

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 26 May, 1981

Time — 2:00 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 . . .

The Honourable Minister without Portfolio.

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**HON. EDWARD MCGILL (Brandon West):** Mr. Speaker, I wish to table a Return to an Order of the House No. 5, dated April 11, 1980 on the Motion of the Honourable Member for Fort Rouge.

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

**HON. BRIAN RANSOM (Souris-Killarney):** Mr. Speaker, I'd like to table a departmental publication entitled Financial Statements of Boards, Commissions and Government Agencies of the Province of Manitoba, for the year ending March 31, 1980. Many of these individual reports have already been tabled. This simply is a consolidation.

## NOTICES OF MOTION

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

**MR. JAMES R. FERGUSON:** Yes thank you, Mr. Speaker. There will be further amendments to Bill No. 58.

## INTRODUCTION OF GUESTS

**MR. SPEAKER:** At this particular time I would like to draw the honourable members attention to the gallery where we have 33 students of Grade 9 standing from MacKenzie Junior High School under the direction of Mr. McCallum and Mr. Melyk. This school is located in the constituency of the Honourable Member for Dauphin.

We have 60 students of Grade 9 standing from the Ross Gray School of Sprague, Manitoba who also have with them an exchange group from Sheet Harbour, Nova Scotia. This group is under the direction of Mr. Don McWhirter, Mr. Dave Purcell and Kathy Purcell. This school is located in the constituency of the Honourable Member for Emerson.

We have 52 students of Grade 5 standing from St. Andrew School under the direction of Mrs. Nicolson. This school is in the constituency of the Honourable Leader of the Opposition.

On behalf of all the honourable members, we welcome you here this afternoon.

## ORAL QUESTIONS

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

**MR. HOWARD PAWLEY (Selkirk):** Mr. Speaker, to the Minister responsible for Energy and Mines. Can the Minister confirm reports by the Deputy Minister of Utilities in the Province of Alberta, one Robert Steele, to the effect that negotiations pertaining to the Western Grid are stalled because the Manitoba government has failed to provide the Province of Alberta with needed information so it can complete its discussions prior to a decision being made on the part of the Province of Alberta?

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

**MR. CRAIK:** Mr. Speaker, I can indicate to the Leader of the Opposition and to Members of the House that meetings are proceeding this week. There hasn't been any delay in the proceedings. There has been development of more information on the part principally of the Province of Saskatchewan which has now come into hand this week. The meetings are proceeding this week and will carry on next week and the week after and I think are looking promising.

**MR. PAWLEY:** Mr. Speaker, further to the Minister. Could the Minister explain why a member of his department suggested the negotiations were not proceeding because Blakeney wasn't quite ready while according to the Deputy Minister in Alberta, they have not arrived at a decision and indicated they have not arrived at a decision because of failure on the part of the Manitoba government because "preoccupation with the potash negotiations" had failed to provide Alberta with the necessary figures and calculations so they could complete their decision-making?

**MR. CRAIK:** Mr. Speaker, I believe the member is quoting from a newspaper clipping. That sort of information has not been relayed to Manitoba.

**MR. PAWLEY:** Mr. Speaker, further to the Minister. Is the Minister prepared to table in this Chamber, all the reports that are available to him pertaining to the studies that have gone on respecting the Western Grid, so that members of this Chamber may have the same opportunity to review, to ascertain, to determine the wisdom or lack of wisdom of the proposals contained therein?

**MR. CRAIK:** Mr. Speaker, to start with, it certainly is encouraging after these many long months to see at least a trickle of interest on the part of the Official Opposition in the Western Power Grid. It's most encouraging, Mr. Speaker, to find that other than the Member for Fort Rouge who has done an admirable job of bringing this matter forth once in awhile — because it does have some tremendous potential interest for the people of Manitoba — this is the first sign we've had of any interest across the way.

Mr. Speaker, in direct response to the member's question, when the three Premiers release the

information that was developed as a result of their initiation of these studies I presume that the information of tabling of reports and so on would probably be done in the three provinces, probably at about the same time.

**MR. PAWLEY:** Mr. Speaker, leaving aside the Minister's preamble of lecturing members on this side of the Chamber, members that don't require any lecturing from the sort of representation which we've seen on the part of the Minister of Mines and Hydro in the past two months, I ask the Minister whether indeed he has confirmed by his response — because there was some din from some of his other colleagues, it was difficult to hear — that he is prepared to table all documents, all studies pertaining to the western connection as a result of the agreements that may be arrived at by the three provinces, is he prepared to table all relevant documents pertaining to those discussions that have taken place?

**MR. CRAIK:** Mr. Speaker, the Leader of the Opposition either doesn't want to hear or doesn't hear very well. I'll repeat to him again, that all information that is authorized to be released, tabled, reported and so on by the three Premiers who initiated these studies, will certainly be done.

**MR. PAWLEY:** Mr. Speaker, further by way of supplementary. The Minister indicates authorized. Does the Minister support by way of policy on the part of his government, leaving aside the question of authorization, that all documents pertaining to the western connection ought to be tabled into the Legislature of the respected provinces and that it will be the recommendation of the Government of Manitoba to his two counterparts?

**MR. CRAIK:** As usual, Mr. Speaker, you have to try and read between the lines is what the Leader of the Opposition is trying to say. Certainly we'll release all the information that we possibly can with regard to this very important matter. It is all in the public interest. Certainly anything we can do to even win over the reluctant bridesmaids across the way, we'll certainly do so.

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

**MR. SIDNEY GREEN:** Mr. Speaker, I'd like to direct a question to the Honourable Minister of Health. Has the Honourable Minister of Health been able to confirm that a 71-year old patient at the St. Boniface Hospital was there for 10 days and during that period was required to rest on mattresses which had to be reinforced by having pillows stuffed into them because they did not have any stability? Has he been able to confirm that that report is correct?

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

**HON. L.R. (Bud) SHERMAN (Fort Garry):** Mr. Speaker, I can't confirm either the numerals having to do with the age of the patient, or with the length of the stay or the period of time but I can confirm that a patient who was subject of an enquiry by the Honourable Member for Inkster was apparently

accommodated on a mattress that was old and decrepit and required reinforcement by some pillows.

I know the Member for Inkster enquired of the hospital about the situation, apparently received some either inaccurate or incomplete information on the subject and I enquired of the hospital. They've confirmed that was the case and in fact there are some half-dozen mattresses in that condition in the hospital. They are mattresses on beds that are moved around, used in various unscheduled and irregular accommodation activities from time to time. They have assured me that a proper audit of the condition of that equipment had not been completed, it now has been completed and that equipment will be replaced.

**MR. GREEN:** Mr. Speaker, I'd like to indicate to the Minister that since speaking to him the Administrator of the hospital has given me the same information so I wouldn't want it to be left on the record that he did not give me an adequate response. He spoke to me yesterday. May I enquire from the Minister whether he has thoroughly examined with the hospital as to whether or not the difficult financial position which the hospitals have been put in over the past three years by the Conservative administration has contributed to this condition being arrived at?

**MR. SHERMAN:** Mr. Speaker, without accepting not necessarily the premise but the implications in the honourable member's question, I can assure him that I'm assured that this is not the result of the budgetary or fiscal condition of the hospital or the situation of the hospital insofar as its budget is concerned.

Apparently the evaluation assessment and audit of that kind of equipment had not been very efficiently done. As I say, it was equipment that is pressed into service from time to time but not necessarily used regularly or used in the same ward from month to month. They have corrected those audit procedures and assure me that it will be replaced and there are no budgetary constraints preventing their doing that.

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

**MR. GREEN:** Yes, Mr. Speaker, in view of the fact that both beds in Room No. 5043 during that period had mattresses which had to be buttressed by having pillows stuffed inside them, would the Minister not consider whether or not he should be discussing with the hospital whether or not this condition and the inadequacy of the audit could have arisen from the fact that the hospitals were being strapped for money?

**MR. SHERMAN:** Well I have done that, Mr. Speaker, and the honourable member is quite right, both beds in that room were in that condition and apparently there were four others for a total of six, but there have been wards and wings at St. Boniface Hospital that have been closed for renovation from time to time over the period of the last three years. That happens with many hospitals and in particular at the St. Boniface there was major renovation undertaken of a major wing to accommodate an extended care unit, a geriatric care unit. As a result of that, a number of beds and mattresses were placed

temporarily in storage, then subsequently some were brought out again and put back into service.

Obviously some of that equipment had reached a point of deterioration. It was not caught at the time and should have been caught at the time and they are re-auditing it all now. But they have assured me that it had nothing to do with budgets. What it had to do with was the reorganization and reordering of beds and equipment in the hospital over the past three years while renovations were being made.

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

**MR. SAMUEL USKIW:** Yes, Mr. Speaker, I would like to ask the Minister of Agriculture whether he has issued a communique to the Minister in charge of the Canadian Wheat Board pursuant to the recent announcement of a sale of a massive amount of Western Canadian wheat?

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

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, I forwarded a communique but I have indicated publicly this morning that I was pleased to see that kind of a sale take place for the farmers of Western Canada. I believe that the economic impact that will have will greatly encourage the farm community along with the recent rainfall that we've had. I will be, Mr. Speaker, further commenting on that kind of a positive announcement, that I think they have done a good job, the Wheat Board, Esmond Jarvis is the Chief Commissioner, in developing those kinds of sales.

**MR. USKIW:** Well, Mr. Speaker, since the Minister has not yet issued a communique to the Minister in charge of the Canadian Wheat Board, would I ask him to consider sending a letter congratulating the Wheat Board and the Minister for their effort at a time when Canada lost some ground in that export market because of the grain embargo that was imposed by the United States and indeed by the Canadian government some months ago — a Conservative government yes, Mr. Speaker — and whether or not the Minister would include in that communique a recommendation that we never again enter into a grain embargo or a food embargo because of some political skirmishes that my honourable friends prefer to be interested in?

**MR. DOWNEY:** Mr. Speaker, I don't accept totally the final comments of the Member for Lac du Bonnet but I would say if he wants me to refer to some of the historical events, I would like to say that it was the Honourable John Diefenbaker who started the initial trading with the Soviet Union and gave the leadership to the Western Canadian farm organization known as the Canadian Wheat Board. This is a follow-up of that kind of a start by a great Canadian, Mr. Speaker.

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

**MR. USKIW:** Yes, Mr. Speaker. I think now that Canada has restored itself as a major exporter of

grain to the Soviet Union that the Minister, I would hope he can confirm, would want to encourage the continuity of the same and never again engage in the silliness that took place in the last couple of years.

**MR. DOWNEY:** I want to make it very clear on the record that our position or the position that I understood the Federal Government under the Conservative government was that they would not, Mr. Speaker, would not allow the farm community to bear the load of the embargo on the farmers of Western Canada. Our position hasn't changed, we feel that there is a responsibility by the Canadian people to forward any shortfall to the farmers, Mr. Speaker.

On the issue of continuity and the continued marketing to those countries, I would have to check out, Mr. Speaker, but I would think some of these negotiations might have started several weeks or months ago even while the embargo was on but I don't think this size of a sale of the magnitude that has taken place just came about overnight — I think that this has been worked on over several periods of time — and I too, Mr. Speaker, believe that the Canadian Wheat Board when it comes to marketing of wheat and some of the major grains, have again shown the farmers of Western Canada that when they are truly in the business of selling grain they can accomplish those things that they were set out to do and that is selling grain, Mr. Speaker.

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

**MR. DAVID BLAKE:** Thank you, Mr. Speaker. My question is to the Honourable Minister of Agriculture and it follows the questions of the Member for Lac du Bonnet. There was a recent announcement in the paper that Russia had sold some 300,000 tonnes of wheat to Afghanistan and I hope they don't continue to do that at a profit from what they're buying it from us for. But my question to the Minister is, I would urge him to use his good offices to endeavour to have as much of this wheat under this new contract or new sale to Russia delivered through the Port of Churchill. I would ask him to use his good offices to have that Port utilized to as full an extent as possible to have this new shipment over five years delivered through that Port.

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

**MR. DOWNEY:** Mr. Speaker, the suggestions and the comments that the Member for Minnedosa makes are excellent ones. We will be meeting next week in Dauphin and in Churchill on the Port of Churchill and that would be one of the points that would be put before the Federal Government and the Canadian Wheat Board, that we believe as a province that the full utilization of Churchill should be a part of the overall grain handling and transportation system out of this country.

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

**MS. JUNE WESTBURY:** Thank you, Mr. Speaker. My question is addressed to the Honourable Minister

of Health. Would the Minister please confirm that the Manitoba Health Services Commission is closing down the Elizabeth M. Crowe Memorial Hospital in Eriksdale?

**MR. SHERMAN:** Not to my knowledge, Mr. Speaker.

**MS. WESTBURY:** Mr. Speaker, would the Minister then investigate the fact that the Manitoba Health Services Commission has advised the hospital that since their doctor is leaving and they haven't a replacement yet — he's leaving the week ending June 21st, I think, they haven't a replacement yet — the hospital will be closed and that the staff have today been given their layoff slips effective June 23rd?

**MR. SHERMAN:** Mr. Speaker, I don't have any advice to that effect from the Manitoba Health Services Commission.

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

**MS. WESTBURY:** Mr. Speaker, I wonder if the Minister would comment on the fact that the Commission is taking this kind of step without referring it to the Minister for his input as the Minister of Health and whether he feels they should have the ability to close down a hospital serving a community of 350 people without indeed referring it to the senior person, the Minister.

**MR. SHERMAN:** Well, Mr. Speaker, I can't comment on a hypothetical situation. I don't know that to be the situation so I'm not going to comment on that. I have no such advice from the Manitoba Health Services Commission.

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

**HON. GERALD W. MERCIER (Osborne):** Mr. Speaker, on May 19th the Member for Elmwood asked me a number of questions related to the tragic drowning of a four-year-old in the City of Winnipeg in a retention pond. I just want to indicate to him, Mr. Speaker, that an inquest will be held Thursday, June 16th in the City of Winnipeg with respect to that matter and there may very well be recommendations arising out of that inquest.

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

**MR. JAY COWAN:** Mr. Speaker, my question is to the Minister of Agriculture and follows upon the questioning by the Member for Lac du Bonnet and the Member for Minnedosa. I would like to preface my remarks with the statement that we are pleased to see that there is some agreement . . .

**MR. SPEAKER:** Order please. If the honourable member has a question, he may proceed with his question.

**MR. COWAN:** Thank you, Mr. Speaker. The question to the Minister follows upon those comments and also in light of the fact that the Port of Churchill Chamber of Commerce has taken the

initiative to contact the Soviet Union and communications between the two, I am told, indicate that the Soviet Union is willing to pick up grain shipments out of the Port of Churchill on a regular basis, I'd ask the Minister if he is prepared to go beyond the general assurances which he gave us today and contact specifically those individuals who initiated that communication as well as the Wheat Board and the Federal Government so as to set out a very definitive and detailed strategy as to how to accomplish that goal, which both sides of this House and the people of Churchill seem to support at this time.

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

**MR. DOWNEY:** Mr. Speaker, I am prepared to go to whatever extent I have to as the Minister of Agriculture to ensure that the amounts of grain to be put through Churchill are adequate to make sure it is viable and that the amount of grain to be shipped to the importing countries is accomplished by the Canadian Wheat Board or by the private grain-marketing people. Not only that, Mr. Speaker, if the Member for Churchill feels it would be important to take a trip to Russia or some of the importing countries, I too would be prepared to do that to discuss with them or to point out to them some of the reasons why they should use the Port of Churchill in Manitoba.

**MR. COWAN:** I would ask the Minister then if he is going to Edmonton when the International Trading Organization which is dealing with the use of ports such as the Port of Churchill and other international ports, will be meeting so as to provide that type of input to that session, so as to encourage not only the Soviet Union but other importing countries to use that particular port. Is he prepared to give us assurance that he or a representative of the government at the ministerial level will be attending that international conference which is so very important to international ports throughout the world?

**MR. DOWNEY:** Mr. Speaker, I can't assure the member that I or another Minister will be going. However, I'm sure the Minister of Highways and Transportation who is equally involved and interested in the port development and transportation issues in Manitoba and within the jurisdiction which we represent, will be a part of or be represented at that conference in Edmonton. I know we have both had communications on it and I haven't had an opportunity to discuss with the Minister who from his department would be attending but it has been dealt with, Mr. Speaker, and we are aware of it.

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

**MR. COWAN:** Yes, by that question, Mr. Speaker, we don't mean to discourage the Minister from being an emissary of goodwill in going to other countries but just to use every opportunity available to him to encourage the full potential of the Port of Churchill.

I would ask the Minister as well, as he has told us he would go to whatever extent is necessary, if he

will give us a specific commitment to immediately contact those individuals from the Port of Churchill Chamber of Commerce who undertook this initiative a number of weeks ago, to contact the Soviet Union so as to sit down with them to discuss ways and means by which specific details and actions can be worked out to ensure that the Port of Churchill does not lose out on what appears to be a very significant opportunity for the full utilization of that port.

**MR. DOWNEY:** Mr. Speaker, not only will I, or my colleagues and I, when we are meeting on the Port of Churchill immediately next week — it's the 3rd and 4th of June we're going to be discussing the . . . of the Port of Churchill and some of the restrictions or difficulties that it may be having — and I would like to put it this way, Mr. Speaker, more like the opportunities that Churchill has to play a major part in the overall development of Western Canada and Northern Manitoba.

I think there are tremendous opportunities and potential and we will be discussing with all those people who are interested. Further to that, Mr. Speaker, I am well aware of the fact, as most people of Manitoba should be, that the First Minister of this province, the Premier, we have the support of him and the First Ministers from Western Canada to develop the Port of Churchill, to put at least 3 percent and up amount of grain through the Port of Churchill, Mr. Speaker.

**MR. SPEAKER:** Order. Order please. Order please. I suggest to all honourable members that they be recognized by the Chair before they pose their questions.

The Honourable Member for Virden.

**MR. MORRIS McGREGOR:** Mr. Speaker, I direct this question to the Acting Premier. What departmental assistance — and I'm thinking of personnel assistance — can be expected for the municipalities, towns and villages and unincorporated villages within municipalities in the general area of the potash mine site at or near McAuley?

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

**MR. CRAIK:** Mr. Speaker, I can advise the member and I thank him for the question because there is naturally a busy period now in this community where the potash operation is likely to be sited. There will be teams working immediately beginning this week to provide assistance to the municipalities, to the towns and villages in the way of information with regard to the potash, likely spinoffs into their communities.

The group that will be working with municipalities — and I say principally the municipalities and the towns — will be made up from representatives from the Department of Municipal Affairs, one from Economic Development, one from Energy and Mines and the purpose in having the Economic Development Department represented is to bring to the attention of the communities the infrastructure program that is there for partial assistance at least, in the expansion of facilities in these communities in a manner similar to what took place when the Harrowby Plant was announced and villages — I think principally the

town of Russell — were able to take advantage of the infrastructure program in helping to expand, to accommodate the additional work force required to service that enterprise.

**MR. McGREGOR:** A supplementary, Mr. Speaker, to the same Minister. I hope that this group or delegation would be available to the smaller contractors, such as electrical contractors, the Red-Mix Cement Plant, the hotel operators that aren't big enough in the case of smaller constructions but would like advice how to get in and possibly bid on, months down the road, under the master contract and get a little of the subcontract action. Would that group be available to such people as that?

**MR. CRAIK:** Mr. Speaker, yes, the information will be disseminated so that people in the community from whatever interest point of view will know where to go to contact people associated with the project. I can advise the member also there has already been a start made at the acquisition of personnel to be located in the Brandon office at the earliest possible date and specific enquiries will probably be directed through the Brandon office once it is in full operation.

I can also indicate as an example, just in the last two or three days there has been a Winnipeg firm that has been contemplating moving part of their distribution operations to service the potash industry in Western Canada, has been making enquiries in his own town of Virden about locating a branch office in Virden to service into this area.

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

**MR. McGREGOR:** Well, yes, it's hardly a supplementary but I don't make very many questions here. I just would like to thank the Minister. The request comes from the municipal people who certainly are excited with the progress and just don't want to make mistakes on the way and thank the Minister for that kind of an answer.

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

**MR. A.R. (Pete) ADAM:** Thank you, Mr. Speaker. My question is to the Minister of Agriculture. In view of the fact that this Minister and this government was in full support of the grain embargo against the USSR, I'd ask the Minister, what has he done? Has he been in contact with the Federal Government to request that any losses incurred by the farmers of this province because of that embargo by the Clark government, has he been in touch with them to ask them and press them that they compensate those farmers as he has said that he supports?

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

**MR. DOWNEY:** Mr. Speaker, I've indicated many times in this House it was a matter of our annual Minister's discussion last year when we met in Toronto with all the Ministers, the point was made with the Federal Minister so we're on record as requesting them to make the shortfall up to the farmers of Western Canada.

Mr. Speaker, he eludes to the fact that we supported the grain embargo. What we said, Mr. Speaker, and I'll repeat again, that we supported the embargo and the farmers of Western Canada shouldn't suffer the consequences of that embargo. But what is the alternative, Mr. Speaker? Does the Member for Ste. Rose want the young people of the United States and Canada to take up arms, military action, and lose people in that kind of action because that's the alternative, Mr. Speaker?

**MR. SPEAKER:** The Honourable Member for Ste. Rose. Order please. Order please. Now that everybody has had the opportunity of asking their question I'll recognize the Honourable Member for Ste. Rose.

**MR. ADAM:** Thank you very much, Mr. Speaker. I would ask the Minister a supplementary question. You know the Minister gets quite sensitive when he finds himself in a conflicting situation. I would ask the Minister if he would support the establishment of at least a White Paper at the federal level so we can determine exactly what the losses were that were incurred by the farmers over this Conservative embargo that took place which they supported. I ask whether he would support a White Paper and an investigation on exactly what the losses were because I believe that is the problem at the present time.

**MR. DOWNEY:** Mr. Speaker, I'm not aware of what we would accomplish by a White Paper. I'm not officially informed but I am of the understanding, I would put it that way, that there is some information on what the calculated loss may have been within the federal jurisdiction and maybe, Mr. Speaker, because of the past experience of the Member for Ste. Rose and some of the affiliations that the present Chairman or the present Minister responsible for the Canadian Wheat Board — some of their past relationship is pretty close to the same kind of thinking and maybe not any different today — he may be able to assist in getting that information from the Federal Minister responsible for the Canadian Wheat Board. However, if after assessing what the member has recommended I can see further merit in it then I would take it under advisement, Mr. Speaker.

**MR. SPEAKER:** The Member for Ste. Rose with a final supplementary.

**MR. ADAM:** Yes, thank you, Mr. Speaker. In view of the Minister's emotional outburst about the embargo I would ask him then, does he support the U.S. policy of using food as a tool for foreign policy? I would also ask him if he could advise Mr. Jack Murta that the Port of Churchill is also very essential.

**MR. DOWNEY:** Mr. Speaker, I would think the member may be referring to the point that — and as far as the question as he put it — do I support the Americans using food as a foreign policy? Food, Mr. Speaker, is a part of foreign policy when it comes to the United States and with Canada because we are major exporters of food so I have nothing further to add on this particular issue.

I do not believe that the farm community, however, in their commitment to produce food for the hungry

people of the world feel that food is a proper tool. I think, Mr. Speaker, the best way to resolve the world issues are through negotiation, consensus and that we shouldn't have to get into the use of food for power but it is in fact one of those alternatives that we have and the alternative as I indicated at that point, would appear to be military action, Mr. Speaker, and I don't agree with that.

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

**MR. WILSON PARASIUK:** Mr. Speaker, my question is directed to the Minister of Health and I'd like to ask him if the government has received a report by Dr. Paul Mitenko mentioned in the press, who presented his report to the annual Canadian Pharmaceutical Association Conference, a report which indicates that an increasing number of elderly patients are becoming heavy drug users because of the overprescribing on the part of doctors?

**MR. SHERMAN:** Mr. Speaker, I haven't to my knowledge received that precise report but we've certainly had, and I've certainly had that kind of advice from Dr. Mitenko over the past two or three years and as the honourable member knows, Dr. Mitenko is very active on our Drug Standards and Therapeutics Committee and is an important adviser and counsellor to the Province of Manitoba on that very subject. We have, through the Deer Lodge Hospital in concert with federal health officials, a pilot project of some three years duration going on there evaluating the impact of drugs and drug mixtures on the aging and on the diseases of the elderly. Certainly it's a subject that the department is very aware of.

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

**MR. PARASIUK:** A supplementary to the Minister. In fact the Minister has received advice on this serious problem over the course of the last two or three years as he indicates, what has been done by the government to try and deal with extreme cases such as the one brought out by Dr. Mitenko where supposedly an 84-year-old woman was given 36 prescription drugs by eight different doctors in one year? What has the government done to try and stop that type of abuse from taking place?

**MR. SHERMAN:** We have a reporting program in place now, Mr. Speaker, between the pharmaceutical field, the pharmacology profession and the medical profession under which pharmacists are reporting to the College of Physicians and Surgeons on that questionable or apparently unusual degrees of prescription and overprescription and duplicate prescription. That's something that the Pharmaceutical Association, the Medical Association and our office is working on very intensively. In addition to that, the pharmacists themselves in the private sector have launched a drug awareness and Drug Alert Program under which medications are labelled and colour-coded to try to highlight that kind of warning.

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

**MR. PARASIUK:** Yes. Is the Minister prepared to look into the development of a register of drugs prescribed, so that now with the computer age we can keep tabs of this? Also, will he take this issue up with the College of Physicians and Surgeons and the Manitoba Medical Association to deal with this case of what seems to be abuse, but not abuse on the part of the patients, not abuse of Medicare and Pharmacare by the patients as has sometimes been alleged by some doctors, but rather would appear abuse of Medicare and Pharmacare by doctors prescribing drugs that they shouldn't be prescribing?

**MR. SHERMAN:** Yes, Mr. Speaker, and I would agree that the tendency to overprescribe or to rely on drug prescriptions has become highly prevalent in the last several years, not just here in Manitoba. This is a condition that prevails throughout North America and indeed the Western World. As drugs and therapeutic agents are developed for illness, there becomes a tendency to rely more and more on them; there becomes a tendency for doctors to prescribe as the first line of defence and that's the endemic danger of the whole system. I think medical and pharmaceutical personnel everywhere are alert to it and I will be pursuing it further.

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

**MR. BILLIE URUSKI:** One question, Mr. Speaker, I ask the Minister of Health whether he can indicate whether it is government policy that in the event a doctor is to leave a community that a hospital will close immediately or will he review that policy and check that out to find out whether or not an alternate solution can be made in time where another physician can be found.

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

**MR. SHERMAN:** I will, Mr. Speaker. I'll also look obviously into the situation that was raised earlier in question form in this question period — I have no knowledge of it — but I can assure the Honourable Member for St. George that it's not unusual at this point in that situation, I perhaps have not been given precise knowledge of it until the Commission has been able to finish its work with respect to its objectives at the hospital and to report to me.

What happens in these cases is that if a hospital loses its physician or its doctors, an intensive effort is made to find new ones, to acquire new ones, in the meantime support is supplied by physicians in surrounding areas. But if you reach the point where you haven't even got that and the standards of care are endangered, then the Commission takes action — it is empowered to take such action, authorized to take such action — they would then advise the Minister. I haven't been advised to this point as yet. If that's what they've done, I am confident they did it out of a sense of responsibility but I will ensure that every effort is made to locate backup medical personnel.

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

The Honourable Minister of Community Services on a point of order.

**HON. GEORGE MINAKER (St. James):** Mr. Speaker, I had asked leave of the House that we revert back to Tabling of Reports.

**MR. SPEAKER:** Has the Honourable Minister leave? (Agreed)

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

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

**MR. MINAKER:** Mr. Speaker, I'd like to table the Order for Return requested by the Honourable Member for Brandon East.

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

**MR. CHERNIACK:** Mr. Speaker, I wanted to ask leave to acknowledge the filing of an Order for Return by the Honourable Minister without Portfolio in order to get clarification as to the . . . date of it.

**MR. SPEAKER:** Order please. Order please. I don't believe acknowledgement is necessary.

**MR. CHERNIACK:** Mr. Speaker, I'm sorry. I think the answer is I was refused leave. I think that was the decision because I asked for leave and it was refused.

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

**MR. COWAN:** On a matter of privilege, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Churchill on a matter of privilege.

## MATTER OF PRIVILEGE

**MR. COWAN:** Thank you, Mr. Speaker. Yesterday the Minister of Labour in response to a question from the Member for Fort Rouge indicated it was his government that had first sent the problem of maintenance of essential services during a labour-management dispute in the health facilities in the Province of Manitoba to the Labour Management Review Committee.

I think it's important that the record be very clear on this. I think the Minister has inadvertently misinformed the House — I'm not saying he has misled the House, I am very studiously avoiding that sort of contention — I'm just saying that the record should be clear and it was in fact the previous government in the months of June and July, 1976, under the signature of the Minister of Labour at that time, Mr. Russ Paulley, who asked the Woods Committee to investigate the maintenance of essential health services in the event of impasse situations developing between the operators of health facilities and their unionized employees.

I do not, by this matter of privilege, want to take anything away from the work of the Committee that has been reviewing that or the sincerity of the government in their response to the situation but I do think the record should be quite clear that this

matter was first referred to the Committee and was dealt with at the Committee in the 1976-1977 years, previous to the change of government.

**MR. SPEAKER:** I thank the honourable member for his point of clarification. It was not a point of privilege.

The Honourable Minister of Labour on a point of order.

**HON. KEN MacMASTER (Thompson):** Mr. Speaker, on a point of order, the Hansard, I'm not sure how it words it but what I did not say, what I did not intend to say, was that this government had asked the, it's now called the Cam McLean Committee, Labour Management Committee, to do something about essential services during the dispute last year, the strike, I didn't say that.

**MR. SPEAKER:** Order Please. We could have explanations going on ad infinitum. I would have to rule that point was not in order.

The Honourable Government House Leader.

## REPORT STAGE

### BILL NO. 17 — THE MEDICAL ACT

**MR. MERCIER:** Mr. Speaker, would you call Bill No. 17, Report Stage.

**MR. SPEAKER:** Report Stage of Bill No. 17.  
The Honourable Minister of Health.

**MR. SHERMAN:** Mr. Speaker, the amendment before us deals with Section 57(2) of Bill 17 and proposes its deletion from the bill. I have to advise the House and the Chair, Sir, that I would recommend very strongly against such an amendment. I can't recommend acceptance of that proposal to my colleagues or to this Legislature. I think there perhaps is a basic misunderstanding on the part of some members opposite with respect to The Medical Act and what it's intended to do, designed to do and what in fact it has to do. The Member for St. Johns has referred frequently to the fact that we must protect the position, the individual practitioner. We must make sure that he or she has every available access and recourse to fair treatment and fair adjudication. I don't quarrel with that, I don't quarrel with that. I think, in fact, that The Medical Act as it has been revised and amended and appears before us now in Bill 17 does take considerable pains to ensure that kind of fairness and that kind of equitability and consideration in terms of judgment and in terms of treatment and in terms of protection for the individual practitioner. But I say, Sir, that in any event that's the secondary consideration of a Medical Act. People aren't dragooned into the medical profession; people enter the medical profession for the most part because that's what they want to be, doctors, and they go through a long period of training; a long period of specialization; a long period of excessive work schedule; a long period of undercompensation during those training and learning years and during the years when they're first establishing a practice in order to be medical practitioners.

So it's not something that somebody is drafted into doing and then results in a situation in which a

person suddenly finds himself confronted with restrictive and constraining regulations and conditions upon him or her as a professional. It's something that one voluntarily undertakes to do, to be and to become and in doing so, that person knows there is an enormous onus placed on him or her to meet the highest standards of performance, both in his personal life and in his professional life, in order to protect the reputation — the image if you want to call it, to use a popular term of the medical profession — and in order to guarantee the public confidence in the medical profession and over and above all of that in order to guarantee the protection of the public against procedures, practices, medications and approaches that are not tested and proven that are speculative, that are experimental and that often are very dangerous.

So, Mr. Speaker, I guess the difference between the approach that perhaps the Honourable Member for St. Johns and some members opposite take to this type of legislation and the approach that my colleagues and I take to this legislation is that while we concede that that individual who took it upon himself or herself to become a doctor and to submit to the particular conditions and constraints that are placed upon those persons who practise that profession, just as there are constraints placed upon persons who embrace the political field, who embrace the legal field, who are named to the bench, who enter the foreign service and the diplomatic corps, who enter the military; just as there are constraints placed upon them and they make those choices voluntarily, except in the case of a war time military draft, so that is the situation here in medicine.

My colleagues and I approach this legislation from the perspective that protections for the individual in the profession are certainly important and I think the bill guarantees that; but they are not the paramount import, they are not the paramount thrust or feature of medical legislation.

The primary objective is the protection of the public. The public must be protected against unproven, untested methods, procedures and practises applied by medical practitioners in the interest of their own health and their own lives and their own safety. We're not dealing here with a conventional occupation in many many senses. We're dealing here with an occupation that is concerned primarily with the issue of life and death; with the issue of the protection of the individual's health, the saving and the protection of that individual's life and it must be a profession that demands of its membership the highest standards and it must be a profession that demands of its procedures and its methods that they be tested and they be proven.

So I simply lay that out before the House, Mr. Speaker, as my perspective of the difference in the approach that's taken to this legislation by honourable opponents opposite and by members on this side of the House, and particularly by me. I believe, 57(2) just as 12(1) and (2), just as some of the other provisions in this legislation are there for good and justifiable and explicable reasons, not that they could not be improved. Some of these sections could well be perhaps fine tuned and improved and I am quite prepared to commit myself and my officials and any others who are interested to considering



some refinements and some improvements that we may all be able to agree upon for implementation and introduction at some future point in time. But at this point in time Bill 17, I believe, stands on its own merit in the sections and clauses before us the way they are worded, including Clause 57(2).

I just want to speak for one or two more minutes about the specific content of 57(2) and what it means and what its ramifications are. Members opposite have had some difficulty with it claiming that it's totally unfair to expect the college, the council or any adjudicating authority under the college to do other than find an accused practitioner guilty of some infraction when the cost of the inquiry would have to be borne by the college if he or she were cleared of the charges, the costs will be borne by the person under inquiry if he is convicted of those charges or if he is found guilty of those charges. I think that's taking an extremist position with respect to the legislation.

In the first place it says that the particular person who has been found guilty of professional misconduct, etc., "may" be ordered by the council, not "shall" be, but may be ordered by the council to pay, not necessarily all and not necessarily any, all or any part of the costs and expenses incurred by the council. So that it is not declamatory, compulsory, mandatory legislation, it is permissive; it does permit for subjective and objective consideration and determination. Further to that, Mr. Speaker, it is parallel to the provisions found in similar professional legislation. It is precisely parallel insofar as I can see it, to the provisions of The Law Society Act. It is precisely parallel to the provisions as I read them in many other professional bills, although that is not necessarily a justification because all could be wrong, still I submit that before making convulsive changes with respect to a provision of this kind in one piece of legislation, when it appears in many, we perhaps should over the next little while be looking at the principle and if any changes are possible it should be applied to all professional legislation, not just one specific piece of it.

But over and above that, Mr. Speaker, let us not confuse and let not the Member for Inkster or the Member for St. Johns confuse the functions of the different responsible authorities in the College of Physicians and Surgeons under the provisions of The Medical Act. The Inquiry Committee does not assess the costs; it's the council that determines whether the costs shall be assessed and how many costs shall be assessed after the verdict comes in. What the Inquiry Committee does is determine whether that person is guilty or not guilty of unprofessional conduct, etc. They do not then assess those costs; the council makes that decision. I think it's important that members opposite be very clear on their understanding of the different levels of authority and responsibility that are contained in this investigative and disciplinary procedure under this Act and further to that, all of that is appealable under a specific section of the Act.

Finally, Mr. Speaker, let me advise members of this Legislature that in the past seven years the College of Physicians and Surgeons has held 39 inquiries. Of those 39 inquiries, there have been only nine in which costs have been assessed. The other 30 found no costs assessed; there were costs but

they were waived. The college's position is that costs not only can be waived but frequently are waived on compassionate grounds, on economic grounds, hardship grounds or just in general, considerations of all the facts and factors involved. So in the majority of cases we're talking 75 percent of those 39 cases in the last seven years, the costs were waived.

In the instances where they were assessed, they were cases where the person who was the subject of the inquiry had put the college to a considerable and to an unjustifiable expense. There were cases in which the person who was the subject of the inquiry had created situations, developed approaches and developed responses that did put the college to considerably more expense than was anticipated or on the record should have been necessary and that in the view of the college, was unjustifiable. So in those instances costs were assessed. Again it's a case of all or any part; it's not necessarily mandatory that they be all the costs whatsoever, Sir.

So on the grounds of those comments, the foregoing and the fact that professional legislation in general in this province contains that kind of provision, the fact that there is no better solution at the moment although all of us should pursue one in hopes of discovering some possible improvement, I must recommend that this amendment be rejected as not acceptable because it does not protect what must be protected at all costs in legislation such as Bill 1,7 and that is the public.

The persons who engage in the medical profession become licensed medical practitioners have to know that the public protection comes first and they must do everything at all times that is above reproach so that they do not become the subjects of an inquiry; so that they do not find themselves winding up being assessed the costs of an inquiry. If they adhere religiously to the ethics and the principles of the practice of medicine in this province as monitored by the College of Physicians and Surgeons, there is no danger of their winding up as subjects of an inquiry having to pay the costs of that inquiry. All we're asking is every guarantee of public protection. This section, like those that have already been debated in the bill, is a further reinforcement of that public protection, Sir.

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

**MR. SAUL CHERNIACK:** Would the Honourable Minister permit a question?

**MR. SHERMAN:** Yes, Mr. Speaker.

**MR. CHERNIACK:** My question is, he mentioned that there were 39 inquiries in the last seven years. Is he also saying that in all 39 cases there was an adverse decision against the doctor?

**MR. SHERMAN:** I can't answer that question, Mr. Speaker. I'm not saying that because I don't know that to be true. I know there have been 39 inquiries and in nine of them costs were assessed and that in a great many cases costs were waived but I can't answer that specific question.

**MR. CHERNIACK:** Mr. Speaker, on that specific, the Minister said there were 39 inquires, there were nine

where costs were assessed which is some 25 percent of the total and obviously in his opinion they must all have been found against the doctor, otherwise why say 25 percent? Surely there was not the slightest suggestion that there could be costs assessed when there was no fault found against the member.

I mention that because now the Minister isn't sure and if —(Interjection)— oh, Mr. Speaker, now he is enforcing the argument because it is shocking to me to learn that there may have been — and I believe from what the Minister said that he thought — that there were 39 inquiries, 39 convictions, that's even worse, Mr. Speaker. To think that on no occasion did one of the inquiries end up in a finding that the member was not guilty as charged. I'm setting that aside, Mr. Speaker.

In the first place on this bill the Minister, if he hadn't been so carried away with his own enthusiasm, I would have said to him that I am not that fired up in support of this amendment. I generally support the amendment but I'm conscious of the fact that Section 64(2) makes it possible for the court on hearing the appeal to make such order as to costs as the court considers just. Peculiarly enough, Mr. Speaker, I attempted to make an amendment to the effect that when the reference to costs is made the words to be inserted would be "as to cost of any previous hearing as well as this hearing" and that was not accepted; was not accepted on the theory that the word "cost" was acceptable and unnecessary to spell it out; whereas today we dealt with a taxation bill where I think it was clear that it was unnecessary to put in the amendment at all but it was done for the comfort of some people. That means to me, Mr. Speaker, that the Minister is really fired up with this. The Minister

**MR. SPEAKER:** Order please. The Honourable Minister on a point of order.

**MR. SHERMAN:** Mr. Speaker, on a point of order and a point of information, I'm now in a position to answer the honourable member's question. I'm prepared to answer it, Mr. Speaker. I wasn't able to give him the complete information; if he would like me to do so I can do so now but I leave that in his hands.

I'm advised, Mr. Speaker, that as I indicated to the House that in the past seven years there had been 39 inquiries. Of those 39, nine were acquitted, 30 were found guilty and nine of those 30 were assessed costs.

**MR. CHERNIACK:** I appreciate the Minister taking the trouble to correct the impression which he left with us. At least the statistic now changes from 25 percent to 33 percent and at least it helps my appreciation of it to know that at least there were nine acquittals and that's pretty important.

Mr. Speaker, I was listening to the enthusiastic speech by the Minister during which time, on this bill, he referred to "my opponents opposite". I didn't know, Mr. Speaker, that we were in the adversary position in dealing with the professional bills. I must tell you I never had that impression, except when we come to deal with The Veterinary Medical Act there will be an indication of adversary position but on these medical bills I never had the concept that the

Minister of Health was my opponent. I want him to know that I kind of resent the fact that we are now on a political adversary basis when we're dealing with a medical bill; be that as it may. He says these people were not dragooned into medicine. Mr. Speaker, almost every doctor I know was motivated with his desire to serve the public, with his desire to help people who were ill, with his desire to improve the health of the population. I think that almost every doctor I have met is dedicated, to a large extent, in one of the finest spirits of community endeavour.

He said they wanted to be doctors. Of course they wanted to be doctors. No one would go through the medical training if they indeed didn't want to be doctors. So then he says well then let them have the penalty of knowing that if they don't behave in the eyes of their peers then indeed they must suffer all the consequences that come from that kind of review. He spoke about life and death — public protection comes first. Mr. Speaker, that's part of his style. He thinks that by exaggerating he can persuade. The fact is we're talking about penalizing a member for costs; what that has to do with public protection I don't know. If he considers the cost a punishment then let's call it a punishment and let's put it in the list of penalties but that's not the point in the bill which he is supporting; the point in the bill is to reimburse the peers of the doctor for the expenses to which they were put in making their inquiry and investigation; that's all it is. It has nothing to do with life and death; it has nothing to do with protection of the public; it has nothing to do with — I wrote down the phrase that stirred me so — "must be protected at all costs" — at all costs.

Mr. Speaker, I'm under the impression — and I really may be wrong, I don't want to go way out of line with this — I have the impression that there are 8,000 doctors. Is that possible or is that nurses? 1,600 doctors, Mr. Speaker, 1,600 doctors. If they are asked to tax themselves in order to maintain the high standards of medicine that's not a burden for anybody. Mr. Speaker, I don't know what doctors pay into their fees; I know lawyers pay a total of, compulsory, in excess of \$500 a year and that's no great hardship on lawyers I think and whatever the doctors pay — how much do doctors pay, tell me, \$600.00? If doctors pay \$600 . . .

**MR. SHERMAN:** Close to \$500.00.

**MR. CHERNIACK:** The Minister says close to \$500 but I have it from up above on greater authority that doctors pay \$600.00. In any event, Mr. Speaker, that's no great hardship. The average earnings of the medical profession are substantial and I personally don't begrudge them their earnings but if they have to pay \$600 or \$700 to maintain the standards of their profession that's no great hardship. It's more important, Mr. Speaker, that they are there to protect the public by ensuring the high standards than all this nonsense about protecting the public interest at all costs, about joining the army, about being politicians, about being if they wanted to be doctors not being dragooned, that's got nothing to do with this.

Mr. Speaker, I said earlier if he hadn't worked himself up to this magnificent display of verbiage I don't know that I was going to support the Member for Inkster's motion with such great enthusiasm

because of the appeal provision. But, Mr. Speaker, I am motivated mostly by hearing the Minister say well, that's where they have studied, that's something we have to look at, that's something that we may review, there may be other features to review. What a shame, Mr. Speaker, when we know that the medical profession has been trying to get amendments to their Act for a number of years, including a time during the previous administration, and then they started dealing with this administration. Last year, Mr. Speaker, they finally came with a bill. They brought the bill to the Legislature and we had the bill before us last year and in spite of my recommendations and strong and verbal and loud recommendations to both the Minister of Health and to the House Leader last year, in spite of my recommendations that this bill, along with other bills, should be referred to an intersessional committee to review, to study and to recommend. In spite of that what do they do? They let the bill lie, they let it be reprinted, brought back this year and dealt with when, Mr. Speaker? We heard the representations by the medical profession up to I think about 1:30 on the evening of Wednesday or Thursday we were still listening to their briefs. —(Interjection)— introduced for second reading in March, Mr. Speaker, and not referred to committee until last week.

Let me get this clear, Mr. Speaker. We also informed the House Leader who is in charge of management in this House that we would deal with all bills at once and by the time we got all bills in, it was very close to the end of the session. Mr. Speaker, let me get it clear that the Minister for Government Services said they were called twice a week. The fact is that we informed the House Leader we wanted to deal with all the professional bills at once, which made good sense, that we didn't have the opportunity to deal with all of them at once until the last bill came in and that was quite a bit later on in the session, so let's not be so righteously indignant. I am more entitled to be righteously indignant when I know all the bills that came in during this time were in very similar form last year and could have been dealt with in an orderly fashion; not rushed; not under pressure; not under the whip — which they were this last week — and so done that the Minister of Health would not have had to say, "That's a good suggestion but I don't have time to deal with it. In due course I and my department will be reviewing it".

Mr. Speaker, I doubt very much if by the next session we will have new amendments brought in on The Medical Act, I doubt it very much. The Minister of Economic Affairs is again talking —(Interjection)— The Minister has such a good memory of what happened in other sessions, he should have been able to tell the House Leader how to conduct himself in this session and in the last session. With his great experience and great memory he could have been assistance to the House rather than being sitting there mumbling and grumbling and being his usual unhappy self.

Mr. Speaker, the Minister had every opportunity himself over the last two years — I mean the Minister of Health and I'm glad the Minister of Health reminds me to differentiate between his personality and that shown by the Minister of Economic

Development — and I tell the Minister of Health he had a good two years to review all this legislation. He certainly had ample time after last July to acquaint himself with this legislation. He had an even better opportunity where we could have met in a group, not as opponents but as persons working together to improve the bill during the intersessional period, in order to deal with them in a way that would not put him in the position of saying, "We will yet look at this. We may yet make changes".

Coming back to this specific motion, Mr. Speaker, I think the point made by the Member for Inkster is strengthened by the assessment of some \$16,000 charged against one doctor recently. My recollection is that the President or the Chairman of the college said, "Well, it's \$16,000. It's really among 1,600 members". I think I remember that his arithmetic wasn't helping him too well, but it is \$10 a member. (Interjection)— No, 1,600 members times \$10 should be \$16,000. For \$10.00 a member, Mr. Speaker, the Minister of Health makes this big speech about public protection comes first. The public must be protected at all costs. Nonsense. The cost is \$10.00 a member for that one case, that's all it is. If it were \$50 a member per year, which it wasn't if you divide seven or nine cases into seven years, he exaggerates the importance of this section. It would have been better I think had he let it go and voted against it because I could assure him that he has confirmed for me the desire to vote in favour of the amendment.

I also must point out that for some reason or other he was debating me when I hadn't yet spoken on this section and I don't recall speaking on it particularly during committee either but that's fine. We can debate any other matters he wants to, but I hope not on the basis of being opponents when there is no philosophic difference here except the recognition that the public comes first and my insistence, that having served the public we must protect the individual against the group.

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

**MR. WILLIAM JENKINS:** Thank you, Mr. Speaker. I'm going to be very brief on this. I would not have risen to speak in this debate but the Minister kept pointing his finger across the Chamber at me, claiming I was the one who was holding these bills up. I think there has been set in this House a record we had agreed that we would deal with the professional bills in total, as a group — there were nine in total, it worked well, it worked very well and some of the bills were introduced early — but I must say Bill 47 and Bill 25, Mr. Speaker, were not introduced into this House until May 14th for second reading, May 14th. That was when those bills were introduced in this House for second reading. So if there's going to be any blame of who's been holding these bills up, then the blame must have to fall on the other side.

**MR. SPEAKER:** Order. Order please. We are dealing with an amendment. We're not dealing with other bills.

The Honourable Member for St. Boniface.

**MR. LAURENT DESJARDINS:** On a point of order, Mr. Speaker. The honourable member is only

answering the Minister who is allowed to make a statement and it's the same thing. Who held the bill back?

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

**MR. JENKINS:** Well, Mr. Speaker, I have put on the record that it was not this side of the House that held these bills up. When we were dealing with this bill in Committee, I said at that time I was very disturbed with the powers that this group was assuming unto itself.

What we have before us here, Mr. Speaker, in the plain vernacular of the trade union movement, is a closed shop; a closed shop, Sir. This is a group that doesn't hold even an annual general meeting. Of all the professional bills that were before us, this one was the only group that didn't hold a general annual meeting; the membership didn't even vote under by-laws.

I said to the representative of the College of Physicians and Surgeons that it was a very undemocratic organization. It was one that if a trade union was trying to do this, Mr. Speaker, members on that side of the House would be howling and yelling. I would like to see a bill come in this House from a trade union asking for the same powers, the same powers that are being asked for here, and let's see where these people would be. Let's see where they would be. —(Interjection)— College of Electricians or Car Knockers which I happen to belong to, which is in the vernacular — The Brotherhood of Railway Carmen — if we came in here and asked for that type of legislation they'd laugh us out of this House.

But you know, Mr. Speaker, we have here a group of people who have the power of life and death over their membership. They determine who will practise, who won't practise; that is a closed shop and I've always opposed a closed shop even though I have been a trade unionist, because I can see there are abuses that can fall from that sort of thing. But here we have, because they're professionals, they're allowed a closed shop? I'll tell you, that conduct unbecoming a member almost reminds me of Section 9 or Section 40 of the old Army Act; if you couldn't get somebody on one thing you always threw that in, conduct unbecoming of a soldier or something like that — I just forget the exact words — that was the catchall of all and that's what all these professional bills are having, this catchall. If they can't nail that member on one thing, they're going to nail him on the old Section 9 or Section 40 or whatever it was — it's a few years ago and I kind of forget what the section number was — but that was how they used to nail them. I was an NCO; I knew if we wanted to nail somebody how you could go about nailing him, that there was no way he could get out of it. It was always there.

So, Mr. Speaker, when we hear the Minister of Health — and I didn't hear him when he was ranting about patriotism and everything else and the armed services, but let me tell him — these pieces of legislation all have one thing in common, conduct unbecoming. Good old Section 40. Mr. Speaker, when will we look at these people in the bright light? I think it's been suggested here once today already, that perhaps we should be looking at a different way of licensing these people and I'm beginning to come

very much to that opinion, Sir, especially when they don't even hold general annual meetings; they send out a circular letter. Well if circular letters are read by the doctors in the same proportion — and I don't suppose they're any different than anybody else, than other associations — I wouldn't doubt that the reading of those circular letters are of a very low capacity.

Mr. Speaker, as I said once before, it wasn't us that held these bills up. If they were delayed in getting to the Committee, it is no fault but the government's fault and no one else's.

**MR. SPEAKER:** The Honourable Member for Inkster will be closing debate.

The Honourable Minister of Government Services.

**HON. WARNER H. JORGENSON (Morris):** I rise on a point of order with respect to the right of the honourable member to close debate. Under normal circumstances I know that is a practice, that one who introduces a motion or an amendment has a right to close debate on that. But under the report stage of our rules, there is a departure from that practice. You will find that, Mr. Speaker, in Rule 88, Subsection 9. Let me quote that particular rule to you: "When a debate is permitted on an amendment, no member shall speak more than once or longer than 20 minutes during the proceedings on any amendment at that stage, except that the Premier, the Leader of the Opposition and Minister of the Crown or other member sponsoring a bill and the member proposing an amendment may speak for not more than 40 minutes".

It seems to me, Mr. Speaker, that rule is in conformity with the third reading stage of any bill. Anyone can speak at any stage of that bill but no particular member has a right to close a debate at that stage.

I say, Mr. Speaker, I don't rise in anticipation that I'm going to deprive the honourable member of an opportunity of making his remarks. I know there are still several other occasions on which he can do that. As a matter of fact, if this amendment comes to a vote and we go into third reading, my honourable friend will have that opportunity then and he'll have it on other occasions. So it's not a question of attempting to deprive him of that opportunity. I simply say that the rule is there and I believe the rule — if I interpret it correctly — that it should be adhered to.

**MR. SPEAKER:** The Honourable Member for Inkster on the same point of order?

**MR. GREEN:** Yes, to the same point of order. Mr. Speaker, I believe the rule is being read correctly. I would interpret the rule in exactly the same way. I checked on it with the Clerk before I did it this morning and it appears that has been our practice. I would say as I read the rule — and as the Speaker pointed it out this morning — that is the way I would interpret it. Therefore I am not going to speak again on this motion, provided that's the way we continue on the basis that the ruling has been made and we continue in that way. I do think, Mr. Speaker, it is possible that the rule should be looked at but nevertheless I am going to yield to the objection and I'll speak on the matter later on.

**MR. SPEAKER:** I thank the honourable members for bringing the matter to the attention of the Chair. This morning I did raise the issue. I did however at that time, because precedent had been set before, I did allow debate to go on; but I do hope the Rules Committee will look at this issue between now and the next session. Are you ready for the question? Is it the pleasure of the House to adopt the motion?

**QUESTION put, MOTION carried.**

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

**MR. GREEN:** Mr. Speaker, I just want to indicate . . . No, that's fine, on division.

**MR. SPEAKER:** Recorded on division.

Then proceed with amendment. We have two further amendments; one by Mr. Brown. The one by the Honourable Member for Rhineland is withdrawn, is that correct? Then there's an amendment proposed by the Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Speaker, I'll move, seconded by the Member for Kildonan, THAT Section 65 of Bill 17 is renumbered, (section 64 as printed) be amended by adding thereto at the end thereof, the following subsections:

Stay pending appeal.  
65(6) Where a person has commenced an appeal under this section he may apply to the court for, and the court may make, an order staying the effect of the decision or order appealed pending the determination of the appeal.

**MOTION presented.**

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

**MR. CHERNIACK:** Mr. Speaker, the intention is obvious with Section 12 left in as it is. There is provision then for disqualification and then there will be procedure to provide that there can be an appeal or review of any decision to suspend. I suggest that when a person does go through that appeal procedure he should have the opportunity to apply to the court during the procedure, or at the inception, to have the court decide whether or not the suspension should be delayed or reversed staying the affect of the decision pending the appeal. It's something like bail, Mr. Speaker. I think it's reasonable; the court would make the decision; the court would say, well in this case the suspension is too serious and I suggest that for a member who's practised his profession for any number of years, who has been found under Section 12, say, that he has been convicted and that his name has been erased and he wants to appeal it, the court to whom it was appealed, which has the right to reverse the decision, should also have the right to put that member back into practise during the time of the hearing. As I said earlier, in connection with another amendment, it's the person's, not only his work and his opportunity to serve, but it is also his patients who may find themselves without an opportunity to continue their medical supervision by a doctor who knows them and deals with them. I think it's fair. I frankly would hope that it'll be accepted.

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

**MR. SHERMAN:** The principle for me here, sir, is the same principle that pervades the whole bill; the principle of protection of the public. I suggest to the House that this amendment, if it were accepted, would put at risk individual persons in individual cases and there is, on the record, Sir, notwithstanding the informal comments from some benches, there is on the record certain and very persuasive justification for rejecting this amendment. What some members perhaps are not prepared to understand and accept and embrace fully is that it is lives of individuals that are involved here. There are on the record individual instances of doctors and practitioners who put the public at risk, who carry out procedures that result in the deaths of persons; who are approached and suspended or subjected to an inquiry in order to protect the public. Now, if in response to that they were to appeal it and during the course of that appeal they were able to be out again constituting that risk to the public, then I say, Mr. Speaker, you defeat the whole purpose of this kind of legislation which is the protection of the public and I have to recommend against the amendment.

**QUESTION put on amendment, MOTION lost.**

**MR. CHERNIACK:** On a real division, Mr. Speaker.

**MR. SPEAKER:** On Division? Is that agreed?

That completes the amendments that I have before me on Report Stage.

Shall the bill be concurred in? (Agreed)

### THIRD READING

#### BILL NO. 17 — THE MEDICAL ACT

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

**MR. MERCIER** presented Bill No. 17, The Medical Act, for third reading.

**MOTION presented.**

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

**MR. CHERNIACK:** Mr. Speaker, I think generally this bill is better than the former bill. I think it will be an improvement but I can't help but say, Mr. Speaker, that the Minister's statement about "at risk" means that the Minister does not trust a court of the Province of Manitoba to impose its opinion over that of the counsel. That means to me, Mr. Speaker, that the next logical step is to deny to the court the right to sit on appeal of any decision by counsel because it is at risk and I think that's a terrible statement. Mr. Speaker, I do not believe the medical profession would go along with the Minister's concept of what is at risk and what is the protection of the public.

I think that he has jumped into something because he does think in terms of the opponents and, on that basis, he will not accede to any suggestion at this stage because he feels that he's dealing with opponents and therefore he must slap them down.

Mr. Speaker, I think that it is a terrible disgrace that a doctor who has appealed his suspension is not allowed to do what a common criminal is allowed to do in court and that is to apply for bail for release until his appeal is heard. A common criminal is allowed that which this Minister denies to a doctor who has launched an appeal under the Act and who says; I would like a consideration to be allowed to have the suspension lifted during the hearing and during the trial.

I indicated a no vote on the report stage. I am not going to make an issue of voting against the bill although the Minister deserves that it be done in that way because of his denial of what is a form of natural justice that, as I say, is given to common criminals and this Minister is treating a doctor even worse than that, and worse than that is showing his tremendous disrespect for the courts to say that he denies the court the opportunity to lift the suspension until a hearing is heard. His whole group follow him in that denial of natural justice, denial of an opportunity for people to have their case heard and their appeal heard by the courts of this province in public. The suspension is done in private, the Minister has seen to that. The suspension sits there until the appeal is heard and no court is being allowed to suspend that and the whole group are going along with this Minister's shortsightedness and with this Minister's stubbornness and I only wish we had time for the Minister to consult with the medical profession who is supposedly — he's not representing them supposedly and I believe that because I do believe that they would see the justice of what I proposed and that they would not agree with the Minister. I hope so, Mr. Speaker, I have more respect for the medical profession than to think that they would deliberately refuse one of their colleagues the opportunity to appeal to a court and request the court to reverse a suspension until a hearing is completed.

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

**MR. SHERMAN:** Mr. Speaker, I'll be brief. I must say that I reject and repudiate the language, the terminology, the style and the attitude of the intrusion into this debate made during the past few moments, or the participation in this debate made during the past few moments by the Member for St. Johns. I resent the distortion and misrepresentation of my position; I resent the distortion and misrepresentation of the meaning and the import and the ramifications of his proposed amendment; I resent the posturing position that he takes as a defender of the medical profession against injustice, the defender of individual doctors against injustice; I resent the fact that he ignores completely that important principle that we have talked about all through this bill; I resent the fact that he did not move or ask for, to my knowledge, to my recollection, this kind of an amendment during committee stage of the bill. For him to rise at the last moment and say the Minister is taking this position because he sees it all in the perspective of opposition and he is too stubborn to allow the Opposition to make any points on this bill is, Mr. Speaker, an absolute misrepresentation of what has taken place on this bill and the other health professional bills.

I believe that the Committee on Statutory Regulations and Orders worked co-operatively and worked with a good deal of consensus and worked with a good deal of mutual respect around the table in arriving at the best legislation to which it was possible to arrive at this time. I know that in the minutes of that committee hearing you can find, Sir, and the Member for St. Johns can find, numerous instances in which sensible, reasonable proposals, amendments proposed by members on the other side of the Chamber, members such as the Honourable Member for St. Vital, found their way to acceptability and found their way into the legislation. There was no attempt on my part or anybody else's part to resist because it was opposition.

This amendment slipped in at the last minute under the guise of the kind of posture a defender of the public interest the Member for St. Johns indulges himself in, has loved to have taken for the entire 12 years that I have been in this Chamber, and goes towards his political sunset under, in this current session and no doubt will do so in the next session, I think, Mr. Speaker, is a disservice. I think that kind of posturing is a disservice to the House and I think his remarks are a disservice to the work of the committee that worked in mutual co-operation to arrive at reasonably good legislation. There was no adversary posture taken on it. This amendment is not acceptable for the reasons that I have specified, something that the Member for St. Johns obviously does not now and obviously, I must say, never will understand.

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

**MR. D. JAMES WALDING:** Thank you, Mr. Speaker. I just can't let the last remarks of the Minister go without some little reply. Much of what the Minister said about the workings of the committee were accurate, Mr. Speaker, there was input from very many members around the table who recognized that the bill in this case, Bill 17 before the committee, was an improvement on the previous Act but it was yet capable of further improvement and advancement. Things that we learned and discussed under this bill were incorporated into others. Matters that were discussed under other bills, the principle was extended here. As the Minister says, it was discussed in a non-partisan manner; there were suggestions made from members on both sides of the table that were discussed; in some cases adapted and in other cases simply incorporated as they were.

The suggestion put forward by my colleague for St. Johns in the last amendment — which I don't want to discuss, Mr. Speaker, because it's been dealt with — was along the same lines and given, I believe, in the same spirit as the other suggestions that were made by members of that committee. For the Minister to mount an attack on my colleague from St. Johns in the way that he did I believe was really out of keeping with the spirit of co-operation that this matter has been approached with.

Certainly the point put forward by the Member for St. Johns was from a legal perspective. His experience in that regard, his training and qualifications certainly exceed that of the Minister. I believe that my colleague was pointing out from a

legal point of view that the courts are put there to make decisions on matters of this type. He contrasted the matter of a doctor making an appeal under this section, "were they a common criminal" was the expression used "applying for bail?" I see the logic in the comparison. I believe the principle of it could have been considered by the Minister in the same manner that it was put forward without having to make the sort of comments that he did, which I believe were a little out of keeping with the Minister's normal style of reasonableness in considering matters of this nature.

**MR. SPEAKER:** Are you ready for the question? Is it the pleasure of the House to adopt the motion?

**QUESTION put, MOTION carried.**

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

**MR. MERCIER:** Mr. Speaker, would you call Third Reading of the amended bills, 18 to 47.

**MR. SPEAKER:** Bill No. 18. The Honourable Government House Leader.

### **BILL 18 — THE PHARMACEUTICAL ACT**

**MR. MERCIER** presented Bill No. 18, The Pharmaceutical Act, for third reading.

**MOTION presented.**

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

**MR. CHERNIACK:** I just wanted to comment that we went over this legislation and the other legislation in great detail. We made various changes which I think improved the bill.

The only comment I really want to make in regard to this bill itself and really to the pharmaceutical profession, is my surprise when we learned that much in the peer review by the pharmaceutical profession is prompted by complaints lodged by the Federal Department of Food and Drugs. It appears that the Federal Department of Food and Drugs, when it has an allegation of impropriety on the part of a druggist, so informs the Pharmaceutical Association, they then launch an investigation and make a finding about the pharmacist. It may be that all the pharmacists like to have it that way. But certainly it is surprising to me that the Food and Drug doesn't do its own prosecuting under its own legislation and bring a pharmacist who offends against the law to the courts of justice but rather deals with them on the level of the Pharmaceutical Association itself. I do find that surprising. I somehow feel it's improper, yet it may be that a pharmacist would rather be tried by his peers than tried under the law. But if that's the case, then as a member of society I would want to question how it is that the law is enforced not through the courts but rather through the Pharmaceutical Association.

I do believe that this Act contains a provision where a member may be fined as part of his punishment, which is again I would say a surprising thing when it comes to unprofessional conduct — if

a person doesn't carry on properly then a fine should not be the result but apparently it is because of the use by the Food and Drug people of that — and I suggest that as a criticism not only of the Food and Drug people but of the pharmaceutical people themselves. I feel this might be an opportunity for them to protect themselves rather than obey the law — that may be considered an unfair conclusion — but it is forced on me once I hear that indeed that is the practice. I must say I deplore the practice but that has nothing to do really with approving of the bill which I'm inclined to do, Mr. Speaker.

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

**MR. GREEN:** Yes, Mr. Speaker. I'm going to tear a page from my friend the Member for St. Johns' book and indicate that what I have to say about this piece of legislation relates to almost all of the professional bills that are presently before the House.

Mr. Speaker, there has been no greater argument inducing me to look with great skepticism on these bills than that which has been advanced by the Minister of Health relative to The Medical Act because, Mr. Speaker, I can see that the Minister of Health who is not involved in what is going on, entirely misplaces his trust in what can happen before a group of one's peers with respect to discipline, with respect to costs, with respect to licencing and with respect to suspension of licencing.

I'm not aware, Mr. Speaker, as to how we got to the point that we are in because I'm not aware of the history of the professional legislation but I can see where we are, Mr. Speaker, and I do not like it. I do not like the notion that licencing is a procedure of a group of people who are privileged by society and protected by society with respect to any outsider practising their profession and who are given, Mr. Speaker, extraordinary powers over the members of that group. Every time the Minister has spoken of these extraordinary powers he has been almost enamoured by the aura of these wonderful professional people.

Mr. Speaker, I want to tell the Minister that the wonderful professional people that he is talking about are no better and no worse than a group of carpenters, than a group of ditch diggers, than a group of legislators, than a group, Mr. Speaker, of any other normal curve of people, starting from people with high moral qualities going to the other range of people with lower moral qualities or a group of farmers, Mr. Speaker. (Interjection)— Gas jockeys, Mr. Speaker, people who work in service stations, they are no better and no worse than these people. The Minister has put them on a pedestal and thinks that when he puts them there he can afford to give them the kind of jurisdiction that he is giving them here and that it will somehow be exercised in an elitist way.

I would ask the Minister, Mr. Speaker, to read a book called *The Brethern*. The *Brethern* doesn't deal with doctors it deals with the judges of the Supreme Court of the United States of America. He will find that amongst that august body there are people with human frailties; there are people, Mr. Speaker, who can make a bad decision, who can be vindictive, who can be magnanimous, who can range in all of their actions and their feelings and lawyers — and I would

take it away from the lawyers, Mr. Speaker — there's no difference. I have had to do with the Law Society of Manitoba and seen exactly what I am talking about.

I saw it with one named Tony Pilutik, I spoke on it in this House, and I said at that time that after Mr. Pilutik resigned as a judge and with no complaint from any member of the profession; with no complaint from any client of his; with no complaint from anybody; the Law Society saw fit to bring him in and discipline him, and what did they do? They gave Tony Pilutik, Mr. Speaker, something which no lawyer in the Province of Manitoba can get; they gave him a certificate of honesty. I couldn't get one if I applied for one, nor could any other lawyer, but they examined the Pilutik case and they came to the conclusion that Mr. Pilutik has done nothing dishonest, that's what they said, but we disbar him because he drinks, because he uses bad language, because he goes around with bad company. Mr. Speaker, I said in this House and the member wasn't here, that if they disbar people for that there will be no lawyers — oh, they also said he liked girls — things of that nature, Mr. Speaker.

I said if they disbar people for those reasons there will be no lawyers practising in the Province of Manitoba but, Mr. Speaker, that's what they do. The Honourable Minister gets up and says, "Oh, they had nine cases where they awarded costs against a fellow and these were people who caused them trouble". Do you know what that means, Mr. Speaker? That means that the doctor when he was charged did not come in and say, "Oh, please be nice to me, I won't do this again", or "I didn't feel this was wrong but I now feel it was wrong". The doctor who stood up and said, "you people are wrong, I was right, I did the right thing, I practised good medicine and I'm going to fight for my right to practise that kind of medicine". That's the guy they say caused us trouble, we will make him pay the cost.

Mr. Speaker, it is built into this system that you have to run around and cow-tow to the people who happen to be members of the college, or people who have to be members of debenture, or people who happen to be members of the governing body, and that's the way it is regarded by people who are suddenly faced with this type of procedure. So we have in this act, Mr. Speaker, — and I want to show the Minister of Health how at least the pharmacists who I suppose are every bit as outstanding citizens as the physician, who are also trying to protect society, who are also not dragged into the profession and go into it knowing they are going to have to be law abiding and decent people. It's interesting, Mr. Speaker, to read on what basis you can be cancelled as a pharmacist. Not, Mr. Speaker, not on the conviction of a criminal offence, of an indictable offence, not for conduct unbecoming a pharmacist. Mr. Speaker, his conviction for an offence against an Act of Parliament of Canada or of the Legislature relating to the sale of drugs, poisons or alcoholic liquors, directly related offences. His conviction for a crime involving moral turpitude — and that one I say is questionable but they do say at least involving moral turpitude and those things have been jurisdictionally defined — his personal habits in regard to the use of poisons, drugs or alcoholic

liquor, not his personal habits on anything else, regarding the use of poisons, drugs or alcohol and failure to observe proper pharmaceutical practice. Nothing here about fitness to practise, or conduct unbecoming a pharmacist, or conviction for an indictable offence but then, Mr. Speaker, they go to the same type of thing. A person who is convicted may be required by the council to pay all of the costs.

Now, Mr. Speaker, the Minister has dismissed this requirement as being not something that is necessary to the inquiry. He has said the reason for this requirement is that it is brought to bear upon a person who has done wrong. He is regarding it as a fine. He says a guy who goes into the profession knows that he has certain things to do and if he doesn't do it, this is what's going to happen to him. But usually, Mr. Speaker, when we talk of a fine, we talk about finite amount. This amount is infinite; there is no limit to the costs of the inquiry.

The profession is not induced to limit the cost of the inquiry and the profession — and this has never been answered, Mr. Speaker, — I asked the Minister last year. I said is the Minister concerned that the same body who is fining a man \$16,000 is making the decision whereby that fine becomes payable and if they make it the other way, they themselves pay the \$16,000.00? The Minister said that it was of concern to him. Mr. Speaker, the answer was that the Minister was concerned. Mr. Speaker, that's the answer that the Minister gave me last year that he was concerned but this year he's not concerned any more; this year he is not concerned. This year he puts into the Act that the adjudicating body has the choice of themselves paying the fine or causing the person before them to pay the fine by finding him guilty. He doesn't consider that a problem, Mr. Speaker.

My friend the Member for St. Johns says well, it's not so serious because the courts can undo it. Mr. Speaker, the jurisprudence of the courts in connection with these cases was indicated by Mr. Scott. They will not readily interfere with the decision of a disciplinary body of professionals; they will not interfere generally with their findings of fact; they will not interfere generally with their findings with regard to what is medical misconduct and what is not medical misconduct. Mr. Speaker, if the finding is made that the person has been guilty then the college may impose the fine and I suggest to you, the courts will not interfere with the discretion of imposing a fine. So there is no real relief. It's not as if the courts will say, we'll look at this fine to see whether it is a reasonable fine or not a reasonable fine. They will look at it and say it is the statute, give them the authority to do it. As a matter of fact, the courts will turn around and blame the Member for St. Johns.

They'll say that until the Legislature says they may not do this, we are taking the position that they can do it, it is legal and the Legislature has permitted them to continue to do it. It's a catch-22 situation. We say let the courts decide and the courts will say the legislators have said they can do this and as long as the Legislature says that they can do this we are not going to undo it. We are not going to interfere with a legislative discretion which they have been given. Now, Mr. Speaker, that's what the courts are



going to do and we are proceeding on the basis that it is out of our hands, that we have now turned that power over to the professionals and it is out of our hands.

Mr. Speaker, I won't vote for any of these bills because of the cost provision. That is right, I will not vote for a single one of them. (Interjection)— Well, Mr. Speaker, the Member for Emerson is happy and he apparently is going to support me on that question. He says that he is pleased with the position that I am taking. So the fact is I wanted to have looked for more substantial support from a member who has a better understanding of it but I'll take what I can get, Mr. Speaker, if that's the vote that I get, then I'll have to be satisfied with it. — (Interjection)— That's right. You know what they say, beggars can't be choosers. I mean if that's all I can get is the Member for Emerson, I'll have to pick him up, that's right.

The Member for Emerson, Mr. Speaker, is sitting there complacently not knowing what is going on in the world and he sits there and says, let him do it. Let him kick this man out of the profession, let him cut off his livelihood for the rest of his life, let them fine him \$20,000 and it's okay with me. Mr. Speaker, I say that is true of the lawyers as well. (Interjection)— Mr. Speaker, I don't pretend to know everything. I don't pretend to know everything but I do know what this bill says and I've read it to you and what you are saying . . .

**MR. SPEAKER:** Order please. If the honourable member addresses his remarks to the Chair we might cut out some of the bantering.

**MR. GREEN:** The fact is, Mr. Speaker, that some members in the House cannot take a conscientious view of things and are annoyed when they see another member doing it. I have nothing to gain from these bills. Mr. Speaker, I can't go in to my constituency and make one appeal on the basis of any of these bills. Not one. But I do know, Mr. Speaker, from personal knowledge, I have seen a man's career ruined — mind you he had the guts to put himself back together and do better after they kicked him out of the profession in the Province of Manitoba than what he was doing when he was here — but I've seen a man ruined by the College of Physicians and Surgeons and then put himself together again.

I'll tell you what they did, and they don't even deny it now, they say they have corrected the practice. Do you know that the lawyer who prosecuted the case for the college, after the case was finished, they went in to deliberate, they called him in to tell him what to do and he did it, that was perfectly all right. I know, Mr. Speaker, because I have been involved with the Law Society and I saw what happened with regard to the Piliutik case, and I know what has happened in those few instances where I have been involved. Do you know that it is now professional misconduct to talk not nicely to another lawyer, to use perhaps rough language, the kind of language that I and my friend from Emerson would hear every day in the field in that constituency. Now they are talking about whether you can use such language to another practitioner.

Mr. Speaker, I tell the honourable member that he is passing legislation blindly, it is not even

government legislation. Do you know this is not the Conservative government who is pursuing this legislation? Mr. Speaker, I want to know whether the Member for Emerson, he is probably between 45 and 55 years old. Mr. Speaker, in his life has he had one single person come up to him and say to him, when you go to the Legislature would you please pass an Act for the pharmacists, for the College of Physicians and Surgeons, for the lawyers and for the interior designers?

Mr. Speaker, I suggest that you represent your people and that you not be dragged into voting for this —(Interjection)— well, I tell the honourable member that I have dealt with pharmacists, I have dealt with lawyers, I have dealt with doctors, and even then the only real representations that I have gotten except from the college itself — and they have a right to lobby — is hey, don't let them do this, that's what I get, Mr. Speaker. That's what I get. Mr. Speaker, I can tell you how to undo all these loopholes. Don't pass this legislation, the loopholes won't be there and we won't have to create more.

You can then pass legislation such as the Member for Logan said, you want to license people to practice medicine? Have a licensing body established by the public to say who practices medicine and who doesn't practise medicine. You want to license people to practise law, do the same thing. But you put it into the hands of the so-called peers, Mr. Speaker, and what you've done is you've hurt what they call the mavericks, the guy who doesn't tow the line. The guy who is really imaginative and some day, given a free reign and not had his toes stepped on could become a genius. It's this type of legislation, Mr. Speaker, that kills those geniuses. — (Interjection)— Absolutely, that's the way they started. Mr. Speaker, it's this type of legislation that makes the unaccepted guy who will not be nice, who will not tow the line, who will not say the right thing at the cocktail party and at the tea party, makes him the subject of 39 prosecutions, nine got off, 30 were told be a nice boy, nine were convicted and fined, Mr. Speaker.

Mr. Speaker, I have indicated that there should be laws. I have said there should be a licensing body, set up by the provincial government to deal with these questions, that the licensing Acts that we are now passing and the powers that we are giving to people to say that they will kick somebody out of his lifelong profession because he is practising conduct unbecoming, and then define conduct unbecoming as being something that they don't happen to like, that's really, Mr. Speaker, the kind of thing that these have led to. I've sat at this committee and have tried to limit in some cases, the kind of discretion that is given to that group.

The Member for Emerson, he laughs. He thinks it's funny. He thinks that this is being done for the purpose of trying to somehow bring discredit to the Conservative Government. Mr. Speaker, in the speech that I am making now the only thing that's going to happen is some doctors, some lawyers and some other people are going to say, why are you running down our calling? That's what's going to happen.

Then when we get to the interior designers, I have numerous friends amongst the interior designers but they want me to pass a law. The member is going to

be asked to pass a law saying that somebody who hasn't got a degree can't call themselves an interior designer. Are you going to do that? He nods his head. He'll do anything.

Mr. Speaker, we are running hog wild with this professional legislation, and we are doing the wrong thing in my respectful opinion.

**MR. SPEAKER:** Are you ready for the question? Is it the pleasure of the House to adopt the motion?

**QUESTION put, MOTION carried.**

### **BILL NO. 19 — AN ACT TO AMEND THE VETERINARY MEDICAL ACT**

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

**MR. RANSOM** presented Bill No. 19, An Act to amend The Veterinary Medical Act for third reading.

**MOTION presented.**

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

**MR. CHERNIACK:** Thank you, Mr. Speaker. I can't let this bill pass by without commenting about the circumstances under which we were required to deal with this bill. I'm glad the Member for Gladstone is here. I have no doubt that he is going to follow and give an explanation of his view on what transpired in relation to this bill.

I want to put on record my view of what happened and that was, Mr. Speaker, that we met the Committee of Statutory Regulations on Tuesday, May 19th. There were, I would estimate, 50 to 75 people in attendance, all of whom had come to present briefs on some eight or nine bills. The Chairman who is also present in the Chamber now, commenced by saying . . .

**MR. CHAIRMAN:** Order, order please. I would hope the honourable member is not going to reflect on the activities of any Committee and bring it up in the House at this time.

**MR. CHERNIACK:** Mr. Speaker, I intend to describe the atmosphere, the environment and the procedure under which this bill was dealt with. The Chairman of the Committee stated that this bill, An Act to amend The Veterinary Medical Act was dealt with the other night and public registration was made Thursday night at the Agricultural Committee and he states "I am told, because I am not a member of that Committee" that members of the Committee insist that it be dealt with here and, because representations had been concluded for various persons interested in that bill, he said I've been asked if we could deal with that bill first and then we'll go back; we'll hear from persons wanting to make representations. Can we deal with Bill 19 first?

Mr. Speaker, I objected pointing out that only that afternoon had we received a copy of Hansard of the Agricultural Committee and I, for one, had not had an opportunity to read it and the Chairman said, "I'm told the parties did make representations" and I

indicated that we had not had time to read Hansard, that it would not make sense to rush in and deal with the bill until we had an opportunity to hear it and pointed out that it was a matter of courtesy that we owed to the number of people, 50 to 75 in my estimation, who were waiting to make presentations.

The Chairman gave the opinion, it was his opinion he said, that the bill should go through fairly quickly and he said the sponsor of the bill is not a member of the Committee and asked me if I would consider it first and I said, yes, I would.

Mr. Speaker, that is the action of a Chairman of a Committee of the Legislature. The Member for Crescentwood was the Chairman of that meeting. He said that he would proceed with this bill first. Mr. Speaker, there followed more debate, discussions in which the Minister of Agriculture participated and members on this side of the House participated and eventually, Mr. Speaker, there was a motion put, a counted vote was taken and the result was that it was the decision of the Committee to proceed with this bill, ahead of all the representations that were to have been made by all the people present waiting, 50 to 75 people; and on the insistence of the majority of the Committee, all of whom were members of the Conservative caucus, we then proceeded to deal with section-by-section in the presence of a number of people who were waiting to be heard and contrary to the practise that I have learned to expect over many years that Committees hear briefs first.

Mr. Speaker, we proceeded to hear and discuss section-by-section and finally and, as I recall it, two hours after 8 o'clock, at 10 o'clock, the Minister of Agriculture finally saw the light and suggested, suddenly out of consideration and I quote from page 502: "in the best interests of the people that are here to present their briefs that maybe we could delay this particular bill until the Committee sits again and then hear the briefs so that we could get on with the other bills".

It took him two hours to see the light, during which time it became apparent, Mr. Speaker, that there were a number of issues in that bill which were clearly issues of a nature which were professional, professional societies had nothing to do, really, with whether they were looking after the health of animals or health of humans. It came about also that the bills had certain defects, in the opinion of some of us, that it was delayed for two hours; people sat and waited while we were debating this bill, all at the insistence, I believe, of the Member for Gladstone but, of course, supported by the Minister of Agriculture and the rest of the people on his side.

Mr. Speaker, that evening I think we sat until 1:30 in the evening, having heard only from the Medical Society as I recall. The following evening, Mr. Speaker, we proceeded to hear other presentations. Now I don't remember just what time we concluded hearing the presentations. I would think it was around 1:00 or 1:30 a.m. and we were then told, Mr. Speaker, that we had to deal with this particular bill, in spite of the fact that we protested that it was late. Mr. Speaker, we haven't got the Hansard yet of that, unfortunately.

We were then forced to sit from 1:30 a.m. until something after 3:00 o'clock dealing with this bill and I think we made our best effort; I think we tried our

best and did our best and you know I think we did fairly well. So that at 3:00 at night, in the morning, we were dealing with that bill; there were no people; the brief had been made; the veterinarian who was responsible for presenting the brief had been brought in to be heard at 1:00 in the morning. That was the only time the Committee was prepared to listen to him; we dealt with the bill in his presence until just after 3:00, as I recall, in the morning and then, to add insult to injury, Mr. Speaker, the Committee suggested we deal with another bill, the Dietitian's Bill.

Such complete absolute nonsense I have not yet heard in this House and I've been around a long time; to start a new bill to be dealt with after presentations were made, there was no rush anymore; after that to be forced by the obstinate majority who followed the lead of their Minister, the Minister of Agriculture, like sheep following the lead sheep, and voting to proceed with that bill, forthwith, after 3:00 a.m. in the morning. Mr. Speaker, I pleaded, tell us that there will be an election and we'll do everything possible to facilitate the election being called so we could get all the business out of the way.

No election was contemplated; nothing but just the power of the whip to force the minority to sit and work on bills. Mr. Speaker, we did, we dealt with this bill, the bill I'm speaking on. I think we did as well as we could. I haven't the slightest doubt, Mr. Speaker, experience has shown that no bill cannot be improved and that we showed during the Committee hearings, bill by bill we improved them.

We found improvements to be made to bills passed last year, at the end of the session, the nursing bills that were passed; professional bills passed in late July of 1980, we found during this sitting that there were oversights, that there were improvements that could be made to those bills and will yet have to be made next year because there wasn't time in this year to bring in proper amendments to bills that we admittedly felt could have been improved. And at 3:00 o'clock in the morning, without any real urgency that anyone was aware of, you will recall, Mr. Speaker, the House adjourned Friday, noon, as I recall it, to meet again Monday morning in order for this Committee to sit in an orderly fashion and complete all the other bills.

Mr. Speaker, I'll point out one other thing. At that ridiculous 3:30 in the morning, twenty to four time, I suggested that it was crazy to expect us to come back at 10:00 o'clock the following morning to deal in Committee, to the Minister of Health, who agreed with me, that we should meet at 11:00. So there was an hour between 10:00 and 11:00 in the morning that was wasted because of the need to sit there under the whip of the majority in the middle of the night, to be sitting and dealing with legislation such as the bill before us now.

Mr. Speaker, I point out that whatever time I've taken to speak on this now, whatever time will be taken to speak on this meeting from here on in, is also time that would have been unnecessary except for the stubborn, intransigence of the majority of that Committee.

Mr. Speaker, my only further comment is I sincerely believe that this bill would have been better, and substantially better, had it been left over

until we had heard all briefs and had been able to deal with all the legislation at the same time in such a way that we could put into this bill the improvements that the Minister of Health, for example, suggested earlier this afternoon, we were able to do with the other bills; that was the original intent. I think the House Leader will agree that the intent was to deal with all professional bills at once. I believe that it must have been sent to the Agricultural Committee in error. I don't believe the House Leader intended to go there but it was sent there and that's what transpired because, again I say of the stubborn intransigence of the majority of the Committee, all of whom followed the lead of their own membership and made, to that extent, a mockery of the legislative process.

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

**MR. FERGUSON:** Yes, Mr. Speaker, that I have to stand here in awe of the performance of the Honourable Member for St. Johns, he seems to forget that back in the days when they were government I can recall sitting for six weeks in Speed-up, leaving the Legislative Assembly, 4:00 o'clock, 6:00 o'clock, 7:00 o'clock, whatever, being back in at 10:00 o'clock the next morning and I can assure you, Mr. Speaker, at no time did we complain. We didn't come crying and crawling to anyone and we certainly didn't cry and whimper which our honourable friend across the way is now doing and he's very adept at it, I must add.

We might also point out that last year this particular bill received second reading and it was withdrawn because we did have an over-abundance of bills and I'm not, of course, blaming the Opposition of that; that is the government's fault. We were late getting them in; we didn't get through; but let it be pointed out, Mr. Speaker, that bill did receive second reading.

This year again that particular bill went to the Agricultural Committee of the party that he represents, so-called the official Opposition. It was cleared by their — I guess you'd have to call it their critic — the Member for St. George and the former Minister of Agriculture; we could have voted on that bill the particular evening that the Member for St. Johns is talking about but in good grace, Mr. Speaker, we decided that we would take the thing to the Commission, with the assurance from the Member for St. George and the Member for Lac du Bonnet, that they had perused the bill; there was no great problem with it; they were quite willing to pass it but it would be referred to the other Committee.

This again, Mr. Speaker, points out the fact that the Member for St. Johns and the Committee that were responsible for agriculture were on two different wavelengths. Immediately the Member for St. Johns saw it and tried to tie it into professional basis. It was on a different ground altogether than what the Member for St. George and the Member for Lac du Bonnet saw. We were not trying to jam something through as the Member for St. Johns infers. All we were trying to do is, we did call in representatives from the Veterinary Association when the Agriculture Hearing was on; it was cleared. The next evening we did not have any representation from the veterinary and, of course, the Member for

St. Johns, in all his glory as a lawyer, started a very close cross-examination and trying to embarrass, etc., etc., as he always does but that's fair ball. We had an assurance from their party there would be no basic undertaking that there would be too much discussion when this bill was going through the next committee. That was fine. Then, Mr. Speaker, let it be known the next time we did move that bill up to a certain clause in it; let it be known that we did have representation back in the next night and yes, we did go through the book. Why would we not? Are you going to keep calling these people in time after time after time? A bill like this, they had the representation in here twice, that isn't good enough for the Member for St. Johns. You've got to whack and whack and whack away.

Unfortunately, that evening he had lost some of his horses. Fortunately or unfortunately he started to tire towards morning and the bill did go through. It wasn't jammed through, Mr. Speaker. For him to say that he didn't see that bill, the report was on his desk at 3:30 that afternoon. It was no one's fault except his own that he wasn't in the House; it was no one's fault except his own that he didn't read the bill last year so, Mr. Speaker, we have no compunction, no hesitation or anything else in saying that the bill went through; and you bet it went through. That is our stand, Mr. Speaker.

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

**MR. URUSKI:** Thank you, Mr. Speaker. Hearing the sponsor of the bill, the Honourable Member for Gladstone, one would have had to have been in the committee to hear the type of discussion that the Honourable Member for Gladstone indicated there was. It's fortunate, Mr. Speaker, that there is a record of the proceedings and a record of everything that everyone said. That is on the record.

Mr. Speaker, for the record — and I will quote to the honourable member, even the Attorney-General who was at the committee, indicating, and I'm quoting him, Hansard, 14th of May 1981, Thursday, the Standing Committee on Agriculture when we began to deal with the bills, and I quote Mr. Mercier — he was one of the first speakers dealing with the professional Acts. We raised, the Member for Lac du Bonnet and myself, raised the matter because we had a committee that we would have liked this being a professional bill, to be dealt with by the professional committee. —(Interjection)— No. The Member for Gladstone indicates that after we passed it. Mr. Speaker, . . .

**MR. SPEAKER:** If the honourable member addresses his remarks to the Chair, we may avoid some of this cross-fire.

**MR. URUSKI:** Mr. Speaker, it appears that members on the government side view the proceedings in some different light, or they have short memories. Mr. Speaker, before the committee met dealing with the two bills that were referred to committee, the first one that came up to committee was — we had three people and I will read — the Member for Springfield was the Chairman, and he started the proceedings: "We have three people in the gallery who wish to make presentations. They are Dr. Blaine

Thompson, Chairman of the Legislative Committee of the Manitoba Veterinary Medical Association; Mr. Walter Kehler, a private citizen, and R. O. (Bob) Douglas of the Manitoba Farm Bureau."

Then the Member for Lac du Bonnet raised the issue of the professional Acts indicating it was our understanding that the professional Acts were all to be referred to one committee of the Legislature and that's when the debate began. We didn't even go to any of the bills at that particular time.

Then, Mr. Speaker, while we discussed this whole matter, even the Attorney-General indicated — and I quote the Attorney-General on Page 2 — "Mr. Chairman, perhaps a compromise would be that this bill has been referred to this committee some time ago. Mr. Chairman, could I suggest that you hear the delegation, deal with the bills, report it to the House and we'll hold it in the House until the other committee has dealt with the other Acts. If it turns out there's some inconsistency we can deal with it at the report stage." That's the words of the Attorney-General.

We went on to discuss this and our position was clearly in the committee — and if the member wants I will quote the Member for Lac du Bonnet and myself, Mr. Speaker, we compromised, we said — "If the group is ready to deal with the problems that we have raised, with the matters of principle which we have raised in dealing with the hearings, with the trial, with a number of matters that we raised specifically, if they are prepared to deal with those", and I said I was prepared to move some amendments. "We wanted to deal with it in another committee so we could deal with all the bills in tandem and be able to deal with the amendments in principle as they are. If they're prepared to do that, I have no difficulty in going ahead with it, Mr. Chairman, to hear the delegation." We said we were prepared to hear the delegations — not to have the delegations — so we compromised, Mr. Speaker.

For the Member for Gladstone to suggest that there was intransigence on this side, all that one can suggest —(Interjection)— I don't know where the Member for Gladstone was in terms of some undertaking. We indicated to them before the committee sat that we wanted these bills to be dealt with in principle in the Statutory Orders Committee dealing with all the professional bills because there were principles that intertwined. The Member for Gladstone should recall, and if he wants me to repeat in cold fact to the Member for Lac du Bonnet, in those statements we said that the principles between the professional bills were consistent, regardless of the Act.

**MR. SPEAKER:** Order please. May I point out to the honourable member that reviving discussions that have already taken place adds little to the affairs of this Chamber and I would ask that the honourable member continue with the subject matter before the House.

The Honourable Member for St. George.

The Honourable Member for Transcona on a point of order.

**MR. PARASIUK:** Yes, I've just heard the Member for Gladstone make a speech in which all he did in that speech was refer to previous discussions. I never heard the Honourable Speaker raise anything

at that time and I'm wondering whether in fact my colleague isn't in order if he follows the exact same speech pattern as practised by the Member for Gladstone.

**MR. SPEAKER:** Order please. The Honourable Member for Transcona had no point of order.  
The Honourable Member for St. George.

**MR. URUSKI:** Thank you, Mr. Speaker. I hope that repetition to some may be the mother of learning. Mr. Speaker, in that committee, and I haven't gotten to the real point, the Honourable Member for Minnedosa, let's hear what he had to say with respect to the undertaking and how that bill should be dealt with, and I quote the Honourable Member for Minnedosa, Mr. Speaker, on Page 3, 14th of May 1981: "This bill can sit in limbo until all other professional bills have been considered. We can call this committee back if you want to leave it in this committee and we'll pass it after other professional bills are passed. I can't see any problem whatsoever. Delegations are here. We'll hear them, ask whatever questions you want. If you want to wait until the other eight bills are passed, we'll bring this bill back in this committee, we'll pass it in 5 or 10 minutes."

Mr. Speaker, what is the Member for Gladstone trying to put on the record? His own colleague the Member for Minnedosa, indicated that they were prepared to let this bill stand in limbo and we were prepared to hear the delegation. Then to ram it through . . .

**MR. SPEAKER:** Order please. May I point out to the honourable member, and I'll read him Citation 315(3): "Relevance to debates of the current session is discouraged even if such reference is relevant as it tends to re-open matters already decided."

May the honourable member proceed with third reading on this bill.

**MR. URUSKI:** Mr. Speaker, it is very irrelevant in terms of the way the proceedings of this House were carried on, in the way this piece of legislation was handled. Clearly, Mr. Speaker, . . .

**MR. SPEAKER:** May I point out to the honourable member that if he persists, I will have to rule him out of order.

The honourable member may proceed.

**MR. URUSKI:** Mr. Speaker, I hope the same type of latitude and same discussions that were allowed the Member for St. Johns, the Member for Gladstone and myself, will certainly be allowed. But to leave the record, I cannot leave the record . . .

**MR. SPEAKER:** Order please. I have pointed out to the honourable member that I could not allow him to carry on in repetition of matters that have already been decided. If the honourable member cares to carry on with debate on third reading of the bill, he may proceed.

**MR. URUSKI:** Thank you, Mr. Speaker. The Member for Gladstone raised comments with respect to the conduct of other members on this side, the Member for St. Johns and especially myself, in the

undertaking supposedly some assurances — and he used the word assurances — that there would be no problems, assurances were given. Mr. Speaker, what we wanted to do . . .

**MR. SPEAKER:** Order please. There can only be one speaker in this Chamber at a time. At the present time I recognize the Honourable Member for St. George.

**MR. URUSKI:** Thank you, Mr. Speaker. What we wanted to do was to explain the matters we wanted to raise with respect to this professional bill, The Veterinary Medical Act, the Member for Gladstone made some points that this bill was introduced and was withdrawn last session. Mr. Speaker, so were the other professional bills; they were all introduced and withdrawn. Did he expect us to give carte blanche approval to a bill that was introduced last year and it was re-introduced this year with no committee hearings and no discussion in committee? It appears that that's really what he wanted. He wanted a blanket approval to the bill since it was in the House last year. Why wouldn't you approve it this year?

Mr. Speaker, the Member for Gladstone has been in this Chamber as long as I have. Surely he must realize and he should realize, that just isn't done; that if there's going to be a debate on a bill and questions to be asked, any member on any side will have particular points that he wishes to make and certainly no member can undertake, or would even consider undertaking that he will now allow any member of his caucus or his side to ask questions on a particular bill. If that's what the Member for Gladstone is suggesting, there certainly was no assurance. If that's the nonsense that he's trying to raise, that is nothing but nonsense, Mr. Speaker. The process that was allowed to carry on, the ramrodding, because one can only conclude that the government side felt they were outmanoeuvred and I don't know why, because there certainly was no manoeuvring by members on this side.

One can only guess that because if one recalls the remarks of, especially the Member for Gladstone during the committee hearings, in dealing with the bill, we could barely listen because there was nothing but bitterness coming from the Member for Gladstone that somehow we shafted him. That was really coming out from him. You couldn't even say a civil word to him, Mr. Speaker; that's certainly the impression that I got. If the Member for Gladstone is now saying no, that's not the case, I'd like to hear from him that it wasn't. He certainly was there till 4:00 o'clock in the morning, other members were, and if I got the impression that was the case, certainly some of my colleagues did as well.

To suggest there was some undertaking that the bill would be treated in some special way, we wanted it to be treated the same as all other professional bills because there were principles in that bill that we wanted to debate and ask questions. Mr. Speaker, when the representative of the Veterinary Medical Association came to committee and presented some of the points he wished to raise in comment to some of the remarks that I made, it came out in questioning that we did disagree in principle on some of the areas they were proposing in the legislation and we felt should be changed or

removed; that there was disagreement. We couldn't agree during the presentation period.

Dr. Thompson felt certain actions they undertook in the bill were there. Well, Mr. Speaker, the Member for Gladstone should recall, and if he wants, let him read the record and then he will see what assurances were given.

**MR. SPEAKER:** Are you ready for the question? Is it the pleasure of the House to adopt the motion?

**QUESTION put, MOTION carried.**

**(BILLS NO. 20, 21, 22, 25, and 40 were each read a third time and passed.)**

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

**MR. MERCIER:** Mr. Speaker, with respect to Bill No. 47, an amendment has been distributed. I wonder if the House would agree to consider this at report stage?

**MR. SPEAKER:** Is there leave to consider the amendment? (Agreed) Is there a motion for an amendment to Bill No. 47?

The Honourable Member for Emerson.

## REPORT STAGE

### BILL 47 — THE INTERIOR DESIGNERS ASSOCIATION OF MANITOBA ACT

**MR. ALBERT DRIEDGER:** Mr. Speaker, by leave, I would like to move amendments to Bill No. 47.

I move THAT the title to Bill No. 47 be struck out and the following title substituted therefor:

The Professional Interior Designers' Institute of Manitoba Act;

And further, Mr. Speaker, I would move THAT subsection 1(1) of Bill No. 47 be amended by adding thereto, immediately the words "interior designer", wherever they appear in the subsection, the word "professional".

And further, I move, Mr. Speaker, that section 2 . . .

**MR. SPEAKER:** Order, please. Perhaps we can deal with these one at a time.

**MOTION presented.**

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

**MR. WALDING:** Mr. Speaker, I think this would be the best opportunity looking down these proposed amendments to make a few remarks on the bill and on the proposed changes.

Just as background, Mr. Speaker, in reviewing professional associations generally we find that they fit into two broad categories; those where there is some exclusivity of practise involved, and that is that only people of that particular designated profession are allowed to do the work of the profession, for example, the doctors and the lawyers, architects, veterinary, medical people, etc. as one category; and

the other category being exclusivity of title, for example the chartered accountants, the principle being that anyone can be an accountant but in order to use the designation, "chartered accountant" one has to meet certain criteria set up by the association and none others are allowed to use it.

We have already dealt with two further examples in bills before the House this afternoon that were dealt with at in some length by the Committee and those were the Dietitians and the Respiratory Technologists. In each case, Mr. Speaker, there was no prohibition on anyone calling himself or herself a dietitian and, in fact, doing that particular work; there was no prohibition against anyone calling himself a respiratory technologists or doing that work. There were no exclusions from the practise of that profession as there is in the case of doctors and lawyers, etc.

We see in the bill having to do with the interior designers another example of this latter category where there is exclusivity of title but not exclusivity of practise in that the Interior Designers Institute, I believe it is, wish to use the name "interior designers" on an exclusive basis and not permit anyone else to use the same designation, there being, as I understand, Mr. Speaker, a great number of people and companies in the province who presently call themselves interior designers and that there is a group meeting certain standards and certain professional qualifications who are now designated as the Interior Design Institute of Manitoba.

The problem that our members on the committee have had with Bill No. 47 is that the proposal to keep to themselves the title Interior Designers is to use a term which is in very general use and is a very generic name, as I mentioned before, used by very many more people than there are in the Design Institute. The proposal and the suggestions made at the committee was to treat this particular association in the same manner as the dietitians and the respiratory technologists who were also before the committee, in that the exclusive name be registered "Interior Designers", instead of the more generic interior designers. This would not have the same affect on others using that title at the present time. That suggestion was not picked up by the delegation coming before the committee and so the bill went through the committee stage still bearing the same designation of interior design and interior designers.

We see now before us on the sheet of amendments that the proposal which I understand comes from the Designers Institute, although I'm not absolutely sure, is to change the reserve title of Interior Designers to that of Professional Interior Designers which certain removes some of that exclusivity of a generic term that was bothering us to some extent before, although I'm still uncertain as to why there should be that rejection of a treatment similar to dietitians and to respiratory technologists. The intent is quite clear with the term "registered" and it raises the problem or the question facing people needing the services of an interior designer as to just what a professional interior designer is as opposed to the others who, perhaps by inference or implication, could be considered as non-professional or perhaps even amateur interior designers. It would still permit, however, others to use the title Interior

Designers. Perhaps their letterheads would not have to be changed and the headings in the Yellow Pages of the telephone book would also not have to be changed.

So, Mr. Speaker, the question before the House is whether the general generic term of Interior Designers is adequately modified by the word "professional" or as to whether there should not be the holding onto themselves of the term "interior designers". Mr. Speaker, it's my personal opinion that the term would be better as Registered Interior Designers rather than the original suggestion and somewhat better than its modification, that of a professional interior designers. However, I'm sure that other members of the House will wish to discuss the matter and perhaps under this heading of this motion might be the most opportune time for members to do so.

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

**MR. WARREN STEEN:** Mr. Speaker, the Member for St. Vital has very adequately outlined the reasons why certain members of the committee were not happy with the original title, straight interior designers, because there were a number of persons who were in business in the interior design field that were not university graduates from the School of Interior Design here in the Province of Manitoba and because of some doubt raised by members at committee level, in discussion with members of the Legislature since Saturday last, and discussions I've had with the institute itself and their members, it was decided that perhaps an amendment should come forth at third reading that we should use a word in describing interior design, either professional or registered. It was the feeling of the members of the institute that they would prefer the word "professional" because the bulk of their members are university graduates similar to professional engineers, professional agrologists and so on, as opposed to using the word "registered".

We have another bill that was before us, Mr. Speaker, the Registered Dietitians Act, and I would imagine that the dietitians are happy with the word "registered" rather than "professional". It just is the opinion of the interior designers that if they had their choice between the two words they prefer the word "professional" rather than "registered", and as the sponsor of the bill I'm encouraging members of the Legislature to support the amendment because I think it does clear up a problem that was communicated to members by the Member for St. Vital whereby persons operating in that industry, in that field who were not graduates of the school would perhaps be damaged in some way by not permitting them to use the title interior designers in the future. This way they can continue to use the term interior designers and the graduates now can use the term professional interior designers and that is the reasoning behind the proposed motion by the Honourable Member for Emerson.

**MR. SPEAKER:** Are you ready for the question? Is it the pleasure of the House to adopt the motion?

**QUESTION put, MOTION carried.**

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

**MR. DRIEDGER:** Thank you, Mr. Speaker. I further move, seconded by the Member for Springfield

THAT subsection 1(1) of Bill 47 be amended by adding thereto immediately before the words "interior designer", wherever they appear in the subsection, the word "professional".

**MOTION presented and carried.**

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

**M. DRIEDGER:** Thank you, Mr. Speaker. I move, seconded by the Member for St. Matthews

THAT Section 2 of Bill 47 be struck out and the following section substituted therefor:

Corporate Status and Powers.

2 The Interior Designers' Institute of Manitoba is continued as a body corporate and politic under the name: "The Professional Interior Designers' Institute of Manitoba", and, subject to the provisions of this Act and The Corporations Act has the capacity, right, powers and privileges of a natural person.

**MOTION presented and carried.**

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

**MR. DRIEDGER:** Mr. Speaker, I move, seconded by the Honourable Member for Springfield

THAT Bill 47 be further amended by adding thereto immediately after the words "interior designers" wherever they appear in Sections 3 to 42 inclusive, the word "professional".

**MOTION presented and carried.**

### THIRD READING

**BILL NO. 47**, as amended, was read a third time and passed.

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

**MR. MERCIER:** Mr. Speaker, I move, seconded by the Minister of Finance that Mr. Speaker do now leave the Chair and the House resolve itself into Committee of the Whole to consider and report of the following bill referred for Third Reading, Bill No. 55, An Act for Granting to Her Majesty Certain Sums of Money for the Fiscal Year Ending March 31st, 1982, and to Authorize Commitments to Expend Additional Money in Subsequent Years and to Authorize the Borrowing of Funds to Provide for the Cash Requirements of the Government.

**MOTION presented and carried** and the House resolved itself into a Committee of the Whole with the Honourable Member for Virden in the Chair.

### COMMITTEE OF THE WHOLE

#### BILL NO. 55 — MAIN SUPPLY

**MR. DEPUTY CHAIRMAN, Morris McGregor (Virden):** I call the committee to order, Bill No. 55, I guess we'll proceed page-by-page.

Page 1 — pass — the Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Chairman, I want to deal with Section 2, which means I have a number of items I want to traverse, if that's the word, about various of the Ministers of this government and some specific matters which have troubled me throughout the session.

Firstly, Mr. Chairman, I want to indicate that I find it unacceptable the attitude and the behaviour of the Minister of Agriculture dealing with an Order for Return about which I knew absolutely nothing and now know very little, except I notice that according to the rules which were changed some few years ago — I think under the NDP administration, I'm not sure though — that it was required that Orders for Return are to be repeated. Once accepted the failure to file them should be repeated every two weeks.

I think there is a form of arrogance on the part of the Minister of Agriculture to just ignore the fact that he accepted an Order for Return over two years ago, on May 16th, 1979; does not answer; does not account; implies reasons which never were clarified; says I think there is some difficulty in obtaining some reserve bid information — I don't mean reserve bid — I mean appraisal information. But, Mr. Chairman, when I looked at the Order for Return I found that one of the items requested which he accepted, was to file information as to the appraised value, name and position of appraiser of each parcel. He hasn't explained his difficulty, he just indicated that he's not pleased with the nature of the appraisal and I think it is holding this House in disregard. I think after two years he can't say he didn't have enough time. He is just saying when it is ready I'll file it.

Mr. Chairman, I think it is not good enough. It is a form of arrogance which I think improper and I sort of took this on, as I did the other Order for Return in the name of the First Minister, because I felt there has to be a sense of accountability.

Now today the questions were asked of the Minister of Finance, again implying there is something known to other members of the House that I am not aware of, and I think it is not proper for a Minister to withhold information which appears to be of some concern. I make that point, Mr. Chairman, because I think the Minister of Agriculture should not be allowed to get away with the easy haphazard way in which he shrugs off a responsibility which he assumed on May 16, 1979, over two years ago and doesn't seem to care at all about what the Rules of the House are and what is expected of a Minister in terms of his responsibility.

Having said that I move on to express some amount of acceptance and pleasure that finally after over a year there has been filed, what I do agree with is a voluminous Order for Return, filed today on behalf of the First Minister.

I move on, Mr. Chairman, to another item which I want to get on the record, and that is the attempts made by the Minister of Labour to misrepresent a statement I had made, or a speech I had made. I took particular note of it because I have learned in this Legislature, under our rules, one can say I believe that the honourable member thinks so and so; I believe the honourable member would do so and so; but when one quotes an honourable member he is expected to quote him correctly. The Minister

of Labour made a speech on April 20th, 1981 — I don't remember the occasion, it could have been a Budget Speech — but what he said in reference to me was and I'll quote that from page 2872. He says, "As the Member for St. Johns stood up in the House and said, and I was amazed how he could stand there in this House a few months ago and defend what I thought was an assinine decision, it was obvious he hadn't spoken and you may recall his words when he said, 'that when the NDP bought those Russian turbines it was a good deal for Manitobans', you may recall that." And then he goes on to say, "yet the Member for St. Johns said he would go back to Russia to buy his generators." I comment, Mr. Chairman, it's an absolute untruth. He went on to say, "I was glad the Member for St. Johns was so forthright and candid in his assessment of the Russian generators as being such a great deal for Manitoba."

When he said that about me, Mr. Chairman, and I thought misquoted me, I sent him a memo on April 21st. I said, "please favour me with a reference in Hansard to my speech on turbines which you mention on Page 2872 attached", and on May 4th I reminded him that I had asked for the information and then on May 6th he sent me a response saying, "I would suggest you read Page 54 of Hansard". I want to put on record what I said on that page, Mr. Chairman, —(Interjection)— Oh, Russian generators, Mr. Chairman, and this was said when I was interrupted by someone on the other side who made some crack about Russian generators. I said, "we who are dependent on the sale of our grain to a large extent to the behind the Iron Curtain countries," and it's only a coincidence, Mr. Chairman, I depart from the text, it's only a coincidence that today there is a headline about a sale of, what is it? \$6 billion of grain being sold to Russia. I think it is still in my desk, but it is a substantial amount of grain committed to be sold over the next five years on behalf of the farmers of Canada; a \$5 billion grain deal.

I said then on December 15th, "We, who are dependent on the sale of our grain to a large extent to the behind the Iron Curtain countries, who invited people of the industry of the entire world to make bids, to quote for work to be done in Manitoba and who accepted the lowest tender are now being told that this is an ideological development. The stupidity of it is that some members opposite really believe it; and the falsehood of it is that many don't believe it and say so anyway. And that's what's happening, Mr. Speaker, they will repeat and constantly repeat what they know in their own hearts is not true because of their political advantage and I think that's a disgrace which several members, and I think the Minister for Corrections, who is making the biggest and loudest noise at the moment, has the intelligence to know that when you get the lowest bid you deal with the lowest bid if your engineers say so and, Mr. Speaker, he is an engineer and he should know that engineers normally expect to be respected."

Mr. Chairman, that's what I said in the House, and as was pointed out we were talking about turbines although they referred to them as generators. The point is, Mr. Chairman, the way the members opposite are construing words said by us is improper and is contrary to the rules and the First Minister,



and others of his gang, who keep referring to Marxists and Soviet friends — and I think it's the same Minister of Corrections who loves to refer to El Salvador — these cracks that they're making are harmful to —(Interjection)— What else, I'll repeat it? —(Interjection)— I don't know what SI is but he talks about SI. They are trying to tar with a brush people in the old McCarthy era and to some extent, they are getting away with it. Not only is it dishonest of them, not only is it beneath their dignity and that of the House but, Mr. Chairman, it is untruthful. It is a lie when they say so, it is a lie when they repeat it, and it does not help them one bit to keep jabbering about it, Mr. Chairman.

The reason I brought this up, Mr. Chairman, is that the Minister of Labour deliberately, deliberately misquoted me, said that I had made certain statements which are not true. I did not make the statements and if you don't stop them somewhere they can keep on repeating them

The fact that they can keep on repeating them is evidence by the fact that the Minister of Government Services has been repeating an untruth time and again, and I doubt if I can ever stop him, but he knows it's untrue; he knows that he's doing it deliberately and yet he keeps repeating it. The last time was on May 8th, 1981 when he said and I quote from page 3475: "the Member for St. Johns made a statement, when he was on this side of the House, that he didn't believe that there should be even home ownership, that the government should own all the homes as well and rent them out." That statement has been made over and over again; it has been manifested by some of their actions.

Mr. Chairman, the Minister for Government Services is correct when he says the statement was made over and over again because he made them; he made the statement over again and it is not true, Mr. Chairman, he knows it is not true. The Minister is coming back to bring the statement which he says he is quoting me on and, Mr. Chairman, I want to give him the opportunity so to do, because somebody, I think it was the Member for Minnedosa spoke about my "swan song". Mr. Chairman, I wish it was. I wish I could be guaranteed that we won't have to come back here again for another session and, Mr. Chairman, I do believe that we're going to come back again because I think the government is not prepared to face up to the need for an election and, unfortunately, I'm afraid that we'll be back again and I will be here, although I would be only too happy to be out of this House for many reasons.

Mr. Chairman, I really don't want to give up the floor until — of course, we're in Committee, why don't I give up the floor, Mr. Chairman, hear what the Minister for Government Services has to say about his quoting and I say misquoting me and then I will be able to respond.

As far as I'm concerned, his repetition of this statement is untrue and I don't mind if he said that I don't believe in something because then I could challenge what he says, but when he pretends to quote me, I say it's not true. Now that he's bringing the quote — I'm surprised it's not in his desk, it used to be in his desk — but he's bringing it, we'll be able to deal with it and I want to do it.

I do want to say, Mr. Chairman, to the extent that it's a swan song, I guess I've enjoyed the work I've

done here over many years, along with you, Mr. Chairman, but it has become less and less pleasant to do it and I can only say that I share with the Minister for Economic Affairs his expressed desire, when he was speaking from his seat about an hour ago, that he looked forward to the day when he and I will no longer have to face each other in this Chamber. —(Interjection)— Yes, he said it and, on that basis, I would concur I, too, am looking forward to that day.

Mr. Chairman, I imagine there will be other comments which will be in time to permit the Minister for Government Services to justify his statements, but I have one more comment to make and, that is, that when I spoke about the Minister of Agriculture's attitude towards this Legislature I have to repeat again what has been said time and again. The Deputy Minister, the Deputy Premier who has been reporting for Hydro, I believe, has shown a similar form of disdain for this House. He denied certain statements in relation to Hydro, until they were proven and, once they were proven, he clammed up and refused to give more information. He finally brought a letter from Aikins and Company to prove that the letter produced by the Member for St. Vital was indeed a valid statement, something he had called a "half-hoax"; something that the First Minister had called a "fabrication." He brought the proof that that letter was indeed — I remember now the Member for Inkster brought some handwriting concepts to us — but the letter from Aikins and Company proved that what the Member for St. Vital said was true, in spite of the allegations and insinuations by both the Premier and his Deputy Premier, but then he has refused to follow through with an apparent attempt to bring the truth before us; he has refused to ask Hydro to obtain the answers that were offered in that letter from Aikins and Company; I think a further attempt on his part to show disdain for this House and I deplore that, Mr. Chairman.

**MR. CHAIRMAN:** Page 1 — The Member for Ste. Rose.

**MR. ADAM:** Mr. Chairman, I'm sure there'll be other members, as well as myself, that want to make a few comments. I did not have the opportunity to speak on the Budget because I was absent for awhile and it was not possible for me to make any contributions at the time that the Budget Speech was introduced so I take this opportunity to put a few remarks on the record, in regard to how I view the situation in Manitoba and how I see things developing over the last three or four years in the province.

I recall, Mr. Chairman, that back four years ago, I believe it was, that I expressed a lack of confidence in the policies of a Conservative Government and at that time I thought I did foresee things that would result from the policies that were being followed by this government. I believe that flowing from what I did foresee I made some predictions and you know making predictions is kind of a precarious game. When you stick your head out sometimes you can get it chopped off, but in this case, Mr. Chairman, I think those remarks that I made four years ago have been born out; they have been born out, Mr. Speaker.

I said that there would be economic decline under a Conservative regime and we have seen that come

about and the resulting festering sores that come about because of economic decline. I made some suggestions at what would happen. —(Interjection)— Yes, the festering sores are all over. They're all over this province; look all over the place; they're all over. Well now the pothole Minister, the Minister responsible for potholes has started. Instead of fixing highways all over this province, that he should be doing, he is now not the Minister of Highways, he's the Minister of potholes.

Mr. Chairman, I predicted that we would be moving towards a police state because of economic decline. That's quite a radical statement or maybe a rash statement to make, but I didn't think it was rash. Some may have thought it was a rash statement to make but we have seen that demonstrated in the legislation that's been presented in this House; we have seen it in The Schools Act; we have seen it in the bill that was presented last year, The Energy Authority Act, which is police state, moving towards police statism under The Energy Authority Act, which would provide unlimited power to a group of people to bust in day or night into your house, such as you would see in Germany, Nazi Germany. That is the kind of legislation that was being introduced, it was fortunately withdrawn. Embarrassing when it's pointed out to the government; embarrassing, they backed off and pulled it back. Where's that bill? They haven't brought it back fortunately.

We have seen it today in The Agriculture Protection Act, where they are going to provide unlimited power to a board, unlimited power beyond the word of the law, beyond the legislation. That is police state, in my opinion.

We have seen it when they introduced the Manitoba Cattlemen Producers Association in that Act, depriving, forcing, compelling producers to belong to an association which I say 75 percent of them don't want to belong or maybe 85 percent don't want to belong to that association but they're compelled to belong because of an Act that was brought in by this police state government; a government that wants to move towards control of people without a vote. It was rejected in a referendum back in 1975; they brought it in, they didn't want to have a referendum, another referendum, because they knew it would be defeated, Mr. Chairman. (Interjection)—

Yes, I predicted three years ago that we'd have soup kitchens in this province. We'd have soup lines and now we do have it. (Interjection)— Yes, how's the soup. The Member for La Verendrye says "how's the soup?" I would say that there may be as many 6,000 children in the hot school programs and in the private institutions, private groups who are providing food. That's not all.

I was tempted the other day, Mr. Chairman, to take a picture of some people scavenging in garbage cans and I'm ashamed to say that here. I'm ashamed to say that but, Mr. Chairman, it's not difficult, I can get pictures of people scavenging in garbage cans in the City of Winnipeg. The only reason that prevents me from taking pictures of them is because I still have some respect for them; if this government doesn't, I still do.

So those predictions are coming through. I said there would be a police state, lo and behold, literally

here, we came here last year or the year before, I came here from the constituency and the place looked like an armed camp. There were a dozen people sleeping outside by the Queen Victoria there, sleeping overnight. People from Norway House here protesting for jobs from a government that will not provide the jobs to those people; an armed camp. There was about four, five, six, seven, eight curly policemen on the steps of the Legislature, armed with sidearms and sticks and we had difficulty getting into the House. We were being checked as we went in; we were being screened as we went in. They had closed off the entry after you got into the building and we only had so much room to enter — (Interjection)— that is true. That is absolutely true. Just because a dozen people came from Norway House asking for work.

Mr. Chairman, the other day on May 12th, a delegation came to Winnipeg here, they came to meet with the Premier. The Premier was in the House at his usual task and that was talking about the Constitution. He was making his presentation on the resolution that he presented to the House on the Constitution. I saw some of these people out in the hallway and I recognized some of them, they were from the Northern Association of Community Councils, Mr. Chairman, that's who they were; I recognized some of them and I said hello, what are you doing in the building? Well we have a meeting with the Premier. Well I said, the Premier's in the House speaking on a resolution on the Constitution. Well, we're supposed to meet him at 3:00 o'clock. May I ask what are you in for? They said, we're here for jobs. We're here to see the Premier for jobs. They didn't come to see the Premier about the Constitution; we didn't come here to talk to the Premier about the Constitution, Mr. Chairman, they came here to ask for jobs because there are no jobs. There are no jobs.

We can talk about almost any department and we run into the same problems. You can go into the Agriculture, we have the same problems. The Minister was embarrassed during the question period today when I asked him a legitimate question, is he going to make a request to the Federal Government to try and get some of the losses that were incurred by the farmers, because of the Conservative embargo on grain to Russia. No, he talks about three-and-a-half cents a litre tax.

**MR. CHAIRMAN:** The hour of 5:30 having arrived, I move committee rise. Call in the Speaker.

The Chairman reported upon the committee's deliberations to Mr. Speaker and requested leave to sit again.

## IN SESSION

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

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

**MOTION presented and carried.**

**MR. SPEAKER:** The hour is 5:30. The House is accordingly adjourned and stands adjourned till 8:00 o'clock this evening.