

LEGISLATIVE ASSEMBLY OF MANITOBA
Monday, 21 July, 1980

Time 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

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

**PRESENTING REPORTS BY STANDING
AND SPECIAL COMMITTEES**

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. WARREN STEEN: Mr. Speaker, I beg to present the First Report of the Standing Committee on Municipal Affairs.

MR. CLERK, Jack Reeves: Your committee met on July 18, 1980 and heard representations with respect to the Bills referred, as follows:

No. 97 An Act to amend The City of Winnipeg Act.

J. Eadie, Private Citizen.
Councillor Jim Moore.

No. 100 An Act respecting The Assessment of Property for Taxation in Municipalities in 1981 and 1982.

Reeve Balderstone Rural Municipality of West St. Paul.

No. 101 An Act to amend The Planning Act.
Reeve Allan Beechel Rural Municipality of Rosser.

Mr. Olson, Secretary-Treasurer Rural Municipality of East St. Paul.

Reeve Denis Dorge Rural Municipality of Tache.

Councillor Ralph Kennedy Rural Municipality of Springfield.

Mr. Balderstne Winnipeg Additional Zone Municipal Association.

Councillor Jim Moore The City of Winnipeg.

Your committee has considered Bills:

No. 15 An Act to amend The Brandon Charter.

No. 67 An Act to amend The Municipal Board Act.

No. 68 An Act to amend The Local Authorities Election Act.

No. 89 An Act Respecting The City of Brandon and Certain Municipalities and to amend The Brandon Charter.

No. 91 An act to amend The Brandon Charter (2).

No. 100 An Act respecting the Assessment of Property for Taxation in Municipalities in 1981 and 1982.

And has agreed to report the same without amendment.

Your committee has also considered Bills:

No. 60 An Act to amend The Municipal Act.

No. 97 An Act to amend The City of Winnipeg Act.

No. 101 An Act to amend The Planning Act.

And has agreed to report the same with certain amendments.

MR. SPEAKER: The Honourable Member for Crescentwood.

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

MOTION presented and carried.

MR. SPEAKER: Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, my question is to the Minister of Consumer Affairs responsible for the Rent Stabilization Board. Can the Minister confirm that, indeed, approximately 25 percent of those that had given notice of their intention to present briefs to the committee of the Legislature pertaining to Bill 83, in fact were not notified as to the date and place of those hearings?

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

HON. WARNER H. JORGENSON (Morris): Mr. Speaker, my honourable friend knows the practice that has been followed in the past. There is no obligation on the part of the Clerk's staff to notify anybody, although that is being done. It's been done through the courtesy of the Clerk's Office. What has generally happened in the past is that notice through the media has been given. That was done in this case. In fact, there was front page coverage in both dailies, on television and on radio two days running that the hearings were being held. I don't know how many of those people who had their names down were unable to be contacted but I do know that the Clerk's staff endeavoured on several occasions to contact every one of those people, most of whom were contacted. I don't know how many they were unable to reach.

MR. PAWLEY: Mr. Speaker, since it does appear that there were a considerable number that were not contacted directly and may not have had notice of the hearings, due to the lack of notice of the hearing itself, is the Minister prepared to indicate his recommendation to the committee, since it is the committee's responsibility to determine whether or not further briefs can be heard, to indicate an ample time, so that indeed notice may go out to the public at large so that those that were not contacted, plus

any others, will have ample notice, ample opportunity to make their presentation to the committee, in order to assist this Legislature in its work in dealing with Bill 83?

MR. JORGENSEN: Mr. Speaker, as my honourable friend is aware, appearance before that committee is a privilege that is provided by this Legislature and this Legislature alone, no other Legislature in Canada does it. We depend on a little bit of initiative on the part of the individual, when they read of the hearings or hear of them, to phone in themselves to find out if it's possible for them to appear. Now if they haven't done that, if they show that lack of concern as to when the committee is sitting, then I don't know what else we can do. (Interjection) Well, no, my honourable friend says let it be taped. We try our best, the Clerk's office has bent over backwards to try and notify people of those hearings and the practice is not any different than it has been in past years, as long as these committee hearings have been held. We are not deviating from that practice whatsoever. And insofar as the question as to what the committee will do, that is going to be the committee's decision.

MR. PAWLEY: Mr. Speaker, it's the first time I've heard that the democratic process that we cherish in this House, of public hearings, is indeed a privilege that we're granting to the public. Mr. Speaker, further to the Minister, due to the fact that some of us our receiving telephone calls, advice that people have not had an opportunity to make presentations because they were not aware of the hearings, is the Minister again reverting back to my question, prepared to indicate when the committee will be called so those that are interested may be prepared and may be able to attend, with adequate notice, in case the committee does decide, hopefully in it's wisdom, to give those that were unable to make presentations an opportunity to do so at that time?

MR. SPEAKER: The question is repetitive. The Honourable Minister.

MR. JORGENSEN: Mr. Speaker, I cannot advise my honourable friend at this point when the committee hearings will be resumed, there are other items of business. My honourable friends insist on the Attorney-General being here when his bills are being dealt with, I think that's a legitimate request. The Attorney-General happens to be here today so we'll be dealing with some of his legislation and the order of the next few days is something that I can't determine at this time. There is nothing stopping anyone, there's nothing stopping anyone from submitting a written brief. The committee will be prepared to accept any written brief that is submitted before this committee between now and the time we resume our hearings. And if anybody is anxious to have their voices heard, there's no reason in the world why they can't submit to the committee a written brief. My office will undertake to duplicate those copies and make sure that every member of the committee has copies if they want to write in.

MR. SPEAKER: The Honourable Member for Wellington.

MR. BRIAN CORRIN: Yes, Mr. Speaker, my question is for the Minister of Community Services. I wanted to know what the government's position has been or will be, with respect to the proposed city by-law that will limit group residential facilities for children to conditional use status. Could we have some advice on the government's position in this regard?

MR. SPEAKER: The Honourable Minister.

HON. GEORGE MINAKER (St. James): Mr. Speaker, it is my understanding that the City of Winnipeg has not made a decision on that matter, as yet, and will be making a decision on August 11th committee hearing. Our government's position to date is that we encourage the concept of group homes in the community for our children but it is not the main policy of our department. At the present time the number of group homes in the city of Winnipeg has been frozen in number, and in fact, has reduced in the past few years, because our main objective really is to locate children in foster homes and, failing that, then they are located in group homes.

MR. CORRIN: Yes, I am wondering, in view of the fact, Mr. Speaker, that generally speaking I think we would all agree that children have a right to live in a neighbourhood, in a community, whether the government will be tendering a submission to the August 11th hearing of the City of Winnipeg in this regard?

MR. MINAKER: Mr. Speaker, I cannot give a definite answer to that question at the present time. I can advise the House, however, that we have made presentation to two previous meetings on this subject to the Committee of Environment of the City of Winnipeg and at the most recent one our administration was there to present a brief on our behalf.

MR. SPEAKER: The Honourable Member for Lac du Bonnet.

MR. SAMUEL USKIW: Mr. Speaker, I wish to ask a question of the Minister of Highways. I would like to ask the Minister whether he can indicate what government policy is, or his departmental policy is, with respect to local public works, maintenance of highways, and with respect to the allocation of work to local contractors, where that work is not subject to the tender process?

MR. SPEAKER: The Honourable Minister of Highways.

HON. DONALD ORCHARD (Pembina): Would the Member for Lac du Bonnet be referring specifically to hourly work that the department, from time to time, needs to contract out? I will attempt to explain the process as I know it, Mr. Speaker. When hourly work is required for maintenance jobs and the quantity of work is not sufficient to let a contract by public tender, the normal process is that the district office will draw upon equipment that is available in the area and call upon those people to do the work

based on an hourly rate schedule, which is determined by the department for the varying types of equipment that may be required for use. It is, to the best of my knowledge, that generally the contractors employed are within the district, Mr. Speaker.

MR. USKIW: Mr. Speaker, perhaps then the Minister would like to take as notice the question of why Winnipeg firms are supplying concrete to the intersection of Highway 44 and 59, which is within 3 and 5 miles away from two concrete plants in that particular area?

MR. ORCHARD: I certainly will take that question as notice and provide the member with an answer.

MR. SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Mr. Speaker, my question is directed to the Minister of Community Services. In view of the fact that some 30,000 to 40,000 Manitoba pensioners are in receipt of Federal Old Age Pension, Federal Guaranteed Income Supplement, plus a Manitoba Old Age Supplement, can the Minister indicate whether it will be the policy of the government of Manitoba to pass on the recent federal increase of 35 in the Guaranteed Income Supplement, without penalizing these pensioners by reducing, at the same time, the Manitoba Old Age Supplement which is acted as a topping on the federal schemes?

MR. SPEAKER: The Honourable Minister.

MR. MINAKER: Mr. Speaker, I guess the honourable member was not in the House when I announced, I think it was roughly 10 days ago, that all of the moneys that are being provided by the federal Government of Canada will be passed on to all old age pensioners who are in receipt of it, whether they are on social assistance or otherwise.

MR. PARASIUK: Mr. Speaker, my question is whether, in fact, there will be any subsequent reduction in the amount that the Manitoba Government will be paying as a supplement to pensioners who find that, even with the federal pension and the federal Guaranteed Income Supplement, this is still insufficient for them to live on. There is a Manitoba Supplement. Will these people be penalized the amount that the federal government has increased the Guaranteed Income Supplement by?

MR. MINAKER: Mr. Speaker, I think there are approximately 36 people involved and they will not have their social assistance reduced in any way at all; they will receive what they received prior to getting this additional moneys from the federal government.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. JUNE WESTBURY: Thank you, Mr. Speaker, my question is addressed to the Honourable Minister of Health, and I wonder if he can now respond to the

question which the Minister of Education took as notice on the 15th of July, last Tuesday, referring to the decision to put an obstetrical unit in the Seven Oaks Hospital. I asked on whose advice the Minister had changed his mind, whether he could make a statement to the House, since his previously announced position, as I understand it, had been that there would not be an obstetrical unit there?

MR. SPEAKER: The Honourable Minister.

HON. L. R. (Bud) SHERMAN (Fort Garry): Yes, Mr. Speaker, there was a wide variety of advice that was offered, sought and offered, to me on that question. The primary professional advice that was conveyed favouring the location of a primary care obstetrical unit at Seven Oaks came from the Seven Oaks Board; the Seven Oaks Medical Staff and Medical Advisory Council; came from the Director of Family Practice Teaching, who will be in place at Seven Oaks and heading the Family Practice Teaching course there; came from the Family Practice Teaching section of the Faculty of Medicine at the University of Manitoba; and it came from the Family Practice Section of the Manitoba Medical Association. It also was conveyed by a wide number of general practitioners in the area, in the community, the northwest quadrant of Winnipeg, and there were also very intensive entreaties conveyed to me from the community residents themselves and their representatives.

MRS. WESTBURY: Mr. Speaker, I can certainly understand the community concerns. I wonder if the Minister could tell us if he had equally intensive requests not to place them there by his own task force on maternal and child health and certain medical organizations and, Mr. Speaker, I would further wonder if the Minister could advise us whether I understand that one of the considerations was that only a certain number of obstetrical spaces would be maintained can the Minister tell us whether that means they will be removed from the Health Science Centre or any other institution and how many will be removed?

MR. SHERMAN: Mr. Speaker, there was considerable professional advice conveyed to me recommending against the establishment of an obstetrical unit at Seven Oaks, including the sub-committee of the Social Planning Council task force on maternal and child health, including my own Maternal and Child Health Care Committee, including the section of obstetrics and gynecology of the MMA and I've never disputed the fact that there was conflicting medical advice conveyed. This is an area in which there has been considerable debate across north America in medical circles for a number of years. There have been proposals, recommendations that obstetrical units be consolidated in major urban centres; that was the conventional medical thinking in North America for some time. That is not altogether the conventional thinking today. Recent papers or studies coming out of the United States have suggested that there is great merit to community obstetrical units and the whole question is being re-examined.

Mr. Speaker, what we have done is approved, on a conditional basis, a primary care obstetrical unit at Seven Oaks, not secondary or tertiary, not high risk. We've also suggested that it must be evaluated at the end of a year to examine and assure ourselves of its viability and its efficiency. But there is a new 34 million medical plant going up in the northwest quadrant of Winnipeg. The community expects to be able to have its babies there, the young families moving into the area expect to be able to have their babies there and Mr. Speaker, we're going to try it. Linked to the high-risk transfer program and high-risk newborn program which has been expanded and was announced in my estimates and my program for this year.

Further to that, Sir, we are going to put in a Family Practice Teaching unit at Seven Oaks. There seems to have been some question in some circles on that; I want to remove that question. We have announced there will be a Family Practice Teaching unit at Seven Oaks, there will be; and a Family Practice Teaching unit, without an obstetrical unit, is meaningless, Sir.

MRS. WESTBURY: Mr. Speaker, the other question was, will other obstetrical spaces be closed down, will other obstetrical units be made smaller, will any beds be lost to other hospitals because of this and where would they be and when would this take place, Mr. Speaker?

MR. SPEAKER: The question is repetitive. The Honourable Minister.

MR. SHERMAN: Mr. Speaker, I don't believe that I answered that question from the Honourable Member for Fort Rouge. The answer is no, no other beds will be closed down.

MR. SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Mr. Speaker, my question is directed as well to the Minister of Health. Can the Minister inform us what the government is doing to try and deal with the fairly severe shortage of anesthetists in Manitoba, and Winnipeg in particular, which is causing difficulties at Concordia Hospital and Grace Hospital? Can the Minister indicate what the government is doing about this?

MR. SHERMAN: Yes, Mr. Speaker, that question is one of the top agenda items in front of the Standing Committee on Medical Manpower. I'm expecting some recommendations directly related to that specialty. It's not the only specialty under pressure in terms of supply, and as far as that particular specialty goes, there are shortages all across the country. I might say, Sir, and I don't mean to be flippant in my answer, but the fact of the matter is that our anesthesiology program here has a ranking in North America that is very truly at the top of the list. Our anesthesiologist graduates are in high demand. We may be overtraining them, Sir, there seems to be such an export of them. That is not intended as a flippant answer but the record would seem to indicate that Manitoba anesthesiology

graduates are in demand in every jurisdiction on this continent; we may have to have a look at that.

MR. SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Mr. Speaker, in view of the fact that there is a shortage of anesthetists right across North America, which would indicate that medical schools don't seem to be graduating enough of them, would the Minister consider increasing the number of students who could be admitted into that program? The Minister did so with respect to nurses when there was a nursing shortage. There seems to be a limit on the number of people who are allowed into medical school, there seems to be a limit put on the number of people who are allowed into specialty areas and yet society is faced with tremendous shortages. Is there any way in which the government can try and increase the number of people who are actually trained so that we may not have these shortages of anesthetists.

MR. SHERMAN: Well, not directly, not by working from that end of the equation, Mr. Speaker, because admissions to our medical school totalled 94 and there is no way of knowing what the electives and what the specialty areas of those particular students are going to be until they get into third year and indicate what specialties they want to pursue. But, certainly, additional incentives can be developed and additional counselling and perhaps persuasion can be developed, and that's one of the things the Standing Committee is looking at.

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

MR. PARASIUK: Mr. Speaker, given the fact that the Minister has indicated that we have shortages in other specialty areas as well as anesthetists, and we've heard from doctors that are shortages in the number of general practitioners, especially in rural and northern Manitoba, can the Minister indicate why the Medical School limits the number of entrants to something in the order of 94 each year when we have these very severe shortages?

MR. SHERMAN: Mr. Speaker, we're not short of doctors and medical practitioners. We have some 1,600 in Manitoba and the equation in terms of doctors per people in the population is sufficient and competitive with the mean that is accepted generally as the desirable ratio. It's the individual specialties that seem to go in cycles in terms of their attractiveness. Part of it, of course, is due to urbanization and the fact that in highly specialized areas professionals like to be in an environment where they are working their peers and not working in relative isolation, so that's part of the problem. I can assure my honourable friend that all jurisdictions in North America are having this problem. I hope the Standing Committee on Medical Manpower is going to be able to offer some solutions this year.

MR. SPEAKER: The Honourable Member for Wellington.

MR. CORRIN: My question, Mr. Speaker, is for the Honourable Attorney-General. Can the Attorney-General advise us what policy the government has taken with respect to the limiting of private prosecutions, and I would note that this was a matter that was discussed in the local media last week, as a result of comments made by one of the senior Crown Counsel of his department; can we have some advice as to what policy is being taken in this regard?

MR. MERCIER: Mr. Speaker, that matter has been considered with particular reference to the case in question and I can indicate to the Member for Wellington that I do not intend to interfere with that private prosecution.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. A. R. (Pete) ADAM: Thank you, Mr. Speaker. I have a question for the Minister of Highways. I wonder if the Minister could advise if he's proceeding with claims for road damages against one Harold Kreutzer of Plumas, despite the fact that charges of mischief were dismissed by the courts?

MR. SPEAKER: The Honourable Minister of Highways.

MR. ORCHARD: No, Mr. Speaker.

MR. ADAM: I believe the Minister said, no. I understand that Mr. Kreutzer has received a letter demanding charges.

MR. SPEAKER: Order please. Has the honourable member a question?

MR. ADAM: Could the Minister confirm if he has written a letter, or the department has written a letter, to Mr. Kreutzer demanding claims for damage to the road?

MR. ORCHARD: No, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Speaker, I wish to ask the Minister of Agriculture whether or not he can report on his findings on a number of enquiries that he undertook to make, pursuant to questions put to him with respect to the hay allocation program.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Mr. Speaker, I believe that I have answered most of those questions to do with the hay allocation. One of the other questions that he asked last week was on the allocation of PFRA pasture. The information I've received, Mr. Speaker, is that the PFRA pasture was allocated by PFRA, through their allocation committee of producers; that the allocation of additional pasture was handled by the manager and the committee. I understand that the one particular individual who he named in the House, who may have been treated other than through the normal

process, was not treated other than through the normal process and has something of about 50 head of cows in the community pasture, and he went through the normal process to obtain that allocation.

MR. USKIW: Mr. Speaker, is the Minister indicating to the House that that individual did in fact apply before the local board and received their approval?

MR. DOWNEY: Mr. Speaker, I am saying that we, as a government, didn't have anything to do with the allocation of that particular pasture, that in fact it was the PFRA, which is controlled by the federal government.

MR. SPEAKER: The Honourable Member for Lac du Bonnet with a final supplementary.

MR. USKIW: Mr. Speaker, I recognize the fact that there are two jurisdictions involved but, Mr. Speaker, the Minister did indicate some weeks ago that where they are making special provisions and where they are co-operating with other authorities that they were going to do so on a joint basis and would respect the fairness and equity that would be expected on the part of all people involved in making applications for that kind of assistance, Mr. Speaker. In this example that has not occurred.

MR. DOWNEY: Mr. Speaker, as I understand it, all the participants or those people who now are using the community pasture were given the opportunity to put in additional cattle. Mr. Speaker, the additional requests, I understand, were handled by the pasture manager and that this particular individual was allowed to put in some 50 or less more cows. I understand, Mr. Speaker, that there is still some additional pasture that is being made available through the additional fencing program and that there isn't anyone that is going short of pasture in that particular area because of PFRA pasture. Again, if the member wants to ask questions on the allocation as far as PFRA is concerned, I would suggest he ask the federal government.

MR. SPEAKER: The Honourable Member for Lac du Bonnet with a fourth question.

MR. USKIW: Mr. Speaker, I would like to then ask the Minister whether he can indicate that there have been no refusals in the Netley Marsh area, either for hay or grazing permits, on both sides of the lake?

MR. DOWNEY: Mr. Speaker, at this time I can't confirm that.

MR. SPEAKER: The Honourable Member for Lac du Bonnet with a fifth question.

MR. USKIW: Well, Mr. Speaker, I asked that question last week and the Minister took it as notice. It's one of the questions that was not answered. I ask him now whether he will again take that question as notice and bring back an answer?

MR. DOWNEY: Mr. Speaker, I don't believe he asked that question last week, as far as the hay allocation; it might have been the week prior to that.

He seems to have some particular hangup about the way in which some of the hay and pastures are being allocated and, Mr. Speaker, I've indicated that it has been done on a fair and equitable basis. As far as I'm concerned, it will continue to be handled in that way and I will check out further what the member is suggesting. But I can't assure him at this particular time whether there is someone that has maybe just put in a recent request as of today.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: Mr. Speaker, would you call Bills No. 114 and 115 and then Bills No. 95, 96, 5 and 107.

MR. EVANS: On a point of order, would the Honourable Minister please repeat, we can't hear a word on this side; I'm sorry, there is some other noise in the Chamber.

MR. SPEAKER: Order please. If honourable members will keep their private conversations down to a dull roar, we may be able to hear the Minister.

MR. JORGENSEN: Mr. Speaker, I will endeavour to get through to my honourable friend. I asked you to call Bills No. 114 and 115, for second reading, standing in the name of the Minister of Finance, Bills No. 95 and 96, standing in the name of the Member for Kildonan and the Member for Fourt Rouge, and Bill No. 107, standing in the name of the Member for Fort Rouge.

SECOND READING BILL NO. 114 — THE MANITOBA ENERGY AUTHORITY ACT

HON. DONALD W. CRAIK (Riel) presented Bill No. 114, The Manitoba Energy Authority Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, when I introduced the Energy Council Act, I indicated that it was the one part of two parts of the Energy Acts that would be brought before the House. The Energy Council Act dealt with the conservation side; Bill 114, The Manitoba Energy Authority Act, deals with the supply side of energy and the government's intention, as was indicated in the Throne Speech, was to provide this kind of approach to assuring security and a proper developmental approach to new energy sources and it is intended that this Act, Bill 144, is on the supply side.

The Act does a number of things. It, first of all, provides the authority with the powers to look at and examine supply opportunities for the province of Manitoba. It provides for an involvement of the authority in aspects such as electrical energy, which represents some 18 to 19 percent of the supply of

the province, the authority to be involved in extra-provincial agreements on behalf of the government, along with Manitoba Hydro. On the other side under that authority, it provides the two committees: One is the committee on the extra-provincial electrical agreements; the second is the side that deals strictly with the supply side in other areas.

Mr. Speaker, there is an emergency section in here which contains some very strong legislation, very powerful legislation, that would be available at the discretion of the government in the event of an emergency. That is under Part II of the Act. Most of the Act deals with these kinds of considerations. That legislation is one that will probably draw a lot of attention from the House, and ought to, because it does provide, in the case of an emergency, for the bringing into operation for a period of time by the Lieutenant-Governor-in-Council some fairly stringent powers that can be vested in a body that can operate all the functions that go along with allocation.

It dovetails, to a large extent, with the federal legislation that was passed, assented to March 26, 1979, in the House of Commons. It is a little more wide-ranging and it deals with aspects, energy, types of energy, that go beyond those types that were listed in the federal Act but, in general, the powers that have been granted are intended to dovetail with that Act. There are being moves taken by other provinces in this same regard and the Act that we have before us is really made up from some consultation with the federal and other provinces and, hopefully, adapted to suit best the Manitoba situation in the event of an emergency.

The question of whether an emergency is a likelihood is a valid question. We haven't faced anything at this point in time where these kinds of powers would have to be brought into play. Hopefully, we never will, but in the event that the federal government moved to bring into effect the emergency measures of the federal Act, then there is a reasonable chance that these powers would have to come into play. It would not necessarily occur, but there is a very good chance that they would have to be. If, for instance, the federal government's first move in the case of an emergency, a cut-off of oil supplies, was simply to allocate crude oil supplies in eastern Canada primarily, over a short period of time, we may not have to invoke the powers in Manitoba but simply could dovetail through the authority, without these emergency powers, with the federal government. If it went beyond that further, if in fact, for instance, the total offshore oil supply were cut off to Canada, we would be into a situation where both Acts would undoubtedly be in play almost overnight and we would be into a situation that we haven't yet faced.

As long as Canada is dependent to the extent it is now, which is roughly 25 percent of its hydro-carbon supply from offshore, that lack of self-sufficiency will remain a threat to the country. If we do reach the point of being self sufficient, which has from time to time been some hope that we might reach that before the end of the 1980s, then these types of powers will by that time probably fade into obscurity. However, in the meantime, it's deemed to be necessary to include these in the powers that an energy authority would have in the province. There

are some aspects which the committee may (Interjection) Yes, Mr. Speaker, they would not be proclaimed; as the Act indicates, they would be proclaimed only in the case of the emergency probably being declared, first of all, by the federal government,

The third part of the Act, Mr. Speaker, is the general part that makes some changes. There are a couple that are not related specifically, one that's not related specifically to the authority. It makes changes in this Act to expand the Board of the Manitoba Hydro-Electric Board from seven to eleven. It deals with The Gas Storage and Allocation Act. This is done to dovetail with The Authority Act because it's felt more appropriate to have gas storage considerations in the hands of the authority. It may be necessary to initiate action to provide extra gas storage in anticipation, at some point in time, of a shortage occurring. So, The Gas Storage and Allocation Act that is presently on the books is transferred over in its responsibility to the energy authority.

There are other things that are in here that will raise some questions. There is a provision in the Act that the energy authority can, for instance, participate in a corporation and hold shares in a corporation. The powers in that case are granted so that, in the event of some measure being taken such as a venture to provide extra storage for different parts of the province in anticipation of a shortage if it develops, then the authority would have the power to go ahead on its own, or in conjunction with others, in ensuring that storage facilities are put into place and that adequate reserve supplies and contingency measures such as that can be undertaken. That is the principal reason for the inclusion of that part of the Act.

Mr. Speaker, there is really the three parts to it. They are all important. The emergency parts, as I have indicated I spent some time on, will require some examination. The penalty sections look a bit severe. We can have a look at that further. The main intent of the heavy penalty section in here is really to apply primarily to corporations. It may be wise to relook at the penalty section on individuals to indicate that there is a difference. In reading it, it indicates that they are treated pretty well one and the same. So with those comments, Mr. Speaker, I recommend the bill to the House for further examination and approval.

MR. SPEAKER: The Member for Fort Rouge.

MRS. JUNE WESTBURY: Thank you, Mr. Speaker, I just have a question of the Minister. Will the Minister be bringing forward, perhaps in the next session, a capital budget for this authority or is it intended that the authority has to come back every time there is to be an expenditure of money to government?

MR. SPEAKER: Order please. That question is not germane to the remarks of the honourable member. Questions are only for clarification of what the Minister has said.

The Honourable Member for Fort Rouge.

MRS. WESTBURY: Referring to the Minister's remarks, will the Minister tell us where the budget is shown, please, for this authority?

MR. SPEAKER: The Honourable Minister.

MR. CRAIK: Mr. Speaker, I think many of these questions we can take and deal with when we get to the committee stage. In this case, there is not a capital requirement foreseen for the authority for this fiscal year.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: I wonder if the Honourable Minister would submit to a question with regard to it. He refers to the authority and there is specific reference to maintaining books and an annual report, and so on. Can the Minister advise how the authority will obtain its revenue?

MR. SPEAKER: The Honourable Minister.

MR. CRAIK: Well, I think if the member refers to the Act, Mr. Speaker, he will see that the source of revenue is from a vote of the Legislature.

MR. EVANS: Just one other question for clarification of the Minister's remarks, Mr. Speaker. There is reference to the authority having wide powers. Could the Minister indicate whether the government will be required to hire additional civil servants, additional staff inspectors, people preparing identification cards and so on, and if so, how many more staff does the Minister anticipate the government having to hire?

MR. CRAIK: In the current year, Mr. Speaker, it is not anticipated that there would be staff beyond what is provided for in the estimates of the Energy and Mines Department. I should also point out that this work, for instance the heavy part of the work, at the present time, is the Electrical Energy Negotiating Committee, and the authority has the powers to second people from Manitoba Hydro and so on for that purpose, which it is currently doing, the joint committee is currently working. So there are some staff that are brought in from Hydro and some Energy and Mines Department staff, but not beyond what is provided for in the estimates.

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

MR. SAUL CHERNIACK: Mr. Speaker, I have two questions, if I may ask of the Honourable Minister. Firstly, does the Minister have any sort of memoranda or clarification on the highlights of the federal legislation and the manner in which this bill or this Act would relate, co-ordinate or dovetail with the federal legislation so that we can better understand the co-ordination between the two, so that we can discuss it better during second reading?

MR. SPEAKER: The Honourable Minister.

MR. CRAIK: Mr. Speaker, I'll check and see if I have any memorandum that would summarize it

adequately for the members. There is, of course, some information available, notes and otherwise and the Act, but I will check on it.

MR. CHERNIACK: I thank the Honourable Minister, Mr. Speaker. The second question is just in relation to the figure 25 percent, which is the figure he stated was the importing of hydrocarbons into Canada, and I wanted to know whether that figure of 25 percent was net, after deduction of the exports from Canada.

MR. CRAIK: Mr. Speaker, the last figure I saw was 22 percent net.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, this bill was delivered to us on Friday and I must say, Mr. Speaker, that I detect that there has been a paucity of debate or discussion with regard to the circumstances which the Minister believes gives rise to the necessity of bringing forward a piece of legislation of this kind. I wonder, Mr. Speaker, how we've existed from 1870 to 1980 without having the kind of legislation that the Minister has brought before us; and I wonder, Mr. Speaker, if the Minister has ever, at any time, during the two years that he's been in power, and indeed, whether the previous government has ever had either, in their imaginations or by some contemplated, apprehended problem, which would cause them to bring this legislation before the House; and furthermore, Mr. Speaker, it seems to me that if the problem arose last month that there is sufficient existing powers within the government to deal with many of the problems, indeed, Mr. Speaker, I think almost all of the problems which are contemplated by the bringing forward of this bill, and the reason being, Mr. Speaker, is that a large part of our energy resources, mainly, electricity and gas, are either totally publicly owned or totally publicly regulated in such a way as would enable the government and its regulatory boards, either through legislation or through co-operation between the utilities involved and some of them are public utilities in the fullest sense of the word in that they are publicly owned so that these matters could, Mr. Speaker, and would be dealt with in the same way, Mr. Speaker, as we have experienced a drought this year and have been able to deal with some of the problems that arise from droughts.

Insofar as our energy is available through other provinces in the form of petrol or gas, it is my impression that the National Energy Board, or the national government, which is responsible for interprovincial trade and which has the power to ration a gasoline or such products during an emergency and has done so or will do so if it has to, that it is shocking to me, Mr. Speaker, to think that the kind of thing that the Minister is referring to is of such a nature that we would be impotent if we did not have this piece of legislation.

Now, Mr. Speaker, my first observation on the legislation is that I have not yet been advised, nor has the public been advised, of the apprehended circumstances which would make this piece of legislation necessary, and whether, indeed, the public

would be impotent to deal with those things if this piece of legislation was not passed. Because, Mr. Speaker, I see some problems in the legislation, problems not merely from the point of view that legislation always creates a problem but problems for the government itself. And since, Mr. Speaker, I talk in terms of the government, not merely the Conservative administration but those who aspire to be the government, as having the difficulty of delegating, Mr. Speaker, to a super authority many of the powers which it should, itself, be dealing with. In other words, many of the matters that the board may make orders for the allocating, rationing, establishing preferences, I would think are more suitably, in the case of an emergency, the problems of the Lieutenant-Governor-in-Council, and I believe could be handled by the Lieutenant-Governor-in-Council through either existing legislation, Mr. Speaker, or, I repeat, co-operation that I know would be forthcoming as between the utilities who are dealing with the energy, whether the public utilities or the private public utilities, or the National Energy Board, that they would be forthcoming and that such an emergency could be dealt with through our elected representatives, rather than establishing, Mr. Speaker, another level of government beyond the Lieutenant-Governor-in-Council.

Indeed, Mr. Speaker, that is what this does, and it does it, Mr. Speaker, in a way which I consider to some extent and I hope that the Minister will be able to convince me that I am wrong, although I don't think I am wrong to some extent to circumvent some of the matters which we have now left with our Manitoba Hydro utility, subject again to the Lieutenant-Governor-in-Council, because I do not consider the Hydro to be a super government. I still consider it to be under the control of the government in various ways, despite what my learned friend the Minister says and despite what Mr. Justice Tritschler says. But nevertheless, Mr. Speaker, many of the things that are being done here are things which would be normally done by Hydro, at least allocation during emergencies, the negotiations of inter-provincial agreements or extra-territorial agreements. My friend indicates that this is now being done by the negotiating committee.

Well, Mr. Speaker, it would seem that the Minister is registering some want of confidence in the Hydro utility or at least has found that he is not received as well as he would like to think he should be received by the Hydro Board, and there are ways of remedying that. And therefore, Mr. Speaker, he is circumventing some of the things that normally would be done through our Manitoba Hydro utility and is doing them through this new authority. And the Member for Brandon East makes a point, Mr. Speaker. It now becomes a legislative authority. To find out what it can do or can't do we have to look at a piece of legislation, rather than looking to what the powers of government are, generally, and then, Mr. Speaker, in a crisis it can do various kinds of things. And I don't wish to ring an alarm bell as to the terrible things that can happen, because I don't know, Mr. Speaker, the circumstances under which the Minister wishes to give this authority the rights to do many of the things that he talks about, which would normally involve an abrogation of the rights and responsibilities of citizens in our society.

But I am not going to ring an alarm bell, Mr. Speaker, until the Minister indicates what type of alarm he is sounding, which gives rise to this legislation. Because I have been here for the last 14 years and I have not heard discussed the terrible situation that the province will be in unless it passes this Act, Mr. Speaker, this Act which was introduced on Friday in the second and a half week since we have gone into extended hours and I have no objection to that, I have indicated that, Mr. Speaker, I indicated that extended hours would take us at least three weeks. Tomorrow we will be finishing the last day of the second week, and I expect that we will be here beyond tomorrow, so we are going to be beyond the three weeks, Mr. Speaker, that I have predicted. But should we be discussing, on the notion that it is going to be finished, because I would think that normally one would have a fairly substantial examination, Mr. Speaker, of this type of legislation.

Mr. Speaker, there is only anomaly in the legislation, one thing that I would consider dangerous for those who are concerned with my attitude towards power, Mr. Speaker, I do not think that there should be a power higher than the supreme power of the elected representatives through the Lieutenant-Governor-in-Council. I think that power represents the public generally and therefore, the supreme power resides in the people of the province through those elected representatives.

We are now setting up, Mr. Speaker, an NKVD, we are setting up a super power because the Minister, Mr. Speaker, appears to have found the answer to the freedom of information laws. Listen to this section, Mr. Speaker: "For the better administration of this Act every member of the Executive Council . . .", and I won't read the balance, except that I am not taking it out of context, ". . . every member of the Executive Council". I'll read the whole thing. "Every agent of Her Majesty, in writ of Manitoba, and every municipality shall furnish to the authority, forthwith upon the written request of the authority therefor all such reports and information as the authority may require."

So, Mr. Speaker, a member of the House can't get information, but the authority can get information from the Minister of Public Works, and I really don't think that they shouldn't have the right to get information, I am just looking at the lines of power. I say that the Lieutenant-Governor-in-Council should be able to get from any of its members such information as anybody would require. In this Act, Mr. Speaker, we find what many people have sought for in freedom of information legislation, and I have given the reasons as to my misgivings about that legislation, a Minister can be fined or imprisoned as breaching the law if he fails to give the authority the information. All such report and information as the authority may require can be demanded of a member of the Lieutenant-Governor-in-Council. So you people have set up a super power. That super power can now go to the Ministers and say, we want information.

Mr. Speaker, I don't say that the Minister should not give information, but why is it more elegant that this information be given to a super authority than be given to the Lieutenant-Governor-in-Council who should do it. Because under this Act it then is an

offence for a Minister to be in breach of the Act, the breach of any statute where the penalty is not otherwise known is by summary conviction offence; summary conviction offence is punishable by fine or imprisonment. So we have set up an authority that has the power to demand of the information of a Minister and, if the Minister doesn't give it, he is in violation of an offence.

I expect, Mr. Speaker, that the Minister will give the information. I expect he will want to give the information. I don't see a problem here, what I see, Mr. Speaker, is a principle being violated, mainly, that there is an authority set up by the Lieutenant-Governor-in-Council that has power over that council to demand information. This is not in connection with a law suit where one citizen is demanding information over the government which it may be suing and a court decides that it should be given, this relates to the administration of the government. I'm not suggesting that a Minister should be immune from giving information. President Nixon found that out but this relates to information for the administration of the government and there is a body being set up which is superior to the Cabinet in that respect.

Mr. Speaker, I think that this, at this point, and I must say that, at this point I have not seen the necessity for the legislation. At this point, Mr. Speaker, I see the legislation as being an attempt to push to another body some of the bodies which are available in . . . At this point, Mr. Speaker, I see emergency powers, none of which has the ground been prepared for, in terms of showing us the problems that we will have in case of an emergency. I also see, Mr. Speaker, an animal, the nature of which I do not like. I see the government establishing an authority beyond itself which will be responsible to a particular Minister. So what we have, Mr. Speaker, is a Minister claiming power over his other Ministers, exercised through an authority. ~-(Interjection)~ Pardon me? Mr. Speaker, it is for the better administration of this Act: "Every member of the Executive Council shall forthwith, upon the written request of the authority therefor, forward all such reports and information as the authority may require."

It seems to me that a Minister should be required to give information to the Lieutenant-Governor-in-Council and the Lieutenant-Governor-in-Council should decide what it should give to an authority. However, Mr. Speaker, my complaint is not that. My complaint is that the Lieutenant-Governor-in-Council should be the one that exercises emergency powers; that if it requires bodies and agencies to advise it, such as is done in many cases, it can create those bodies; it doesn't need a statute for it, in most cases. It can create those bodies on an advisory basis. It can use ad hoc methods to create those bodies and it should not be passing a statute which puts power in the hands of an authority not directly responsible to the people, in place of the Lieutenant-Governor-in-Council, which is responsible to the people.

MRS. WESTBURY: Thank you, Mr. Speaker. I am going to be very brief on this, I just wanted to say that the Liberal party supports the establishment of this authority and I will support the bill at this stage.

The establishment of an electrical marketing committee, my advisors told me, should have been in place long ago and will solve a lot of problems for hydro marketing. The emergency power section doesn't bother us at all. It's our understanding that it is not to be used regularly and other Acts have similar powers over their jurisdiction. So I will be supporting this bill at this stage, Mr. Speaker:

MR. SPEAKER: The Honourable Member for Logan.

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

MOTION presented and carried.

**BILL NO. 115
THE HOMEOWNERS TAX AND
INSULATION ASSISTANCE ACT**

MR. CRAIK presented Bill No. 115, An Act to amend The Homeowners Tax and Insulation Assistance Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, this bill, to some extent, is a misnomer and it implies it is an insulation bill but it's the bill under which the rebate scheme is altered for the pensioner homeowners and the other things that are contained in the budget proposal.

It basically contains the extension, the enhanced school tax to pensioner homeowners and the extension of similar benefits to pensioner tenants. Both these measures were announced in the Budget Address and the White Paper on tax credit reform. Accordingly there has been considerable opportunity to discuss the measures that are contained herein.

In specific terms the bill provides two major changes. First it proposes to increase the pensioners school tax assistance maximum payment from 100 to 175. As well the bill proposes to broaden eligibility for pensioners school tax assistance by reducing the threshold of eligible school taxes from 375 last year to 325 this year. In simple terms the program now covers the first 175 in school taxes facing pensioner homeowners, over the 325 basic property tax credit. In combination with the basic property tax credit, the Pensioners School Tax Assistance Program ensures that pensioner homeowners will have their full school taxes, up to 500 offset by provincial assistance at the same time they are required to pay their school taxes. In this manner the enriched pensioners school tax assistance, in combination with the property tax credit changes announced in the Budget Address, respond directly to the concerns expressed by pensioner homeowners regarding their school taxes.

Secondly the bill proposes to extend similar assistance to pensioner tenants in order to assist them in meeting the school taxes included in their rental costs. Under the extension pensioner tenants will qualify for pensioners school tax assistance payments calculated on the basis of 10 percent of their rent over 1,625 annually and the maximum

payment will be the same as for homeowners, that is 175.00. Payments to tenants will commence in the spring of 1981, to be calculated with respect to rental payments in 1980.

Members will note that the bill includes provision to prescribe qualifications for pensioner tenants eligible for these new school tax assistance payments. Essentially the program extension is designed to offset school taxes for pensioner tenants. Accordingly it is our intention to provide the assistance with respect to rental payments incurred on property assessed as residential for school tax purposes. In addition, in cases of public housing and other subsidized accommodation, where such substantial subsidies already exist to more than cover the school tax component, the new measure will not apply.

The main principle of the bill is the provision of additional assistance to pensioner homeowners and tenants to help offset their school taxes. Mr. Speaker, I would recommend it to the House.

MR. SPEAKER: The Honourable Member for Lac du Bonnet.

MR. USKIW: Yes, just a question of the moment, Mr. Speaker, would the Minister indicate just what the position of the bill is with respect to a situation where two pensioners live together but who are not married, and with respect to the eligibility of each person for the maximum benefits.

MR. CRAIK: Mr. Speaker, it's combined. I'll have to take the specific question as notice. We may get into a special case with them both being pensioners.

MR. SPEAKER: The Honourable Member for Logan.

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

MOTION presented and carried.

**ADJOURNED DEBATES
ON SECOND READING**

**BILL NO. 95
THE ELECTIONS ACT**

MR. SPEAKER: The Honourable Member for Kildonan.

MR. PETER FOX: Yes, Mr. Speaker, I'm going to be very brief on this bill. I should like to say to the Attorney-General, in whose name it has been introduced, that I would hope he would be able to stay with us for the rest of this week but I probably assume he's going to leave us again tomorrow and that will be too bad because I doubt whether it will get through all in one day. I should like to inform him that the Acting House Leader, and I have had very good rapport, if it hadn't been for the intervention of the Minister of Finance, who was worried about conserving energy, we could have conserved some energy on Saturday as well. Nevertheless, to get to the bill, Mr. Speaker, I wanted to indicate that a number of my colleagues have done an in-depth

study on it and I've only had a cursory look at it. I can indicate to you that the administrative end of it, from what I have seen, there have been some improvements, some of them have been very good improvements. I also understand that there are some areas that still need improving and I'm sure that some of these will be taken care of in committee. Nevertheless, this bill that probably has been on the minds of some of the people that are administrating it, and they have created some amendments which, as I've said, are very well, although it doesn't necessarily mean to say that all of the Act was amended as had been anticipated. People who have been looking at it in depth will probably have further words in this regard.

Thank you, Mr. Speaker.

MR. SPEAKER: Is it the pleasure of the House to adopt the motion? I declare the motion carried. Order please.

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I'm sorry I didn't realize this was Bill 95, I intend to speak on the bill. I wanted to say in opening that in terms of the two bills which have been presented as a package, we are opposed to Bill 96 and intend to fight that all the way. In terms of Bill 95, we feel that there are some changes that should be made in regard to this particular legislation. I listened with considerable interest to the remarks of the Attorney-General when he introduced the bill, I guess, some 10 days or so ago and want to try to generally follow the manner in which he introduced the bill and to parallel my comments to it.

I think the general principle of the bill, Mr. Speaker, which the Attorney-General perhaps was well-intentioned about, but I believe did not succeed in, is where he said that he wanted to make it easier for voters to participate in the electoral process. And although that was his aim, I think that what he has done, in effect, in a number of sections is thrown up some roadblocks that will, in fact, make it more difficult for people to eventually cast their ballot.

He also says right at the beginning, and I intend to leave this comment towards the end, that he wanted to deal with a situation of a potential conflict of interest. And then he brought in this, in effect, truth squad and I intend to hold that matter aside and deal with it last because it's one of the most interesting and also, I think, is a reflection on the mentality of the Attorney-General, on the mentality of the government, and on the poor system of checks and balances established between the caucus and the Cabinet in the introduction of legislation into this Chamber.

Mr. Speaker, the first main area of the bill that should be examined is the Chief Electoral Officer will be, in effect, replaced by an election commission. This, I think, is an interesting proposal but one that is, in effect, fraught with complications. Maybe I didn't quite express that correctly. The Attorney-General in Bill 96 wants to divest himself of certain powers which he intends to give to an electoral commission, and then he deals in this particular section with the Chief Electoral Officer. We do not support the concept of an election commission, because I believe that it has not been successful in other provinces and, in particular, in the province of

Ontario which this legislation appears to be modelled on.

The Attorney-General is correct in that he feels that powers of prosecution should not be in the hands of the Attorney-General. I think he speaks correctly in theory and he gave us a shocking example of that firsthand in his own actions last fall during the by-election period. What he wants to do, in effect, is to transfer his powers of prosecution to a commission. It's our suggestion that he should, in effect, make the Chief Electoral Officer the highest person in the process and that he should not become part of a team which manages elections but, in effect, that the CEO should operate and have the necessary powers to do so. So we don't want to subordinate that person to a commission. We want that person, in effect, to take from the Attorney-General and from other sources additional powers which will give him the means to properly administer and operate elections.

I also note, Mr. Speaker, that the chief electoral officer will be appointed by the Lieutenant-Governor-in-Council and I would think that it would be better if that person were appointed by a committee of the Legislative Assembly. The problem always is, with Cabinet appointments, is that the person appointed is felt to be in some way sympathetic or in tune with the government. Now that in most cases is fine. I, like other people, recognize that the administration should reflect the thinking of the government, that it is only reasonable that boards and commissions and individual high-ranking civil servants should be generally in step with the government; they certainly shouldn't be fighting it all the way. But there are positions like the ombudsman, and like judges and like the Chief Electoral Officer which must be beyond reproach, and there could always be, probably will naturally be, suspicion on the part of the opposition and in some cases on the part of the general public as to the biases of certain people. Now, in this case, I think this could be remedied if the appointment were not in the hands of the Lieutenant-Governor-in-Council but were, in fact, in the hands of a committee of the Legislature. Of course, this should be a full-time position and, of course, the duties have become more onerous and warrant a full-time position at this point in time.

I also want to mention in passing, Mr. Speaker, that in terms of emergency powers, it seems that this should be increased on the part of the Chief Electoral Officer; that that person does require the ability to — he's now precluded in the new Act from extending the hours of a poll for opening or closing. He is prohibited, in fact, from altering those hours. I point out to the Attorney-General that in the event of a power failure, I believe that this occurred not too long ago in a neighbouring province of Ontario, a power failure, in effect, knocked out a poll for several hours, it would seem logical that that poll would then be extended for another hour or two. This certainly could happen anywhere, and to expressly and explicitly prohibit the Chief Electoral Officer in that area, I think, is a mistake. So I mention that in passing.

Mr. Speaker, I note that election officers in the next section of the bill include the returning officers, election clerks, DROs and poll clerks, and in reading Section 11, and I guess I shouldn't be alluding to

specific sections of the bill, but in terms of the general section in the bill on election officers, I mention that if a person is guilty of an election offence by a court, or an indictable offence, then my impression is that person is barred for life from participating in an election.

Now, that strikes me as a somewhat harsh penalty. None of us want to see people with a pretty bad track record involved in certain things but we do, in fact, forgive criminals after they have paid their debt to society. And it would seem that a some sort of more limited penalty or prohibition should be placed on somebody who has had a black mark put against their name during an election, but to ban for life a DRO or a poll clerk strikes me as extreme. I think the Attorney-General should re-examine and re-think that point. I have to say here, Mr. Speaker, that my impression of the Attorney-General is that he believes in the sledgehammer when often maybe the flyswatter is appropriate. He seems to use dynamite to dislodge flies and mosquitoes. He appears to come down too hard when penalties are required, and therefore, I believe he runs from one extreme to the other. I have been after him a number of times to pursue something and he hasn't, but when he comes down he seems to go from one extreme to another; either he goes from disregard and uninterest into a position of coming down with all the force that the law can muster, or all the penalties that he can envision, and I think this might be simply another manifestation of that characteristic.

Mr. Speaker, I just say to the Attorney-General at this point, because I want to deal with him later on, that I said from the first moment that he got appointed that he was overloaded and overburdened and that no man can possibly handle as many portfolios as he is responsible for. I do not believe that anybody, no matter how competent, can handle two medium-to-heavy portfolios. My experience in government is when somebody has a couple of portfolios that are of medium to heavy weight that they run one and their Deputy Minister runs the other, and it is only on occasion, when a big problem erupts and there is serious matter and there is political flak that the person responsible will tend to be approached by his Deputy Minister or will approach his Deputy Minister. At other times, in other places, the department is, in effect, run by a civil servant.

Mr. Speaker, I am getting blurred vision here. I saw the Speaker, then I saw the Member for Emerson, now I see yourself. I don't know what is going on here, musical Speaker's chairs, presumably. But you are one of the finest looking men to have graced that Chair, Mr. Speaker. We come from the same end of town.

Mr. Speaker, in terms of revisions and so on, a section dealing with revising the voters lists, I note again that the Attorney-General intends, and probably did in fact, have a good intention, and I remind him again that the road to hell is paved with good intentions. He wants to widen the opportunities for people to vote and I am sure he was serious in that regard. But, for instance, he now makes certain suggestions that, rather than enlarge opportunities, appear to tighten or restrict these possibilities. For instance, he says that a person who cannot attend a revision to a voters list can send somebody who is a

relative by blood or marriage. Now that doesn't sound too difficult but the problem is, in some cases, how do you prove you are a relative. I mean, if you go to a polling station and you are somebody's cousin, or you are on their mother's side and your name is different, how are you going to explain? You are going to go there and start saying, well, you see my mother is married to somebody's uncle or we are third cousins, and even though our names are different, even though I can't prove it, I tell you it's true that we are, in fact, blood relatives. I say that it would be extremely difficult to prove a blood relationship and it would be extremely difficult, in some cases, to explain a relationship through marriage. Now, if you have the same name and so on, presumably that facilitates matters, but I think this will be a difficulty. I think it is better to allow a person to take an oath and to swear on their own word that they are, in fact, such and such a person at the time of voting.

Mr. Speaker, the Attorney-General might give us some further explanation of hospital polls. The present practice is where there are 50 or more beds there is a poll. And now he is limiting that to 10 beds or more. And then he says that they will be served by moving polls. Well, I would really like an explanation of that, as to whether this is an improvement or a retrogressive step. I think he can probably clear that up.

Similarly, he wants to, on a smaller matter, eliminate the counterfoil in the ballot and I, again, am not quite sure as to whether that is a step forward or a step backward.

He does bring in one interesting section. I don't know if the Member for Inkster has noted this or not. I tend to think of it as the Green amendment, but he mentions that a person on a ballot cannot use such wording as "Independent Democrat, or Independent New Democrat, or Independent Conservative," or whatever. I see the Attorney-General smiling —(Interjection) — No, he's not, I'm sorry. Oh, you don't smile anymore. There's a song like that, it's called I'll Never Smile Again, I don't know if that's your song from now on. (Interjection) I see, no, I think there's going to be two of them now, the Minister of Economic Development and the Attorney-General, I don't know, Tweedledum and Tweedledee. After we deal with these bills and put the boots to the Attorney-General, we're going to cheer him up; we'll send him flowers while he is convalescing, Mr. Speaker.

So I simply say to the Attorney-General, I don't know if this is a good idea or not. He is not being consistent here. He is saying on the ballot paper he is going to prevent an independent from using a new name or party designation, but I don't believe he is going to then attempt to stop that same person from using those names and designations on pamphlets, billboards, posters, on radio blurbs and on television spots, etc. So it would be pretty small potatoes, I think, in the end, to restrict that on the ballot paper, but he will have to defend that and perhaps some members will see reason to more vehemently oppose it than I do.

Mr. Speaker, there are a couple of smaller sections that I think we can applaud in this bill and that is in regard to disabled and blind voters, where under this proposed legislation there will be new procedures to

help disabled voters. I guess the concept is that if a person is, say, brought to the poll in a car, that the ballot box can be taken out, as a convenience, rather than to have that person make their way with some difficulty inside. And, also, blind voters will be allowed to use a template. I gather that that will be a technique whereby the names will be explained in order No. 1 is so and so; No. 2, is so and so; No. 3, is so and so that person, with their fingers, will then feel the sections on the ballot and then will mark either the first, second, third or fourth, or whatever list, having recalled or having been read the names on the ballot in sequence.

Similarly, there is a good provision about scrutineers; that scrutineers will now be able to go into any part of the electoral constituency or division, providing there are no more than two in one place. This would seem to be a step forward.

So those are a number of points, Mr. Speaker. I am a little perplexed, however, by Section 73. Again, I shouldn't be mentioning it, but let's say in a section dealing with ballots and ballot boxes where there is a section which talks about the name of a political party and mentions that the name shall be the name of the registered political party under which it is registered under The Election Finances Act, now, in studying that section, our people feel that this may mean that the party will have to be registered twice, that the . . . I guess the registration would go along the lines of the New Democratic Party of Canada (Manitoba Section), and then another designation of New Democratic Party of Manitoba.

I want to say to the Attorney-General, I hope that this section isn't going to cause problems for the provincial political parties, in terms of having to set up not only separate names to comply with the Act but also some sort of phoney parallel structures which would be, I think, just a waste of time, energy and money. I assume that our present designations should allow us to meet with this Act, rather than for us to now, somehow or other, re-describe our respective political parties. So I ask him if he would be so kind as to look at that.

Mr. Speaker, one section that I think is in need of some revision deals with proof of citizenship and with vouching, and again, I've already mentioned this business about blood relatives and so on. If a person wants to have their name added to the voters list in a polling subdivision, an oath should be sufficient, rather than having to drag somebody, a neighbour if you moved into the area, or running up and down the block looking for somebody who didn't vote. I think, again, if your intention is to widen the opportunities that a person has, in terms of voting, then you should make it easy to be put on the electoral list. Now, I realize, that we might have some concern here, and I don't want to go the route and I am sure you don't want to go the route some fellow in Ontario, I recall, an MP in the last federal election had some brainwave about how he wanted, I think, the photograph of everybody who was either on the voters list or added to the voters list; I forget how it went but it seemed to be a little too heavy a reaction to a problem. (Interjection) Fingerprints, my colleague suggests, perhaps.

I was told that in one of the last elections in Manitoba, I think there were 8,000 people added. And I was told that one person, really, out of the

8,000 was, let's say, deceitful and should not have been added to the list; let's say his intention was to get on illegally and he succeeded. So, one out of 8,000 or one out of a million or whatever figures you want to use, one out of so many hundred thousand eligibles isn't bad. We may, by adopting this method, eliminate several hundred people who possibly could have been added or should have been added to the list.

Now one of the suggestions you make here is that to have your name added to the voters list, you'd have to take an oath, but before administering the oath, you have to examine whether that person is a Canadian citizen. Proof of citizenship is nothing other than a Canadian citizenship certificate. This section could be abused. It seems to me that in the heat of an election, somebody who wanted to get a little nasty could say to anybody, well, you know, how do I know you're a Canadian citizen? Well, you say, I am. You know, if an argument erupts the Deputy Returning Officer might say, prove it, let me see your citizenship certificate. Mr. Speaker, I don't carry a citizenship certificate. I don't even know if I have one, I guess I have a birth certificate and so on and so on.

I'm simply saying that this could be a section where abuses occur, and if they occur, somebody could miss an opportunity to vote. There are very few people, I think, who are going to be walking the streets of Manitoba or Canada with their citizenship certificate stuck in their wallet. I don't know, I suppose, a lot of people get them and frame them or file them away, new Canadians. (Interjection) plasticized. You want everybody to have a certificate so they can prove they are a citizen. (Interjection) Just like when you're going to the Olympics or a sporting event. I thought that Conservatives were against that, though. I always recall the Honourable John Diefenbaker being very worried about that. I'm sure the Minister of Consumer Affairs is, too. He says not without good reason. So I'm simply saying he wouldn't want something like that and he would probably be sympathetic to the case that I am now making.

Mr. Speaker, a final section here in an area of the bill near the end called "Claims against Candidates" deals with election material and, in effect, wants to examine all posters, leaflets, pamphlets, advertisements, whether printed or broadcast by radio or television, the purpose of which is to persuade voters to vote for a particular candidate or candidates of a particular party. I understand that this is a definition of election materials, but it happens to say that organizations who want to talk about something for a party or candidate, and I remind the Attorney-General that there may be organizations who want to urge people to vote against a particular candidate and/or political party and they should be covered, too. I think of these so-called groups that my honourable friends seem to be supported by, these so-called groups for good government, etc. I also don't want to be restricted from attacking the government in the next election in any way, shape or form because the public will be so anxious to get rid of this government, Mr. Speaker, that they will be beside themselves. They will be running into the polls as soon as they open to pop their votes in for the New Democratic Party, in their

haste to eliminate this particular administration, this blue blip, as they called the Clark administration. This will be the other blue blip, the Lyon blip, and it will only be a bitter memory, one that is not openly discussed. (Interjection)

Mr. Speaker, my colleague, my friend for Pembina says, don't be silly. I now want to deal with the silly section of the bill. I want to show him how his administration has demonstrated that they are incompetent and how they are not fit to govern if they allow this kind of legislation to go through. Mr. Speaker, I want to refer to the section that was put in the bill and is now going to be withdrawn by the Attorney-General, where he wanted to establish a commission to (Interjection) no, in fact, my colleague is right. I'm being corrected by the Member for Logan. He said the Attorney-General didn't want to withdraw this provision, it was the First Minister who withdrew this particular section. In fact, I hardly ever use the First Minister to back me up, especially when I'm debating with the Minister of Highways. But the Minister said that was a "silly" bid to ban campaign lies. This, of course, is the notorious section, Mr. Speaker, where the Attorney-General in his notes and I looked at them carefully provided an explanation of what he intended to do in Bill 95. He made a 7-page speech and then he brought in a huge package of notes which we got delivered to us on Friday. I don't know how many pages there are here, I guess about 60 huge long pages, 83. All it says about that section is that it's new, sure was new, and that it has been announced that the section will be deleted.

Mr. Speaker, my point in discussing this section here is that I think it's a shocking example of government incompetence. That the Attorney-General was able to bring in a provision to set up a tribunal to examine the truth or falseness of statements by members of political parties, probably opposition members, who would be heard by a high court and that he was able to put that through his caucus I don't know if the caucus knew about it or didn't. I don't know if you discuss bills; we do, you probably don't. I don't know if they have sub-committees to examine legislation, but they obviously didn't have a mechanism. I don't know whether or not this was discussed in Cabinet but I mean, Mr. Speaker, there must be a vetting process. For a piece of this magnitude, something of this magnitude, so horrendous in the annals of Manitoba's political history, something that's become a national news story, for that to go through the Conservative government and the Conservative caucus is, I think, to their undying shame, that they were not able to spot this or, worse still, that the Attorney-General persuaded everybody of the logic. (Interjection) Well, the Premier didn't know about it; he apparently was away. He was down in Detroit or some place trying to become the running mate of Ronald Reagan and had to come home (Interjection) renegotiating Confederation.

(Interjection) I'm not sure where he was, but anyway, while he was away or at least (Interjection) no, he wasn't away. Well, okay, I'm glad. The Minister of Fitness corrects me. He was here; he did know about it. He did approve it, but then in reaction to the remarks by the Member for

Inkster on that particular day, and the huge reaction of the media, the section was withdrawn.

Mr. Speaker, I must say that I am personally shocked about this section and I go back now to the by-elections. This was announced and my leader will remember this very well one Saturday, I think, in September or October I'm referring to the Leader of the Official Opposition and the next Premier of Manitoba. There can be no mistake who he is. (Interjections) My honourable friends are going to be in for a shock, they're going to be in for a shock about one year from now and I know the Member for Pembina will be back. I know he's going to be back and he's going to be biting the government in the leg every day during question period, but he's going to be over here, with about 18 to 20 colleagues. That's where he is going to be and he will have benefitted from his experience as a Minister. Well, the Member for Rock Lake will be back, I know he'll be back. He's not very big in Rome, but he's big in Pilot Mound. My colleague, the Member for Lac du Bonnet, he's big in Rome, but he's not too big in Pilot Mound. It just depends on where you're playing and what league you're playing in. (Interjection) I'm big in Elmwood, big in Elmwood. Beyond that, I'm not going to say anything.

Mr. Speaker, I want to remind the Attorney-General that when we were in the by-elections and I was either in Flin Flon or The Pas with my leader, we read with horror and amazement that the Attorney-General, while sitting beside a provincial candidate, Harold Piercy, announced that he was going to examine, and call to task, and blow the whistle on, and bring charges against my colleague, the Member for Rossmere, as fine a rookie MLA that ever sat in this House. Then during that time, Mr. Speaker, the Attorney-General said that this was a horrendous thing, that his propaganda, his pamphlets, were full of lies and misrepresentations and that he was going to take action. Then he happened to mention that he was also the chairman of the by-election committee of the Conservative Party but that, in spite of the fact, that he was both leading the by-election fight and the Attorney-General, he could keep these two things straight. No doubt about it. He wouldn't have any problems.

Mr. Speaker, I spoke to a class last week at the University. The Member for Fort Rouge spoke there and the Member for St. Matthews spoke there on other occasions. We talked about this bill; I was asked about this bill. I said, in effect, that you cannot get a fair trial from your enemies. I said if I went into court and I suddenly looked up and there was the Honourable Sterling Lyon as the lead judge I would know I'd had it right then and there, no matter how impartial one tries to be. Now the Member for Virden I would feel not too bad, he's a man for all seasons, a man who rises above some of the partisan

(Interjection) Oh, no, I'll stop there because I don't want him to be more of an outcast in his own party. But I simply say that our door is open to him at any time.

MR. SPEAKER: Perhaps the honourable member could get back to the subject of the debate in the two minutes that he has remaining.

MR. DOERN: Mr. Speaker, I simply say that the action of the Attorney-General, I think, is a black mark on his record and that is my opinion; I gave it in October. I was horrified to learn that the Attorney-General who took probably more lumps and more shots and more flack on that particular suggestion of his, instead of leaving it alone and never going back to it again, compounded the matter by formally introducing it into legislation some six months later. If he was intelligent in that regard he would have dropped that matter like a hot potato, instead he tried to incorporate it in legislation and slip it through the House. Mr. Speaker, his caucus agreed to that, his Cabinet colleagues agreed to that, his First Minister agreed to that and then only after another public hue and cry, the second one, was that particular provision withdrawn.

Mr. Speaker, I say it reminds me of Judy Lemarsh's truth squad which was a disaster and I say that if this Attorney-General had been the Attorney-General of the United States, at the time of its formation, he would have barred George Washington from becoming President of the United States because he once told a lie. I think that sort of legislation has to go by the boards.

Mr. Speaker, I want to tell the Attorney-General that I also resent this legislation, as a member of the Legislature, because I don't believe that politicians lie more than average people. I believe that politicians are sometimes known to lie and I believe that . . .

MR. SPEAKER: Order please. Order please. The honourable member's time is up.

The Honourable Member for Logan.

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

MOTION presented.

MR. SPEAKER: Order please. The Honourable Government House Leader.

MR. JORGENSEN: I could advise honourable members that I will be calling that bill again this afternoon, I would like to proceed.

QUESTION put, MOTION carried.

BILL NO. 96

THE ELECTIONS FINANCES ACT

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. WESTBURY: Mr. Speaker, thank you. I want to say that the Liberal Party has serious concerns about a number of the matters that are covered under Bill 96. We object to the makeup, particularly of the election committee, which it is proposed to be established and, in particular, we're concerned about the fact that there will be no representation of minority members of this House. The requirement is that each registered political party, represented by four or more members, should be represented on this commission, Mr. Speaker, and the position of the Liberal Party is that such a commission, if it is to

be truly independent in its deliberations, should not reflect party standings in the Legislature. I just want to point out that if this was to take place in Alberta, for instance, only one party would be represented on such a commission.

We're objecting really to the politicizing of control of the election process. We would suggest instead that if there is to be a commission to govern elections it should preferably be of a non-partisan nature. The members could and should be appointed by the Civil Service Commission and this would allow the impartiality of civil servants, with tenure, who are not afraid of the political fortunes of the parties, successful or unsuccessful, in an election campaign, Mr. Speaker.

If the government, on the other hand, is determined that the election process is to be politicized, Mr. Speaker, then certainly all political parties registered in the province should have equal representation, rather than those with four or more members in the House. And I think that would be a reasonable alternative to be considered when this bill goes to committee, Mr. Speaker.

I'm concerned about the registration of political parties. I appreciate the fact that the government has stuck to its commitment, not to try to ease out the party which I represent in this House, through this Act and they did make that commitment to me sometime ago. But I just hope I last until this bill had passed the House because I see that it depends on a party having a member sitting in the House, otherwise they have to present a petition and I'm quite sure that there will be serious objections in committee to the need for new parties to have to come with a petition, Mr. Speaker, however, that is not a particular concern of me as the requirement is there that any party that has a single member in the House can become registered.

Now, I wonder if the Minister can tell us whether this registration is going to refer back to the other section that I was talking about earlier and whether, in fact, now a registered political party is going to be a party that has one member in the House because it doesn't read that way. It doesn't read that way to me and perhaps there has been a little confusion there in the drafting and perhaps there should have been a change made, Mr. Speaker. But as I said, as long as I survive the third reading of this and Royal Assent, then I presume that my party will become a duly registered party and won't have to bring the petition forward. As the weeks go by I just wonder if my survival is assured.

Now, Mr. Speaker, we're very concerned also about the matter of political contributions. And I'm surprised that the government and the caucus have allowed this to go through. I see the member smiling, I'm not surprised in the way that you perhaps may expect me to be surprised, we do feel that there should be a ceiling on expenditures. It should be the same ceiling for everybody who is running in the campaign and not some advantage given to those who know ahead of time when the election will be called, as is the case now. It's no secret among candidates and their election committees, Mr. Speaker, that their representative, the candidate for the government party, has a distinct advantage in election expenditure because a great deal of the expenditure takes place before the writ is issued

and, as I suggested at the Urban Affairs Expenditures, Mr. Speaker, some months ago, I think it would have been a healthy change to have made the provisions retroactive so that any expenditures within the six months previous, or the three months previous, to the issuance of the writ should be taken into consideration. Otherwise it just is not fair to include everyone in the same brush, they're not included in the same brush because of the provision that it should commence from the date of the issuance of the writ, and that should also include a limit on the expenditure for advertising because, of course, that is a major expenditure that takes place beforehand.

Now, I'm very concerned about the decision that no person shall accept, on behalf of a political party or candidate, a contribution from any individual ordinarily resident outside of Manitoba. Mr. Speaker, I have relatives who live outside of Manitoba and I can't, for the life of me, understand why the government should rule that my relatives cannot send 25, 50, 100 to their mother's or sister's election campaign and to me this is just absolute nonsense. This is absolute nonsense. It just makes no sense whatsoever and I would ask the government to have a look at that and tell me why my friends and relatives who live outside of the province of Manitoba can not participate in the election in Manitoba which is probably the province that they consider home because it's where they grew up and were educated and where the rest of the family lives, and why are they not able to make a contribution. I use my own relatives and friends as an example, Mr. Speaker, but I think this is something that must apply to everybody who runs in the election campaign, that they have somebody outside of the province who is taking a very genuine interest in the election campaign. I think it's absolute nonsense to say that person cannot make a minor contribution to the campaign of their friend or relative. Surely everybody in Canada, everybody anywhere in the free world should have the right to contribute to the political party of his or her choice, regardless of where the individual lives, regardless of where the election takes place, Mr. Speaker. An old and loyal friend might move to another province for their retirement or because they can't get a job in Manitoba and there is a job available somewhere else and they want to donate to the candidate's campaign, the campaign to which they've always contributed and for which they've always worked. There's no reason whatsoever for this to be illegal, Mr. Speaker.

We have no objection to the limit on advertising costs provided, as I said, that it is the same for everyone and I suggest the way to do that is to make it retroactive and there is no way that I can see that is fair that is not retroactive. Much has been said about overexpenditures and certain campaigns where, in fact, all candidates spent the same amount of money. But only some of those expenditures have to be reported under the existing regulations, Mr. Speaker, and my party is saying that if there is a desire to make this a fair and just Act, then it has to be made retroactive so that every candidate, whether they're nominated early in the campaigning season or whether they're nominated at the last minute may have equal justice.

Mr. Speaker, in general, I want to say that the most objectional aspect of this bill is the absence of an overall ceiling on campaign expenditures from the point of view of my party. The problems caused by the previous legislation in this area were in the enforcement area, the fact that there was no penalty, and of course, as I've mentioned on an earlier occasion, the government and the previous government were informed by their legal people that the previous provisions were unenforceable and that is a matter, I believe, of record. Of course, nobody could agree that more than I do, that the 65 cents, which is presently allowed is insufficient and is a ridiculous ceiling, it just made no sense at all in recent campaigns to have a ceiling of 65 cents per voter. But the absence of an overall ceiling, Mr. Speaker, gives a definite advantage to those who want to spend their money before the writ is issued, again, as the lack of retroactivity does. People who can raise the money are going to be able to spend just whatever they can and we can in fact have a battle of money raising and money expenditure which is unprecedented if this is allowed to go forward. Unfortunately we all know how important the raising of money is to an election campaign but it's only reasonable that there should be some limit on total election expenditure.

We will have more to say at committee, Mr. Speaker, but those are my comments for the present time.

MR. SPEAKER: The Honourable Member for Lac du Bonnet.

MR. USKIW: Thank you, Mr. Speaker. Mr. Speaker, I am somewhat in a dilemma on this bill, given the fact that we have not been in a position to have this bill before the House for some period of time, but rather just most recently. But moreso, Mr. Speaker, because I find it difficult to understand the thinking on the part of the government and, in particular, the thinking on the part of the Attorney-General, who introduced the measure, Mr. Speaker.

I want to raise a number of points and then I want to make a suggestion to the Attorney-General as to how best this might be dealt with in the most positive sense, Mr. Speaker. I believe that this bill ought not to be proceeded with on the basis of a majority in the Legislative Assembly, Mr. Speaker, and I'm going to illustrate later on why. But in essence the bill in its present form requires the registration of a political party. Now that is reasonable, given the fact that there is need for identity and the fact there are benefits to political parties and they have to be tied in with one that is identified. I have no problem with that, but, Mr. Speaker, I'm not sure that there is need for attaching to that the requirement that the party must file a statement of its assets in order to become registered. I don't know what relevance a party's assets are to whether or not the party should be registered to be a legal political instrument in the province of Manitoba. Surely the Minister isn't going to suggest somewhere along the line that unless a party has certain assets that they would be ineligible on the basis that they didn't have enough capital or enough property.

I don't know what it's all about, Mr. Speaker. I don't know why that reference is made, as to the requirements to be registered as a political party. It seems to me, if there are a number of people in Manitoba that wish to establish a new political party and they can demonstrate that they want to establish a new political party, I think that we should allow any group to do so, Mr. Speaker. I can't understand the mentality of saying that only those parties that exist today shall forever exist. Because that is almost what is intended here, or at least it's implied. Now the Minister shakes his head and I know he shakes his head in the knowledge that there is a provision that where four people are elected they can then be declared as a party, if they so wish, or if they have 2,500 people as members they can file for registration, and so on. Mr. Speaker, maybe those are acceptable provisions but I can't for one moment accept the idea that a party has to have certain assets and has to show certain assets in order to be registered. What assets of a party have to do with the democratic process is beyond me.

Another aspect of the bill, Mr. Speaker, has to do with penalties, where there is refusal to register and where there are convictions we find that the government wishes to bar a person from registering as a candidate for five years; for five years. To me that is an excessive penalty, Mr. Speaker. I can appreciate the need for some incentive to conform to the legislation but, Mr. Speaker, to deny one the right to enter public office is a bit much. I don't believe that we should enshrine that kind of legislation because, Mr. Speaker, there are many other ways in which penalties could be applied that would be meaningful to the individual or to the party in question and would be adequate to make sure that the people and the parties conform to what is considered to be good legislation in managing the affairs of our electoral system.

Mr. Speaker, another part of the legislation deals with who can accept contributions. I can't understand there either, Mr. Speaker, why the Attorney-General wants to put limitations on who would be in a position, legally, to accept contributions on behalf of a political party and, in particular, there is reference to the fact that a constituency can't accept contributions, other than at a general meeting. Mr. Speaker, I've been around a long time in the political process and I can tell you that these provisions violate almost everything that is done and has been done to date with respect to election financing, with respect to party financing. It is not an uncommon practice for constituency associations to launch their own financial campaign for themselves or for the provincial party as well, and for the federal party. And this bill, the whole tenure of this bill, Mr. Speaker, is that we are going to separate ourselves, the constituency away from the provincial party, the provincial party away from the federal party, and there shall be no intercourse between, that there will be no means by which there will be transfers of resources, transfers of funds from one group to the other, federally-provincially, provincially-federally and as between the province and the constituency, and vice versa.

I don't know what business that is of this assembly, Mr. Speaker. The intra-party financing is a matter for the party in question. It has nothing to do

with this Assembly and nothing to do with the wishes of the people of Manitoba, Mr. Speaker. It seems very illogical to try to break us up into ten components in Canada, where we call ourselves a nation, Mr. Speaker. It doesn't make sense that the province of Manitoba, the Conservative Party of Manitoba, should not be able to make a contribution, a sizeable contribution, to the Conservative Party of Saskatchewan. If they have need and if there's a willingness, I don't see anything wrong with that, Mr. Speaker, or to the federal party, and vice versa.

Now the question of issuing receipts, only by the Chief Financial Officer are receipts to be issued or his Deputies. Mr. Speaker, I don't know what is intended here, perhaps the Minister will clarify that, but it seems to me that anyone who is willing to contribute toward a success of a political party should be able to fund raise, should be able to issue temporary receipts and yes, I believe for the purposes of the commission's needs, if there is going to be a commission that is going to supervise the affairs of our political system, yes, the official person in charge of finances for each party must submit his report to that commission. That does make sense but it should not preclude the possibility of any volunteer or number of volunteers from offering their time and expense to go out fund raising, door-to-door or general meeting fund raising activities, or any host of ideas that may come up in terms of fund raising and that can be done in the name of the party and that a temporary receipt for contributions should be issued, Mr. Speaker. I don't believe there is any desire or there should be no desire on anybody's part to preclude that.

The other part that I think is objectionable is the restriction on receiving contributions to individuals resident in Manitoba or corporations who operate in Manitoba, Mr. Speaker. It follows in the same vein. I can't understand the whole thought behind that measure, Mr. Speaker. What is the Attorney-General trying to achieve here? He is limiting the intra-party financing to 100 per candidate here. The federal party could not make a contribution to a provincial party, other than up to a limit of 100 per candidate for election purposes in a province. Well that means, Mr. Speaker, that the national New Democratic Party couldn't make a contribution to the Manitoba New Democratic Party greater than 5,700, in an election campaign that may involve hundreds of thousands of dollars or half a million, or whatever the figure may be. It's totally meaningless and, likewise, no provincial party is allowed to transfer to the federal party, beyond 100 per federal candidate, which is 1,400 in Manitoba.

Why do we need this, Mr. Speaker? I could almost accuse the Attorney-General of launching an attack against the New Democratic Party. I don't want to do that in the knowledge that it applies to all parties. But I believe that if you look at corporations which are also involved under that particular section, that it is true, Mr. Speaker, that there you can have transfers because corporations may be registered in every province of Canada and the head office in Toronto might decide that the Conservative Party of Manitoba needs a big financial lift and, through its operations in Manitoba, may transfer funds in favour of the Conservative Party. That is open, Mr. Speaker, according to my understanding of this legislation and

that's why I make the point that perhaps this is aimed at restricting the viability of the New Democratic Party in Manitoba. I hope the Minister is able to correct me on that assumption, Mr. Speaker.

The idea of borrowing money and that party borrowings have to be reported to the commission, again, why, Mr. Speaker? Who has to know whether the Conservative Party has arranged for financing from the Royal Bank through the Member for Minnedosa, or whether the New Democratic Party has . . . I don't know why that's in the public interest to know where a political party borrows its money, if it has to borrow money from time to time. I know that I have been involved in arranging financing for constituency elections, for provincial elections, and we have borrowed money from time to time. We've gone to a bank and we've financed a whole election campaign and paid for it later, Mr. Speaker; but what is wrong with that? I see nothing wrong with that and I don't know why the Minister would want to interfere with the freedom of the people who are involved in the process of electing members to this Assembly or to the House of Commons, or any other Assembly, Mr. Speaker.

Now the penalty sections that apply to candidates who don't file statements, again we see a very excessive penalty provision here. It says that such a person can't register as a candidate in a subsequent election and, if he was elected, is ineligible to sit or vote in the assembly. So the penalty here is not only against the individual, it is against the people who voted for the individual, successfully, and find that because of some breach of law of this Act their member is going to be disallowed the right to participate in the affairs of the Assembly. Now surely there are more reasonable penalty devices that can be installed in this bill, Mr. Speaker, to deal with that problem. I'm not suggesting there shouldn't be any but I believe that's excessively harsh. I think it's ridiculous and I appeal to members opposite to review those sections and to reflect on what they are doing and, hopefully, to bring back some amendments if we're going to proceed with this legislation, although I don't think we should be proceeding with it, Mr. Speaker.

Now, Mr. Speaker, I want to suggest to the Attorney-General, in all sincerity, without being unduly unfair or critical, that this kind of legislation should truly be co-sponsored; that is between all the parties or amongst all the parties of the Assembly. Because it has real impact on the whole question of how our democracy is supposed to function and I don't believe that it's the kind of legislation that should be put through on the basis of any majority at any given moment. With one exception, Mr. Speaker, and that is where governments feel that there is need and there's a desire to introduce some form of public financing of the political process, party financing, election financing, I believe that's fair game for the government to say, yes, okay, we will put through a measure that has to do with financing and has to do with taxation, that is a government responsibility. But with respect to the policing of political parties, Mr. Speaker, I believe that is truly the responsibility of all members of the Assembly and that where there is no consensus a majority should not be applied.

Mr. Speaker, I suggest to the Minister that the most prudent thing to do at this point in time is to refer this bill to the Committee on Privileges and Elections and have all the members of the Assembly participate in the drafting of the legislation that should be introduced to replace this bill and that this should be done at the next session, so that interessionally this committee can meet and that we have consensus viewpoint reflected in the recommendations that come back to this Assembly at the next sitting. I believe that would be in the public interest. I truly can't believe that the Conservative majority in Manitoba would want to ram this legislation through, Mr. Speaker. I don't believe that they are really of that mentality or mind. I'm sure that if they reflect on the opinions coming from this side, if they reflect on the bill themselves, just by going through it again and thinking through the impact of each of those sections, that I believe they, themselves, would want to make some very dramatic changes in this legislation.

So I suggest, Mr. Speaker, that the Attorney-General seriously consider referring this bill to Privileges and Elections to be reported back at the next session and that it be a consensus recommendation, rather than a recommendation based on a majority. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable Member for Burrows, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: Bill No. 107, An Act to amend The Public Utilities Board Act and The Manitoba Telephone Act.

The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, could you call Bill 86 instead of 107, at this time?

MR. SPEAKER: Bill No. 86, The Milk Prices Review Act.

The Honourable Member for Elmwood.

MR. DOERN: On a point of order, Mr. Speaker, I draw my attention to the House Leader, I began on this bill the other day. I spoke for four minutes; I don't want to speak for another four minutes and then have another adjournment. Couldn't we call something else?

MR. SPEAKER: Order please. All members of this Chamber have a responsibility to the Legislative Assembly and the business of the House before it.

The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I do not believe it is productive to give speeches in four minute instalments and I ask the House Leader if he might then call it 12:30?

MR. SPEAKER: Is there agreement on the House to call it 12:30? (Agreed)

Monday, 21 July, 1980

The hour being 12:30 p.m., the House is adjourned
and stands adjourned until 2 o'clock this afternoon.