from the likes of the Minister of Government Services, the Minister of Housing, the Minister of Consumer and Corporate Affairs and other notables in that Cabinet, particularly notable from the standpoint that they will not be with us after the next election because they will be some of the ones that will fall victim to the will of the electorate to get rid of this incompetent government at the earliest opportunity.

It comes as no surprise that the teaching-professional lobby within the Cabinet has pushed the Minister of Education to bring this particular amendment forward at this time in the hope that there will be some possibility that they might be able to regain their jobs as a result of having previous teaching experience which would automatically give them tenure, an interesting scenario to see develop in the influence of one particular group within that Cabinet.

While the Minister is proceeding with the legislation given the backing of her five teacher Cabinet Minister friends, the Manitoba Association of School Trustees is very much opposed to this legislation, as are parents and parent groups. When they become familiar with what this legislation is designed to do the Minister will find that parent groups will not appreciate what the Minister and her government are doing to the education system.

So, Mr. Speaker, the Minister I don't believe will be able to justify any of the reasons that her five Cabinet colleagues gave to her to bring this legislation in; she won't be able to justify those reasons to the general public. It will be interesting to hear the Minister reply to some of the concerns that have been raised by previous speakers on this side of the House.

It will be even more interesting, Mr. Deputy Speaker, for the Minister to, at some point in time, personally

meet with the School Trustee Association to present her views, and the government's view, from a political perspective. The Deputy Minister can convey a message, certainly, to that group of individuals, that group of elected school trustees, but generally on a matter of this great an importance to the education system the Minister that is proposing the kind of amendment that is receiving so much opposition, generally should be there to justify to the people that are going to have to live with this administrative change and this legislative change, to explain the political reasons why she and her government are bringing it in. Maybe she'll take the opportunity in the near future to meet with the MAST group and explain to them the political philosophy behind this rather dramatic change in the ability of school boards to work with and manage teaching staffs within divisions.

Another important aspect of this bill, Mr. Speaker, is that, I think, if you could put a value rating of the number of duties that school trustees have, a fairly high degree of rating would go along with the school trustee's and the school board's job of rating the staff within the school division, as to how well they are performing their assigned duties; as to how well the staff is pursuing the goal of a better education for our children in Manitoba.

Now 80 percent of the staff, roughly, are school teachers. With this amendment, effectively, 80 percent of the school division staff is beyond a careful scrutiny, unless it is in their very first year of hiring, fresh out of university with their teaching degrees. So this bill removes a great deal of the potential responsibility that all school trustees and school boards have enjoyed, and which I think have helped to contribute to a better education system.

I think that the trustees and their association make a very, very valid case to this Minister and to this government against this kind of an amendment. They are very closely involved with the education system; they dedicate a great deal of time with very little financial reward to the school systems, as trustees. As such, their efforts probably deserve a greater ear of the government than, perhaps, some of the paid employees of the department who have certain perspectives to put forward. Possibly even the school trustees will offer some of the soundest advice that a Minister can get, in terms of changes that are needed within the school system.

This Minister has seen to indicate to them, by this passage of Bill 77, that she doesn't really take a lot of their advice on quite important matters too seriously, that she is willing to listen to her five Cabinet colleagues, in terms of their advice on Bill 77 and the amendment on tenure, than she is willing to listen to the advice of the elected school trustees throughout this province, as represented by the Manitoba Association of School Trustees, MAST.

So, Mr. Speaker, I would hope that the Minister would carefully reconsider Bill 77; I would hope that she would, if she intends to proceed with Bill 77 - and there are other sections in there - that she do so with the omission of the offending sections which have changed so much the tenure capabilities of the teaching profession. The bill could probably proceed with very few other changes if those sections, Section 5 of the bill, particularly, were deleted.

If it's her intention to move with that, then let it be discussed by all interested groups, with some of the perspective that was put forward by my colleague, the MLA for Kirkfield Park, this morning about the reaction of new teachers to this amendment. Maybe even the Manitoba Teachers' Society might have a different thought on their recommendation to the Minister and their endorsement to the Minister of this particular amendment.

She should give this one more time because it is a dramatic change, and it is one that she has not had before this House or the public for all that much time. It is one that can change the method of operation of school divisions that elected trustees very dramatically. She owes it to her Ministry of Education, and to the education system in the province; she owes it more time for public discussion, for arguments pro and con, discussion back and forth, before she proceeds with this amendment.

If she chooses not to allow that kind of public input to be part of the passage of this legislation then, indeed, this would be yet another example of how this government says, on the one hand, it wants to listen to the people but, on the other hand, doesn't hear the people. Words are spoken to this government, but words are seldom understood by this government, unless they are words proposed to them by the leaders of unions, be it the United Food and Commercial Workers Union, the Manitoba Federation of Labour; those people get listened to by this government, ordinary citizens of Manitoba do not.

If this Minister proceeds with Section 5 of this bill in a very hurried manner in this Session, she will be adding her name to the long list of Ministers and government MLAs who no longer listen to the people of Manitoba, and listen to the people of Manitoba who are affected by the legislation they are attempting to pass.

Thank you, Mr. Deputy Speaker.

**MR. DEPUTY SPEAKER:** The Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Mr. Speaker. I don't know if all the delegates here from the Commonwealth Parliamentary Conference are gone or not, Mr. Speaker. If there are any in the gallery, I certainly would like to extend my personal greetings and best wishes to them all, I'm sure, from every member in this House.

Maybe, Mr. Speaker, I should put in the record how fortunate I've been, over the 17 years I have been in this place, I have had the opportunity and the privilege to - I went to Newfoundland in '67. I was lucky enough to be in London a couple or three years ago when the very Honourable and the Right Honourable Margaret Thatcher was elected. We were in a full Commonwealth Conference in London.

I once had the opportunity to go to Saskatchewan where I was born and raised. A couple of the members of our caucus couldn't find the time to go to sunny Saskatchewan and so I went back and looked at all the old gopher holes and knot hills - I knew every one before I went back - but I went back and reminisced with those people that I had lived so close to in the young years of my life. Last year I had the privilege

and the honour to go the Territories and got that nice tie which I think is a collector's item, the tie from the Territories, and met our Clerk of the House, Binx, who then was just treating us with hospitality you couldn't buy for all the money in the world. In the ensuing months he arrives as the Clerk of our House.

Mr. Deputy Speaker, on this matter that's before us today, this bill, as somebody that's been in this Legislature for a long long time, I would highly recommend to the Minister, that she'd better take this bill back and just leave it on the shelf, because the reasons are escalating as phone calls keep coming in from my jurisdiction and others, if for no other reason than the fact that they have so many school teachers in your caucus and I think it's very untimely and uncalled for.

This government and the system that we process through this Legislature could be criticized for centuries into the future for any Minister who, for whatever reason she did it, I don't know, but nevertheless the record shows that this caucus is loaded with school teachers, and some of them are ex-schoolteachers; and the numbers I think are well over 10, as I understand it, that were an ex-schoolteacher.

For that reason and no other, Mr. Deputy Speaker, any government who, as I understand it, hasn't got a mandate. They never told the people of this province they were going to bring this legislation in, as I understand it, in the election campaign. I've searched through their literature; it's not there. They don't have a consensus from the school trustees of this province because the Minister, by her own admission, refused to go over and sit down and talk to them the other day, and I don't know why she didn't go. I don't know why she didn't go; she was here. She certainly was in this building and there certainly were other Ministers of the Crown that were out on government business on that day - and our Whips over here - I don't think that we have ever had the courage or the audacity to deny any Minister the right if they're going on government business; but I think Ministers that go on parades do so for their own political business, that's another subject matter. But if you're going on government business, I don't think our Whip would have turned you down at all. But for whatever reason, 46 school divisions of this province united, stood over there and held a meeting the other day on this subject matter, Mr. Deputy Speaker - (Interjection) - and she, this honourable lady who is the Minister of Education, didn't go. So that . . .

**MR. DEPUTY SPEAKER:** Order please, order please. Other members will have plenty of opportunity to offer their comments on this motion when it comes their turn to rise.

The Honourable Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Mr. Deputy Speaker. Nevertheless that goes into the record of the type of government we have in this province. We have a Minister of Education who refuses, when the Manitoba Association of School Trustees in full assembly, not within what, three or four blocks of this place, and the Minister of Education sits in this House and refuses to go over and deal with them - she said she'd send her

Deputy - and was there a misunderstanding. I know Mr. Marshall quite well and I know she knows Mr. Marshall much better than I know Mr. Marshall and he's not a guy that quits; he's not a guy that forgets to dot every "i" and cross every "t". He's a very dedicated, loyal citizen of this province. His whole future is for education, sincere, loyal, but when he raises a point, he raises a point and he wants some answers.

He is now the head of MAST and I don't know why this government is scared to go over and deal with him . . .

**A MEMBER:** We're not scared.

**MR. W. MCKENZIE:** . . . well, they never showed. The record will show that some of our caucus members were also invited to attend that meeting. They attended. They didn't get any push out the door. They weren't told to leave. They were met with open arms and some of them were allowed to speak. Now what better type of democracy do we want in this province than that? The Manitoba Association of Trustees, some 46 of them, hold an open forum meeting, not three or four blocks from this place on this subject matter that we're dealing with today, Bill 77, a democratic meeting, assembled in proper order; the Minister was invited; she didn't show.

She's the one that's going to have to justify for that, not me. But I would like her to put in the record, not only the mumble jumble reasons that she put in the press - there's got to be other reasons - and if she doesn't put them on record, she's going to leave me suspecting the reasons she didn't show. She's going to leave the parents of children suspecting why she didn't show. She's going to leave elected members of the school divisions of this province wondering why she didn't show. — (Interjection) —

I know she's a graceful lady. She's honest and her integrity, I'm sure, must cause her great concern today in this matter because I think if she had her own way, Mr. Deputy Speaker, she would have gone there but she wasn't allowed to go. We see how this mass works over here, how these left-wingers put the muzzle on certain people and they don't allow other people to motivate.

**SOME HONOURABLE MEMBERS:** Oh, oh!

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

**MR. W. MCKENZIE:** We also know, Mr. Deputy Speaker, how they brought this bill in through the back door. So, Mr. Deputy Speaker, if this is the best that this Minister of Education can offer to the school children and the school divisions of this province, by bringing this type of legislation in, late in this Session, through the back door, and she refuses when all those trustees spent their own money and taxpayers' dollars as well to assemble right in this city to deal with this subject matter and she didn't show, I say to you, Mr. Deputy Speaker, she'd better pull that bill. She'd better pull it because it's going to get worse.

I have never in all my years before here in this Assembly, Mr. Deputy Speaker, ever seen a Minister of Education refuse to go and meet the school trustees

of this province, never, never, never. It's never happened before.

**SOME HONOURABLE MEMBERS:** Oh, oh!

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

**MR. W. MCKENZIE:** Mr. Deputy Speaker, I have in my hand here - the Honourable Minister has seen fit to send out a long, lengthy procedural for the school trustees of this province, a discussion paper, for schools closure; and she says in the closing of her letter to them all, "I need the input of the trustees." Now put that in the record. She says, "I need the input of the trustees, parents, students, taxpayers, planners and educators before finalizing these guidelines." How can she finalize any guidelines? How can she finalize any thoughts among the school trustees of this province when she refuses to go and meet them, when they spent their own hard-earned dollars, taxpayers' dollars, that move into this city and meet in assembly and she refused to show up, for whatever reason. But at the same time, she's sending letters out to them, which again is that propaganda machine that is cranking this junk out from the Premier's office, propaganda that says, I need the input of the trustees. Now either she is lying or she's not telling the truth to the trustees, or she's misleading the trustees of this province, because she says right there in black and white, I need the input of the trustees of this province.

Mr. Speaker, is she accepting the input and the lead of the trustees in this province? No way; no way. She chickened out, she refused to go over and sit down with them to discuss this Bill No. 77. I'm sure when she closes debate on this matter, Mr. Speaker, she will tell us the reason, or reasons, why she didn't show, I'm sure she will.

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

**MR. W. MCKENZIE:** She's an honourable lady; she has got great integrity.

**MR. DEPUTY SPEAKER:** Order please. The Honourable Acting House Leader.

**HON. A. MACKLING:** Mr. Deputy Speaker, I ask you to consider the words the honourable member used. He did bring them in the alternative, but it didn't help. He said, "Either the Minister is lying or is deliberately misleading . . ." Mr. Deputy Speaker, I call upon you to point out to the honourable member that such words are not in accordance with the traditions or the rules in this House, and he should withdraw those remarks.

**MR. W. MCKENZIE:** I'll withdraw the remarks . . .

**MR. DEPUTY SPEAKER:** The Member for Roblin-Russell to the same point of order.

**MR. W. MCKENZIE:** . . . I'll call her a stranger to the truth. Well there it is. "I need . . ." she says. There's her signature, read it. I ask the Deputy House Leader, come and read it. "I need the input of the trustees. I need the input of the parents, the students," signed

by Maureen Hemphill. You think she needs their input when they arrive in this city in full forum, 46 school divisions of this province spend hard-earned taxpayers' dollars to come in and deal with this Bill 77 which she and this government have put on the record. She chickens out, and she refuses to go over and deal with those people; I say, withdraw the bill or get a new Minister.

I know, here comes the laughs in the back bench, because I know, they've got about 10 school teachers over there. It's conflict of interest, it's got to be. Any government, Mr. Speaker, in this province would have the guts and courage, when they have some 10, either former school teachers or people that were in the teaching fraternity, and come and bring this kind of legislation before the people of this province, it's got to be a vested interest, there's got to be a conflict of interest.

**A MEMBER:** What about the farmers?

**MR. W. MCKENZIE:** So what! You stand up and defend this bill. How many farmers have we got in this province? The Honourable Member for - what's the constituency?

**A MEMBER:** Who cares where she's from?

**MR. W. MCKENZIE:** She says, what about the farmers? The farmers are half the people in this province, they pay half the tax bills. This is what I'm talking about here. "I need the input of the taxpayer," she said; that's farmers. Those are the people that are paying the bills; those are the people that are going to have to pay for this crazy legislation that this Minister is bringing in. The taxpayers are going to have to pay for it.

Tenure, can you believe in this province we have got to the stage, today, where a school teacher doesn't have to work 12 months, even eight months, to get tenure? The Minister of Municipal Affairs knows. What other trade in this province has got the luxury of the school teachers if we pass this legislation? What other group has the luxury? You mean to tell me that trappers have those rights? The farmers have those rights? The plumbers have those rights? The guy that runs the grocery store and sells the prunes and raisins have those rights? The guy that's fixing the streets out in the City of Winnipeg today in this heat, has he got those kinds of rights? No way, Mr. Speaker, no way.

Yet this Minister, through whatever reason, thinks that this legislation to pass this House unchallenged and undebated. She's a nice girl; she's a beautiful-looking lady; she's a very able Minister, she's done a good job, but she has made a mistake on this one. She's made a mistake on this one because I, as a member, and a lot of our caucus are going to fight this bill just like we fight that bilingual package, because the province doesn't need this kind of legislation, this conflict of interest-type of legislation, this socialist dogma where they come for their union of Manitoba Teachers' Society and gang up and say, look, we got them now, we've got 10 teachers over there, let's ram it through.

I'm sure the Honourable Minister knows, this isn't the first time this thing was before the Assembly, it was here when I arrived, '66, this tenure thing. It's been

here a long, long time. Governments of those days in this province have held the fort and held the line on this subject matter, but not this Minister, she's chickened out, she's put it in black and white.

Why did she put it in black and white, Mr. Speaker? If she doesn't prove to me, beyond all shadow of a doubt why she chickened out, then there is going to be suspicion. There is suspicion all over this province about this legislation.

**A MEMBER:** Read the bill.

**MR. W. MCKENZIE:** I've read it at great length. Mr. Speaker, let's refer back to this meeting of Union of Municipal people, the urban people, the villages and the towns in this province, held in Newdale last spring which I had the privilege and the honour to attend, about this very very subject matter that we're dealing with tonight where governments do something without the wishes of the people.

Can I ask the Minister of Education, has she replied to that wide area range of municipalities, towns and villages in the Parkland region and told them she's going to bring that kind of legislation in? She got a copy of their brief, I made sure she got one. She hasn't done it, because I phoned them today, they have no knowledge of the way that this government moves at all in education.

They are not considered. I know why that is, that this Minister would refuse to meet their representatives who sat over here the other day, within a few blocks of this place, wanting to discuss this brief which she has got in her portfolio, which she's got in full array. She knows their intentions, they are the ones that are going to have to pay the bill but, Mr. Speaker, she wouldn't go. She sat in her place right in this Chamber here and said, I was busy!

**A MEMBER:** Why didn't you volunteer to pair?

**MR. W. MCKENZIE:** Mr. Speaker, I would have paid her, I would have driven her over if she had told me. I didn't know until the meeting was over that she didn't go. I didn't know. Then I saw this sort of dreamed reason why she didn't show. She said, well I was busy in the House. Is that an excuse for you, the Minister of Education, to bring in this kind of legislation and say, I'm too busy to deal with these people?

So I, again very quickly and in closing this debate as far, I think, as our caucus is concerned, ask the Minister to withdraw this dastardly, uncalled for conflict of interest type of legislation that nobody in the province asked for. Only the 10 teachers that they have got in their backbenches are the ones that support this legislation. It is uncalled for; it has got no place in the education today. As I say, governments here for all the years I've been here have met this thing very skillfully and very well. If you can prove to me that a teacher in this province can't get tenure at 20 months, they're not going to get it in 12.

Thank you, Mr. Speaker.

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

**HON. A. MACKLING:** Mr. Speaker, I wonder if the honourable member who, I'm sure, hasn't exhausted his time would consider answering a question.

Mr. Speaker, the Honourable Member for Roblin-Russell seemed to be very concerned with alleged conflicts, and suggests that there may be some alleged conflicts of interest in respect to Bill 77, because some of the MLAs on the government side are former teachers, or are continuing to hold teaching certificates. Would he agree that MLAs in this House are from all vocations; farmers who are faced with decisions respecting legislation affecting farm programs, including farm loans, interest relief and so on; and insurance agents who have recommended dismemberment of government insurance programs?

**MR. DEPUTY SPEAKER:** The Member for Roblin-Russell.

**MR. W. MCKENZIE:** The Minister that just spoke was here when I lost my automobile franchise as an insurance agent in this province when they brought in Autopac. I never got compensated to this day; my business was wiped right out just like that, through the actions of the government, it was the Schreyer Government. Never got it back, never was allowed to be an Autopac agent in this province because of the wishes of that government.

The Honourable Minister, in response to his question, whether you are farmers, trappers, storekeepers, businessmen, this Minister told the school divisions of this province, I need the input of the trustees, the parents, the students and the taxpayers, and she refused to go over and sit down with them. I think it's terrible that this Minister had not screwed up her courage, and I know the reason was because the caucus over there wouldn't let her go because she had no answers. They were armed to the teeth for her that day and I know she would have had a terrible problem, so she very skillfully sends her Deputy over and he came out with egg all over his face because they didn't ask the Deputy. This is a political decision that's made. Why would she send her Deputy, Mr. Deputy Speaker? Why would she send the Deputy Minister, because he's not political, he's a non-political. This is a political decision that we're dealing with, and she sends her Deputy who is non-political, and you think that isn't being two-faced; I say it is, and I say the school trustees of the province, the parents, the students and the teachers and the taxpayers don't deserve this type of legislation at this time, and I hope forever, in this province.

It's uncalled for, was never asked for, only by that cell that they've got over there, some 10 teachers that are ex-teachers, or former teachers, and I hear now the Minister of Cultural Affairs, he was a teacher, and I know the Honourable Member for Elmwood was a teacher.

**A MEMBER:** Come on.

**MR. W. MCKENZIE:** He was. The Minister of Cultural Affairs was a school teacher, and the list just grows and grows. So they have put the heat on this poor girl over here, this poor charming lady and said, look gal, you're the Minister of Education and either you put that legislation through or we're going to put the boots to you just like they did to the farmers, and that should

answer the honourable member, because you sure put the boots to the farmers on that Cattle Protection Act. You sure did, and you're putting the boots to the school trustees in this province in the same way with this type of legislation. It's uncalled for and, again, I plead with the Honourable Minister, pull it. Don't create another shooting war like we've got on the francophone thing, with the school trustees. We don't need any more wars from this damn government.

**MR. DEPUTY SPEAKER:** Order please. The Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Thank you, Mr. Deputy Speaker. I'm not pleased, and I'm sure the Minister of Education isn't pleased, when the Minister of Resources tries to become her protectorate. I would inform the Minister of Education that she can take care of herself, but if there was ever a battle between the two of them she'd wrap him up and toss him in a corner because she's very capable of taking care of herself, and you aren't capable of taking care of her situation over there.

Mr. Speaker, I'm not going to be very long. I think that the Member for Assiniboia, who is also a representative in an area that is the same school district that I am in, put it very very well today, but there's two or three things I think have to be emphasized and they've been emphasized by my colleague, the Member for Roblin-Russell, and they've been emphasized by the Member for Assiniboia, but there are a few things that should be emphasized again and maybe put in a little different perspective.

The special meeting that was held last Tuesday, Mr. Speaker, we hear, why didn't we pair? If they checked with their own Whip, they would have found that our Whip went over to see their Whip, that after the long weekend, when we didn't pair, pairs are on now, as of Tuesday morning, and they were all able to get pairs if they needed them. As a matter of fact, if the Minister had said to the Member for Tuxedo, are you going over to the meeting, he would have said, yes. Do you think we could be paired? Yes, would have been the answer. Four people were at the meeting, and the Minister was here all day, did not participate in the bilingual debate or the motion to put the resolution into committee, did not participate during that day.

As a matter of fact, the Honourable Member for Virden, at 8 o'clock, stood up and looked at the Minister of Education and said, I have only a few minutes leave, but I'll be brief so that the Minister could get out and go to this meeting or catch part of it; but the Minister was not at the meeting.

The other disgusting part of it, Mr. Speaker, is this Minister is a Past President of the Manitoba School Trustees Association, and I venture to say that if she had gone to the trouble, as president, of putting together a special meeting of the school trustees in the Province of Manitoba regarding some legislation that the school trustees were not in favour of, but took the time to have a special meeting so that they could discuss it with the Minister, and the Minister didn't show up, that president, or that Minister, when she was president, would have been yelling from the roof tops, because she was known as a vocal, hard working president of that organization and never backed down to anybody.



But yet, as Minister, she backs down to the association that she was president of. She will not go and face them on a serious situation such as this.

Mr. Speaker, I have trouble understanding it, and I can only say that I will revert to the saying; Oh what tangled webs we weave. That's as far as I go because I don't think the Minister is deceitful, but she is tangling a web up in education like you wouldn't believe. She has absolutely said, many times, I know what is best; and does it. She is now being political, absolutely political on this bill at the present time, Bill 77.

Isn't it rather inconceivable that somebody can work a year - eight months in this case - and have tenure? I wonder when this government is going to eliminate elections; that's basically the way they think. I heard the word "right" over there. Somebody can work for a year in this province, whether it's a teacher or whatever, and have tenure.

Mr. Speaker, there wasn't any thought given to the harm that it will do to the teachers. The teachers are not being of much help to those new teachers that are coming onstream, but they are being of help to themselves.

The Member for Dauphin who asked the school board for tenure when he became an MLA got refused — (Interjection) — well, Mr. Speaker, leave of absence for as long as he likes to come back to teaching. Now he comes back. If he hasn't been away three years, he will have tenure. If he is away more than three years, he comes back and in eight months he'll have tenure. That is really some sort of a situation.

We do have nine teachers over there, including the Attorney-General who is a professor and a Minister - the Member for Brandon East who was a professor at the University of Brandon, but we have seven that are in the teaching of the public school system. You would wonder when there is almost one-third of a caucus putting through this type of legislation why they are doing it.

Mr. Speaker, the Minister is a nurse. I don't know of any nurses that, after they graduate and they work in a hospital for eight months, have the guaranty that they won't be fired. I don't know of any nurses that have that privilege. I don't think that the Minister of Labour, who keeps saying I will not interfere with negotiations - they will have to negotiate these things themselves.

Then all of a sudden, the Minister of Education disregards elected members. You know, the boards of hospitals aren't elected. They are appointed by the hospital or they are appointed by the government. I can tell you, Mr. Speaker, that the boards, and the Minister knows this because she was elected herself - school trustees are elected. They go through the election process the same as the honourable members in this room do, because they are interested in education. They are elected by the people who are in the school districts that they run in.

Now we have a Minister who is interfering in the negotiations of the teachers and the school divisions, and she's - not true. Mr. Speaker, the Member for Radisson, I don't know whether he presses a button and it comes out of a recorder, but that's all he ever says. Not true. He doesn't know if it's true or not, but he just presses the button and says, not true.

Mr. Speaker, if the Member for Radisson only believes whatever anybody on the government benches says or

the Ministers on the government benches - when they walk over and they say to him, this is the way it is. He says, you're right. It reminds me of the bull who keeps hitting his head against a brick wall. He can't see anything else.

Mr. Speaker, here we have a situation where the Minister is over-ruling the elected members. She has now taken over the negotiating process. She has now said that we will decide when the teachers will have tenure or not. What is going to be her next move? I heard somebody say, this isn't tenure. Believe me, it's tenure. If you move from school division to school division - and the Minister, although she's an expert at explaining things.

She gets up and puts one hand in her pocket, because it's like she did when she was a nurse. She would go down the hall with one hand in her pocket with her pencil or her thermometer in her hand, and she will stand up in this House and give explanations like you've never heard before, very good at it, but she's finally coming to the end of her rope. This time it won't work.

She is really caught in her own trap, because the whole elected people that are school trustees in the Province of Manitoba are opposed to this legislation. They call a special hearing to give the Minister a chance to have discussion with them, and she does not go to those discussions.

**MS. M. PHILLIPS:** Why didn't you pair her then, Frank?

**MR. F. JOHNSTON:** Mr. Speaker, well I'm now hearing from the Member for Wolseley. You know, if I want a pair, I go over and I say to my Whip, would you pair me with somebody? I'll explain the process briefly to the Member for Wolseley. If you want a pair, go to your Whip and she'll arrange it for you. Now that you know the system, but I think you're catching the disease of the member you sit beside. You can't get anything through your head.

Mr. Speaker, I say to this. I want to bring up one thing, and I don't mean anything detrimental by this, but I think it has to be brought up because there is an example here. The Minister of Economic Development was a teacher. The Minister of Economic Development's husband is the Vice-President of the Manitoba Teachers' Association. Mr. Speaker, as far as the conflict of interest is concerned, I believe that the Minister's husband can be in any organization he wants and he should be able to say what he wants and he should be able to give his opinions and it should not affect the Minister's position in this House.

But you know, the Conflict of Interest bill says that my wife cannot have any investments, cannot be in business on her own without divulging them. If she doesn't divulge them, I cannot be an MLA in this Legislature. That's what your Conflict of Interest Act says. The Conflict of Interest Act says, Mr. Speaker, that I have divulge my interests. That's fine, but my wife has to divulge all interests that she has - in other words, my wife doesn't have any rights. Any child living in my home has to divulge all interests. If I have a father-in-law living in my home, he has to divulge all his interests publicly.

I certainly don't disagree that the Minister's husband, Mr. Smith, the Vice-President of the Manitoba Teachers'

Association should have the right to make his opinions and it should not have effect on the Minister, but give me the same rights. Give my wife, the person I'm married to, the same rights. Mr. Speaker, that is what I would call conflict of interest.

When you have nine school teachers putting together this bill, and then you have a situation as I've just mentioned which is fair to everybody. It all depends whose ox is being gored.

So, Mr. Speaker, I say sincerely to the Minister of Education, don't be fooled by these people around here. I once said to the Minister of Education she's being led down the garden path and she is. She has never been a wild-eyed, tramping socialist. Well, Mr. Speaker, today she's wearing a red dress instead of blue; she usually wears blue and it gives me much more confidence but today she's wearing red. She is not that wild-eyed; she has been and was a good President of the Manitoba School Trustees Association. She has a sincere interest in education in this province, but I believe that the politics of this government are being forced upon her as to how the Department of Education would be run. Mr. Speaker, we know what happened the last time this government was in power when they put in their own little programs. When she was the President of the Manitoba Trustees Association, Mr. Speaker, I believe and know that she fought on the basis that the government was trying to influence the board as to what the curriculum would be, she fought it, that's what happened with the last government.

So, Mr. Speaker, I say to the Minister, please, don't get sold down the river.

### INTRODUCTION OF GUESTS

**MR. DEPUTY SPEAKER, H. Harapiak:** May I just interrupt the proceedings for a moment. I'd like to direct the members' attention to the gallery on our left where we have three Speakers in our presence: The Speaker for the Legislative Assembly from Nova Scotia, the Honourable Arthur Donahue; and the Speaker of the Legislative Assembly from Prince Edward Island, the Honourable Marion Reid; and the Speaker for the Legislative Assembly from Newfoundland, the Honourable James Russell.

On behalf of the members, I would like to welcome you to the Legislature.

The Member for Sturgeon Creek.

### BILL NO. 77 - THE PUBLIC SCHOOLS ACT(Cont'd)

**MR. F. JOHNSTON:** Mr. Speaker, I apologize, I thought you were saying one minute and I didn't sit down. If you would have just stood up I would have sat down, but thank you, and I would like to say on behalf of all of us here on this side that we welcome you to this House and we hope you enjoy Winnipeg very sincerely.

So, Mr. Speaker, we now have a situation where the Minister is being led by the political philosophy of the NDP Party being sold down the river as to what should be done, but I say to the Minister that the Minister of Labour does not become involved in the nurses' negotiations. She said, no way, would we become involved, let them solve it themselves. Boards of

hospitals are not elected, they're appointed, but school trustees are elected. This Minister has now placed legislation before us that says after eight months you will be evaluated and if you are evaluated positively you will then have tenure. If you're not evaluated positively, can you really see what chance that teacher will have of getting a job in another division? Mr. Speaker, the thing is nobody has this privilege to speak of. We're coming, quite frankly, to a pretty sorry state when somebody only has to work one year to be evaluated and if they are they cannot be fired or let go from their position.

Mr. Speaker, I think that this position that the Minister has taken is exactly like my colleague from Pembina said, this will create more teachers losing their positions after the first year. There have not been that many people let go, they have been given the chance to be re-evaluated. All of those things have been done and worked out by school boards after serious consideration and thought. This government politically comes forward with a political bill on the basis of something that will harm the children. It will harm the children, Mr. Speaker, because we want good teachers and it will do no end of harm to those new teachers in this province. Thank you.

**MR. DEPUTY SPEAKER, P. Eyler:** The Member for Swan River.

**MR. D. GOURLAY:** Thank you, Mr. Deputy Speaker. I appreciate the opportunity to make a few comments on Bill 77. I had the opportunity of attending for a brief time the meeting that was called by the Manitoba School Divisions last week, and as I understand it there were some 46 school divisions represented at the meeting. Certainly it was a very well attended meeting by most if not all of the school divisions throughout Manitoba.

I would like to say that the school division that covers the same area that I represent, the Swan Valley School Division, certainly has its objections to this legislation, and they too are asking that the Minister will withdraw this bill rather than proceed with it. I think that there's general consensus from the school divisions that this is a bad bill, that Manitoba Teachers' Society has bent the ear of the Minister of Education and been able to get this bill on the agenda.

Certainly some of the concerns that have been brought to my attention are very valid ones, and first of all it removes the authority of the local school division to decide on the teachers that they want to hire in their own schools. Certainly it's very difficult to define what is a competent teacher, what is an incompetent teacher, and I think that most of the school divisions - I'm sure all of the school divisions - feel that when they hire a teacher that they hire the best teacher that they can get. Now, that always doesn't work out and they find themselves that they have a teacher that does not have the competence that they would like to see. So to say that all the teachers are incompetent, that's not a very fair statement either, but certainly mediocrity is not what a lot of the school divisions are after, they want to have the best possible teachers that they can get.

Some of the examples that I think were valid is the example of the case where the Northern schools perhaps - take for instance the school in Churchill -

they have an opening for a teacher. When they advertise for a teacher they may get some applications from unemployed teachers in the southern part of the province. The fact that this particular teacher that they may decide upon has never been in the North. Certainly it's an adjustment for that teacher to make to go to Northern Manitoba. It is perhaps a real concern that should be looked at a little more closely, the fact that a teacher that may work out satisfactorily in Brandon, Manitoba, may not have the capability to adjust to the northern situations in the community of Churchill, say. It is, I think, a disadvantage that there isn't the provision for teachers to prove themselves beyond the one-year tenure.

The Minister of Education indicated that this was not really a case of tenure, but it also involved due process for teachers, and that they should be entitled to a fair hearing if they are dismissed before their established tenure period has been served. Certainly as I understand it right now, the teachers have this capability through the courts. If they are wrongly dismissed from a teaching position, they can certainly take their case to the courts to have it heard. So to provide another avenue for arbitration through the school system would only mean that these particular individuals would have a double avenue to explore. Certainly I don't really see the need for what is referred to as due process.

I understand this morning, there was a tour through the Legislature here of some teachers from California, and they were quite interested in being in the visitors' gallery to hear the debate that was coming up with respect to Bill 77. They were just amazed at what the contents of Bill 77 included. As I had indicated, in California they have to have four years teaching before they can qualify for tenure.

Mr. Speaker, I would certainly suggest to the members of the government and particularly the Minister of Education that they talk to the school division, the trustees, who have written to the Minister of Education on June 24th, spelling out some eight or 10 reasons why they are objecting to Bill 77. The last comment, of course, they make is that they urge the Minister to withdraw this proposed legislation in the interests of the children, the parents and communities of the province. I think that it's important if school divisions are to perform the duties that are expected of them, certainly they want to have more say in the teachers that they are going to employ in their school divisions.

Thank you, Mr. Speaker.

**MR. DEPUTY SPEAKER:** The Member for La Verendrye.

**MR. R. BANMAN:** Thank you, Mr. Speaker. I rise to also make a few brief comments with regards to this bill. I have discussed it with some of the people in the school divisions, some of the elected officials, as well I may add, Mr. Speaker, to the people that it will affect on the other side of the coin, and that's the school teachers.

I have been sitting in my seat this afternoon, listening to a number of catcalls about pairing. I just want to point out to the members opposite that on Thursday last, when this particular MAST meeting was being held, members opposite have insinuated that there weren't

any pairs in place. I just want to point out that the Whip on this side, namely myself, and the Government Whip agreed that day to all the pairs that she asked for.

On that afternoon, we gave the Minister of Agriculture and the Minister of Transportation a pair to go to the Crow hearings. We also gave the Minister of Fitness a pair, because he was in Calgary, and we had given the Premier a pair, Mr. Speaker. He was - where? He was speaking to the United Food and Allied Workers, I think, at their annual national convention in Montreal. So all those people had pairs. Let it not be said by the members opposite that the opposition wasn't allowing pairs with regard to people that were going out representing the government on government business.

Mr. Speaker, having said that, I want to express a few concerns with regards to this bill. In the last number of years, there has been a growing awareness among teachers in Manitoba about the economic plight that this province has faced, and the ability of people to pay school taxes and the taxes which are being imposed on them. Mr. Speaker, I believe the teachers in my constituency have developed a very healthy and positive attitude in dealing with the increases and with fringe benefits that they are asking for.

The difficulty one has in dealing with that type of an attitude though is that one division alone, even in co-operation with the teachers in that division, cannot establish the criteria for salary negotiations or salary reductions if the surrounding municipalities or the surrounding school divisions don't adopt that same type of philosophy. In other words, Mr. Deputy Speaker, in my area, it would have to be the Agassiz School Division, the Seine River, Hanover and all these school divisions would have to arrive at a mutual understanding at a time when they are negotiating with their teachers. I bring this point out, Mr. Speaker, because I think there is a growing awareness among the education profession that the cost of education is creating somewhat of a burden on the taxpayers.

Mr. Speaker, during that time when the high interest rates were in place, a lot of people's homes were being threatened. There were a lot of people wondering if they could keep their homes. Then the announcements were coming out that some of the school divisions were settling at 11 percent, 12 percent. Then we saw our taxes increase. Mr. Speaker, I was pleased to see that a lot of the teachers, a lot of the people in my constituency who are working for the Hanover School Division, the Seine River School Division, expressed concern to me at that time that it would be very hard for them to accept that increase, knowing that their neighbour would have to pay some more money, and that individual was either unemployed or having a difficult time making mortgage payments.

Mr. Speaker, the teachers in this province realize that, and are becoming more sensitive to some of those economic issues. In a small community like Steinbach or Ste. Anne or La Broquerie, Niverville, the smaller communities in rural Manitoba, the teachers are an integral part of the community, and they don't want to have any animosities geared towards them, because of some increase in taxation at a time when people have a hard time affording it.

Mr. Speaker, having said that, I have talked to teachers in my riding about this particular bill. Mr.

Speaker, I believe that this bill was not necessary. I really don't think the rank and file members of the Manitoba Teachers' Society, and I know for a fact that the school trustees really didn't want the bill. So then one has to ask the question, and the members on this side in the opposition have been asking the question, why this bill?

Mr. Speaker, I have received a copy of a resolution; I have received a copy of a letter to the Minister from school divisions such as the Seine River School Division who are very much opposed to this bill. These are people that are elected. These are people who are trying to keep the costs down; trying to keep the education system in such a way that it benefits most the children and the taxpayers. They are the ones that are dealing, negotiating. They are the ones that are looking after labour relations. This type of legislation does nothing to help labour management or labour relations within a school division.

Mr. Speaker, as I said, why this bill? The trustees are against it. I say to the Minister, that I doubt whether many of the rank and file teachers are for it.

The bill also highlights a dilemma we are facing in education, and we are facing in many facets of government employment. Mr. Speaker, I relate a case to you which I heard not too long ago which, I think, is indicative of how many of us, even in the private sector, are dealing with problem employees in an effort to minimize the type of negative publicity or negative type of response that can happen or problems that can be caused for an employer.

What happens at present - and I don't know how prevalent the situation is, but I know it happens in government and it's happening in school divisions - it is very, very difficult to try and get rid of an incompetent teacher, and the teachers will be the first to acknowledge that. To go through a process of trying to remove a teacher who has been teaching for many years or even a few years is virtually impossible, and you just have to talk to the principals, the school boards, even the fellow staff members that have dealt with somebody who has not, maybe through no fault of their own - maybe they chose the wrong vocation - and just isn't a good teacher and is just not capable of teaching. They might be very good in another field of endeavour, but this is not his or her place in life.

Mr. Speaker, what people go through - and I have talked to a number of individuals who have tried to remove that particular individual. It becomes virtually impossible. What we see happening here today in this bill is one step further to making it very, very difficult to remove someone who is not cut out to be a teacher.

Mr. Speaker, what happens now is that if a teacher is found doing something that is somewhat maybe questionable as far as the law is concerned; has something to do with the internal workings of the school; something that isn't acceptable to society or is questionable as far as a legal matter is concerned? What happens. Mr. Speaker? The teachers who are charged with the responsibility of disciplining themselves know full well that the documentation on a case like this has to be very, very well done. Even though, Mr. Speaker, in many instances the case is cut and dried, what happens is that they have to be very, very careful in how they handle the case, because the files, as we all know, are open to each individual. If

there is anything in the file that doesn't jive with what he or she thinks is exactly the case, then of course their lawyer comes in and then you've got real problems.

Mr. Speaker, what has happened, and I know it's happened, is that when faced with the prospects of going through this lengthy case, what happens very often is that the individual is given the opportunity to resign at the end of the year so that no feathers are ruffled. What happens then? That individual is let go at the end of the year - not let go, I'm sorry - resigns at the end of the year, gets another job in another school division - Mr. Speaker, this has happened. I have documentation of a case - that individual then goes to that next school division. Suddenly, the same problem that individual has had crops up in the other school division. Then, Mr. Speaker, they get together and somebody says, hey, you discovered that now too. Well, he's your problem or she's your problem now. We got rid of the individual for the same reason, but we don't want to document all that and we didn't want to have the hassle so we asked the individual to resign, rather than go through the problems of documenting properly and doing the whole thing.

That type of buck passing, Mr. Deputy Speaker, is something that concerns me. I don't think it's very prevalent in the operations of the whole education system, but that is the type of mentality that we're starting to talk about. Instead of meeting a problem head-on, we have made it so difficult for principals, superintendents and other people to deal with people who are not cut out to be teachers that we have actually done, I believe, the teaching profession a disservice, because the teachers know exactly what is happening, and really they realize what kind of a farce a lot of these things are.

So, Mr. Speaker, I say to you, I say through you to the members of the government, when we move on a bill like this which, No. 1, the trustees don't want; which I fully believe the rank and file members of the Teachers' Society realize is pushing the cause a little too far, I think that the government should have a close look and withdraw this type of legislation at this point in time. I don't think it is called for. I really don't know who wants it, and at a time when we are all struggling, trying to make our tax payments - we've seen property taxes increase over the last number of years at a rate which is rather alarming, because I am still one of those people who believes we would be a better society by trying to make sure that people stay in their houses, in their homes, to own their homes because they have more pride in the community and a better stake in this country and are more responsible citizens when they own something. But this type of slow moving to try and erode some of the authority of the school divisions, I think, really is doing a disservice to our elected officials at the school board level, and is also, Mr. Speaker, I believe, doing a disservice to the teachers of this province who appreciate the tough times the average person is going through, and who really want to play their part, an important role, in helping an economic recovery and creating harmony within the community, rather than causing further divisions.

I think this is a divisive bill. It isn't required. The Minister should have another look at whether or not she really wants to proceed with it.

Thank you.

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

The Honourable Minister of Education with the closing debate.

**HON. M. HEMPHILL:** Thank you, Mr. Deputy Speaker. After having read some of the comments that were made and sat, I think very quietly, and listened to the debate and to the points that were made by the members opposite in the last couple of days, I am quite pleased to now have a chance to respond to some of those points that were made.

I think the first one that I'm going to have to take issue with, Mr. Deputy Speaker, might sound a little unusual, but I'm going to have to defend my honour. There were a few comments made about lack of guts and being chicken, both which I rather enjoyed. The one I didn't enjoy was the one on misrepresentation and lying, which I will deal with in a minute, but I do feel that I perhaps have to remind members in the House and suggest to them that anybody that is an novice aspiring politician who takes on the Leader of the Opposition of the Conservative Party in what is known to be Conservative territory is not lacking in guts or intestinal fortitude, and anybody that is prepared to bring in the first educational finance review undertaken in 20 years, brings in school closure guidelines that are long, long overdue and has reorganized the department, which is something that should have been done 20 years before, is also not lacking in intestinal fortitude.

I was disappointed - I guess is a good word - to hear the Member for Roblin-Russell suggest that because of a letter I had sent out on school closure guidelines talking about consultation over school closure guidelines that that must mean that in this case I was lying or misrepresenting my interest in consultation. That's rather strong and extreme language.

I think that I am prepared to say that there is some disagreement over differences of opinion on the legislation and there may be differences of interpretation on what the legislation means and of that I am sure, of that I am absolutely sure, because I have previous knowledge in my position as President of MAST and in a fairly recent report that was done on the issue of tenure and due process by MAST clearly shows that even they themselves will admit that there may be some misunderstanding about what due process is. So, I think to be fair, that is what we should be agreeing to.

The people may disagree, people may have different interpretation, but to suggest that one letter talking about consultation and school closure guidelines and the inattendance at the meeting the other day suggests that I am lying or misrepresenting is really going a little beyond the pale. I'm disappointed that the Member for Morden went that far in his comments. — (Interjection) — Two faced - I didn't even pick that one up.

I want to talk for just a couple of minutes about the meeting. I am surprised, with an issue that they describe as an issue of substance and a very important piece of legislation, that they've spent so much time ranting and raving over such a minor issue, the question of representation at the meeting, or who represented me, or why I did not attend, instead of dealing with the substance and the content of the bill. However, I would like to address myself to that for a couple of minutes.

There was reference made to the fact that when I was the President of the Trustees Association, had I been setting up the meeting about an important issue and had the Minister not attended I would have been very angry and very vocal. I can tell you that if I had been the President of the Trustees Association, which I was, and I was setting up a meeting of an important matter and I wanted the Minister of Education to attend, I felt it was vitally important that he or she - since we all have to recognize that some of them are male - that I wanted he or she to attend, I would have had the courtesy to contact them ahead of time and say there is a very important meeting coming up, we think it is critically important that you particularly be in attendance. We know your schedule is very busy, because Minister's schedules are very busy and because the House is in Speed-up and has three Sessions a day, but what would be an appropriate time, a reasonable time, to accommodate the two of us? When could we call the meeting? There was no such notice. There was no such consultation. There was no such courtesy, Mr. Deputy Speaker.

They sent out an invitation to every MLA in the House, and I was lumped in with all of the other MLAs in the House, and given no other contact that suggested that they felt that my particular attendance was particularly important so that they made some effort to make sure that I could be there.

Mr. Deputy Speaker, when I sent the deputy - I want to talk about this for just a minute. On numerous occasions before, the deputy has attended in my place. It frequently is related to issues that are complex and difficult where he, other than myself, is the most knowledgeable person on the issue. You know, in this case, one would presume that what they wanted was somebody who could answer questions, clear up any misunderstandings, or any concerns, give the interpretation or the rationale of myself and that could not, to tell you the truth, be done reasonably well just by an MLA. Although I use other MLAs as representatives, on an issue like this it was important that the information and the knowledge be there more than anything else and I can give you an example.

There was a misunderstanding or a question of interpretation of one of the clauses that caused the trustees at the meeting a lot of concern and I want to say that had Dr. Duhamel, my deputy, been welcomed to stay at the meeting, he could have cleared that up immediately at that meeting. He could have given them the answer to a very serious question and I want to tell you what it was.

They were wondering, and there was a suggestion that they might interpret the timing required to say that if you had to give teachers notice on May 21st, and you decided that in the first year of teaching they were not competent, they were not good enough to keep on for another year and you were going to let them go, at which time you're able to do this without indicating any cause at all; if they were let go in their first year on May 31st, did that mean if they went to another school division and started teaching that they would have the right to an arbitration hearing, because that's what due process is, Mr. Deputy Speaker, the right to an arbitration hearing?

I want both the school trustees and the members opposite to know that the intention is that they must

complete more than one full school year and that was put in there by design which means they have to have successfully completed the full school year, right to the end of June and start teaching again in September. It is only when they have completed their first year and start teaching again in September that they are given due process, so that if a school division lets a teacher go in the first year by May the 31st, they do not have the right to due process. Now, I can see that other interpretation would concern them, and I think that it would have been very useful had we been able to clear that up immediately, I think, in that meeting.

I have, having received word of their concern and their uncertainty about the interpretation, written to Mr. Marshall, suggested to him that it's been pointed out to me that there is a serious area of concern and misunderstanding that I think should be cleared up immediately, and have invited him to call my office and set up a meeting at his earliest convenience so we can communicate the intention to them, and they and ourselves can pass it on to school divisions.

I want to talk about consultation for a minute. We're talking about, why didn't I attend this meeting, and are we really interested in consultation. I had more consultation with the trustees and all of the interest groups and organizations on due process than most other matters, since this has been an item on their and everybody's agenda for a decade, 10 years. At what point, Mr. Deputy Speaker, do we decide to deal with some of these issues and get on with the job of providing an adequate education in our classrooms for our children? Because I can tell you that I really believe that having these resolutions debated year after year by the organizations and all of the time that it takes them that they concentrate on these issues is really detracting from them getting on with other issues about things that affect kids in classrooms.

Both sides, when I met with them, demanded legislative change. Let's make it very clear that when I met with MAST and MTS and the Superintendents Association, they all said something has to be done. There was no disagreement on that fact; that this was something could be left. It had been left for a long time. They did say it had been left and that it had not been dealt with, but they all indicated that something had to be done. There was ambiguity about the existing legislation and it had to change.

Now let's talk about whether there was any consultation and whether that consultation had any effect on the way the bill reads that is before the House right now, because the suggestion by the members opposite is that I caved in to the pressure and political expediency of one of the groups. That is not true. They clearly do not know what the positions of the groups were. So let's outline them, Mr. Deputy Speaker.

First of all, the trustees wanted to go from the 20-month to the 24-month, that was the previous legislation. That is true. They wanted the change to give them an additional four months to go to 24 months, but the teachers wanted due process from Day One. The teacher's position was due process from Day One. It was partly because of the discussions that were held with the Teachers' Society and because of the consultation that took place that I and my government went right down the middle on this one, Mr. Deputy Speaker. We did not cave in to either side, to either

pressure group, but we came up with what we thought was a reasonable, fair accommodation.

I said to the teachers that I did not feel that it was reasonable to have due process from Day One, but that I did think it was reasonable and fair that after you have taught for one year, if you are fired, you are then entitled to a hearing. That is all we agreed to, Mr. Deputy Speaker. That is the only thing they get.

They don't have protection from being fired. A teacher can be fired and should be fired for incompetency any time. They can be fired within the first year for no cause. They can be fired within a year, and they don't even have to tell them why. The only difference with this piece of legislation is that they can still fire them any time they want to but, if they fire them after a year, they are entitled to know what the reason is and to have a hearing. Now, Mr. Deputy Speaker, it makes you wonder what they are afraid of, because the only thing that they are entitled to is a hearing.

You know, do they think that their evaluation procedures are not going to stand the light of the day? I think we have to talk about that a little bit, and we have to look at that. Do they just evaluate teachers who are teaching in their first year, and then they throw up their hands and say we're stuck with them? Surely not.

Due process is not tenure. Tenure is a secure, guaranteed job; they don't have that. Due process is the right to know why you were fired, and to have a fair hearing if you are fired.

I want to go on record right now, Mr. Deputy Speaker, saying that I do not countenance incompetent teachers for one moment. Incompetent teachers should be fired. They can be fired for economic reasons; they can be fired if their jobs are redundant; or because of declining enrolment; but only if they are being fired for incompetency do they have to be given the cause, and do they have a right to a hearing after one year.

School trustees are responsible for the evaluation, and there is only one reason for having incompetent teachers in the classroom. I'll tell you that reason is not the right to a hearing. The right to a hearing is not the cause for any incompetencies in teachers in the classroom. The only reason can possibly be that evaluation is not being done, that they are not being evaluated. That is the only reason, if we have incompetent teachers, that there would be incompetent teachers in the classroom.

Teachers should be evaluated throughout their entire career, not this first year or this first eight months or nine months that they are talking about. Boards should take as long as they need to evaluate. If they don't have enough time to evaluate in a year, for heaven's sakes, and their procedures aren't adequate to tell them whether that's a good teacher or a poor teacher or an incompetent teacher; if they're not adequate in a year, then they should take longer. Heaven knows, they shouldn't fire. If they do not have a process that tells them, that says that's enough time to tell them if that teacher is competent, then on what basis are they firing teachers?

I want to go back to the point I made earlier. They should take as long as they need. If it takes them two years to really know, then that's the amount of time they should be taking. Once they have made their decisions, the only thing that happens is that the person has a hearing.

Now let's talk about local control for a minute, and I must say, I think this is a red herring; that we are interfering with this piece of legislation in the rights of school trustees to make decisions and interfering with local control. As I said in my letter to the Trustees Association, there is nowhere in the country where local autonomy is either more protected or where they have more rights.

It is true that across the country and in other provinces, school trustee authority and responsibility is being eroded every day. I'll tell you how it's being eroded. It is being eroded by interfering with negotiations. It is being controlled or interfered with by giving the limits on school board expenditures, by the Provincial Government taking over negotiations, interfering with their ability to determine expenditures. Those are intrusions on local autonomy: their right to hire, fire, negotiate, and determine school board budget expenditures. Those are real issues. Nothing has happened either in this policy or procedure or any other that has been brought into play that interferes with trustee rights.

Now, let's look at it. Who hires teachers under Bill 77? School boards. There's absolutely no change. Who fires teachers? Who decides if they should be fired and when they should be fired? Anybody else? Does the province interfere with that? Do they tell them how to evaluate? Do they tell them who is good and who isn't? Of course not. We have nothing to do with it. The only thing that has been is a guideline, a procedure has been brought into play that says you do the job, but if you are going to fire, part of a fair process is that the teachers will have a right to a hearing.

So the boards make all the decisions, they do all the evaluating, they're left totally alone to do all those things that are in their authority; and having come to make a decision of such importance, is it wrong, is it extreme, is it unfair to say that you should be able to say, why? They should know cause, what the cause is, and they have a right to a hearing to make sure that the evaluation procedures and the decision that you're basing it on will stand the light of day. I think it's fair and I think it's reasonable, and contrary to the suggestion that is made that that is going to have an influence on mediocrity in the classroom, I say that without it, there will be mediocrity. Without proper evaluation procedures that identifies the good teachers, identifies the teachers that need help, and does identify the incompetent teachers, without that we are indeed going to have mediocrity in the classroom. And the natural part of a good evaluation procedure is the right to a hearing, is the right to know the reason, and the right to a hearing.

I think it's very important to talk for a couple of minutes - in fact, when I talk about the misunderstanding of what this is - it is clear that the members opposite don't understand it. Because five or six people, maybe seven have spoken; they've spoken over a matter of days and some of them have spoken 20, 30, maybe 40 minutes on the issue. I think in all of that discussion I heard once the words "arbitration hearing." I think it was the Member for Tuxedo. He said "tenure" about six times and he said "arbitration hearing" once. The others have never mentioned it. They continually try to suggest that being given the right to a hearing, if you're fired, means that you're employed for life. Now,

how could that possibly be? They never ever mention or refer to the fact that due process is simply the right to a hearing if you're going to be fired.

So I think there is a lot of misunderstanding and some of it is with the school trustees themselves, because I think there is some fear with the school trustees that they may not win the arbitration hearings, or that if they have to go to arbitration, they may not be able to get rid of a teacher. But I tell you, Mr. Deputy Speaker, the issue there is evaluation. It is not the hearing. The problem and the question is how good are the evaluation procedures and are they evaluating all of their teachers for competency, regardless of how long they have been teaching, and if the answer to that is yes, Mr. Deputy Speaker, they should have no fear and no worry over the arbitration hearing. — (Interjection) — How about what?

I think that it's important to talk a little bit. Some mention was made of when I was President of the School Trustees. I can remember my outgoing speech in 1975; in fact, I was trying to dig it up, so that I could use the words, but I can remember it well. I identified two major issues when I was leaving and the first one was declining enrolment and that was in 1975 and I said we must start planning now, and of course we never did, so that in 1983 we were still trying to react to and accommodate to something that we'd known was going to cause problems for the system years before.

The second thing I identified as a major issue facing school divisions was evaluation and I said then - and I know that trustees agreed - and I have said since I became Minister of Education and have had meetings with superintendents, trustees, and teachers, that when we discussed due process that our evaluation procedures need improving. You know, there wasn't one of them that said that wasn't so? There wasn't one of them that said our evaluation procedures are terrific and we had no problems with them. Every single one of them said we have improved, we made some improvements, but we still have to improve them, our evaluation procedures are a problem. And I continue to suggest to you, Mr. Deputy Speaker, that the real issue here is not whether teachers get a hearing, but whether school boards are evaluating properly. That is the issue, that is the issue.

I want to read into the record and it's going to take just a couple of minutes but I think it's very important - a tenure study. This is a study on tenure by the Manitoba Association of School Trustees, because I think that what is in there, and it was done in 1980-81, I believe, is that what they are saying there is the same thing that I am saying, Mr. Deputy Speaker, and I want to read out some of it.

The convention resolution was, "BE IT RESOLVED that MAST review all aspects of the effects of the tenure process on quality education." Here's the background on tenure. "In the early 1950s the Manitoba Association of School Trustees, the Manitoba Teachers' Society and the Manitoba Government developed a tripartite agreement, withdrawing the teachers' right to strike and the employers' right to lockout for settlement of salary dispute by binding arbitration and giving to the teachers with a contract for more than two years the right to a hearing before an arbitration board." This is a MAST study giving a background on tenure and

saying that what the agreement was, that if you'd had a contract for more than two years, you had the right to a hearing before an arbitration board. They didn't say you had lifelong employment; they didn't say you were permanently employed; they said you the right to a hearing.

"The committee noted the importance of having effective evaluation procedures and proper documentation for those procedures when implementing the act to contract termination." In other words, Mr. Deputy Speaker, the committee has said that one of the most important matters on this issue is having adequate evaluation procedures and documenting them. So they identified then what the major issue was and listen to this, Mr. Deputy Speaker.

"There is a lot of misunderstanding associated with the tenure provisions of the act." This is the trustees agreeing that there is a misunderstanding about what due process means. "Teachers, after more than two years of contract experience in the jurisdiction, can be dismissed." Here's the trustees saying this, if they've got more than two years they can be dismissed, but arbitration boards must be shown that the dismissal is justified. So here they are themselves, in their own report, saying you can fire teachers after two years, but you're going to have to be able to demonstrate to the arbitration boards that the dismissal is justified. Is that unfair, Mr. Deputy Speaker? Surely not, surely not.

"Past arbitration awards relating to teacher dismissal cases in Manitoba suggest that arbitration boards tend to be guided by several principles. If competency is in question, a decision to terminate a contract for reasons of competency must be consistent with the evaluations that are done." Surely that's fair. The trustees are saying that is one of the requirements. "The reasons given for termination must be the real reason. A school board cannot have one reason for wanting to get rid of a teacher and give a different one to the teacher for the contract termination. Now all that says is that they are recognizing that they have to evaluate to the point that they know if the teacher is incompetent, they know why the teacher is incompetent, they have communicated that to the teacher, and they have documentation that supports it that will stand the light of day in a fair hearing. The reasons must be valid. That is the school board must show that the reasons are true.

All the way throughout this report, Mr. Deputy Speaker, the school trustees are agreeing with what I have said all the way along. Now here is an indication of where some of the problems are and why the trustees are concerned. The real reason, one of the real reasons, "Because arbitration boards have found against school boards in some cases, the committee was of the opinion that the provisions of tenure were not so important as the minds that they developed across the province as a result of the tenure clause in the act. Probably this feeling of helplessness in the face of tenure, which some boards and their administration feel, has influenced the quality of education."

In other words, they're saying that the big problem is not the right to a hearing. The big problem is how school boards feel about it and what they think that does to them, and whether it takes away their power. But it does not.

"In a survey of school divisions for boards across the province, for which we received a 65 percent reply,"

now this is critically important, "do you have any tenure teacher that you feel are only employed with your division because they have tenure?" This shows you how they feel about, you know, tenure, and whether or not they are taking the responsibility that they have to evaluate all teachers, regardless of how long they've been teaching, and to get rid of incompetency regardless of where it exists. The answer was 64 percent of them said, yes; 32 percent said, no; and 4 percent said no comment.

Now, Mr. Deputy Speaker, do you realize what that says? It says that 64 percent of the boards that answered this question said that they had teachers that they believed were either incompetent and that they believed should not be teaching. Why? Because they either can't win arbitration hearings, or they don't think they can win arbitration hearings. If they don't think they can win arbitration hearings, why is that? I suggest to you that we must look at the quality of the evaluations that are being done in school divisions to get that answer. If their evaluation procedures are strong, and if they follow them, there should be absolutely no problem with having them stand up to the light of day of a fair hearing.

In fact, that's demonstrated by the next question. "In the final section of the questionnaire, boards reported that, in fact, in the last three years 67 percent of them had successfully dismissed a tenure teacher." Now what are we talking about, you know. 67 percent of them have fired teachers for a cause, who had due process, were entitled to due process, and they did it successfully. So what is the real problem here?

It would be nice if they could point to something as simple as the right to a hearing for teachers if they're fired as being the cause of all of these problems. But, Mr. Deputy Speaker, that isn't so. We're going to have to look much deeper at the real issue. The real issue is not the hearing, the real issue is whether teachers, whether school boards are evaluating, and whether they are following the evaluation procedure to get rid of incompetent teachers when they believe they are incompetent.

It goes on a little farther down the road. "There is a need to understand exactly what tenure is. There appears to be a wide spread misconception about what tenure really is. Sometimes it is used as an excuse for not doing our homework.

"School board responsibility. Tenure places the onus on school boards to have proper selection methods for hiring teaching staff, and job descriptions, and providing an ongoing program of professional development."

Now let's see what they say about evaluation, Mr. Deputy Speaker, because I am saying that at the root of this question and concern is the question of adequate evaluation procedures. Let's see if in this report they agree with me. Do they say evaluation has nothing to do with it, it's not an issue? This is what they say:

"Evaluation - The tenure study reveals that effective evaluation procedures are vital.

"(2) Teachers have the right to expect fair evaluation and adequate warning that their performance is deemed unsatisfactory.

"(3) Many school divisions have recognized the special problems faced by beginning teachers and provided support systems for these individuals. They have a clear



established policy on dealing with borderline teachers, for putting them on probation when the need arises."

So there they are saying that the critical to this whole issue is having effective evaluation procedures that are fair; that the teachers are entitled to know what they are; and that the onus is on the school board to show cause. The onus is on them to show cause.

Now I remind you that they can fire within the first year for no reason, so let's not forget that. A teacher can be fired within their first year of teaching for no reason at all, and the school division does not have to demonstrate the reason, give the cause, nor defend it before an arbitration hearing. Only if they have successfully completed more than one full school year, and are kept on for the second term, do they not have the right to full lifetime employment, but they do have the right to a hearing if they're fired. Very, very simple.

Now there's been a lot of talk about whether this is in the best interests of kids. I suggest to you, Mr. Deputy Speaker, that I can't think of anything that is probably more important to the education that our children will be getting than the question of whether or not teachers are adequately evaluated; given help when they need help; and fired if they should be fired. To sit around and suggest that there may be incompetent teachers in the school system, because they're entitled to a hearing if they're fired, is the height of abrogation of responsibility, Mr. Speaker, and injustice.

Now, what is important to kids? What is important to good teaching? I have to say that although we all think our jobs are very important in the Department of Education and in my office and we all have our own role and responsibility, as do school divisions and school boards, the bottom line and the most important issue on how they are taught and how well they are taught is the teacher. I mean, everything that we do really is just there to support the teaching that goes on in the classroom. So having good teachers is the No. 1 key factor to having a good education.

How do we get good teachers? We get good teachers not by ignoring the issue, not by throwing up our hands and saying after eight months or nine months there's nothing we can do about it. If they're incompetent, we are stuck with them for life when the responsibility is on school boards to evaluate. The way to make sure that you know if you have good teachers is to evaluate them throughout their entire teaching career and to identify the good ones.

I mean, heaven knows, part of the problem is that we don't even know who the best teachers are if you don't have a good evaluation procedure. They don't get the credit. We want to identify the top-notch teachers. They may be able to help others. We want to identify teachers who need a bit of help but who are doing a reasonable job, because they can do a better job if they are given help. God knows, the bottom line is that we want to identify incompetent teachers who are not doing their job, and we want to get rid of them immediately, so that it is in and part of the evaluation procedures. I just submit to you, Mr. Deputy Speaker, that a very tiny part of the evaluation process, a very small part of the evaluation process is the right to a hearing if you're going to be fired. So the question of evaluation of teachers and how well they're doing that job and how fairly we are doing that job, so that they get a hearing or some help to improve is absolutely

key to the question of quality of education for our children.

Now, one of the things that I suggested in the letter that has been referred to, where I sent my response to MAST, is that I called on them to recognize, as we all have recognized, that the evaluation system was absolutely critical and that it needed improvement as we all know. Rather than get embroiled in a lot of negative sidetracking and trying to sidetrack what the real issue is, that I suggested that we all sit down as quickly as possible and try to look at what, if any, deficiencies or problems there are in the evaluation procedures and see what help and support can be given to school divisions who do not presently have adequate evaluation procedures or who do not feel that they have and, for that reason and no other, are not firing. I mean, surely to goodness, if they are not firing because they are afraid of an arbitration hearing of a fair hearing, they should be looking at their evaluation procedures to see how strong they are.

So I will just touch on the fact that the right to a hearing is given to many other employees, Mr. Deputy Speaker, and that a lot of contracts now give them the right within four to six months. Even where they have not had that right in four to six months, or even if they were fired within the first four- to six-month period, there have been three or four cases before the courts where the court said they have a right to know why they're fired even if they haven't finished the six-month period.

The Charter of Rights, I suggest, may be indicating that people have rights as well as systems and bureaucracies. Maybe moving to have fair, reasonable procedures before we are pushed into it or taken off to court is something that we can all work towards because, God knows, we have got to stop using the courts to solve issues and problems that should be solved by reasonable, sensible people carrying out their mutual responsibility.

I think, Mr. Deputy Speaker, that I have addressed most of the questions, and I'll just sum them up. The process of consultation, the involvement in the discussions with MAST, meant that teachers didn't get due process after Day One, that they had to put in a full school year, more than a full school year, before they had a right to a hearing. The real issue here is evaluation and adequacy of evaluation procedures. It is in the best interests of the kids of Manitoba that all of the organizations and groups work productively together to improve the system, rather than try to detract or cause more continuing lack of credibility in the education system and to strengthen the education system in the public arena by working together on the real issue, which is teacher evaluation.

**MR. DEPUTY SPEAKER:** The Member for Tuxedo on a point of order.

**A MEMBER:** Closing debate?

**MR. G. FILMON:** Mr. Speaker, I wonder if I might ask the Minister prior to just going to committee, just for the edification of members of the public, whether the Minister plans to bring any amendments to the bill at committee stage.

**HON. M. HEMPHILL:** Mr. Speaker, we will give full consideration to information that comes to us, either from the meeting that was held by the Trustees Association. As I have said, I have written a letter to Mr. Marshall telling him that it had come to my attention that there is already one area of either misinterpretation or misunderstanding. I know what our intention is. We certainly intend to look at the wording of that clause to make sure that there is no problem that would allow a teacher who is in their first year of teaching that is fired on May 31st to receive tenure without having successfully completed the first year.

So they have already brought something to our attention as a result of that meeting that is a serious question of interpretation, and we're going to look at it. I have also said that any other matters like that that he wishes to bring to our attention, we will be glad to hear in the meeting that I have asked him to set up at his earliest convenience to deal with these immediate issues. If any other matters like that come through during the committee hearings, which have not taken place, so it's pretty hard to prejudge what points are going to be made, we'll be glad to listen to them.

**QUESTION put, MOTION carried.**

**MR. G. FILMON:** On division.

**MR. DEPUTY SPEAKER:** On division.

### **BILL NO. 18 - THE LEGISLATIVE ASSEMBLY AND EXECUTIVE COUNCIL CONFLICT OF INTEREST ACT**

**MR. DEPUTY SPEAKER:** On the proposed motion of the Honourable Attorney-General, Bill No. 18, standing in the name of the Member for Emerson. The Member for Emerson has 34 minutes remaining.

**MR. A. DRIEDGER:** Thank you, Mr. Deputy Speaker. I had started my remarks the other day a few minutes before the closing of the House at that time, and I have a few further comments that I would like to bring forward at this time.

Mr. Deputy Speaker, I think what creates part of the problem instantly with this bill is the fact that we read that The Legislative Assembly and Executive Council Conflict of Interest Act, and the conflict of interest is an aspect that right away starts creating certain thoughts and doubts in people's minds.

The same thing applies, for example, in the bilingual issue. When we raise up the issue of the bilingual thing and the more we discuss it, the more we find out there is concern and it does create more concern. The same happens here, I think. In the comments I made the other day, some of the things that I addressed was exactly where do we start or stop with the conflict of interest in this bill?

I illustrated some examples and maybe I should repeat them. For example, anybody that has a farm and were debating a farm bill, is it a conflict of interest if he votes for this bill? Does it create a problem in the minds of people? Would that be considered conflict of interest if he indirectly, through a bill of that nature, would gain by it? For example, Bill 90, I mentioned

that at that time. Does this create a problem in this House? What are we trying to establish with this?

We have the same thing and I raised it the other day. If the Attorney-General brings in something like 40 bills in a Session, and many of them were created for lawyers, could that be construed as conflict of interest? You know, how far do we carry this thing?

I also gave the illustration of the Minister of Transportation who, during committee hearings, constantly raised the issue of conflict of interest with the members that were elected to the MCPA Board, the Manitoba Cattle Producers Association. He addressed that conflict of interest to each one. He says, you are in conflict because you have been elected and you're fighting for the bill. You know, how far do we want to take this thing?

We have another instance just with Bill 77 that has now passed through second reading. You know, it could be considered that any government member that voted that is a teacher by profession or background, if they voted for this bill, could that be construed as conflict of interest? Well, it raises that doubt in people's minds. It raises that doubt in my minds. If 10 teachers promoted with one of the ministers, the Minister of Education for example, does that construe conflict of interest? I don't know, but it creates that doubt in people's minds. It does.

These are the things that, I think, the more you stir the pot, the more illustrations we can come up with and start wondering. Pretty soon anything that anybody does can be construed as conflict of interest, directly or indirectly. That would make it very difficult to function in this House if that was the case. At least in my opinion, it would be.

We've had so many examples, I don't know and I asked the question last time: why is it important at this stage of the game? Have we illustrations where members of the Chamber here have acted in conflict, for example? Have they promoted certain legislation? Have they supported in such a way that there is doubt that there has been conflict of interest in this House? I think if we look at the history of members in the Legislature, there's very few instances. But now, by doing this, we first of all, establish a doubt right away. The doubt is established and the disclosure aspect of it, the complications of that, with a spouse and adult children living at home, that aspect I think has been covered and I mentioned it again the other day, these are the kind of things. Why do we have this legislation then?

I also indicated when I spoke to Bill 47, which is the Municipal Conflict of Interest, and the Minister has not been proceeding with it because he finally realized some of the problems that are there. Those problems in the Municipal Conflict of Interest Bill are going to be illustrated this fall when the municipal elections are going to be held and we'll see dramatic changes. We'll see dramatic changes and I dare say we'll probably see many seats not being contested even, because it's a personal thing. For example I don't have that many assets, but I feel uncomfortable having to disclose them. Why should I? Now, if any of my constituents feel that I am working under a conflict of interest situation, or feel that I have too many assets, that I'm not representing the views of the public of my constituency properly, what will happen? There's a self-correcting mechanism called an election.

I fail to see the importance of bringing in a legislation of this nature at this stage of the game. In a year when we're dealing with 115 bills, many many heavy controversial bills, and we bring in this Legislative Assembly Conflict of Interest Act and it bothers me. Sometimes I wonder why would the government bring that many controversial bills in at one time? Is it as a camouflage, to camouflage the fact that they haven't been able to deal with the economic situations, that they have not been able to fulfill the promises that they initially got elected on? That is a thing that is surfacing now.

If the Government of the Day had campaigned on the issues and the bills that we are dealing with in this House in this Session, you would have never got elected. I dare say there wouldn't be a handful of you elected. So I'm wondering why all these things are brought in now.

We've discussed at length and debated at length the bilingual thing, and I say again, if you had campaigned on that basis, instead of the false promises that you did campaign on, you wouldn't be government and it's a shame really that you are, because your record is very unimpressive, as is most of your legislation. Totally unimpressive. It's a hodgepodge what you've done. Most of your bills, you have to amend them; you have to withdraw them; poorly thought out. It shows incompetence. The fact that we're sitting here on August 8th shows the incompetence of government in everything that you've done. Why would anybody be here yet? Because you don't know how to run the government and the business of the House and it's very apparent to everybody. It's actually a shame.

I feel apologetic when I go out to my constituency and they say, "How come you're still sitting?" I say, "Because this government can't run the affairs of the province," and I say, "As far as I'm concerned, why should I be concerned?" We should let you pass your dumb legislation and then take the consequences and we'd beat the pants off you next time. But my people say you have an obligation to go out there and fight, and that's what we're doing, and that's why we're still here at this stage of the game. But it is dumb legislation, endless batches of it that we are dealing with, and for no purpose, for no purpose.

Like the Member for Roblin-Russell indicated, in all these years, now after 17 years of serving his constituency in this House, he's being held suspect indirectly, because maybe if he discloses that he has some shares somewhere or has some equity to some degree, then somebody could get up in the House and say, well, you're speaking on a bill and it is in conflict. That is what we'll be dealing with all the time.

We did that today. We accused the teachers of having conflict of interest with Bill 77 and we continue doing that every time. When I speak on a farm bill, I suppose I'll be accused of being in conflict of interest, and I say with the lawyers - I've had this thought for a long time before you even thought of debating this bill, that somebody like the Attorney-General is creating conflict of interest for himself and all lawyers on that side, because it is a make work program really. The best one that they've had. Their record is lousy in terms of creating jobs, but certainly the Attorney-General with his legislation is creating jobs for all the attorneys.

So anyway, Mr. Deputy Speaker, there's so many things that are continuing on in this House, it is shameful

really. It is shameful that we are still here debating all this crazy legislation, and this is just one of the many. We have allowed many bills already to pass through to committee. Out of the 115 bills, there aren't that many that are left, but it is not good legislation. It is not good government. You are not doing a good job and the public is realizing it by the fact that we are still here, and as I indicated before, so much of that legislation.

Now if we are concerned about conflict of interest and we've had some illustrations lately; McKenzie Seeds is a good example. We we have a self-correcting mechanism here which is called elections, but how about the top officials in each department or Crown corporations? We just saw one with McKenzie Seeds where there was conflict of interest. Why single out the legislative people here and say, you know, we're going to make you give disclosure, call it conflict-of-interest legislation? It isn't thought-out well; it is a problem maker that you have.

Do you want to now enlarge on this? You'll see the fallacy of the municipal one this fall, as I indicated before, once the elections take place; and we'll see the fallacy of this legislation if you pass this because of what's going to happen in this House. Everytime somebody's going to debate you'll be checking to see whether there is conflict of interest, and there's never been a thought or concern about it, but when you start stirring the pot, everybody starts looking at it.

The same thing happened with bilingualism; it came along very nicely. There were no problems. Then you jump in and start stirring the pot and creating an issue and you do this with so much legislation.

We just had an example with Bill 77 where the publicly-elected school trustees are in opposition to the Minister's bill. It is a matter of lack of concern. I don't know why you do it. Who has wanted this? That is why we say across it's conflict of interest for the teachers sitting there, because the teachers themselves didn't want it. I don't think the members of the Legislative Assembly wanted this bill. I don't know who wanted it. Who has been concerned, unless there is some kind of onus that anybody who owns property isn't qualified to be in office, that he should be the subject of ridicule or invasion of privacy? I know some members on the other side won't have that problem; I know many of them that probably won't have that problem, but I feel it is an infringement on the privacy in my life. If I happen to own two homes, or if I happen to own 640 acres of land, or whatever assets I have, if I happen to have a real estate company - as I do - or if my wife and I have another corporation, that is a matter of concern to the Legislative Assembly?

The people in my constituency know what I have; I'm in touch with my constituency. People in the city, maybe the people don't know who they're voting for in many cases, you know, what kind of a person they are. Maybe they don't even know, for example, the Member for Ellice, who is now running as a mayor candidate for Winnipeg. — (Interjection) — Well, I think we have to, if this is the case.

But the fact that it creates suspicion in people's minds. Supposing that if I list my assets and I delete one — (Interjection) — well, I'm just saying either by oversight or deliberately, what happens? I'm just saying, what happens if somebody would? Does he automatically lose his seat?

**A MEMBER:** Yes, a public hearing.

**MR. A. DRIEDGER:** Do we fine him?

**A MEMBER:** Yes.

**MR. A. DRIEDGER:** Do we hold him up for public ridicule because this man - these are thoughts and things that enter into our minds.

**A MEMBER:** Send him to Saudi Arabia for an extra

**A MEMBER:** Shoot him.

**MR. A. DRIEDGER:** The Member for La Verendrye says what happens if your wife buys into a company somewhere along the line and doesn't tell you. That can happen.

**A MEMBER:** Then you get a divorce.

**MR. A. DRIEDGER:** Then I get booted out of the House because I'm supposedly in conflict of interest.

It is a matter of concern really and if the Government of the Day, looking at your agenda, what you've done in this Session, why would this be a priority item that you're going to hammer through with your majority? Why would you want to do that?

It seems to be so important that you pass over 100 bills of legislation and what bothers me most, if you have legislation in mind and you're presenting it, and you are the people that said we will listen to the people. Well, we've seen an illustration of how you listen to people. You don't listen to anybody. You set your course and as the Minister of Natural Resources, the Acting House Leader says, "We are the government and we will put it through," and you're doing that. But you get embarrassed with your own people in many cases and have to amend and withdraw and hold. Why is it so important to pass all these things at this stage of the game?

I look at the members opposite and I'm wondering who, besides the Attorney-General, would be concerned about bringing this forward. The Attorney-General has presented something in excess of 40 bills, if I'm correct, in his own name. Much of that legislation is not healthy legislation. There's some of it, yes. Always, there have to be bills that have to be dealt with, but 115 of them and a good portion of them controversial, including this one - meaningless. And that's what makes them an inefficient government.

And you know what? I dare say a Minister to Minister doesn't know the bills they are presenting, who is checking on them? Certainly not your back bench because they're too busy fighting amongst each other. Who does the checking on your bills? Why do you have to go back time and time again?

Look at the Order Paper and see how many bills have been amended. Look at how many bills have been put on hold, that are being jockeyed with right now. It's unbelievable, and you know what? Somehow it seems to be the intent, we've got to bring in all this legislation now. Poorly thought-out, totally irrelevant, some of it, it seemed to be a race as to who brought

the most bills in. Well, Penner got it, or the Attorney-General got it, obviously, you know, he's the leader in that pack. But how many of these bills in third reading have been amended already? It is stupid legislation and it is because one doesn't look at the other and check him. The back bench is busy clawing each other's eyes out and the Ministers are busy covering their own butts, and that is why you're inefficient as a government and that is why this is another dumb piece of legislation as far as I'm concerned and I cannot support it.

Thank you, Mr. Deputy Speaker.

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

The Honourable Leader of the Opposition.

**HON. S. LYON:** Mr. Speaker, I rise to participate briefly in this debate to indicate as my colleague, the Deputy Leader, the Member for Fort Garry, has already done, that no politician that I know of in Manitoba is opposed to conflict of interest, nor are we in the Progressive Conservative Party. Indeed, the bulk of the legislation that is before us is legislation that is already included in The Legislative Assembly Act.

In fact, the Attorney-General the other day, I believe it was in The Statute Law Amendment Act, brought forward certain provisions in that act, or mentioned certain provisions in that act which repeal these self-same provisions which are in Bill No. 18, which have existed for generations in Manitoba with respect to conflict of interest.

So let there be no misunderstanding by the members opposite or by the press or anyone else, no one on this side of the House is opposed to conflict-of-interest legislation. We've had it for generations and there's no reason why it should not be continued, if not in its present form, perhaps it can be updated. But I've seen no evidence, Mr. Speaker, to indicate that the present legislation dealing with conflict, and that is with members dealing with matters that are within their peculiar knowledge or in which they may have a pecuniary interest, that there has ever been any serious problem in that regard at all. If there ever has been, then the legislation that presently exists has been found sufficient to cover it.

There are members in this present House that I know of, Sir, who have participated in technical breaches of The Legislative Assembly Act. When those breaches were brought to their attention, the members immediately corrected the situation, whether it was a contract or monies hadn't received from the government after they had become nominated as candidates, or alternatively, because the nature of the breach was so technical, an amendment was brought to The Legislative Assembly Act to cover the particular breach in the instance that is complained of - a doctor, a business person, a professional, whatever.

In my experience, Mr. Speaker, going back as I do to 1958 - the Member for St. Boniface, the Minister of Health, going back to 1959 - I know of no single instance in my recollection, and if so, I stand to be corrected, but I know of no single instance where there has been a substantive matter of conflict of interest brought against any member of the Legislative Assembly in the last 25 years that I know of.

There was one case that was highlighted, of course, by a by-election, wherein the former Member for River Heights, the late Maitland Steinkopf, acting as a private citizen on behalf of the Government of Manitoba, along with another citizen of Manitoba, Mr. Richardson, acting at the behest of the then Premier of Manitoba, acted as agents on behalf of the province to purchase land that was in the interests of the province that they purchased without the province's position being known, and they got it at a very good price. That was agreed by everybody to be in the province's interest.

The only thing that happened subsequently was the Mr. Steinkopf then was nominated for and ran for election before the land could be transferred from his name and the name of Mr. Richardson over to the province and there was a technical breach. I was in the House, and I think the Member for St. Boniface was in the House, the night when Mr. Steinkopf stood in his place and said, "There has been a technical breach. I did act on behalf of the province, I acted at the behest of the Premier and I did not complete the transaction before I was nominated to be a member of the Legislature, therefore, Mr. Speaker, even though it's only a technical breach, I resign my seat and ask the Premier to call a by-election." And that was done.

The then leader of the New Democratic Party, and my friend from St. Boniface will remember this, Russ Paultley stood in his place and said, "This is a technical breach and our party will not run a candidate against Mr. Steinkopf." "In fact," said Mr. Paultley, I, myself, will campaign for Mr. Steinkopf," and there was one member of a New Democratic Party, then the CCF Party of that day, who chose to follow the Liberal Party, the official opposition of that day, which ran a candidate as they were entitled to do, Mr. Speaker. I'm not rehashing this history to throw scorn upon Liberals or New Democrats or CCFers as they were then known, at all, but to merely indicate that that's the only example that I can recall and it was dealt with honourably by this House and by the member involved. There was a by-election held, the Liberal Party ran a candidate, the CCF and the Conservatives campaigned for the Conservative and the Conservative won. That put an end to the issue.

So, Mr. Speaker, I think we're entitled — (Interjection) — the Member for St. Boniface can add his wisdom in history to this debate. I think we're entitled to ask, Mr. Speaker, why is the bill here? Now, why is the bill here? Because if we've had this legislation in place, if it has been working, if in Cabinet - and I've been a member of Cabinet since 1958 off and on into 1981, except for the period when I was not in the House, Mr. Speaker - I on numerous occasions remember in Cabinet, remember in this House, members standing in their place and saying, "Mr. Speaker, we're voting on such and such a bill. I declare that I have a pecuniary interest in X company, Y company or Z company; therefore, I will absent myself from any debate on this matter or on any vote on the matter." I've heard that happen in this House. That's the way it should happen. There should be an oral disclosure immediately. The ethics and the requirement of the law is clear.

I've seen it happen in Cabinet, Mr. Speaker, where a member of Cabinet would say, "Here is a matter coming before Cabinet in which it might be construed that I would have a pecuniary or other interest.

Therefore, I will not participate in the discussion on this matter, I will absent myself from the Cabinet's discussion." I've heard the Cabinet Ministers, going back to '58, say, "Mr. Clerk of the Executive Council will you note that Mr. so and so has exempted himself from participation in the debate because of a possible conflict of interest."

That happens, Mr. Speaker, and that's the way it should happen. There should be oral disclosure. There is that responsibility on members to make an oral disclosure of any matter in which they are involved, and it comes before the House, they should make the disclosure.

I remember, Mr. Speaker, speaking on behalf of a bill back in the middle '60s in which a member of the medical profession was involved. That member of the medical profession had been a personal physician to me, Sir. I stood up in the House and before I spoke on the bill I said, "I want to declare that the man on whose behalf I'm speaking here happens to be a physician who has treated me." In other words, we have been in a physician-patient relationship and I made that disclosure to the House. I don't think it was even necessary to do it, but the then Dean of the House, Douglas Campbell, sitting, I think it was, in this seat immediately to my right, nodded, and said to me afterwards, "I knew that. I don't think you had to disclose it, but I think it was the honourable thing to do."

So, Mr. Speaker, I think the records are replete with honourable members from all parties, from all sides of the House, at all times, doing the honourable thing; that is, to stand up and make the declaration of possible conflict. Why would we want to change a system that has been working so well?

I think the proof, Mr. Speaker, in matters of this sort, the proof is always on him who advocates change to demonstrate the change is necessary. If the Honourable Attorney-General knows of some instance where anyone on this side of the House or anyone on his side of the House, now or in the past, has ever fallen short of that duty of disclosure, then I think he has an obligation to say that to the House.

I don't think, Mr. Speaker, that there has been any case made for the need to transfer the present restrictions on conflict which are in The Legislative Assembly Act over into what we call The Legislative Assembly and Executive Council Conflict of Interest Act. I don't see why that's being done, unless, when I read Sections 15 and 16 - which by the way have nothing to do with direct conflict - Sections 15 and 16 are not conflict sections, Sir, they are disclosure sections and that's what's new in this bill, disclosure. It's what, I suppose for want of a better term, we would call the snooper clause, that's in the bill.

Every man or woman who is a member of this Legislative Assembly and the spouse and any of the children living at home, if you can imagine it, are going to be placed under an obligation - if you can believe this, Mr. Speaker - placed under an obligation to reveal what their assets are in the event that there might be some possible conflict. There has never been one established in the last 25 years that I know of against any member in this House. I've never heard of any member gaining anything from legislation that was passed here or an Order-in-Council passed at the

Cabinet table for wont of disclosure and yet, now, all of a sudden, this legislation purports to say that there must have been something dishonest going on, because that is the implication. I know of nothing dishonest that ever went on. My friend from St. Boniface who's been in this House almost continuously, longer than anyone else, I dare say that he could stand in his place and make the same statement that I'm making. I know of nothing. I am sure that he knows of nothing.

So why, Mr. Speaker, are we laying this extra burden upon professional people, upon farmers, upon business people, upon spouses of all of these people, upon every member of this Legislature, to make a kind of financial disclosure that has heretofore never been required, without any justification being brought forward as to why it is now required?

I call to your attention, Sir, the comment that was made by the Attorney-General when he, some several weeks ago, introduced this bill. On Page 3 of his statement, he said, "To further promote public trust in government, the new legislation will prohibit various misuses of position by MLAs and Cabinet Ministers." Mr. Speaker, I didn't know that there was public trust in government that needed to be shored up, because I don't know of any offences that have ever been committed in terms of conflict by members of this government opposite us . . .

**MR. DEPUTY SPEAKER:** Order please. The hour is 5:30, time for adjournment. The House is therefore adjourned, and will stand adjourned until 8:00 p.m. (Monday).