

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**Monday, 21 July, 1980**

**Time** 8:00 p.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 . . . 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, further to this afternoon and our discussion with the Attorney-General, and my question to the Attorney-General, pertaining to Bill 96, in view of the discussions this afternoon and the obvious difficulties and problems pertaining to Bill 96, is the Minister weighing yet the probability of referring this bill to an intercessional committee so we may work to improve the bill in between sessions?

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

**HON. GERALD W. J. MERCIER (Osborne):** Mr. Speaker, I have weighed that matter.

**MR. PAWLEY:** Mr. Speaker, then can I assume, in view of the fact that the Attorney-General has weighed the matter, that he has decided that the weight of this bill is too heavy upon his mind to proceed at this point, and is prepared to work with all members of the House, with all parties in this House in order to ensure its improvement in the interests of our democratic process?

**MR. MERCIER:** Mr. Speaker, not on the basis of what I've heard this afternoon.

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

**MR. BILLIE URUSKI:** Thank you, Mr. Speaker. I direct this question to the Minister of Education and ask him whether he could inform this House as to the status of the negotiations and settling or unsettling of a collective agreement with the Gypsumville School District, which is run by the official trustee and as to the reasons why . . .

**MR. SPEAKER:** Order, order please. I find it somewhat difficult to listen to the question posed by the Honourable Member for St. George. If members wish to ask questions, or engage in private conversations, I think that they should wait their turn.  
The Honourable Member for St. George.

**MR. URUSKI:** Thank you, Mr. Speaker, I ask the Minister whether he could inform the House as to the reason why a collective agreement has not been

signed for two years in the School District of Gypsumville?

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

**HON. KEITH A. COSENS (Gimli):** Mr. Speaker, I understand that this matter is before the courts, or at least one of the parties to the arbitration is before the courts and is awaiting a decision in that regard.

**MR. URUSKI:** Mr. Speaker, I understand and the Minister is right that the matter of the arbitrator, one of the arbitrators, the choice of the arbitrators, whether he was impartial, the impartiality of the arbitrator is in court, but not the basis for salary increases. I ask the Minister whether or not it may not be prudent for the Minister to instruct his staff to conclude the agreement on the basis of the monetary issues outstanding so that the teachers in that area can have the increases that have been afforded to all teachers of the Frontier School Division over the last two years.

**MR. COSENS:** That may be necessary at some point in the process, Mr. Speaker.

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

**MR. URUSKI:** Thank you, Mr. Speaker. Would the Minister not consider it highly irregular that teachers from Frontier have been brought into Gypsumville School District at a rate of pay which the teachers of Gypsumville would be entitled to had they been under Frontier School Division, meaning they are being operated by the same school division, although one is an official trustee and one is Frontier, the same departmental official heads both areas and both divisions.

**MR. COSENS:** Mr. Speaker, I understand that matter may be going to arbitration.

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

**MR. SAUL CHERNIACK:** Thank you, Mr. Speaker. I'd like to address a question to the House Leader. I may have missed it today in the preceding two sessions, but has there not been a report from the Private Bills Committee which dealt with certain bills and completed them on Friday?

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

**HON. J. FRANK JORGENSON (Morris):** Mr. Speaker, I shall have to check on that. I don't believe there has been.

**MR. CHERNIACK:** I'm sorry, I did not hear the House Leader. I heard him say something about checking it. Does he say he's going to look into that and report back? Thank you, Mr. Speaker.

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

**MR. J. WALLY McKENZIE:** Mr. Speaker, radio reports all day long indicate that the West Coast ports will likely have the biggest export year they have ever had in this country. I wonder, can the Minister of Agriculture advise if the hopper cars that this province and Alberta and Saskatchewan have any input into that market.

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

**HON. JIM DOWNEY (Arthur):** Mr. Speaker, I would not only add that the additional hopper cars that have been leased by the province of Manitoba, but I believe the leadership and the directive given to the grain industry by Dr. Horner and the Grain Transportation Co-ordinator Office has also added tremendously to the co-ordination and the movement of grain out of the western prairies.

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

**MR. URUSKI:** Thank you, Mr. Speaker. I wonder if I could direct this question to the Minister of Natural Resources and whether he can advise this House whether he has been able to locate that commitment that he said was given by the former administration to the operator of a park that was able to be visited by thousands of Manitobans to do their fishing and now they are unable to, and when was that commitment given?

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

**HON. BRIAN RANSOM (Souris-Killarney):** I believe I advised the honourable member, Mr. Speaker, that that was a verbal commitment made sometime during the last year or so of the previous administration.

**MR. URUSKI:** Mr. Speaker, then can the Minister advise as to when the approval was given for the individual to have total control of that area, that people no longer are able to go and fish beyond the park that your administration established?

**MR. RANSOM:** The approval for the present situation, Mr. Speaker, was given some time this spring, after, in fact, attempting to implement the promise that was made by the previous administration, which was simply to fence off the area and deny access. That, of course, Mr. Speaker, was not satisfactory as a solution to the problem and so this spring we leased the area to the individual, who is now providing services to it. And it's true, Mr. Speaker, that people I think are paying on the basis of 2.00 a day for access to the area, and for that they are getting services provided in that area that they were not getting before. My staff have been in fairly close contact in assessing that situation over the summer and they report to me that they are very satisfied with the level of service that's being given.

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

**MR. URUSKI:** Thank you, Mr. Speaker. Can the Minister then confirm as to when that area was actually fenced off from the public using it and then was opened up again. Can the Minister indicate that, when the park area was fenced off, by the department?

**MR. RANSOM:** I believe, if I recall correctly, Mr. Speaker, that that was first undertaken two or three years ago and access was denied to the area and that it proved to be unsatisfactory and I believe then, that the sequence was we said we would try simply to allow access but to try and restrict overnight camping and be able to provide the least minimal services that would be required to keep the area clean and have satisfactory sanitation procedures there. That didn't prove to be satisfactory and so it was necessary to go to the system that we now have in place and individual users are now required to pay a fee, which is rather a minimal fee really, and in return for that, as I say, my staff are quite satisfied that users of the area are being provided with a fairly high level of service.

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

**MRS. JUNE WESTBURY:** Thank you, Mr. Speaker. Mr. Speaker, my question is addressed to the Honourable Attorney-General. Could the Minister please tell us when he expects to return to the constitutional talks?

**MR. MERCIER:** Friday or earlier, Mr. Speaker.

**MRS. WESTBURY:** Thank you, Mr. Speaker. I wonder if the Minister would (interjection) I'm sorry.

**MR. MERCIER:** Mr. Speaker, I thought the question was when would I return. I understand the question was when would I leave?

**MRS. WESTBURY:** To return to the talks.

**MR. MERCIER:** Tomorrow morning, I expect to leave, Mr. Speaker, for the third week, and return Friday or earlier.

**MRS. WESTBURY:** Thank you. I thank the Minister for his answer, I was a bit confused by the first answer.

Mr. Speaker, I wonder if the Honourable Minister will be able to find an opportunity at the constitutional talks to draw attention to the fact that the Protestant Succession Law is unacceptable to Canadians as far as the Canadian monarchy is concerned and that the preference of those Canadians would be that there not be any religious bar against the person who might become King or Queen of Canada. Would the Minister tell us whether it's going to be possible for him to raise this question at those talks, please?

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

**MR. MERCIER:** Mr. Speaker, after a great deal of opposition, including from this province last year, the

issue of the monarchy was withdrawn from the agenda of items by the federal government.

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

**MR. RUSSELL DOERN:** I'd like to direct a question to the Minister of Tourism. I don't know if he heard me and to ask him about the impending strike at Assiniboia Downs on Wednesday, in relation to the loss in revenue and the loss of tourist dollars, can he report on the situation and will he be playing any role, or his department, in attempting to bring about a settlement?

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

**HON. J. FRANK JOHNSTON (Sturgeon Creek):** Mr. Speaker, yes, I could report on the situation and, no, we will not be involved in the negotiations.

**MR. DOERN:** Mr. Speaker, I wonder, in view of the impact on the tourist industry, whether the Minister might report on the situation to the House.

**MR. JOHNSTON:** Mr. Speaker, the Manitoba Association of Horse Breeders and the Horsemen's Benevolent Society have for years, or the Horsemen's Benevolent Society have for a long time, given bonuses to Manitoba-bred horses. This year the breeders, the Manitoba Breeders, decided that they would (Interjection) well, we hear nonsense again but anyway the Breeders decided that they would put their money that they receive from the province to assist the Manitoba Breeders for better stock in the horseracing business towards a bonus for purses. We've informed them that was their own decision with their money and it was logical that if there was more money available to Manitoba-bred horses that it would encourage the industry in the province of Manitoba and we agreed that if they used their money that way that was encouraging the horsebreeding in Manitoba.

They pay the money to the Horsemen's Benevolent Association and the Horsemen's Benevolent Association deal with the Jockeys Union. There is an agreement presently in force with that union as to what percentage of the purses will go to the jockeys. The interpretation of the union by the jockeys is that they should receive 10 percent of that bonus money which is being given to Manitoba-bred horses. The Horsemen's Association believe that the agreement doesn't call for that and they do not, at this point, have any racing on Wednesday because they can't agree. We are not entering into the bargaining basis between the two parties. It's an interpretation of an agreement at the present time and, Mr. Speaker, I am very concerned that it does have an effect on the tourist industry, but it has nothing to do with the provincial government.

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

**MR. DOERN:** Mr. Speaker, they are certainly not a very benevolent association. I wanted to ask the Minister whether he could indicate when he will

receive the report on the whole racing industry. Can he indicate whether he has it, or when he expects it?

**MR. JOHNSTON:** As I told the honourable member during my estimates, but he seems to have forgotten. It is expected the first week of September at the present time and it is on schedule.

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. LEONARD S. EVANS:** Mr. Speaker, I'd like to . . .

**MR. SPEAKER:** Order, order please. ORDER please. I find it somewhat difficult to listen to the questions that are being asked by members if there are numerous members of this chamber all trying to ask questions or provide answers at the same time. If members cannot agree that only one person at a time should be recognized, we're going to have a great deal of difficulty with the question period.

The Honourable Member for Brandon East.

**MR. EVANS:** Thank you, Mr. Speaker. I'd like to address a question to the Minister of Economic Development and ask the Honourable Minister whether he can advise . . .

**MR. SPEAKER:** Order please. The Honourable Member for Elmwood has already had his turn. It's the Honourable Member for Brandon East's time.

The Honourable Member for Brandon East.

**MR. EVANS:** Thank you, Mr. Speaker. I wonder if the Honourable Minister of Economic Development can advise whether it is correct that Manitoba, according to reports issued today, that Manitoba is the only province in Canada to show a reduction in vacancies available for professionals?

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

**MR. JOHNSTON:** Mr. Speaker, I'll take the question as notice and look at the statistics. It's not my intention to answer the Member for Brandon East on statistics until he tells me where they came from and I have the opportunity to look at them.

**MR. EVANS:** Well, Mr. Speaker, I welcome the statement from the Minister that he will look into it and I would ask the Honourable Minister (Interjection) Mr. Speaker, we're getting interference here and interjections, that are uncalled for.

**MR. SPEAKER:** Order please. ORDER please. The Honourable Member for Brandon East.

**MR. EVANS:** Mr. Speaker, I appreciate the Minister's response and I would ask him, when he's looking into this matter or getting his staff to look into this matter, whether they could ascertain the reasons for the seemingly lack of opportunities in Manitoba, compared with every other province in Canada. I would ask the Minister a second question then, when does the government expect this situation to reverse itself, the situation where there are

inadequate opportunities, inadequate demand for professional services in the province of Manitoba?

**MR. JOHNSTON:** Soon, Mr. Speaker.

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

**HON. DONALD W. CRAIK (Riel):** Mr. Speaker, there was a question a few days ago from the Member for Brandon East with regard to the statistics regarding retail trade and I said at the time that, like the earlier statistics that had been presented he and the Leader of the Opposition regarding the CPI and the construction and so, that I would look into it further. I have, and the Member for Brandon East asked whether or not it was a fact that the real growth of the retail trade had, in fact, on a year over year basis for May, declined? And while, Mr. Speaker, I've been unable to answer that specifically for him, I want to indicate that the examination indicates that while that could well be the case, if that were the case it would be true for all of Canada and that Manitoba recorded the third highest year over year growth in retail trade of all provinces in May. And that according to the latest statistics, the retail trade in Manitoba was up approximately 7 percent from May 1979 to 280.7 in May 1980. Retail trade increased 17.4 percent in Alberta, 13.4 percent in British Columbia, which were the two leaders. Offsetting growth of less than 6.5 percent in the remaining seven provinces and resulting in a Canada-wide year over year growth of 8.1 percent. So, Mr. Speaker, I want to indicate that while the member's question may well have been correct, which has not yet been verified, whether in real terms it has grown or not, it is the third highest in Canada.

**MR. EVANS:** Mr. Speaker, I thank the Minister for confirming my earlier statement, and that he agrees that it is correct, that the Manitoba increase in retail sales is less than the Canadian average. I believe he has just confirmed that. (Interjection) Well, you said 8.1 for Canada and 7 percent for Manitoba. (Interjection) No, well, Mr. Speaker, I distinctly heard him say 8.1 for Canada (Interjection) Well, 8.1 is the Canadian average, well all right, 8.1 is the Canadian average and Manitoba is below the Canadian average. My question to the Minister, would he not confirm the observation that if the rate of increase in retail sales in Manitoba . . .

**MR. SPEAKER:** Order please. Confirmation of observations is not indicative of the question period and does not really provide any information to this Chamber. I rule the question out of order.

The Honourable Member has another question?

**MR. EVANS:** Well, in view of the fact that inflation is now running approximately 10 percent in Manitoba and in Canada, and in view of the fact that the current data, on retail sales increase, is roughly 7 percent, I don't have the figures in front of me, would the Minister not confirm, therefore, that in real terms there is a lower physical volume of retail trade taking place in Manitoba now than there was last year.

**MR. SPEAKER:** Order please. Confirmation of statements is not indicative of good questioning. If the Honourable Minister wishes to answer he may.

**MR. CRAIK:** Mr. Speaker, I don't believe you said it was out of order, I think you laid the groundwork for that to have been the case but the real answer is that the member's question, to which I replied, which was for the month of May, which are the StatsCanada figures, Mr. Speaker, I have given the reply to. This is now the third time, Mr. Speaker, that we have had StatsCanada quoted and the third time in a row that they've been taken out of context by the members of the Opposition. Mr. Speaker, these are the StatsCanada figures. Mr. Speaker, to reply to the member's last question, would it be at all surprising if Manitoba fell lower than third place as the drought goes on. We fully expect to have difficulty, but we have a bit of appreciation for the difficulty. All the members opposite do is try and dwell on the doom and the gloom that they can create.

**MR. EVANS:** Mr. Speaker, I think the Honourable Minister misunderstood my question. The other day I referred to the first five months of the year, not May alone, and our friend, the Minister of Economic Development is always suggesting we should look at a number of months to get a true picture. So my question to the Minister is, for this first five months of the year January, February, March, April, May to what extent did the drought have any impact whatsoever in that period of time, during which we were mainly in a winter period and an early spring when we were still hoping that we would have a very good summer?

**MR. CRAIK:** Mr. Speaker, I will be glad to take that question as notice because, having now taken three assertions by the Member for Brandon East and the Leader of the Opposition, and having found, on all three occasions, having walked away a little bit concerned and a little bit worried in that this ought to be checked, having found out that they have taken it completely out of context. Mr. Speaker, on the first occasion when the Leader of the Opposition got up and stood in his place and said that Manitoba had 14-some percent, it was entirely out of context with the rest of the nation for the three-month figures . . .

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

**MR. PETER FOX:** Yes, Mr. Speaker, the point of order is that the Honourable Minister said he would take it as notice and everything that has ensued since then has been a debate and not an answer.

**MR. SPEAKER:** Order please, order please. One of the problems we have in our question period is that members persist in asking questions which are debatable in their very nature, and when you get an answer that does tend to create debate then we lose the very context of the question period. I would prefer to rule the member out of order, as well as the person that asks the question out of order. The

question period is designed to seek information from government, and government has the obligation either to refuse to answer or to provide the answer to the question.

The Honourable Member for St. George.

On a point of order, the Honourable Minister of Finance.

**MR. CRAIK:** Mr. Speaker, it has to be recognized that, while I took the question as notice, that gives me fair grounds to be developing the answer as I go along.

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

**MR. URUSKI:** Thank you, Mr. Speaker. While the Finance Minister goes to the fair, I will ask the Minister of Natural Resources as to whether he can confirm which colleague of mine was it that gave this individual the verbal commitment that he alleges was given some several years ago, or could it be that it was his colleague, the former Minister of Tourism, that may have given that commitment?

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

**MR. RANSOM:** Mr. Speaker, I think perhaps the honourable member has misunderstood what I said. I did not say that it was one of his colleagues that gave the assurance; I said the assurance was given during their administration.

**MR. URUSKI:** Mr. Speaker, certainly the last time the Minister indicated, he left the impression it was one of the members on this side of the House that gave the commitment. Mr. Speaker, I ask the Minister that, in view of no Ministerial commitment in this area, is the Minister now prepared to indicate that he is well in favour of such a practice, that a commitment by staff is certainly valid for the government, or does he agree that the commitment that was given was the proper one, in terms of not allowing citizens to use an area that they were accustomed to using for many years?

**MR. RANSOM:** Mr. Speaker, I think it was quite evident that when we assumed government that we attempted to fulfil as many legitimate agreements and arrangements as the previous government had entered into, except those that were of a wildly socialistic nature and were contrary to the philosophies of our government. This was largely an administrative matter, Mr. Speaker, and we attempted to conform with the agreement that had been arrived at. (Interjection) The Honourable Member for St. Johns, Mr. Speaker, is always quick to correct anyone else when they respond from their seat and now he is doing the same thing. I wish, Mr. Speaker, that you would call him to order so that I could continue with my answer.

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

**MR. URUSKI:** Thank you, Mr. Speaker. Can the Minister indicate since when has it been government

practice to start leasing the land on the basis of verbal commitment?

**MR. RANSOM:** Mr. Speaker, I'm going to have to perhaps take a little more time than I might like to, to respond to this question, because it is evident that the Honourable Member for St. George does not understand the situation that I outlined to him. I did not tell him that the present situation of leasing the land was something that was a commitment made during the previous administration. The commitment that was made during the previous administration was one to simply close off access, vehicular access, to this area and simply have people have access on foot. That did not prove to be a viable alternative, Mr. Speaker, nor did at least one other sort of arrangement that we attempted to work in the meantime. We have since arrived at the present situation that we have, and I happen to think that it is quite a satisfactory arrangement, the best that we could arrive at under the circumstances, and I am quite prepared to defend that arrangement, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for St. George with a fourth question.

**MR. URUSKI:** Thank you, Mr. Speaker. Can the Minister confirm that the first time that he was aware

**MR. SPEAKER:** Order please. Questions of confirmation are hardly acceptable. The Honourable Member for St. George.

**MR. URUSKI:** Mr. Speaker, can the Minister inform this House that 1979 that was the first time that that area beyond that park was closed off, and it was brought to his attention at the time, I brought it to his attention; it was the first time that that area was closed off beyond the wayside park that was developed?

**MR. RANSOM:** No, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for St. George with a fifth question.

**MR. URUSKI:** Thank you, Mr. Speaker. Can the Minister then confirm or can he tell this House when was he informed that that area was closed off, and by whom, prior to receiving the petitions and the letters that I wrote on behalf on the citizens who complained to me from Winnipeg, from Teulon, from Fisher Branch, from Gypsumville, from all over the area?

**MR. RANSOM:** It was closed off sometime prior to him writing those letters, Mr. Speaker.

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

**MR. JORGENSEN:** Mr. Speaker, will you call Bill 90, standing in the name of the Attorney General for second reading and 95, and then, 96.

**BILL NO. 90**  
**THE BUILDERS' LIEN ACT**

**MR. MERCIER** presented Bill No. 90, The Builders' Lien Act, for second reading.

**MOTION presented.**

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

**MR. MERCIER:** Mr. Speaker, the fundamental purpose of mechanics lien legislation, together with The Builders and Workers Act, has been to ensure that a person contributing to the improvement of land is paid for that contribution in accordance with his contractual entitlement.

The means of achieving the purpose of the legislation are, generally speaking, threefold.

First, the imposition of a trust on the persons who handle funds payable to people who do the work of improving the land.

Second, the legislation grants the right to file and enforce a lien for the value of the improvements to the land.

Third, the owner and contractors are required to hold back a percentage of all payments due the persons contracting under them so as to constitute a fund to finance claims by lien claimants made after the work is done.

Mr. Speaker, the first Mechanics' Liens Act in Manitoba was enacted in 1873. It has been amended many times since then. However, no amendments of significance have been made during the last 25 years. The Manitoba Law Reform Commission has, since 1970, been studying the legislation and finally reported on it August 13, 1979. This report is the basis for the proposed "The Builders' Liens Act".

Requests for reform have been plentiful since 1963. Requests for reform have been made by groups representing architects, engineers, lawyers, builders and mortgage lenders, during the past 17 years but none have become law. All these requests were considered by the Manitoba Law Reform Commission in its study since 1970. In addition, the Manitoba Law Reform Commission reviewed reforms in other jurisdictions and studies by other Law Reform Commissions in Alberta, British Columbia, Ontario and Nova Scotia. The Alberta and Nova Scotia reports were published in 1979. The experience of Ontario with the reforms implemented there in the 1970s was considered. Particular regard was placed on, and use made of, these reforms in Ontario and the detailed submission for reform of the Ontario Act made to the Attorney-General for Ontario by the Construction Industry and Allied Professions Committee dated June 30, 1978. This submission suggests numerous improvements to the Ontario legislation which have not yet been implemented there.

Manitoba legal consultants were hired, working papers for reform were prepared and circulated and public hearings were held to determine the particular needs of Manitobans. Many detailed oral and written submissions were received as a result, all seeking major changes to existing Mechanics' Lien and Builders' and Workers' Lien legislation.

As a result of submissions made at the public hearings, the consultants retained by the Manitoba

Law Reform Commission concluded that there were basically two major problems in the construction industry, which rather than being cured by the legislation, were aggravated by it, namely:

(a) non-payment of funds;  
(b) an inadequate cash flow during the continuance of the construction contract.

This, in an industry where "the orderly and rapid flow of funds is its life blood". The consultants concluded that the statute was hurting the very industry it was designed to protect, in that it "deterred the flow of funds rather than facilitating same".

It is expected and hoped that the following changes to the existing legislation will speed up the flow of funds along the construction chain and better ensure their payment.

**Trust funds:**

- (a) Imposing trust obligations on the owner so far as funds received by him to finance the construction project are concerned.
- (b) Imposing trust obligations on the Crown as if it were any other owner.
- (c) Making breaching the trust obligations a more serious matter by increasing penalties and extending them.
- (d) For educational and enforcement purposes, requiring minimum accounting records and standards to be maintained by the trustees.
- (e) Repealing the existing Builders and Workers Act and consolidating provisions preserved from that Act in the new The Builders' Lien Act.
- (f) Confirming that trust funds are not attachable by garnishing orders.

**With respect to the Holdback.**

- (a) The holdback is reduced to 7 1/2 percent from 15 percent and 20 percent.
- (b) Payment of the holdback money into a "holdback" account in a financial institution is made compulsory in certain circumstances or on application.

**With respect to Substantial Performance:**

- (a) The release of all holdback moneys upon substantial completion as distinguished from total completion of work under a contract or subcontract, except the holdback of 7 1/2 percent of the remaining work to be done under the contract or subcontract is made compulsory.
- (b) Notice of substantial performance is to be issued and given to interested parties stating that the contract is substantially performed.
- (c) If an architect, engineer or other person who certifies completion, does not certify substantial performance of a contract or subcontract when the contractor or subcontractor or someone else thinks it is substantially done, that person can apply to court for an order certifying substantial performance.

**With respect to Other Amendments.**

Mr. Speaker, in addition, it is obvious that other amendments are required for at least the following reasons:

1. Extending Lien Rights and the Opportunity to Exercise Them.

(a) The Act has not been kept up to date and therefore does not protect the interests of certain people who have contributed to improvements on land but have no lien rights or have insufficient opportunity to exercise them. The following changes are intended to deal with these deficiencies.

(i) With respect to Lien Claimants.

(aa) Workers' liens are preserved and made more readily enforceable. Section 34 of the Act provides that every worker who has not been paid wages for work done or services provided has priority over all other liens that are not for wages to the extent of 40 days wages. Special provision is made for a worker to enforce a lien for wages on notice of motion returnable in four days after service. Any and every device adopted by an owner, contractor or sub-contractor to defeat the priority given to workers for their wages is void.

(bb) Liens for rental of equipment without an operator are now permitted.

(cc) Rights of architects and engineers to file liens are clarified and extended.

(dd) Rights of lien claimants as against landlords and owners of land are extended in circumstances when the lien claimant performs improvements for the tenant.

(ii) The time to register a lien is extended to 40 days from 30 days.

(iii) The right to obtain information from owners and contractors is extended and an obligation is imposed on the owners and contractors to disclose information helpful to contractors and subcontractors in determining the priority a lien would have, the financial stability of the owner and contractor, and other relevant matters. A corresponding right to information is granted to the owner as against the prospective lien claimants.

(iv) The Act is made applicable to the Crown as if it were any other owner or contractor except where there is no right of sale of Crown land.

Another principle involved, Mr. Speaker, is Prohibiting Contracting Out of the Act. The fact that one can contract out of the legislation means that the big and powerful can force a small contractor, sub-contractor, supplier or worker to give up his right to file a lien under the Act by the signing of a waiver. Presently, this done with increasing regularity.

Lien waivers and other devices to defeat the purpose of the legislation are prohibited and void. Further, the legislation obviates the necessity for complicated and voluminous documentation traditionally required by mortgage lenders from owners, contractors and sub-contractors to ensure that the mortgage advance has priority.

The mortgage lender receives protection in that all liens must actually be registered in the Land Titles Office before a lien claimant can get priority over a mortgage advance. All advances made under a mortgage registered prior to any work being done or before any lien is registered has priority.

To assure themselves that any advances made will have priority over any lien claim, mortgage lenders

can check at the appropriate Land Titles Office on any day after 3:00 p.m. to determine whether any lien claim has been registered.

Third principle, Mr. Speaker, is modernizing, simplifying and making the statute more efficient.

Many provisions, words and procedures in the statute are grossly out of date, unnecessary or inefficient. The following changes are intended to modernize, simplify and make more efficient the operation of the statute.

(i) The County Court is granted the power to appoint a receiver in a builders lien action. Formerly this power was limited to the Court of Queen's Bench.

(ii) The minimum value of an improvement entitling a person to register a lien is changed from 20 to 300.00. The 20-figure was established in 1873 so the equivalent value in today's terms would obviously be substantially more. Another consideration in arriving at this high a figure is to discourage the use of this system for petty claims and abuse of the system. It was the conclusion of the Law Reform Commission that to make this sum any less would jeopardize the workability of the legislation. Similar considerations have resulted in the minimum amount at issue subject to a right of appeal to be increased to 15000 from 100.00.

(iii) Procedural: Many special statutory procedures . . .

**MR. SPEAKER:** Order please. If members of this Chamber want to carry on private conversations, I wish they would do so elsewhere, other than in this chamber. It is exceedingly difficult to listen to the comments of one particular member, especially when he has been recognized by the Chair, if other members are constantly talking and making it difficult to hear.

The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, many special statutory procedures are deleted and substituted by existing standardized procedures in the general rules of the County Court. If money is paid into the Court to cover a lien pursuant to the Act, an action can be forced to be started on a 30-day notice and must in any event be brought in two years. Costs are now totally in the discretion of the Court without limit. Documents can be served by registered mail. A breach of trust action, third party proceeding, set off, counterclaim in tort or contract can be heard together with a builders' lien action unless the Court, on application, is persuaded that it would be prejudicial or inconvenient.

(iv) Mr. Speaker, the language of the statute is modernized and simplified. The name of the statute is made more relevant to today. The old Mechanics' Lien Act is repealed. Certain time limits are changed.

(v) In conclusion, Mr. Speaker, it is expected and hoped that this proposed new statute will better accomplish the original objectives of The Mechanics' Lien Act, more fairly and efficiently and in a manner which can be more readily understood by all concerned. The legislation follows very closely the

recommendations of the Manitoba Law Reform Commission in its report on Mechanics' Liens legislation in Manitoba.

Thank you, Mr. Speaker.

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

**MR. CHERNIACK:** Mr. Speaker, apparently we are to debate a bill introduced by the . . . I think he's still House Leader, I'm not quite sure, Mr. Speaker, just what role he's playing here but I was given the impression this morning, Mr. Speaker, when this bill was distributed and I was immediately going to the Clerk's office to find out the date on which it was introduced, in order to find out just what's going on, Mr. Speaker, and I find that the bill received first reading on June 12, it was distributed this morning, July 21, and, Mr. Speaker, I was given the impression this morning it was not to be proceeded with. And now we find a lengthy introduction by the Honourable the Attorney-General and, Mr. Speaker, like you, I had some difficulty hearing all that he said because there was a great deal of discussion going on in the House, which was indicative of how little interest members had in what the Minister was introducing. And there's little wonder, Mr. Speaker, this is a very very complicated and extensive subject. The matter of Mechanics' Liens, I don't know how many textbooks there have been written about it. There's an awful lot of case law on it and it is indeed a very technical and complicated principal.

Mr. Speaker, the Minister read his remarks and apparently it has now been distributed. I've just been handed a six-and-a-half page document outlining the bill and I listened as carefully as I could and I did not hear any indication from the Honourable the Attorney-General as to the intentions of the government in regard to this bill. And on the basis of the record of this government in this session, I am very apprehensive now as to where we go from here, Mr. Speaker.

Frankly, meeting three sessions a day, meeting in committee, meeting late and expecting members and, Mr. Speaker, there are a few lawyers on this side of the House, who would have some knowledge and I don't say expertise have some knowledge of the subject matter of this bill and noting that it repeals three bills, The Builders' and Workers' Act, An Act to amend The Builders' and Workers' Act, and the Mechanics' Lien Act, Mr. Speaker, I, for one, could not possibly give it the attention not that it deserves but that it demands in a session when we are in what some people call 'extended hours', and I'm beginning to think that that is a misnomer because the government seems to be practising all the indications of Speed-up in pretty drastic terms.

We've had a bill before us, the Elections Act, and already there's an indication, Mr. Speaker, that there is going to be closure imposed on it. The closure was suggested by the Honourable the Attorney-General, again I'm not sure just . . .

**MR. SPEAKER:** Order please. The Honourable Attorney-General on a point of order.

**MR. MERCIER:** Mr. Speaker, on a point of order, if I may, to clarify a matter. I should have referred to it;

I apologize to the Member for St. Johns, I wanted to indicate, when I concluded my remarks, that although I indicated quite some time ago that the bill would be brought in, that it would follow the recommendations of the Law Reform Commission, that we present it to members, we lay it on the table. If they indicate, Mr. Speaker, that they would prefer not to deal with this bill at this session of the Legislature, that despite having the Law Reform Commission Committee Report for over a year, then I think we're prepared to simply not proceed with this matter and deal with it at the next session of the Legislature.

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

**MR. CHERNIACK:** I'm awaiting your ruling on that point of order.

**MR. SPEAKER:** I think it's a valid point of order.

**MR. CHERNIACK:** Well, Mr. Speaker, I appreciate the fact that you made a ruling that this a point of order. I thought it was an interruption and omitted part of the introductory speech which the Minister was supposed to make. If he wanted to answer me, he has 30 colleagues, each of whom had the right to respond in the way he just did. What he now tells us is that he overlooked part of his speech when he introduced this bill and omitted a pretty important part of the speech; unless he in fact, Mr. Speaker, was waiting to hear our reaction, thinking that possibly we would be willing to pass this bill tomorrow morning, tomorrow afternoon, Mr. Speaker, three days from now, I don't know. Now I find that the Minister said now, I heard him but I can't quote him exactly well, I thought we would introduce the bill and then if members opposite are not prepared to accept it for this session then we can lay it over.

Mr. Speaker, I tell the Honourable, the Attorney-General, I am only one member. I am not prepared to accept it. I don't know if that's enough for him to go by. Mr. Speaker, I will not assume the responsibility at this time, with three sessions a day, to acquaint myself with all the implications of a 50-page bill dealing with subject matter that I, for one, know is very complicated and very difficult.

Mr. Speaker, now we are given the impression that the Honourable the Attorney-General says, well, it's up to the opposition. If you are not prepared to deal with it, then we can stand it over. It appears that he was prepared to deal with it; it appears that the entire government caucus is prepared with deal with it, the way he put it. (Interjection) Yes, Mr. Speaker, the Honourable the Acting House Leader indicates to me he told me that this morning, and he did, Mr. Speaker, and that's why I listened as carefully as I could to the Honourable the Attorney-General, to hear what he said when he introduced the bill, and not a word, not a word from the Honourable the Attorney-General about the intentions of government. And that was the only formal way you could get it expressed in the House on introduction.

Mr. Speaker, I want to remind you that we had The Securities Act brought in last year and it was allowed



to lie on the table, or actually it was allowed to die. It was brought in again rather late in this session, but the Minister did point out that we had it before, and therefore we did have a quick look at it and one of our members did talk to several people who were knowledgeable about the contents. But, Mr. Speaker, that's a bill that, if I may just refer to The Securities Act, is a bill that is so technical there is no doubt that the reliance on people involved in that, and especially Murray Peden, who is the Commissioner, if that's his term, the chairman, in any event, of the board, his word was very important to us when he gave us the information in relation to it. But, Mr. Speaker, I don't know just who there is in a position to give us assurances on this Act, and we shouldn't rely on assurances; we should be able to study it.

The point I am now making . . . You notice, Mr. Speaker, because of the interruption which you ruled was in order I am now changing my tact and I am informing . . . well, the Acting House Leader, that I, for one, can't possibly envisage a proper study of this bill in this session, and I wish he would see to it that the Attorney-General is aware of that so that we are not pushed into it. But I have one other caution, Mr. Speaker. Next year, with this government still in power, I don't know when the Builders' Lien Act will come back. Mr. Speaker, if it comes back at this time of the year, as it was brought now, I would, I think, have the same reaction. Because I think that as MLAs we have a great deal of studying to do and preparation to do with the business before us, and not business that may come before us. I don't think that we would countenance next year a repetition of what happened this year, at this stage.

I remember, Mr. Speaker, reading or reviewing is a better word for it, or scanning may be even better than reviewing reports, more than one, from the Law Reform Commission on the Mechanics' Lien Act, and, Mr. Speaker, I will venture a guess that the final report of the Law Reform Committee was distributed months ago. I may be wrong, but my impression is that the report of the Law Reform Commission was distributed months ago, and one has to ask where was the Attorney-General; where was his administration; what was he doing introducing a bill on June 12th, which is late enough, and distributing it today? This, to me, Mr. Speaker, is another indication of what may happen next year because this has happened this year. Another bill . . . Was it only today that one of the newspapers cited, I think, seven instances of bills brought in and then pulled back. In this case, at least the Attorney-General was quick enough while I was speaking to interrupt me to tell me what the intention was.

Well, now, I suppose that statement made by the Attorney-General was not unequivocal. He did say, well, if members opposite are not prepared to deal with it then we could stand it over. Well, I only speak for myself, Mr. Speaker; I must tell you that in light of what I was told this morning informally, this has not been discussed by our caucus. I don't know whether the Attorney-General now wants a meeting of our caucus to inform him as to our position, but it makes it awfully awkward, Mr. Speaker, to be brought this kind of legislation, a Bill 90, not a White Paper, it's not something that is an indication of the intentions of government, it is a bill and it takes up the time and it takes up the effort of officers of the

government and of people in the House, the printing and all the rest of it, in order to bring us a bill whose intention it was to delay it, to drop it. It's almost typical of the Honourable the Attorney-General, and I'm sorry that that is the case. To think, Mr. Speaker, that he didn't even say what the intention was; he said, if the members opposite are not prepared to deal with it.

Well he should now know how this one member feels about it and, Mr. Speaker, it is important business and could have been in our hands, I would guess, much earlier in the session, had it been properly arranged.

I see the Honourable the Attorney-General is shaking his head. I don't know what his purpose is in shaking his head, but it certainly can't be that it was impossible to do it before today. If it was indeed, then what business did he have two weeks ago to bring in what we call a speed-up resolution, when he would have known then that he would have a bill presented to us two weeks after? Do you recall, Mr. Speaker, how he pressed us to pass that speed-up, to pass it so that we could deal with it?

Mr. Speaker, I remember well the speech made by the Member for Inkster on speed-up bill and commenting on the bills that were waiting to be dealt with. I think he called them silly. But, Mr. Speaker, he couldn't possibly call this bill silly, because this bill has come as a result of extensive study by the Law Reform Commission. (Interjection) Oh, he called it junk, not silly. I think it was the First Minister who called one of the sections of one of the Attorney-General's bill a silly section. The Member for Inkster corrects me; he called it junk. Well, this isn't junk, Mr. Speaker, but it is a very serious context and at this time of the year it is really ridiculous to be bringing it before us and putting it in such a way as: Here it is; you want to deal with it, okay, you don't want to deal with it, okay. Is that the way the House Leader plans the business of government?

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for Logan.

**MR. WILLIAM JENKINS:** Mr. Speaker, I beg to move, seconded by the Honourable Member for Kildonan . . .

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

**MR. SIDNEY GREEN:** Mr. Speaker, I have been referred to in remarks as having referred to much of the legislation that was brought in and that we have been asked to deal with during the months of July as junk legislation. I characterized, Mr. Speaker, much of the legislation as being legislation which was designed to clean up little things, housekeeping, changes that were requested by people who happen to think that a change in legislation is needed in the administration. I indicated that none of it, or very little of it, was of a vital nature, that members of the Legislature have come here to see to it that the laws are changed in such a way that they can feel that they are properly representing their constituency. Therefore, I indicated to the Minister that although I knew that it was legislation that there might be a

need for, that it was not legislation which would require the Legislature to ordinarily sit during July or August and I said, Mr. Speaker, at that time, July and August. I won't be far wrong, if I'm wrong at all. Because we certainly are going to get to the fourth week. Somebody said three weeks and I said, it can't be done in three weeks. Tomorrow will be the end of the third week and Wednesday will be the beginning of the fourth week. And there is no real difficulty if it is understood that we are going to sit here for a long time. And I accept that if that's necessary.

I didn't know that members of the Conservative Party believed that the months of July and August, which are the months of summer in Manitoba, which run by before you know them, that they wanted to spend that time in the Legislature. Mr. Speaker, I have to admire their dedication, to sit here. I guarantee you, Mr. Speaker, that not five out of the 31, or do they have 33? That means 28 of them, I will warrant, have never heard of The Mechanics' Liens Act. Twenty-eight of them have never heard of the Mechanics' Liens Act; 31 of them have never heard from somebody that they want a change in The Mechanics' Liens Act. And the Mechanics' Liens Act is now (Interjection) Mr. Speaker, the Minister of Industry and Commerce says I'm wrong; maybe three of them have asked for changes. Mr. Speaker, I will suggest to you that not one of the 23 on this side have been asked for changes in the Mechanics' Liens Act.

But I am saying, Mr. Speaker, if there were changes needed desperately in The Mechanics' Liens Act, the Minister would not say, as he did say and I heard him say, look I brought this bill before you, it contains the endorsement of the Law Reform Commission. Therefore, it may be that you people are just going to let it go through; if you won't, I'm going to set it aside. Isn't that right? That's what he said.

Mr. Speaker, I got up to say that I heard the Minister say that if the Opposition feels that this shouldn't be debated now, we'll lay it on the table and not proceed with it. I was going to say that that seems to be the end of it but is the Minister is now indicating that's not what he said, that's not what he means. Because that's what I understood him to say and if that's what I understood him to say (Interjection) The Member for St. Johns heard that, too. I wanted to indicate, Mr. Speaker, that I think that's the end of it. I really believe that that is the end of it. I believe that we can . . . these down on the House Leader and the Conservative Party for having stolen our summer.

Not only can we do it but I believe that there are at least half of the Tories who will do it, too, at least half. How many Cabinet ministers are there? Because the rest certainly are saying, they are cursing, Mr. Speaker, they are cursing the House Leader in words which would make mine seem like love letters. That's what they are doing. But, Mr. Speaker, that is our responsibility. The only deterrent or characterization that I would disagree with what the Member for St. Johns said is that a bill is before us, it will now be adjourned, that really the Minister, if he is determined that that bill should be legislation, then let's not talk about the fact that we are closing shop. The bill will have to be referred by each of us

to our various people who will help and we will finish the month of August in the Legislature.

Now if that's what you want, that is what is intended, then I have absolutely no objection and, Mr. Speaker, I don't even begrudge the extended hours; I think that we've done very well in extended hours. I think it's been a good process, from the point of view of permitting us to work, but The Mechanics' Liens Act, the legislation that is now presented before us, I tell the Minister that I believe that it will take some research, that it'll take some debate, that it will involve some discussion, and that if the Minister says that he is not intending to proceed with it, if it's indicated on this side that it's going to take longer to research than the other legislation, then can we have it at that and know that the legislation is not being proceeded with and cease debating it. Because if that's the intention of the government then it's like any other bill; it's happened in the past that the government has come in with a bill, put it on the table and said, look here's quite a lengthy bill, we're not expecting it to be passed, but you have it so that next year when we bring it in you will have foreknowledge of what the bill says.

Now, Mr. Speaker, if that's the case, then all I can do is say the Member for St. Johns is certainly justified in castigating the government, if one can look at what was said about us, in terms of bringing in bills. Mind you, I never accepted it as being a legitimate criticism; therefore, I'm not going to place too much onus on it. I'm prepared, though I don't like to, if the Minister feels that it's very necessary that we sit in this Legislative Assembly during July and August to pass this "junk legislation", so be it, that shows what the Conservatives think is important.

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

**MR. PAWLEY:** Mr. Speaker, I'd like to just add a few words to what has already been said. Mr. Speaker, we would like to certainly have received some indication from the House Leader. This afternoon when we were dealing with The Elections Act and The Election Expenses Act, there was an indication given that those bills would have to be dealt with tonight. There was, Mr. Speaker, the indication of closure, to ensure that those bills were processed. This evening we have had tabled before us the bill pertaining to The Builders' Liens Act. We're advised that the Minister must leave tomorrow morning for a Constitutional Conference in Vancouver, and he doesn't anticipate being back until Friday.

So that, Mr. Speaker, I concur, I'm prepared to sit here for just as long as the members of the government would like to sit. This is an important piece of legislation and if that is the case, I would simply ask the members across the way not to threaten closure pertaining to individual pieces of legislation. This Election Expenses Act is a critical piece of legislation and I was hoping that the Minister might respond during the question period to indicate that it would be put over for further study. Particularly in view of the fact that he has indicated that now, tonight, that he's going to be away for the next four days; the next four days, Mr. Speaker.

Now we are dealing with legislation that apparently was looked at in 1970 by the Law Reform Commission. Apparently, there have been some concerns being expressed since 1963 pertaining to The Builders' Liens Act. Now the Attorney-General has found it now to be of such a critical and crucial nature that on this date he must deal with it urgently and suddenly, even though he is leaving for Vancouver tomorrow morning and will be not returning till this Friday. So all that we would like from the Attorney-General and from the government is to indicate . . . And I have no objection to this, I have no objection; if the government wish to spend a great deal of additional time in the chamber, then let's spend the next three, four weeks dealing with The Elections Act, The Elections Expenses Act, The Builders' Liens Act, the rent control legislation, the milk prices review bill. Let's not have the threats which we heard earlier today of closure, upon members of the Opposition. You can't have it both ways. If you want to present important legislation during the Speed-up then give us ample opportunity to deal with those bills because we have a responsibility as an opposition to Manitobans in general.

On the other hand, if that is not the Minister's intention, then do as was suggested, simply table the bill. I remember the Minister without Portfolio tabling a bill with us in the dying days of the 1978 session, dealing with consumer affairs. We were given months to study that bill intersessionally, the Minister then returned with that legislation in the 1979 session. We dealt with it, I think, quite expeditiously and I believe the bill was improved as a result of that opportunity to study and review it in between.

So rather than the Minister saying, here is this bill, if you don't deal with it then it's going to be your responsibility for not dealing with it at five seconds to twelve o'clock midnight (Interjection) No, Mr. Speaker, it is the Attorney-General's responsibility. The responsibility for this must rest with him. If he wants that we spend the next number of weeks here, fine, we have no complaint. If that is not his intention and not the government's intention, so that we can avoid dealing with this legislation in a haphazard and a sloppy manner, even though that may be the way the government wished to deal with it, then leave this bill before us so that we can study it intersessionally. So that when we return in the 1981 session, we'll be able to properly offer our views and comments in respect to that bill.

Mr. Speaker, the Opposition surely is here for a reason, not just to receive bills, not just to rubber stamp but to forward those bills for consideration and consultation with those that advise us, to be able to improve that legislation, so that when the bill does become legislation we can be proud of the contents of that legislation. It seems that the Attorney-General wishes to rob the opportunity from the Opposition of doing that. So I would urge the Attorney-General to specify which direction he wishes to proceed. We're prepared to spend, as mentioned, considerable more time here so we can deal properly with the legislation.

If that is not the Attorney-General's intention, then leave this bill with us over the fall, so that in 1981 we can deal with it in a proper way, along I might say, Mr. Speaker, with the Elections Act and the Elections

Expenses Act, both pieces of legislation that are, I think, crucial to all parties in this chamber. Bills which should have been developed as a result of consultation and consensus, not in a partisan nature. So that when we come back in 1981 we can improve this legislation. So we can all be much prouder of the legislation; all 57 members of this chamber.

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

**HON. HARRY J. ENNS (Lakeside):** Mr. Speaker, I don't know what it is; perhaps it is because it is getting on to be July. It would appear obvious that what with the filling of the public galleries that this place is becoming more and more of a tourist attraction, that honourable members opposite feel somehow compelled to make a great to do about nothing.

Mr. Speaker, what has happened here is in the finest of parliamentary traditions. The Honourable the Minister has introduced a bill, agreed a major bill, there is no pressure on the Opposition to deal with a bill. Let the Honourable Member from Logan as is, I think, his responsibility, to pick up the adjournment on the bill. Unless and until the bill is called again, by our House Leader, does anybody on the opposite side have any legitimate complaint about pushing or ramming legislation down their throat, particularly important in long legislation such as the Member for St. Johns describes this particular bill, on this particular subject matter.

Mr. Speaker, everybody admits that they know that this bill was long in the making, long in the drafting. The Attorney-General showed a particular concern, a particular concern and courtesy to the House in having the bill distributed to all members opposite. We are not asking members opposite to do anything other than look at that bill and study that bill. When we call that bill, when we call that bill next, then you have a legitimate reason to stand up and make the complaints that you've made.

Other than that, Mr. Speaker, what they've been doing tonight is grandstanding a little bit, providing a bit of entertainment for our visitors that come and see us every once in a while. And they're welcome to do that. And, Sir, if indeed, I must say, if the visitors keep increasing then perhaps in deference to the Minister of Tourism and Recreation we should take seriously the suggestion from the Member for Inkster to work through the months of July and August. I want to tell the honourable members opposite that on this side of the government, the Conservative party has no problems in dealing with the affairs of the people of Manitoba, in July, in August, and in September. We see our responsibility as such and we'll carry out those responsibilities. But, Mr. Speaker, if ever there was a case where a strawman was being built, by the Member for St. Johns, by the Leader of the Opposition, by the Member for Inkster, where none exists, it really is in this instance.

Mr. Speaker, I'll sit down, not to add to the lengthening of this totally futile discussion and debate that's taken place. But let's understand the facts of the matter and let the record show what the facts are. The Minister responsible tabled a bill and until the government calls that bill for further

discussion, there is no pressure being put on the opposition to do anything with the bill.

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

**MR. CHERNIACK:** Mr. Speaker, I'd like to ask the Honourable Minister whether I understand the rules correctly and that if this matter stands adjourned and is on the table, the House Leader may at any time bring it back on to the table, ask for members to speak on it, deny the opportunity to further adjourn debate and force a vote. And in the light of that, does the Minister feel that his colleague who introduced the bill, would be better advised to ask for leave to have it withdrawn at this stage and that way conclude the matter from this session?

**MR. ENNS:** An irresponsible government may well act in the manner that's just been described by the Member for St. Johns. Manitoba does not have that kind of a government at this particular time, so that, Mr. Speaker, is a hypothetical question, one, Sir, that the rules of this House prevent me from answering.

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

**MR. FOX:** Yes, Mr. Speaker, I'd like to ask the Honourable Minister who has just now done a grandstand whether he thinks it's fair to put the Opposition to the effort of not knowing and yet having to go into studying this bill when they themselves have not made up their minds whether they do or do not wish to proceed with this bill?

**MR. ENNS:** Mr. Speaker, let the record be clear. The Opposition has expressed deep concern and a desire not to proceed with a bill. We're simply saying, fine, we certainly won't push them.

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

**MRS. WESTBURY:** Thank you, Mr. Speaker. The Minister of Government Services referred to much ado about nothing and I couldn't agree more. Can we settle this thing, Mr. Speaker, and get on with the debate that we came here for.

Mr. Speaker, I also have another comment I want to make. If the Honourable Attorney-General is leaving us tomorrow morning, to return to the constitutional talks, how in the world can we discuss Bills 95 and 96 in committee. I would suggest that we're going to return to the same debacle that we had a week ago last Monday night, when the Honourable Minister was not able to be present and we weren't able to get the answers we needed because there was nobody else there able to provide that.

**MR. SPEAKER:** Order, order please. I wish the honourable member would address herself to the debate before us, which is Bill No. 90.

The Honourable Member for Fort Rouge.

**MRS. WESTBURY:** All right, Mr. Speaker. Can we get on with this? Would the government tell us whether we're going to deal with 90 or not? We've

had it submitted with the opening remarks and then another Minister gets up and implies that they're really just playing games with us and they'll introduce it if and when they feel like it later on, which can be any hour of the day or night. This is not a bill that we can deal with lightly, Mr. Speaker, and we have to refer it our resource people. Will the government please have the courtesy to tell us just what their intentions are with Bill 90?

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

**MR. JENKINS:** Thank you, Mr. Speaker. I had not intended to speak on this bill, but in view of the bungling, the bungling that we have seen by that side of the House this evening, absolute bungling. I don't know who is in charge of the store over there. It certainly isn't the Attorney-General; it certainly isn't the Acting House Leader. We have been treated to a forked-tongue treatment by that side of the House on more than one occasion, Mr. Speaker, and this is another example, another example of the type of procedure that this government seems to want to indulge in. If you don't know what you're doing, then get the hell out of here if you don't know what you're doing, and you don't seem to know what you're doing. We get a Minister who comes in here dealing with a bill (Interjection) once a week, he's like the travelling itinerant preacher. He comes here once a week, gives us a little spiel, and then we're left to deal with this bill on the well, we may call it; we may not. What are we supposed to do in the meantime? Research this and prepare for this bill? This bill has great ramifications to the general public out there. It has ramifications for the builders; it has ramifications with regard to the Mechanics' Lien Act, The Payment of Wages, the whole issue. We have the Attorney-General, if he wanted to deal . . . He got up on a phoney point of order, interrupting my colleague, the Honourable Member for St. Johns, when he was speaking to the bill and said, well, if you're not prepared to deal with the bill, I was going to say that. Why didn't he say so in the first place? If there's been much ado about nothing and a tempest in a teapot here this evening, it's been created by the Attorney-General and it's been created by the government over there.

All you had to do was, when you introduced that bill for second reading, say I'm going to refer it to an intersessional committee; I'm going to put it here where you can study; and I'm going to reintroduce it next year. But no, he's cute, he pretends he doesn't understand what the procedures of this House are. He's been here for three years now or going on three years. He knows how the procedures of this House work and if he wishes, and if he's going to get up and try to interfere again . . .

**MR. SPEAKER:** Order, order please. The Honourable Attorney-General, on a point of privilege.

**MR. MERCIER:** Mr. Speaker, on a point of privilege, I wanted to clearly indicate to the Member for Logan, the Member for St. Johns and the members opposite that I indicated, in attempting to assist the Member for St. Johns because of the concerns that he was expressing, that having announced sometime ago that a bill would be introduced following a Law

Reform Commission Report of one year ago, that I present this bill, recognizing the time of the session in which it is brought; that if members opposite still feel that they would prefer to deal with this at the next session of the Legislature, then I'm perfectly prepared to agree with that procedure.

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

**MR. JENKINS:** Mr. Speaker, I want to know from you, did the Honourable Attorney-General have a point of privilege, otherwise, I am going to rise on a point of order. If you look in Beauchesne, interrupting a member on phoney points of privilege and order are definitely breaches of the rules of this House. I want to know, did the Attorney-General have a point of privilege or didn't he?

**MR. SPEAKER:** Order please, order please. Points of clarification can hardly be considered points of privilege. It is customary, if there is any dispute as to what has been said or what has not been said, a member has the right to rise at the completion of a member's remarks and on clarification of what he has said previously in the House. A point of privilege is one that ought rarely to occur in this Chamber, so I find the Honourable Attorney-General did not have a point of privilege, rather a point of clarification.

The Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, I'm not going to comment anymore on what I said at that time was a phoney point of privilege that he was rising on. But I want to say to the Honourable Attorney-General that, if he wants to settle this issue, I'll yield the floor to him right now and give him leave to ask permission of this House, and I'm sure I can assure him of the members of this side, that he wishes to withdraw the bill. But he doesn't want to do that, Mr. Speaker, he wants to play games and that seems to be the whole issue of the Attorney-General and his operation with all his bills in this House. He likes to play little games. Mr. Speaker, if he wants to play games, that's his privilege but I think that the business of this House and the business of the people of Manitoba is of a serious nature. If he thinks he's playing games just for his own indulgence, then he'd better think again, Mr. Speaker.

**A MEMBER:** He's leaving.

**MR. JENKINS:** Well, I don't blame him. After the rapping that he's got in both newspapers, the rapping he's got from his own leader, I've often wondered if he ever reads any of the legislation that he introduces into this House. I think we have seen some incompetent bungling but, by golly, Mr. Speaker, this gentleman over there takes the cake. Thank you, Mr. Speaker.

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

**MR. CRAIK:** Mr. Speaker, it's only about a week ago that a bill was introduced to this House for second reading. It was Bill 109 and it was introduced by myself. I indicated that the bill was being withdrawn and the comments from the opposition

were, well, there's no need to explain all this, all you have to do is leave it on the Order Paper. Mr. Speaker, if I had spoken to it, the bill, it probably would have gone on to the Order Paper and would have been left there. So, Mr. Speaker, what is being followed tonight by the Attorney-General is probably what would have, a week ago, have been perfectly acceptable to the opposition. But since what we have followed at that time was their admonition, we now have a great storm arising over the procedure.

Mr. Speaker, it raises a question as to what, in fact, is the right and proper procedure to be followed in the House, because what has happened now, happening tonight, the reaction that is happening is entirely 180 degrees opposite from the reaction that occurred on Bill 109 a week ago. I suggest, Mr. Speaker, that the appropriate procedure at this point in time would be for a member of the Legislature to adjourn the debate, give themselves sufficient time as I said a week ago, we wanted on Bill 109 sufficient time to digest 109 and to simply adjourn the debate. That would be the proper procedure and, out of courtesy to the opposition, I think it should be the opposition that adjourns the debate.

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

**MR. CHERNIACK:** . . . if the Minister would agree to my asking a question? No, you. Mr. Speaker, I can only ask the Minister who just spoke. I can only ask him a question and I'd like to ask him a question, if I may. Would he clarify, since I have no recollection of Bill 109, whether it is the intention of the government clearly not to proceed with this bill under any circumstance? Is that the intention, because I don't think that's what was said by the Attorney-General, so I want to know from the Deputy Leader?

**MR. CRAIK:** Mr. Speaker, I can only indicate what the Attorney-General has said here this evening, and that is, if there's a general willingness, yes, but he's not pressing it. Those were the words in which he put his introduction to the bill to the House.

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

**MR. COWAN:** Thank you, Mr. Speaker. Perhaps it would be proper to adjourn the debate as the Finance Minister has indicated at this time, but I'm not going to do that, Mr. Speaker, because I think the issue that faces this evening is an issue that needs to be discussed in this House before it festers even further. It's an issue that needs to be brought out into the open; it's an issue that is long overdue and it is an issue purely of the government's making in their inept handling of what has turned into the longest session and it's the longest session because of them.

**MR. SPEAKER:** Order, order please. Order please. The subject matter before the House is Bill No. 90.  
The Honourable Member for Churchill.

**MR. COWAN:** Thank you, Mr. Speaker. I am not only speaking to the actual bill itself, Mr. Speaker, but to the introductory remarks of the Attorney-

General, the remarks of the Minister of Finance, the remarks of others in this House which you can advise me if I'm wrong but which I perceive to be parliamentary procedure, that I can address myself to the remarks that were made in the debate in regard to a particular bill. If I am out of order, Mr. Speaker, I will certainly follow your advice and follow your suggestions.

But I do want to comment on what has been said and the Member for Fort Rouge shot up and said, Bill 90, the discussion that we're having tonight about Bill 90 is much ado about nothing and let's get on with the business of this House. Well, what she doesn't understand is that this is a significant part of the business of this House and this House cannot function the way that the government would try to have it function for the past number of years by throwing a bill on our desks and then standing up and speaking to it, and then suggesting that if we don't like it, the onus is on us now, if we don't like it, then that bill won't be proceed with, but refusing to make the commitment not to proceed with the bill, refusing to withdraw the bill which, if I understand what my colleagues are saying and they are much better versed in parliamentary procedure than I am

that would be the proper way to deal with this problem. Instead of the acrimonious debate, instead of the bitterness, instead of getting locked into posturing impositions, we could have very easily, had the Attorney-General had the courage to stand up and to say this bill has been put on your desk for review but I'm going to withdraw it, we are not going to proceed with it and we will carry on with it next session. That would have solved the matter right there, but he didn't have the courage to do that. He did not have the courage to do that, so what he's done is he's left an inference on the record about the bill, Mr. Speaker, which is 50 pages long.

(Interjection) I certainly am speaking to the bill and I'm speaking to the ineptness of a government that would bring a bill in this way and then stand up and say that we don't have to proceed with it, without having the courage to withdraw it. That's what I'm speaking to. I'm speaking to a microcosm of this whole session, Mr. Speaker. This evening has been this whole session wrapped up into one small segment for all of us to view, for all of us to talk about the inepts, the bungling, the total incapacity of that government to govern.

**MR. SPEAKER:** Order please, order please. The honourable member has the subject matter before him. I wish he would address his remarks to the subject matter at hand.

**MR. COWAN:** Yes, Mr. Speaker, I accept your suggestions and will try to confine myself more to the bill itself, although you will realize that it will be difficult to do a detailed analysis of this bill, given the opportunity that each of us in the opposition have had to review this particular bill and so what we asked, in order to be able to review this particular bill, to be able to go through the different sections of the bill, and just looking at it, Mr. Speaker, it is a fairly complicated piece of legislation and if there's one thing we've learned in three sessions, it's to be wary of that government when it brings in complicated legislation because it has trouble

bringing in the simple stuff. It has trouble bringing in the nondescript legislation. And they throw a 50 page bill before us, Bill 90, The Builders' Lien Act, and expect us to take their word for it that they've done a credible job for the first time this session.

Well, Mr. Speaker, I don't believe that they have done so. I am certain that a quick perusal of this bill and that's all we've had time to do would indicate to us that it is full of flaws, it is full of errors, that there will be amendment after amendment, after amendment, if it ever does reach the committee stage, and that we will find that this is a typical piece of Tory legislation and that is a piece of legislation that it is unworkable, is archaic and is antagonistic toward the rights of the working people of this province. I think that's what we would find if we had time to examine this bill close. That is why we would like the bill withdrawn.

Mr. Speaker, I'm speaking tonight, I think I hold four or five debates in my name. I'm speaking on the Election Finances Act tonight; the Milk Control Board, if it's called; The Elections Act. I think I hold the Consumer Protection Act. I want to speak of The Payment of Wages Act. If those are called this evening, I have to be prepared to speak to all those bills, as do other people, and then have to speak to Bill 90 on top of that; to have to take this bill back to the caucus room in between those speeches and start reading this bill. Sir, that is a disadvantage and the government is hurting themselves by that, because we know and they have said that a good opposition can make a good government. Well, try as we may, Mr. Speaker, try as we may, and we are a good opposition; we're the best opposition that this province has seen in quite some time, since 1969 probably. And we have tried to make them a good government even although sometimes it has not been the politically expedient thing to do. We have, nonetheless, attempted to perform our role as opposition and when they throw this before us; when they throw that type of legislation that they've thrown before us; when they invoke closure; when they cut off debate; when they refuse to withdraw what should be withdrawn, such as Bill 90, then we find ourselves at a distinct disadvantage and they need all the help they can get. Because as hard as we have tried, we haven't been able to do much with them. They were starting off in too bad a condition to begin with.

But this bill itself, Mr. Speaker, let's talk about this briefly. Let me just read from, I believe these are the introductory remarks . . . Where these the introductory remarks? Yes. And what it says is, on Section 3, it says a history of the Mechanics' Lien Legislation. Maybe I'll just read a couple of sentences. "The first Mechanics' Liens Act in Manitoba was enacted in 1873." So we have a history here before us here in this particular bill. So it's not a matter of just going and reading this bill, it's reading the history. As a matter of fact, we have a document in our office, I know, that deals with this particular bill, which is a fairly long document, longer than the bill, believe it or not. And if one were to discuss this bill in a detailed sort of way, one would have to read that document very carefully, compare the recommendations of that document to what is in this bill and compare what has been historically the

situation with this bill with what is in this bill, and try to develop a caucus position on it.

It says, "It has been amended many times since then," and I'm quoting from the Attorney-General's remarks. "However, no amendments of significance have been made during the last 25 years. The Manitoba Law Reform Commission has, since 1970, been studying the legislation and finally reported on it, August 13, 1979. This report is the basis of the proposed "The Builders' Liens Act."

Well, we've dealt with that report before; we've dealt with that report when we were discussing The Payment of Wages Act and, Mr. Speaker, if I recall the Attorney-General's comments during the committee debate at that time, this was part of a package. This was part of a package with The Payment of Wages Act, because we quizzed him because we could not understand, even given all our political astuteness and our legislative knowledge, why the Minister was in such a rush to bring in The Payment of Wages Act. And he says, we have to do that because we're bringing in The Builders' Lien Act and The Mechanics' Lien Act. We're making substantial amendments. We're making changes and this is all part of a package.

We asked the Minister, at that time, to withdraw The Payment of Wages Act for a number of reasons. For a number of reasons because we thought it was detrimental to the welfare of the working person of this province, to which many have agreed; that we thought it would have a significant and negative impact on the workers of this province. And the Minister said, no, I can't withdraw because it's part of the package and The Builders' Lien Act is coming in, and changes to The Mechanics' Lien Act is coming in, and that's why we have to proceed with this. They were in a hellfire sure rush to get ahead with that Payment of Wages Act, Mr. Speaker, and we'll talk about that a bit later. But then they bring this before us, dump it on our desks, 50 pages of legislative amendments to an Act that is, how many decades old and hasn't had significant amendments in 25 years? They bring a whole new Act into the picture and they say, if you don't want to proceed with it, the onus is on you. You just don't force the issue, we won't force it.

But, Sir, we have learned throughout this session that we have to be somewhat skeptical, perhaps even cynical of the assurances that we get from time to time in this House, because they have a way of going awry. They have a way of going wrong. And I'm not going to blame it on the government. I'm not going to blame it on the Attorney-General. I'm not going to blame it on any specific individual, point fingers or tap heads or suggest that this is why it is. But the fact is, and you've been party to it, you've sat and watched over these chambers and been party to the mix-ups and the misunderstandings that resulted in such acrimonious debate in this House, hateful debate at times, Mr. Speaker; I'm not certain if that's a parliamentary word but it certainly is a good description of what went on: Hateful debate; name-calling; debate of the lowest form, because of misunderstandings. And we're concerned about a misunderstanding on Bill 90. So what is our alternative? We are caught in a dilemma.

Now we have to go back and prepare our speeches for third reading. We have to go back and

prepare our strategy. We have to go back and analyse new bills that have come in that we haven't had time to analyse fully yet. We have to do all that and we have to proceed with Bill 90 through our caucus, because we have to be ready for the misunderstanding. We have to assume the worst is going to happen because if we've learned anything about this government, it is that they can bring on the worst. They can bring out the worst of parliament; they can bring out the worst of themselves, and the fact is that we can't rest upon their assurances, we must be vigilant. We must be vigilant because we're in opposition and we have a responsibility. We must present a caucus position. We must prepare and present the caucus position on this. We must be ready on the last day of the session at 12:00 o'clock at night for Bill 90 to be called. Until this House prorogues, we cannot rest easy about this particular bill and, until the House prorogues, we must understand this bill; we must have speakers lined up; we must prepare ourselves; we must prepare positions on it.

If the Minister were to withdraw the bill, Mr. Speaker, as we have asked him to do, then that would no longer be that threat of this bill coming forward on the last night of the session, hanging over our heads. We could put this bill aside until after the session when we have time, as a caucus and as individuals who are interested in the subject matter, to read through the bill, to analyse it, to read through the reports, to draw up arguments. I am certain that in our debate we can make recommendations, suggestions and amendments, when necessary, that will make this a better piece of legislation. Or we may even suggest, at a later date, that it be withdrawn permanently, that it's not a good piece of legislation. That we don't know. (Interjection) I've been asked by the Member for St. Johns to read into the record the Honourable Minister of Finance's comments on Bill 109, which he spoke to just a few moments ago.

**MR. SPEAKER:** Order please. Order please. We're talking about Bill 90 at this particular time.

The Honourable Member for Churchill.

**MR. COWAN:** Mr. Speaker, I seem to recall the Minister of Finance speaking to this particular bill and not being called to order on it and I would just wonder if he was speaking to a point of order at that time or if he was involved in the debate at that time, I'm told by the Member for St. Johns, or a point of procedure. He's talking about the procedure of this bill and I would just wish the same courtesy. It's a very short statement, perhaps two paragraphs long, and I would just like the same courtesy, to be able to reply to something that he put in the record, which would tend to reflect badly if it were left unchallenged, on our particular opposition to this bill, the way this bill was brought in, the procedures that have accompanied this bill. And so with your permission, Mr. Speaker, I would read just what may be 20 or 30 lines. It's second reading, Bill 109, An Act to amend The Mines Act. Mr. Speaker, you recognize the Honourable Minister of Finance.

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

**MR. RANSOM:** Mr. Speaker, I believe, on a point of order, that you have pointed out a number of times that the debate should take place on the bill. What the honourable member is referring now is debate that took place in this House several days ago and has nothing to do with the bill before us. The Minister of Finance was referring to points that had been raised by the opposition. He's now asking him to place in the record discussion that took place several days ago.

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

**MR. FOX:** Yes, Mr. Speaker, I believe it's customary in this House when we are debating to create analogies in respect to what we are debating, to show references about what the debate is about, and what the Honourable Member for Churchill is trying to indicate is what one of the Honourable Ministers did in respect to his bill and what he's trying to compare it to is the comparison and procedure of the present Minister in respect to his bill. It's just an analogy and a comparison, and I think he's entitled to do that.

**MR. SPEAKER:** Order please. It is exceedingly easy for the Speaker to find numerous references in Beauchesne, which would, in effect, rule out an awful lot of debate in this Chamber. That is not the intention of the Chair. The intention of the Chair is to allow members to express themselves in this Chamber, in a manner which, from time to time, I ask them to confine their remarks toward a particular subject but I think the Chair has been exceedingly lenient in the past. We ask members to try and direct their remarks toward the subject matter at hand because, even when they do, sometimes the Chair has difficulty in recognizing the relevance, even when they do attempt to, so when they don't attempt to, it's almost impossible.

I ask the Honourable Member for Churchill to carry on the debate.

**MR. COWAN:** Mr. Speaker, I hope you weren't making reference to my convoluted line of logic sometimes, that I get caught up in when speaking during Speed-up. Mr. Speaker, what I would like to do, and I believe that I had explained to you and to the House that it would be just a very short reading of the record and I would have been done by now, had I been given the opportunity to do it, but I will proceed. Mr. Craik said, "Mr. Speaker, I wonder if I might just request the indulgence of the House to have this bill . . ."

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

**MR. MCKENZIE:** Mr. Speaker, that point of order and that debate is already in the record of this Legislature.

**MR. SPEAKER:** The Honourable Member for St. Boniface on a point of order.

**MR. LAURENT L. DESJARDINS:** Mr. Speaker, on the same point of order. During the debate of this

bill, the Minister of Finance stood up and made a comparison and said this is what happened in another bill. Nobody tried to bring him back to order. He was allowed to do it and now my colleague is just trying to set this thing straight and to really read into the record what really happened at this time and I would hope that he will be allowed, without any more interference, to continue to bring in the subject that was brought in during this debate by the Deputy Premier.

**MR. SPEAKER:** The Honourable Member for Roblin on a point of order.

**MR. MCKENZIE:** On the same point of order, Mr. Speaker, just because the members opposite weren't alert on that occasion, they're not going to accuse us of not being alert on this occasion.

**MR. SPEAKER:** The Honourable Member for Churchill, proceed.

**MR. COWAN:** You know it has been said, that the Speed-up, I forget who said it, it was one of the members on this side speaking to the Speed-up, said that it was an annual rush into madness or . . .

**MR. SPEAKER:** Order please. We are not discussing Speed-up at the present time.

The Honourable Member for Churchill.

**MR. COWAN:** We certainly aren't, Mr. Speaker, and I thank you for that correction. To read what I had attempted to read a couple of times and have been stopped because this annual trek into madness is playing upon the minds of both sides of this House, I think I would wish to continue.

"I wonder", and this is the Minister of Finance speaking again, "I wonder if I might just request the indulgence of the House to have this bill carried over and not dealt with at this session of the Legislature. If, of course, the members insisted on it . . ."

**MR. SPEAKER:** Order, order please. The Honourable Member for Roblin.

**MR. MCKENZIE:** Mr. Speaker, that debate and those records are already in Hansard and the Journals of this House.

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

**MR. COWAN:** I would suggest, Mr. Speaker, that the Member for Roblin listen very carefully because I might just change one word or two and that would mean that it were not in the Hansard. But I will try to read it as truthfully as it appears before me.

". . . carried over and not dealt with at this session of the Legislature. If, of course, the members insisted on it, we could proceed but it is one of those bills that could just as well do with a six-month digestion period and we will come back with it in this form or another form, perhaps at the next session. Mr. Speaker, we could proceed with just not calling it. I am advised by the House Leader that the more appropriate thing to do, as a courtesy to the House, is to announce to the House that we request its withdrawal at this time."



Now, why did I read that into the record? (Interjection) Oh, it was agreed, I am sorry, it was agreed, yes, the House agreed to that. Why did I read that particular section into the record? Well, because, Sir, Bill 90 is the type of bill that could just possibly use that six-month digestion period, perhaps even longer. And, because, as the Minister has told us, that we have not had significant amendments to it for 25 years and it has been around for decades. He has already indicated that it is not necessary to proceed with it at this session. We would ask the Minister to have the courtesy, as well as the courage, to withdraw it, with no aspersions cast from us in regard to him withdrawing that particular Act. As a matter of fact, we should be somewhat thankful that he brought it forward, gave it to us in this particular form, and allowed us the opportunity to read it over over the summer recess, if we ever have a summer recess. It may well indeed be the fall recess while we are perusing Bill No. 90, Mr. Speaker.

But we would then be able to look through what I, upon first glance, would judge to be some very complex legislation. I have managed, when reviewing another piece of legislation, to go through the report of the Law Reform Commission that would deal with this particular bill, that would deal with The Mechanics' Lien Act, although I can assure you I have not been able to digest it thoroughly or comprehensively. I have managed to peruse it very briefly and it is a complicated document which applies to this Act. So we have a complicated piece of legislation and a complicated document and we could use the six month period, we would ask the Attorney-General to withdraw it as a courtesy to, not only members of this side of the House, because I think the Minister of Finance said it was as a courtesy to the House, but also, as a courtesy to all of us, so that we can clear Bill 90 off the Order Paper; so that we can go about the other very heavy and heady business that faces us as an opposition and as a government; so that we can proceed in what would be a more rational way and deal with what is already on our plate before putting more and more on our plate, and thereby do a better job on the legislation that is before us now, as well as do a better job on Bill 90 when next we do review this particular piece of legislation.

I see the Attorney-General. I hope he is going back to his seat, and I would not even mind an interruption if that interruption from the Attorney-General were to be his recognition of the fact that this particular bill should be withdrawn. Now, I see he is not going back to his seat, Mr. Speaker. He constantly keeps me on my toes. But the fact is that he will have opportunity to withdraw this bill. But if he wants to do it before his next trip, he's going to have to do it tonight. I would suggest that by the time he gets back we will have already have examined this bill; we might not be ready to speak on it but we would have used some of our time in going through the particular section-by-section discussion of the bill in our caucus. We do a very thorough examination of these bills in caucus, Mr. Speaker. It takes a fair amount of time. That's how we found many of the mistakes in other bills; that's how we'll find out the mistakes in this particular bill. And, in order to do that, we have to be able to

proceed in what I consider to be a more sensible manner.

So, in closing, because I had not intended to speak the full 40 minutes on this, in closing I would ask the Attorney-General, I would ask the colleagues on his side I would implore them if I were the imploring type, but I am not, Mr. Speaker I would ask them to withdraw this Bill 90 to allow an opportunity for discussion; to allow an opportunity for examination; to allow us to take this to our constituents, who will be affected by it; to allow members on the government side to take it to their constituents, who will be affected by it, because that is part of their job as well as ours; to be able to develop an analysis on it; to review the literature that accompanies it, that the Minister has made reference to; to review the principle; to review the details, in fact, to do those things that we normally do with all pieces of legislation of significance that come before this House. And, by doing so, I can assure the Attorney-General that we will make his very difficult job easier still. And if anyone needs help at this time, it is the Attorney-General, who has been saddled with a number of responsibilities which have obviously . . . (Interjection) The member said he has broad shoulders and indeed, he does; he is trying his best and he is doing, at times, a credible job. But, at other times, he is just too tired to deal with this type of legislation. It is no fault on him. We all get tired from time to time; we all get discouraged from time to time; we all look around us to see our support and it is gone from time to time; we all get disappointed by the fact that we are not getting the type of co-operation that we should. And, knowing that, knowing that is happening to the Attorney-General, I would hope that he would wish to lessen his load; I would hope that he would wish to lessen the load of the opposition right now, which is tiring also.

I'll be honest, Mr. Speaker, Bill 90 is not going to help us in any way. Having to review this Act and having to speak to this Act is not going to make us a better opposition in any way whatsoever this session. But, if we are allowed ample opportunity, if we are allowed a sensible time period to deal with it, we will, as a better opposition, be able to perhaps make them just a little bit better government, not good enough to get re-elected, but just good enough not to totally destroy all the hard work that we put in during eight years in government. Thank you, Mr. Speaker.

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

**MR. JOHNSTON:** Thank you, Mr. Speaker. There is no question that Bill 90 is a very important bill; there is no question that it has been worked on for a long time and the construction industry, generally, in the Province of Manitoba have met with many of the government members and I have attended a meeting myself with the construction industry and many of the government members who were in attendance. But tonight, Mr. Speaker, the Member for St. Johns has purposely whipped up a frenzy because he found the opportunity to do something he wanted to do. When he was told this morning by the House Leader that this bill was going to be introduced and there

was no pressure on it, he was told that this morning. It wouldn't have mattered whether the Attorney-General presented it and said I am pulling it, and it wouldn't have mattered whether the Attorney-General said, I suggest it is on the Order Paper, have it adjourned and, as the Minister of Government Services said, there is no pressure until it is called again, it wouldn't have mattered what was said, Mr. Speaker, because the Member for St. Johns, with his sarcastic, syrupy manner which he always does, chose to go after the Attorney-General and, for one reason only, then line up his speakers of that side of the House so as to speak all night. And the one reason only, Mr. Speaker, is this: They have been asking for two days to have The Election Act moved over, they have been asking to have it referred to Committee; now they are actually insinuating, the Member for Logan, that maybe the Attorney-General shouldn't be attending conferences, with his snide remarks. In fact, I am raising my voice and I thought after 10 years I'd learned not to; obviously, the Member for Logan hasn't.

But, Mr. Speaker, they don't want to speak on The Election Act tonight. They know that the Attorney-General is going out of town tomorrow morning and will not be back by Friday. They will stand up all next week and criticize the fact that he is not here and they can't talk about it, so it should be held over. They don't want that bill called tonight and the Member for St. Johns, with his leader, who has no basic reason for being call the leader whatsoever, they are sitting there joking about the whole situation at the present time and for one reason only, one reason only, Mr. Speaker.

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

**MR. WALDING:** Yes, Mr. Speaker, further to the remarks that the Minister just made, I think it should be pointed out to him that the Leader of the Opposition is the member recognized by the Speaker as the Leader of the Opposition.

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

**MR. JOHNSTON:** The Honourable Member for St. Vital is also playing games like the rest of them. I have been called worse than that, as a Minister, by the opposite side, Mr. Speaker, and it doesn't bother me, but anyway they choose to bring it up.

But, Mr. Speaker, the Member for St. Boniface was going to get up and adjourn the debate tonight and the Member for St. Johns said, don't, don't, what do you want to do that for? (Interjection) Well, that was my impression, you leaned over and spoke to him. Fine.

Then the Member for Churchill, who got up with his sorrowful eyes and went on about how we would change government and everything else, and how he would make us a better government, three times said, I'm finished, I'm going to sit down, but kept on going, Mr. Speaker.

Mr. Speaker, let's make it very clear. The opposition haven't got the guts to talk about The Election Act tonight. They are going to use this as an excuse not to have it called tonight. It wouldn't matter who adjourned it or not, they will still speak

on the bill because that is their plans, because they know the Attorney-General is going away tomorrow morning and they are going to complain all week; and the Leader of the Opposition is going to get up every question period and say . . .

**MR. SPEAKER:** Order please, order please. I have chastized other members of this Chamber for not sticking to the subject matter of the Bill; I would ask the Honourable Minister to stay to the subject matter of the Bill before us. Bill No. 90.

**MR. JOHNSTON:** Mr. Speaker, it's a very important bill and the construction industry do want to see this passed. Cash flow at the present time is very important. Quite frankly, Mr. Speaker, the bill is in a state that can be looked at, can be gone back and spoken to. You can call in your constituents. That's the usual old tear-jerking statement when something like this came up. But, Mr. Speaker, the fact still remains tomorrow morning, after the opposition have made sure The Elections Act will not be called tonight, I will guarantee that the Leader of the Opposition will get up and say to the House Leader, or say to the Minister of Finance, the First Minister, would you please put it over to Committee; and the excuse will be that the Attorney-General is not here. But they haven't got the guts to talk about it tonight, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for St. Johns on a point of order.

**MR. CHERNIACK:** Yes, Mr. Speaker. You have told us that one can raise the matter of clarification after a speaker has ended. Mr. Speaker, I want to point out that this Minister has falsely and maliciously attributed motives which are not at all evident on this side. The fact, Mr. Speaker, is that the House Leader, whoever he happens to be at the time, called this Bill ahead of any other bills and it was . . .

**MR. SPEAKER:** Order please. We cannot have two points of order at the same time.

**A MEMBER:** He's on a point of clarification, Mr. Speaker, not a point of order.

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

**MR. CHERNIACK:** Mr. Speaker, as I understand it, there is no such thing as a point of clarification.

Mr. Speaker, I speak on a point of order, as you know, and as the Honourable Minister doesn't know. The point I am making is that the House Leader chose to deal with this bill first and the Attorney-General, who interrupted me, did not, after his interruption, make it clear that he would withdraw the bill, but rather said that if a substantial number of opposition people are not prepared to deal with it, it doesn't have to go on. The point made by the honourable the Minister of Finance was that the courteous thing to do is to withdraw the bill and that is all the point that we were making. So I am saying, Mr. Speaker, the Minister for Economic Affairs falsely and maliciously attributed motives on this side, and to me personally, which he had no right to do.

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

**MR. JOHNSTON:** On the point of order, Mr. Speaker. The Minister introduced the bill, it was called, the House Leader informed the members on the other side that it was not going to be going on, and the Minister sat down after he introduced it, and after there was a bunch of sarcasm, he explained his position but it still carried on. And that's the reason it carried on.

**MR. SPEAKER:** The Honourable Member for St. Johns on a point of order.

**MR. CHERNIACK:** Thank you, Mr. Speaker. I want to clarify what I said earlier and that is that the Honourable the Acting House Leader, let's say the Minister of Consumer Affairs, told me this morning this would not be proceeded with. I listened carefully to the House Leader, who did not say it would not be proceeded with. He left it with the House for debate and when he interrupted me he still didn't say what the Honourable the Minister of Consumer Affairs said. Mr. Speaker, I have never had occasion to doubt a commitment made by the Minister of Consumer Affairs, and had the Attorney-General, who is the House Leader, had he not stated, as he should have, that the bill would be withdrawn or would not be proceeded with, then it would not have been a problem. He did not say it; he did not say it publicly, but I was told . . .

**MR. SPEAKER:** Order, order please, order please. We are now getting into an argument, rather than a point of order.

The Honourable Member for Roblin on the point of order.

**MR. MCKENZIE:** Mr. Speaker, as a member of this Legislature, sent here by the people of the province to look after the business of this province, I move, seconded by the Member for Rock Lake, that debate be adjourned.

**MR. SPEAKER:** The Honourable Member for St. Boniface on a point of order.

Does the honourable member wish to speak on the bill?

**MR. DESJARDINS:** I am not getting up on a point of order. I think there has been too many of them that were false points of order. I'd like to speak in this debate.

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

**MR. DESJARDINS:** Mr. Speaker, if there was once in 22 years that I have been kind of embarrassed sitting in this House, it's been tonight, and there was no need for that at all, if the Attorney-General had not tried to be a smart alex. It was said a while ago that I was ready to move an adjournment, and that's true. It was said that the Member for St. Johns told me not to; that is not true. I didn't talk to the member at all.

Now, Mr. Speaker, I am satisfied that it's not going to be called, and I think that this thing should come

to an end. But after listening to some of the speeches, and some of them I've heard from the speakers in the caucus room, I'd like to put a few things on record.

It would have been very very simple for the Minister to get up; if he wanted to introduce it, introduce it; if he wanted to speak, speak. Of course it must have been in his mind if he had no intention of calling it again, to say so, to say so in an ordinary civil manner. He could have said, well, I wanted to provide you people with time to study this bill, but it is not my intention to either withdraw it or, I don't care, I would have been fully satisfied if he would have said it is not my intention to call this anymore, it won't be called this session.

But that wasn't done at all. We were led to believe that this would happen, now nothing happened. Then my colleague, who spoke on it, was kind of concerned because we didn't know. The Minister had not said anything; we had heard from the Acting House Leader that this wouldn't be proceeded with.

Now, the member got up on a point of order that was not a point of order, and in this cavalier talking about sarcasm sarcastic way, saying: Well, if you are not satisfied, if you can't do it, although the Law Reform Committee said that it should be done, and so on, well fine. In other words, he tried to blame us, and this is what started it. This is what we didn't like. And then, when I felt, well all right we've got the insurance now, everything is fine, then the Minister of Government Services got up and made the most asinine, while looking at the crowd and accusing people of playing to the gallery, and nobody is better at it than he is, Mr. Speaker.

**MR. SPEAKER:** Order, order please, order please. It is the responsibility of the Speaker to protect all members of this Chamber, both government and opposition, whether they be in the Chamber or not. The honourable member has imputed motives to the Honourable Minister of Government Services, and I would ask him to withdraw.

**MR. DESJARDINS:** Mr. Speaker, I don't intend to withdraw. That member got up in front of you, in front of you, and he made the statement, he said that we played for the crowd. If you think you're going to get me to withdraw it when he hasn't, you've got another guess coming.

**MR. SPEAKER:** Order please. When members are in this Chamber they have the right to protected themselves. In their absence, that responsibility belongs with the Speaker. I have asked the honourable member to consider what he has said, and asked him to withdraw his remarks against a member who is not present in this Chamber.

The Honourable Member for St. Boniface.

**MR. DESJARDINS:** Mr. Speaker, first of all, the Speaker got up, and there were some members who were absent, and he said that we played to the gallery. And he looked at the gallery and he said that we played to the gallery, that was all that we were interested in. What I said is that if anybody plays to the gallery, he is the best. And I don't see anything that I should withdraw. And you say that he is not here; that's not my fault. If you want to go and drag

him out, I'll wait, and I'll say it to his face. But that is the first time that I have heard that you're supposed to protect somebody; that he can make a statement, run out of the House, and then you're going to protect him. If he hasn't got the guts to stay here and stand behind his statement and defend himself, I don't think it is your duty to defend him.

**MR. SPEAKER:** Order please, order please, order please. It's very unparliamentary for members to refer to the presence or absence of members of this Chamber, and I would ask the honourable member to consider carefully what he has said. There is, if the honourable member wishes me to refer to Beauchesne, I have asked him to consider what he has said and to retract what he has said about the honourable member.

The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, perhaps memories can be faded by the progress of the evening, but during the course of this evening the Member for Lakeside, the Minister of Government Services, got up and said that the members of the Opposition were playing to the gallery and there was no reference . . . I really don't consider the remarks to be unparliamentary, but let's take it at its worst, which the Speaker wishes to take it at, but that is what he said. The Member for St. Boniface, some hour-and-a-half later, got up and said that the Minister of Government Services is the best at playing to the gallery. The Speaker at that point said, "It is my duty to protect all members of the House and I ask the member to withdraw that remark".

Now, I ask you to consider, Mr. Speaker, perhaps it was forgotten that that remark was made earlier in the evening. But it seems to me, Mr. Speaker, that you're going to have a very difficult time getting a member to withdraw a remark which was alleged at him earlier in the evening, without protest, and then tell him that he must withdraw, on the other side. I would ask, Mr. Speaker, that you reflect on it yourself, that this was said earlier in the evening to members of the opposition and perhaps if it had been checked at that time it would have not have evoked a response, although, Mr. Speaker, I do want to indicate that I do not consider it an unparliamentary remark, without reflecting on your ruling. I do think that it's going to be a matter of great difficulty for members to support the justice of a ruling which says that one member in the House can accuse others of playing to the gallery but the reverse allegation cannot be made on the opposite side.

Mr. Speaker, I would, notwithstanding that you did, and without intervention on the part of any honourable member asking you to do it, you did indicate that you thought it was a remark that should be withdrawn, I would respectfully request that you consider, check Hansard overnight to see whether the Member for St. Boniface was merely responding to the exact remark made earlier in the evening by another member, without intervention by anybody.

**MR. SPEAKER:** I thank the Honourable Member for Inkster, and I will take the matter under advisement and check Hansard.

The Honourable Member for St. Johns.

**MR. CHERNIACK:** Thank you, Mr. Speaker. I appreciate your taking this matter under advisement. I hope there are two other points you could take under advisement. Firstly, the Minister of Economic Affairs attributed motives to me which I think he had no right to do, and I did rise and you did not ask him to withdraw. I wish you would look at what he said to see whether or not he should be asked to withdraw.

Secondly, Mr. Speaker, one other matter. You reprimanded the Member for St. Boniface for saying that the Minister of Government Services was out of the Chamber. I hope you will check the record and I think you will find, Mr. Speaker, that you were the one who first referred to that fact.

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

**MR. RANSOM:** Yes, Mr. Speaker, on the same point of order. The Honourable Member for Inkster drew an analogy which was not an accurate analogy. He said that the situation when the Member for St. Boniface was speaking and attributing motives to the Minister of Government Services saying that he was playing to the gallery is a specific allegation against an individual member, Mr. Speaker. The reference that the Minister of Government Services had made earlier was a general reference to the members of the opposition, none of whom rose to take exception to it.

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

**MR. DESJARDINS:** Mr. Speaker, the point that I was trying to make was that I certainly was willing to adjourn this debate, because I thought it had gone long enough. But then there were certain things said that I took exception to and, unfortunately, you can't suggest or you can't move that the debate be adjourned and then put certain things on the record. I wanted to make a few things quite clear.

First of all, that I was never discouraged or told not to adjourn this motion. That certainly wasn't the case. And to help my friend, I think I know to what the Minister is referring. First of all, there is so much dislike for the Member for St. Johns that the Member for St. Johns wasn't involved in that at all, it was the member to my immediate right, and I suggest when I saw that there was a parade of people leaving, I said, I should move an adjournment in the House, and he said, oh, there is no point, that is just going to prolong it. That's where the thing was said, on that motion. So it wasn't on the question of Bill 90.

Now on Bill 90 I also want to say that I am not insisting that the Minister withdraw it, but I said that he should have done it in a civil way in this House. He could have made a speech and said, well, now, it is not my intention, unless you insist that you want to go, but it is not my intention to go in; I'm going to leave this between sessions, as the Minister of Finance said on another debate earlier. It is immaterial should he withdraw it or leave it on, providing that it is a clear indication that this will not be called again. I was ready to accept that.

I think that most of the credit, if you want to call it credit, for this long debate belongs to the Attorney-

General because of his cavalier way, because he wasn't prepared in his remarks, and he had to interrupt a speech to make that statement. And then, as I said, I thought well, all right, I'm satisfied that he has finally made the motion, and then the Minister of Government Services got up. He is in the House now and I think he could protect himself, and I am going to say that he accused us of playing to the gallery and I say he is the best in the House at playing to the gallery. He looks all over the place to make sure they were here, he made his pitch and then he walked out.

What he said was ridiculous. What he said (Interjection) You see, Mr. Speaker, you were going to defend him and he knows that I am right, Mr. Speaker; he knows that I am right, and you were going to defend him. So I don't think you have to bother reading Hansard. I think the answer is here.

Now, Mr. Speaker, why I say it was ridiculous is because (Interjection) No, I am speaking to Bill 90. What he said, Mr. Speaker, was this, and it's true, he said: You adjourn it. Then you wait and see. If we don't call it, then that's it.

Does he realize what he is asking us in a Speed-up motion, where there is supposed to be co-operation? Co-operate to help the Minister, for instance, the Attorney-General, who is running back and forth. I am not suggesting that he shouldn't attend these meetings but that doesn't mean that we're going to forget to represent Manitoba and we're going to rush into certain things once a week, to do certain things, because he is not going to be there for a week. You know, when you say you've got to be responsible, well, shouldn't he attend the meeting. Now, that's not it. If you can attend the meetings and accept his first responsibility during the session is here, fine, we can have this co-operation. Now the Minister of Government Services said, well, you just wait, maybe we won't call it. I'm saying that I didn't like because that is not fair, because you should say, when we're meeting morning, afternoon and evening, I think that it is clear to say we're not going to call it, but not, wait, we're going to prepare, call caucuses, decide who the speakers are, prepare speeches and then you're going to call another bill we won't be ready for. Now that's the part that I say is ridiculous and then, Mr. Speaker . . .

**MR. SPEAKER:** Order, order please. Order please. If honourable members care to carry on private conversations, I wish they would do it outside this Chamber. I find it difficult to hear the words of the Honourable Member for St. Boniface.

The Honourable Member for St. Boniface.

**MR. DESJARDINS:** I certainly don't intend to prolong this. I just want to make another statement. Then it was said that we were using that to cover Bill 96 and that is very unfair. We don't have to hide to say that we're not ready to pass 96 today. It's a very important bill; it's a ridiculous bill. There's ridiculous amendments. That's one bill, if there's so much co-operation and if it's always left to the members of the opposition, we are requesting today that you do the same thing with Bill 96. The member is not here and I don't know what I'm supposed to do. I don't know if I can address myself to that empty chair when he's not here or somebody will have to defend

the empty chair. I don't know but, nevertheless, I say, Mr. Speaker, that this is a bill that if you want, keep it for six months. There is so much co-operation and if it's up to the opposition, we are imploring them to wait on this one. If not, there is no way that we're going to rush, no way. We don't need Bill 90. We got a lot of ways. There is no way that we're going to rush into this, pass the second reading tonight, pass committee tonight and pass third reading tonight so he can be on that plane tomorrow. No way and we don't need Bill 90 for that at all, Mr. Speaker. Now, I hope I didn't show the example, I hope that somebody will get up and adjourn this damn bill, that we can get down to something else.

**MOTION presented and carried.**

## **BILL NO. 95 THE ELECTIONS ACT**

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

**MR. COWAN:** Thank you, Mr. Speaker. I can only assure the Minister of Industry and Commerce that I had not intended to enter the last debate in order to forestall my speaking responsibility on this debate. As a matter of fact, I would have liked to have spoken to this debate much quicker, but the fact is, I believe the issue at hand in the last debate on Bill 90, was important enough to put a few thoughts and comments on the record.

In speaking to the bill that's before us, The Election Act, I want to speak to it in some very specific terms, rather than in the broad philosophical sense. Primarily for the reason that my colleagues have gone through the philosophical arguments as well as I could and put on the record, I believe, all that is necessary to have put on the record before this bill is sent to committee, although there may be others that may feel that they have additions that they want to make to the debate at that time.

But I would like to talk specifically to the problems with the bill that's before us in regard to northern Manitoba, because this bill was not written with northern Manitoba in mind and, therefore, there are some changes in it that, while do not worsen the conditions from the previous Act, do not better the conditions. When one goes through the trouble and one takes the time to review an existing piece of legislation and to try to make it a better piece of legislation and I believe that is what the government has attempted to do in this regard then one should take into consideration failings of the previous Act which should not be continued.

The one, particularly, that I'd like to speak to is the notification procedures that are outlined in the bill before us. What the notification procedures do and I'm speaking specifically about the proclamation of an election, the revision, the lists of nominated candidates, all the official notices that go out, the government relies very heavily upon the printed media, the papers, to carry those notices out to the citizenry that is most affected by them. While that is a very sufficient system for those areas that received papers on the day they are published, and for those areas that receive papers at all, it does not work in

much of my constituency. I'm talking in particular now about a number of communities that don't receive the papers until one, two or three days after they have been published, because of transportation difficulties; and I'm talking about a number of communities, of which there are a significant number that do not receive the papers at all. We're talking, in particular, in specific, about reserve communities and Metis communities. They just don't get the daily papers. There is no distribution system for the daily papers in those communities whatsoever. So if the government is going to rely upon those papers to carry the message, as far and as wide as it should, then they are going to be missing a substantial part of the north. I would suggest to them that, while reviewing this Act and while making the changes, and perhaps they can bring amendments forward, that they include in the notification procedure use of the electronic media use of radio media, because those are the types of media that get into those particular communities.

There are very few communities now that do not have access to CBC and there are very few communities right now that do not, even fewer, as a matter of fact, that do not have access to a local radio station. I would suggest that if the government were to develop mechanisms to use that particular type of media to carry the message forward, they will, in fact, be increasing the opportunity for a large number of northern residents to be made aware of not only the election but to be made aware of the nominated candidates and to be made aware of the revisions, etc. I've had the experience, as has any member who represents northern Manitoba, of going into a community midway through the election and finding out that people in that community, through no fault of their own, had very little knowledge that the election had been called or what had gone on in the election because the government, in the past, had relied specifically on the printed media to make their message known. In this day and age, when we have access to the electronic media that we do, when we have developed that technology to the extent that we have, there is no reason not to use it. So I make that suggestion to the Minister and would hope that he would bear that in mind when we do get into the committee.

Also, in making those announcements, I would suggest that there are a large number of persons in northern Manitoba who don't understand English very well or who don't speak English or French very well and, in fact, rely upon their traditional languages whether they be Cree, Ojibway, Saukteaux, or other, Chipewyan. The fact is that I would hope that the Minister, recognizing that their right to the franchise, and recognizing that they should be made as aware as is possible of the procedures of the election, of the official occurrences within the election, that he would put forward materials in their language. I would make that suggestion to him.

I know when we campaigned we many times, when we can get the translation facilities available to us, do exactly that so that they can understand better the platform that we are campaigning upon and I would hope that the government would use this opportunity, the revision of this Act, to put in place mechanisms, to put in place legislative authority and, as a matter of fact, to put in place a legislative

obligation to acknowledge the fact that many people in northern Manitoba speak languages other than the two official languages and that whole communities speak those languages; and try to build into the Act mechanisms to better enable them to be the good citizens that they would hope to be. So I make those two suggestions to the Minister.

In regard to polling lists and the posting of polling lists, I note that the Act says that the polling lists should be posted in a conspicuous spot outside of the polling station. I believe, if my memory serves me correct, that is how the Act reads. I would suggest to the Minister that there has been brought to my attention in the past and I am certain it's been brought to other members' attention some concerns on the part of single women, and some concerns on the part of single persons, that do not wish to have their address published in such a conspicuous place, that do not wish to have that information about them posted in such a conspicuous place. I realize that the Attorney-General has to weigh the responsibilities to make that list public and the responsibilities to protect the interests of those persons. But I would suggest that a compromise can be worked out and that is, perhaps, have that list posted in the LGD office or have it posted just inside a building where a person who wanted to use that list for purposes other than which it is intended feel somewhat awkward and ill at ease in going up there and jotting down names and addresses and, therefore, might imbalance, correct the situation that is perhaps not entirely correctable, but certainly is a situation that demands some attention on the part of the Minister. This is a very real concern; it's tragic. It's unfortunate that our society is such that that concern does exist but I'm certain that the Minister will agree with me and I would imagine that he's had representation to the fact that there is such a concern and that it is, indeed, an important one to those individuals that bring it forward.

There is no need to put them through the agony of fear or the agony of concern or nervousness if one can develop mechanisms whereby they can, by posting the list inside a building or posting a list in a less public place, although still allowing to be accessible to the public, can thereby alleviate some of that concern and fear. I give that suggestion also to the Minister, and while it is not a suggestion that is specific to the north, it is a problem in the north as well as in the south.

I would like to address my remarks very briefly to the fact that there is a provision in this Act for the Chief Electoral Officer to be retired; in respect to The Civil Service Superannuation Act, again, we have mandatory retirement being written into legislation at a time when the Attorney-General, and it is his piece of legislation, assures us that he would wish to see some changes made in that regard. I'm not going to speak at any great length to that. I know that the case to which we have addressed ourselves on many occasions previously is now in the appeal process and would suggest, while we await that particular case, we do not build into our Act or into the legislation that is brought before us, any more provisions for mandatory retirements. So I bring that particular item to the attention of the Attorney-General.

I'd also like to make some comments in regard to what I consider to be a restrictive tightening up of the vouching procedures. I believe in the Minister's explanatory notes he mentioned that they are, in fact, restricting the ability of a person to vouch. In northern Manitoba, where many times the lists themselves are not up to the par that they are in southern Manitoba, vouching becomes a very important part of the election day. By tightening up, I would suspect that the Minister is going to inadvertently disenfranchise people who might wish to vote. I know we've talked about wholesale disenfranchisement of certain individuals in the society and I note that the Minister has indicated that he wants this Election Act to come forward to be able to provide people with a better and easier opportunity to vote; and yet this particular provision in it is going to do exactly opposite, at least, in my constituency and I would suggest that it will do so in many rural parts of the province and in many parts of the city also. So I can only suggest to the Minister that he review that particular section, that he review that particular process and try to come forward with a more applicable system of vouching that will enable any person who wants to vote to be able to vote if they, in fact, have a legal right to vote.

I'm afraid that the way the Act is written now, that they may have a legal right to vote, and because of the restrictiveness of the new section on being able to vouch for another individual, they will not enjoy that right to vote. It's too late after the election to go back and allow them the opportunity. Once missed, it is missed until the next election. So I would suggest that they make it very explicit and very plain, the procedures, and in fact loosen them up a bit so that those persons who have a legal right and a desire may, in fact, vote.

Finally, I would bring to the Minister's attention the provisions in the bill in regard to hospitals and enlarging the requirement for the number of beds. That, I believe, is going to work to the detriment of the north again and to many of the rural areas, due to the fact that many of those hospitals are small hospitals with just a few beds in them, eight beds, ten beds, fifteen beds, and they have always had polls before. Given the provisions in this piece of legislation for moving polls in northern Manitoba, in a constituency, such as mine, it will become unworkable. The moving of ballot boxes to be taken from hospital to hospital; the moving poll is to be taken from hospital to hospital. Well, hospitals in many instances are 60, 70 miles apart, 200, 300 miles apart, and I may be reading the legislation incorrectly, but I believe my analysis of it is that that is an area that needs clarification. It's a technicality and it's a minor area, but it would be physically impossible to move polls from hospital to hospital in the northern parts of the province and yet the provisions and the tightening up in respect to hospitals would call upon that process to be implemented.

Having said those specific items, Mr. Speaker, I don't wish to prolong the debate. I would hope that the Minister would review those items. I would hope that the Attorney-General would take into consideration some of the concerns I've brought forward and if, in fact, I have misinterpreted the legislation, I am certain that he will notify me; if I

have not, I would ask that he does make some provision to, No. 1: extend the media publications of the official notices of the election, including the proclamation, the list of nominated candidates and revision dates, etc. etc.; extend them by using the electronic media, where it is necessary; extend them by putting them in a language of the community, the traditional language of the community as well as in English and French. I would hope that he would direct his attention to the problems that are sometimes created by public posting of polling lists; again the mandatory requirement provisions of the Chief Electoral Officer, I believe are out of keeping with the time in which we live, and I would certainly hope that the vouching procedures would be reviewed so that it is ensured that we are not inadvertently, disenfranchising some of those who may wish to vote.

Having said those, Mr. Speaker, I leave the debate for whomever might wish to participate in it after me.

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

**MRS. WESTBURY:** Thank you, Mr. Speaker. Mr. Speaker, in addressing this Bill 95, I want to begin by making some comments on the proposed election commission and, as I said earlier in the day, our party is absolutely opposed to having a partisan election commission established and would ask that this be made a non-partisan election commission and particularly able to represent all of those equally who desire to run and who are competent and capable of running in the election campaign, rather than having representation only from those parties which have four or more members in the Legislature, Mr. Speaker.

Now in his opening remarks in introducing this bill, the Minister made the statement, wherever possible, Mr. Speaker, Bill 95 attempts to make it easier for voters to participate in the electoral process. Unfortunately, he then goes on to enunciate the many ways in which people are going to be prevented from voting or in which it's going to be made more difficult for them to vote. I'm quite concerned about this and I would just like to add to some of the other remarks that have been made during the course of this debate, and perhaps draw to the Minister's attention some of those who are going to be prevented from voting under the provisions of this bill if it proceeds.

There's the requirement under British subjects. It says British subjects have always been allowed to vote in Manitoba, Mr. Speaker, and in fact when I came here I was a British subject and was allowed to vote in the elections until I became a Canadian citizen. Mr. Speaker, as I'm sure you're aware and I'm sure everybody in the House knows now, that many of the Commonwealth countries now have a provision where unless a person actually renounces the land of their birth, on taking citizenship of another country, one becomes a dual citizen and that applies with a number of the Commonwealth countries, including the country from which I came.

I wanted to refer, as someone did earlier today, to the thousands of war brides who are here. My mother-in-law was a war bride; she came here after the First World War and lived here until her death.

And there are hundreds if not thousands of war brides still in Manitoba, Mr. Speaker, who came here with their husbands, believing that they could live here under the same conditions as they lived in Britain, and that they would have the same rights as they had in Britain, to vote and to participate, without actually having to change their primary allegiance, Mr. Speaker, and I think it would be a mistake for us to take that away from these people, who have come here and served our country in so many capacities, and so well. Also hundreds of veterans immigrated from Britain and other Commonwealth countries, Mr. Speaker, after both wars, and have taken up residence here, and for one reason and another have not taken out their citizenship. Some of these people are quite elderly now, Mr. Speaker, and I wonder if it's really right and fair that they should have taken away from them the right to participate in the electoral process.

I want to refer to some people who have come from other Commonwealth countries and who will be familiar to some of the honourable members around this chamber. Those men, airforce men who came here with the Commonwealth Air Training Scheme. A number of them from Australia and New Zealand and other Commonwealth countries married young Canadian women and after the war they came back here and settled here. Now most of those people have taken out their citizenship, Mr. Speaker, but for those that have not, are we now going to change the rules on them; it looks as though we are. I would ask that the Minister have another look at that and just decide whether in fact he wants to change the rules for some of these people in their halfway through the contract you might say, and whether it wouldn't in fact be fair to let them continue to vote as they have in the past, Mr. Speaker. I believe it would be fair.

Now, I was interested in the provision that the Chief Electoral Officer may remove from office and replace any election officer, and then in his opening remarks, the Minister defined the election officers, which includes everyone from a returning officer to a poll clerk. I wonder under what circumstances he can force somebody to resign or be replaced? We've had some horrendous situations coming up in the more than 20 years that I've been working as a volunteer in election campaigns, Mr. Speaker. In a very recent campaign we had an instance where the returning officer for a constituency didn't even have his office within the boundaries of the constituency. And in the by-elections there were really some awful situations developing and grossly unfair to the voting public. I would be interested in hearing what sort of regulations will be imposed relative to this portion of the bill, so that we can know what they're talking about when they talk of removing an election officer.

Mr. Speaker, the remarks, if I may just refer to them: The Chief Electoral Officer may also remove from office and replace any election officer for a number of reasons, including and I'll skip a few words the involvement of an election officer in partisan, political activities. And then the definition becomes a deputy returning officer and a poll clerk. Are they really going to suggest that a DRO and a poll clerk can not have taken any part in the partisan political process, because that's a change in the rules. This was not spelled out very clearly. I certainly

agree that on election day they must be non-partisan, but how are they going to insist that every poll clerk and every DRO be non-partisan throughout the election campaign?

He goes on, where the Chief Electoral Officer removes an election officer, he is required to submit a written report. Can you imagine 57 poll clerks and DRO's being replaced and a written report coming two or three weeks after election day; can you imagine the schmozzle that election day could become? I think perhaps we'd better have another look at that, Mr. Speaker.

Now, I approve of the change in advance poll, so that one can be held on a Saturday after nomination day. The effect of this change as the Minister says, being to widen the opportunity for voters. However, I think that there needs to be vastly improved advanced poll process and I, in fact, would like to see the advance poll held throughout the period of the election campaign from nomination day onwards. And I'm not suggesting that another office, another staff be employed in order for that to happen, I believe that the trickle would come in such a way right up until the week or ten days before the election, that it could be done in the Returning Officer's own office.

I would like to suggest to the Minister that his government consider a widely expanded advance poll. This especially happens when we get into the summer months, or even January and February, when so many people are on vacation. We've all suffered through that, Mr. Speaker, through the appalling situation where we find so many of our supporters are going away, just two or three days before the advance poll is open. Now I think it would be a kindness and it would be fair for us to have the advance poll open from, say, the day after the nomination day, right through until just before election day.

Now, reference has been made to the voters' list. I would like to suggest that not only should perhaps in some areas the voters' list be placed in a different place, but it be made of some less easily destroyed material. The paper on which it's typed now placed on telephone poles, close to somewhere in the poll, I think is the regulation, it's so easily torn, and this is an annoyance to people who want to check it out. It can be destroyed by the weather, it can be destroyed by vandals and it can just be accidentally torn because the paper is quite fragile. So I would like to suggest that the Chief Electoral Officer have a look at changing that to some more permanent material, Mr. Speaker.

Now, the Member for Churchill made reference to the fears that are engendered in some single women, through having their addresses set out on these voters' lists. It's also the full name that bothers them. And this had been mentioned to me by a number of people. They feel that this is an advertisement of where there are apartments or houses with single women, or women where there is no adult male in the house, or no other adult in the residence. And I think that's a legitimate concern, Mr. Speaker. I have in the past tried to reassure them that there was no way of knowing, that there wasn't a person there who was perhaps not a British subject, or Canadian citizen, that nobody planning mischief could really take that as a firm commitment that there was only a



single woman in the House, but those reassurances do not seem to allay their fears, Mr. Speaker. I think the Member for Churchill had a legitimate concern there, and I would ask that not only the matter of having the address published, should be looked at, but the full name of the individual. I believe in the federal elections now, it's only required that initials be published. That was, I believe, brought in last year.

Mr. Speaker, I must say that I am one of those who is rather partial to the introduction of a permanent voters' list. We have had some really appalling instances of enumeration in past years, where whole blocks, not only apartment blocks, city blocks have been omitted in the city, from the voters' list. Many many people have been left off and I really would prefer a permanent voters' list with individuals having the responsibility to go to a place and make the changes that are required, ensure that their name is in order.

Failing that, I believe we should go to the federal system of having two enumerators. Unfortunately, none of us are perfect and we do seem to have every time, every election in the city, instances where the single enumerator just does not complete the work satisfactorily and too many people suffer. Too many people are inconvenienced by that apparent incompetence or lack of knowledge on the part of the enumerator. So I would like to suggest that there should be two enumerators, one representing the government party and the other representing that party which has the other highest vote, the highest vote other than the government party. This is if, in fact, the Minister was sincere in his initial remark that Bill 95 attempts to make it easier for voters to participate in the electoral process. That's what I'm talking about, Mr. Speaker.

I'm really quite concerned about the requirement that if somebody is unable to have a name added to the list because of sickness they are unable to attend, that it has to be a relative who appears before the revising officer and adds that person's name to the list. There are an awful lot of people in the city, Mr. Speaker, who have no relatives by blood or marriage. The Minister referred to a relative by blood or marriage. I would suggest that anyone authorized by the voter to attend to represent him or her should have the right to do so. Again, by requiring that it be a relative, we are discriminating in fact, particularly against some elderly widows and elderly retired people who have lost contact with their families and whose families, indeed, may have scattered across Canada. Strangely, we have to have a relative to add a name, but anybody can apply to have a name struck off the list. Again, it seems that it's easier to deny someone the right to vote than it is to give someone the right to vote who is in danger of losing that right.

I have no quarrel with the Appeal from Revision being abolished and referred instead to a county court or a provincial court judge. That seems to me like a good provision. In the matter of the hospital polls, I think that perhaps in the rural areas, as is being requested by the Member for Churchill, I think perhaps the Minister should have another look again at that, because certainly it makes a lot of sense that if the hospitals are so far apart, you could hardly have someone with a travelling ballot box going

around and I think, perhaps, there should be a different rule there for the rural areas than the rule in the city.

One of the things that's long bothered me about hospital and other polls, Mr. Speaker, is the requirement of the DRO to ensure that the voter is mentally competent. I have often wondered how a DRO is really herself or himself competent to judge that. I was hoping that there would be some clarification of mental competency in the Act, because I know very well that people who are working in the polls often suffer a great deal of anxiety over the question of whether they should be challenging someone on their competence. I think, perhaps, it's time that the Minister clarified that particular provision and perhaps, if he's bringing in amendments next year, he can look into that and obtain some expert advice on how mental competency can be fairly evaluated.

I have friends who strongly object to being handed the ballots and then having to go and place their X and give the marked ballot back to the DRO or the poll clerk, whichever it is. They feel that they should not have to hand that ballot to any other person, that they should themselves be allowed to place it in the box. Surely, that makes quite a bit of sense, Mr. Speaker. I wonder why the DRO, in fact, does demand that the ballot be handed back to that officer instead of the voter being allowed to put it right into the ballot box himself or herself, Mr. Speaker. I hope that the Minister will explain why that must be done, why he can't change that rule, and why people have to be annoyed by this little confrontation that goes on so often and scrutineers observe this that goes on so often at the poll which is really just an annoyance to the voter, who does not want to hand his marked ballot to anybody.

I'm delighted that they're now going to let the DRO carry the ballot box 50 metres away from a building in order to help a disabled voter to vote. You know, every election campaign we have polls in the various churches in Fort Rouge that have a number of stairs and it's virtually impossible for a lot of our people to get up and down those stairs. The DROs are always asked to please carry the box to the top of the stairs and, of course, they're not permitted to. So I'm just delighted that that is in and I congratulate the Minister for changing that provision. The provision for blind voters, I presume, has been done on the advice of people qualified to advise on matters of blindness and voting so that these people also, for the first time, can have a secret ballot.

Mr. Speaker, I wonder why the Minister has changed the provision allowing a returning officer to rule on whether the ballots should be rejected or counted. Is it because his experience has shown him that this is not a fair way of handling the count or, you know, why has that provision been changed so that the decision on whether a ballot will be counted or rejected? Well, the DRO's ruling, I should say, is subject only to the decision of a judge at a judicial recount or the Court of Appeal as an appeal from the judicial recount. Can the Minister explain why he's included that change, please, Mr. Speaker?

I will support the bill. My reservations, I hope, will be accepted by the Minister and perhaps looked at in committee and for third reading or even at the

next session, Mr. Speaker. I'm pleased that an effort has been made to make it easier for voters to participate in the electoral process and I think we must to continue to look at that and diligently to attempt to ensure that all Manitobans who have qualified are able to participate in the process.

Thank you.

**MR. DEPUTY SPEAKER, Abe Kovnats (Radisson):** The Honourable Attorney-General will be closing debate. The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, I thank honourable members opposite for their comments, many of which were detailed in nature as to some of the provisions in The Elections Act and are probably more properly dealt with at committee. I can make some general comments with respect to some of the matters that have been raised.

The Member for Fort Rouge referred to a test for mental competency of voters. Generally speaking, Mr. Speaker, other than a section of the Act which disqualifies persons who have been declared to be mentally disordered by an order of the Court of Queen's Bench under The Mental Health Act, the test is the same as that for candidates for office; there is none. That was well demonstrated earlier on this evening, Mr. Speaker, by members opposite who, having been told that the bill was not to be proceeded with, went on for some two hours. Mr. Speaker, the Member for Fort Rouge referred to the fact that she was in favour of a permanent voting list. I would refer her to a report that was issued last year by the Law Reform Commission, which dealt with the study she is nodding her head, so perhaps she's familiar with that report but it appeared to clearly indicate that the system that we have now of enumeration is more effective than a permanent voting list, but that may very well be a debate that will go on for some time.

The Member for Fort Rouge suggested that the advance poll should be open continuously after nomination day. One might ask, Mr. Speaker, why in fact have an election day if that were the case? I would point out it would obviously be a very expensive procedure if, in fact, you were to do that. An attempt is being made to make advance polls open under this legislation and to make them open for longer periods of time. Hopefully, that will accommodate more people who find it necessary to vote at an advance poll.

Mr. Speaker, with respect to the concern expressed about British subjects, I point out to the Member for Fort Rouge, although it's not considered to be a precedent, but her federal party, prior to the last few federal elections, took away the voting privileges of British subjects. We're attempting in this legislation, certainly not to do that for the next election, to attempt to give some notice but it's one of the matters, Mr. Speaker, as I indicated when I introduced these bills, that we want to be as reasonable as possible with respect to these matters. They are matters which affect all members of the House. I suggest it might be a subject in which, if there is a consensus, an amendment may very well be made to this section or it could very well be made prior to an election which follows the next one,

because they're not going to lose their franchise in the next election.

The Member for Churchill raised a number of detailed matters which, Mr. Speaker, I would be more than happy to review in some detail to ensure that we can accommodate as much as possible the concerns that he raised.

Mr. Speaker, there were other matters raised by the Member for St. Vital, again which related to British subjects which are very open to reviewing. Again, the Member for Elmwood, in speaking earlier on today, referred to a number of detailed matters with respect to hospital polls, counterfoils, etc. Again, I'd be more than happy to review those in detail at committee and attempt to satisfy, Mr. Speaker, the wishes of all the members of the Legislature with respect to these matters.

Just one final comment, in referring to that now famous section, the Member for Elmwood, I think, it was the last phrase that he uttered as time ran out on him. He said, "I don't believe that politicians lie more than ordinary people." Mr. Speaker, you could go on and on and on with that particular comment. I won't do that. I would just hope, perhaps, that the Member for Elmwood might indicate to us when he feels it necessary to follow that course of action. I suggest, Mr. Speaker, that the public demands a little more of that from politicians that they elect.

**QUESTION put, MOTION carried.**

**MR. DEPUTY SPEAKER:** Bill No. 96, The Elections Finances Act, standing in the name of the Honourable Member for Churchill. (Stand)

The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, would you call Bill No. 86.

## **BILL NO. 86**

### **THE MILK PRICES REVIEW ACT**

**MR. SPEAKER:** Bill No. 86, standing in the name of the Honourable Member for Churchill. The Honourable Member for Churchill.

**MR. COWAN:** Mr. Speaker, I'll save you the trouble of answering the Member for Wolseley. I have almost my full 40 minutes left and I intend to use very few of them to give him an assurance that sometimes I have been able to live up to and sometimes I have not been able to live up to, but will attempt to do so.

The reason for that, Mr. Speaker, is that I just wanted to bring to the attention of the Minister and of the government the effect that this may, could possibly, potentially might have on my constituency and the rest of northern Manitoba and that is regard to increasing prices and prices that are further aggravated by transportation costs, which are legitimate costs, in fact, which must be put through the system, but will work to the detriment of persons in northern Manitoba, who rely upon milk as part of a diet that is nutritional and healthy. Just as I was finishing my remarks earlier in the afternoon, the Minister responsible for Consumer Affairs, who is at last showing some inclination to protect the consumer on this, indicated that perhaps we should have the milk sold through the Liquor Control

outlets. He was, of course, referring to the suggestion that I had made that it is somewhat ironical that one can buy liquor in northern Manitoba at the same prices as they can buy liquor in southern Manitoba, in the city, that there is no price differential. Yet when it comes to an essential like milk, they are faced with much increased costs. And while, if you look at the costs allowed by the Milk Review Board, you only see on one litre of milk, a five cent differential between any city in northern Manitoba and the city of Winnipeg, but added on to that and allowable to be added on to that, of course, is the transportation cost. So where it says 61 cents or 65 cents, it may be 75 cents or 80 cents.

Now why should there be that much of a spread, that much of a differential between milk that one buys in the city and milk that one buys in northern Manitoba when, in fact, you can sell liquor for the same price. It is not only ironical but to my way of thinking, Mr. Speaker, it is destructive. It is destructive because one needs milk. It is an essential food and we've talked about that. I don't know the exact dates, but I know the Member for Burrows went to some great length, to document the introduction of milk control in the province and I think he started some time around 1932. I wouldn't want to be held to that specific date but, in fact, it was in that general area. At that time, the prevailing wisdom of the day, the leadership of the day, saw in their wisdom that milk was in fact an essential food, that we must make milk available to the public at large, because of its nutritional value, because it is the fluid of life, Mr. Speaker, because it is so essential to good nutrition.

People in northern Manitoba and I've talked, when I talked about transportation rates, talked about those main cities, Churchill, Thompson, Lynn Lake, Leaf Rapids. But when you get off into the more remote communities, the prices are even higher and yet that is where you need that sort of nutritional addition to the diet because far too often, because of the distance, because the foods aren't fresh, because of other problems, the people in those communities do not have access to the nutritional food that you or I have access to, whether we live in Winnipeg, whether we live in Brandon or whether we live in Lynn Lake or Leaf Rapids or Churchill. And the fact is, that their need is as much, if not more.

So I would like to see, when we deal with a bill such as this, and I'm not going to speak to what happens to the producers because I, quite frankly, am not familiar enough with that particular part of the system to be able to add anything to the debate. But I've listened to my colleagues and I've listened to the Member for St. George and I have taken note of what he said and it sounds reasonable to me. And I've listened to the Member for Lac du Bonnet and it sounds reasonable to me. And I've listened to the members on the opposite side (Interjection) No, as a matter of fact, I have to tell the Member for Emerson, that that was one of the finest debates that I've seen him give in this House, that it was a debate that erupted from inside him, that came out with force and sincerity, that came out with a conviction. Now I'm not certain he's right but I'm certain he believes in what he told us on that day. I'm as certain of that as I'm certain of anything else that has transpired during the course of this session and

the fact is that he does believe very strongly, if I can be so presumptuous as to make that assumption, that he does believe strongly in the Act.

I'm certain that the Minister of Agriculture believes strongly, but we also believe strongly on this side that the consumer must be protected, that the consumer has rights, and that the government has responsibility to protect that consumer. And I'm not certain as to the best to do that, to be perfectly honest. But I know it must be done and I know the Act that is brought before us will not serve that purpose. It cannot serve that purpose. It is too weak, it is too inspecific, it allows too much latitude and it will be the consumer that will pay for the change in the system. Now, maybe a change is necessary, I'm not certain, but there are many different types of changes that can be brought forward and this type of change puts the consumer at the mercy of someone's discretion, at the mercy of someone's judgment, and I'm not certain that that puts the consumer in the best position.

It's not you or I that are going to suffer because of an increase in milk prices, it is not you or I at all, Mr. Speaker, it is not the people in this chamber that are going to suffer. It is not most of our friends that are going to suffer. But it is the minimum wage earner that's going to suffer. (Interjection) Well, the Member for Flin Flon tells me that it's the farmer that's going to suffer and I've heard that from the Member for St. George and I can only take them at their word and suggest that they are probably providing insight and wisdom when they say that. I will not comment on that until I feel comfortable enough with the situation to make that sort of an assessment. But the minimum wage earner, I feel comfortable in knowing what agony the minimum wage earner faces, living in these days, when the fact is that the minimum wage has not been increased significantly since that government took office.

They can talk about increases that they brought forward but, Mr. Speaker, when it goes into the pocket it's been eaten up by all the other economic strains that have been imposed upon them by inflation, because of different indirect systems of taxation that have resulted from their restraint programs and now there's another burden, and that burden is the cost of an essential food. The food of life. Milk.

Milk. You know, we see advertisements all the time, they are perhaps the best advertisements that I have seen in a long time on TV, and we have a woman with sorrowful eyes, Mr. Speaker, looking down at her glass of milk and we have a dock worker resting on the dock and drinking his glass of milk and we have a grocer drinking his glass of milk and we have all sorts of people drinking their glass of milk and the words are very simplistic and very plain, its "Thank you very much." Well, what are they thanking? Why should they be thankful for milk? Because milk is a nutrient, because milk provides them with much of their substance, because milk is important to their diet and you couldn't do that with Coca-cola. Can you see the same woman, standing there with her sad, sorrowful eyes, looking down and music comes on and says "Thank you very much, Coca-cola". It just wouldn't make sense would it? You can't do that with beer. "Thank you very much, beer". Although I have seen some people do that

from time to time. But it's not for the nutrient value, I guarantee you that. The fact is that milk is such a substance that we can sum up its value to society, its value to the human being, its value to the health of the human being, in those very few words "Thank you very much."

And what are they saying? What are they going to do with this particular bill? They are going to allow those commercials to continue. They're going to say "Thank you very much, Milk" but they are in fact, over a period of time, going to remove the opportunity for some low wage earners, for some welfare persons, for persons in northern Manitoba, to get as much milk as they would wish and as they should have. And they are going to, in that way, have a particular effect on the dietary intake of nutrients of those persons, to the disadvantage of those persons, and that is going to show up in the system, further on the line in increased health costs. And if you think we're talking in analogy here, if you think we're talking in terms that will not come to bear, then you are sadly mistaken, because that is what is going to happen. It may take a while, but eventually milk will be removed from the diets of persons because of the action this government is taking.

I don't think they want to do that, in all honesty. I don't think they want to snatch milk from the babes of this province, from the children of this province, from the people of this province, adults as they may be, who need that milk. I don't think they want to do that and I think they would avoid it if they could. But I think they're caught in a dilemma, in a philosophical dilemma. It's all part of their philosophy of decontrol. We have three particular bills that are before us now that are, I think, indicative of that philosophy, The Payment of Wages Act, the Rent Decontrol Bill, and the Milk Decontrol Bill. And what those bills are saying, when you put them in a package, is that we want to remove government's influence from certain areas in the economy and the milk production process, the milk production system, the milk retailing system, is one of those areas.

But what are they going to do by that? That's their philosophical bent. That's their goal and I don't think they'll deny it. As a matter of fact, I know they can't deny it because they said it in so many words, some plain, some not so plain. But they have said that that is their purpose in these types of bills. But what are they really doing? Are these bills going to work to the advantage of the working person? No, Mr. Speaker, they're not. Are these bills going to work to the advantage of the low wage earner? No, Mr. Speaker, they're not. Are these bills going to work for the person who finds himself, due to unfortunate circumstance, whether it be economic or social, or historical, on welfare? No, they are not going to do that either, Mr. Speaker. Are they going to work to the advantage of the resident of a reserve community or a Metis community, in my constituency that already has a difficult time in getting enough nutritional food? No, they will not do that. And they will not work to the advantage of the person who has a large family, or even a large taste for milk, in Churchill, Lynn Lake, Leaf Rapids or Thompson or any one of a number of other cities that I can mention. And I don't mean to ignore the city, but I know that my colleagues have spoken to the effect it will have on the working poor in the city and I don't

wish to repeat that particular argument, although it is a valid argument, a justifiable argument, and I think it is a strong argument for retention of the milk control board.

So, what we have is a bill that is going to work to the disadvantage of those who can afford that disadvantage the least. When we have the Rent Control Bill we have the same type of bill. You know, when we were talking about the Rent Control Bill in the committee hearings and I'll relate this to the bill very quickly, Mr. Speaker when we were talking about that, there was a gentleman who came forward and he said, you know, there are the powerless in our society. There are people who, for a number of reasons, do not enjoy power and they are the ones who are going to suffer this decontrol bill. They are the ones who will not be able to fight back. And he used an analogy he said, when you kick them, they go off in a corner and whimper, and when you kick them again, they whimper more and they howl.

And that would not be my analogy, Mr. Speaker, but that was the analogy he used and there is a certain amount of poetic truth to it, that there are some people who, for whatever circumstance they may find themselves in, are not well equipped to fight the system for what is theirs, for their just due, and it is the responsibility of government, it is the responsibility of us as legislators to provide them with the mechanisms, to provide them with the protection, and this takes away some of their protection although in a more indirect way than the rent control bill. It still does have its most profound impact and its worse impact on those who are poor and those who are disadvantaged.

I was talking with someone who grew up in Snow Lake just before coming here this evening and speaking to this bill, and she told me that she as a child never knew fresh milk, it was always powdered milk. That was 20 some years ago, 30 years ago now, but I can tell you that there are people still in my constituency who don't know fresh milk, because of geographical problems, and while that condition may not be improved by the Milk Control Board it certainly will be worsened by the lack of one. It will make that milk even less accessible to them; it will make that milk even less available to them. That is the type of impact that this bill is going to have, and I know that is the type of impact that they do not want it to have. But unfortunately they are trapped in that ideology; they are trapped in the philosophy, and they feel bound and determined to move to decontrol. They are going to decontrol in regard to milk, and we are going to find that we will pay as a society for that in years to come.

There was a report, and I don't have it before me, and I haven't had an opportunity to read through it thoroughly yet, but it was in regard to reduced life expectancy in northern Canada, northern Manitoba being one of those areas. I have talked about this before. And one of the reasons that children in many communities in northern Manitoba are looking at lesser life spans than you and I is because of the lack of nutritional food, because of the lack of milk, because of the lack of access, and that government should be moving in exactly the opposite direction. It should be trying to make that food more available. It should be trying to make that food more accessible.

It should be moving towards eliminating the differential between milk bought in the city and milk bought in a reserve community or a Metis community or an industrial community in the north. That's what they should be doing. They should be dealing with that problem, because that has a very real effect on the lives of individuals; individuals that look to them for protection; individuals that look to them for guidance; individuals that look to them for some example; and they are dying 10 to 20 years earlier on average than you and I because of where they live; because of conditions. We must deal with those sorts of conditions.

This bill will have exactly the opposite effect. It does not deal with those conditions, it aggravates those conditions, and that is an area to which they must look, and that is an area they must examine. I know my leader asked a question the other day of the Minister of Northern Affairs, what are you going to be doing about this, what are you going to be doing in regard to what we know will be an inevitable rise in milk prices in northern Manitoba? And he said, we are going to monitor the situation. But what good is that going to do? So we know the prices are going up. So we know that they are drinking less milk because they can't afford it. So we know that they are in fact having a less nutritious diet. Monitoring is not in any significant way going to alter the situation which they are creating. He sits next to the Minister of Agriculture and I know he doesn't want to aggravate that situation. I know he doesn't want to create that sort of a situation, but again locked into the ideology, locked into the philosophy, locked into the determination to remove themselves from what they consider to be an interference position in the economy, they are going to cast adrift those individuals that most need their help and that most need their compassion and that most need a legitimate effort on their part to deal with some very serious situations that are not of their making.

In all fairness to them, it is not of their making. We all have to share the burden for that. We all have to share responsibility for that, as a province, as a Legislature, as a country, as a part of a system that will allow those sorts of inequities to continue to exist at a day and age when technologically it is feasible to wipe them out with the stroke of a determined pen. It is technologically feasible to ensure that every Manitoban, whether they live in Winnipeg, Brandon, South Indian Lake, Garden Hill, Red Sucker Lake, Brochet, Tadoule Lake, Lynn Lake, Leaf Rapids and Churchill, to have a nutritious diet; to have all the milk that they would need. They can buy all the liquor without the price differential, that's technologically feasible, that's economically feasible, but they can't buy all the milk that they need. I am not exaggerating one bit, when I tell you they cannot buy all the milk they need. That is a sad fact of the matter, that they are forced into diets that do not meet their daily requirements because of economics.

Think about that for a while economics. It is not just confined to the north. There are areas in this city where people go wanting for milk because they don't have enough money in their pocket to buy that. It's not widespread, Mr. Speaker, but it will become more widespread. The situation will worsen, not better, under the legislation that we have before us. It will become matter of fact, Mr. Speaker, as time

goes on, more and more increasingly difficult for those persons to get their nutritional needs, especially if we don't see the increases in the minimum wage that we have asked for; especially if we don't see the sorts of other advances that we have asked for those persons that need that sort of protection from their government.

I said I was not going to speak long on this bill, and I had not intended, as a matter of fact, to speak even this long, Mr. Speaker, but I feel it is necessary that some of these matters be put on the record. I feel that it is necessary for me to bring these concerns to the attention of the Minister responsible, to the attention of the Minister of Consumer Affairs, who must play some role in this unfolding drama, and to bring it to the attention of the Minister of Northern Affairs, who has a certain responsibility to those residents of the communities that I have talked about in regard to ensuring that conditions under which they live are at least equal or equivalent to conditions under which we all live. Because they are there for the betterment of the province, and by being there they make this a better province. We cannot forsake them; we cannot cast them adrift; we cannot tell them to look after themselves in this regard, because they are in many instances geographically disadvantaged, in other instances economically disadvantaged, and we have a responsibility, and it is that responsibility that I would wish the government to live up to. It is that responsibility that I ask them to consider.

It is that responsibility that I ask them to develop plans to meet. And I am not going to talk about the producers. I don't want to become embroiled in that particular argument at this point. There are better people to discuss that than I. But I do know that if you consider yourselves to have a responsibility to the producers and you consider this to be living up to that responsibility and I think that that statement is questionable; I think that motive is I shouldn't say motive, but that impact of this bill is questionable from what I have heard; but if you consider that to be a part of the need for this particular bill, then I would only ask you to weigh with that the responsibility you have to the people of this province, and I would hope that you would do so I would hope that you would come back with legislation that meets your needs; that meets the needs of the producers as well as legislation that meets the needs of the consumers.

I cannot in any way support this bill that is before us, because it does not meet the needs of the consumers. And I have not been convinced that it meets the needs of the producers, as a matter of fact I have been led to believe that otherwise is the case. So it is important that is on the record, that we cannot support this bill because of the impact it is going to have on those that need the protection of the government the most.

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. EVANS:** Mr. Speaker, I would move, seconded by the Member for Lac du Bonnet, that debate be adjourned.

**MOTION presented and carried.**

**Monday, 21 July, 1980**

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**MR. SPEAKER:** Can I get some indication from the Government House Leader which bill we want next?  
The Honourable First Minister.

**HON. STERLING R. LYON (Charleswood):** Mr. Speaker, there appearing to be a universal disposition for adjournment, I would move, seconded by the Honourable Minister of Fitness, that the House do now adjourn.

**MOTION presented and carried and the House adjourned and stands adjourned until 10:00 o'clock tomorrow morning. (Tuesday)**