

THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Monday, July 3, 1972

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports; Notice of Motion; Introduction of Bills; Oral Questions. The Honourable Leader of the Opposition.

ORAL QUESTION PERIOD

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, I have a question for the Minister of Health and Social Development. I wonder if he can indicate to the House whether the Guaranteed Annual Income project will be based on voluntary participation.

MR. SPEAKER: The Honourable Minister of Health.

HON. RENE E. TOUPIN (Minister of Health and Social Development) (Springfield): Yes, Mr. Speaker.

MR. SPIVAK: Yes. . . . really in response to the Honourable Member from Thompson. I wonder if he would indicate the income level that will be the basis of the plan.

MR. TOUPIN: No, not at this stage, Mr. Speaker.

MR. SPIVAK: I wonder if he can indicate to the House whether the upper and lower limits have been established?

MR. TOUPIN: Mr. Speaker, at this stage we have been using the Social Allowance rates set out by regulations. But this would be modified somewhat.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Speaker, I direct a question to the Honourable the Minister of Education. I wonder if the Minister could indicate to me whether or not he or his department is in possession of a building program from the Interlake School Division?

MR. SPEAKER: The Honourable Minister of Education.

HON. BEN HANUSCHAK (Minister of Education) (Burrows): Yes, Mr. Speaker.

ORDERS OF THE DAY - GOVERNMENT BILLS

MR. SPEAKER: Orders of the day. The Honourable House Leader.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): I wonder, Mr. Speaker, if you would kindly call Bill No. 81; The Labour Relations Act.

MR. SPEAKER: Proposed motion of the Honourable Minister of Labour. The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, 10 days ago we were blessed in this House by the receipt of Bill 81, the Labour Relations Act, which is really the labour code that the Minister of Labour has been talking about for some months. It is a piece of legislation, and includes about 54 pages and about 135 sections, and we feel from this side of the House that it is unfortunate that the Minister although he has been talking about it for some time didn't see fit to bring this kind of legislation to the attention of the House at an earlier date.

It is regrettable in fact that the Minister has seen fit to introduce this piece of legislation with the intention that it would go through second reading, go through the committee stage, get third reading, and become law in the matter of a week or so. It's unfortunate I feel, Mr. Speaker, that we have been given this kind of legislation and given it in a way that it seems unavoidable to interpret that the intention of the government is to force it through at the most short-lived period possible in order to calm the people who might want to dispute some of the articles that are included.

The labour relations have been good in Manitoba he says, and he has reiterated this kind of statement on frequent occasions, and we can really agree with him that the labour relations have been good. But I don't think that it is by ramming legislation of this kind through this House that we maintain that kind of good labour relations. Rather I think that we can expect the people of Manitoba to react to this kind of legislation logically and sensibly, provided they are given time to do so. We often hear of the Minister of Labour speak of open government as well and they have indicated over the past that they intend to be one government that will bring the information to the public and ask for public consideration and ask for public participation and so on. But it is not through this kind of method that you are going to really get public participation.

(MR. GIRARD cont'd)

This legislation, Mr. Speaker, is of a nature that ought not to be hurried, it ought not to be a hasty piece of legislation, it ought to be carefully considered, and it can't possibly in my view be carefully considered being introduced at this time in the Legislature and sit in committee for only a matter of a few days. I would suggest very strongly that the Minister of Labour consider having the Committee on Industrial Relations sit between the periods of session and make an in-depth analysis of the bill as it's presented; hear all the representations of the bill, and then finalize it, bring it forth for approval at the next session. Short of that kind of thing, Mr. Speaker, I'm suggesting to you that this is a ram-through in terms of legislation.

Now there are many principles in this bill that one might want to discuss and it is a little difficult to be able to say, well there is only one principle in the bill. If I should be expected however to suggest that there is one underlying principle in the bill, might I suggest that the bill seems to be one that is designed to satisfy the thirst of the union organization without giving necessarily the due consideration to the members within that union or the employers with whom the union is dealing. It seems to me it might well be a bill that you could consider, that could be drafted by union leaders and executives and dealing with the employees as pawns in a chess game and tossing them around between they themselves, the government and the employers. I suggest that there is a scarcity of mention of employees in terms of rights in the bill. Rather we speak of the rights of the union and for this reason I would say that the dominant principle, if there is one, is one of big union organization legislating with the help of government or vice versa and really I'm not sure that this will be in the best interests of our so-called industrial labour relations.

One other aspect that is considered as a principle in the bill is that of doing away with what we once considered essential services. I think that the bill forgets that the public of Manitoba is dependent on good labour relations. The public of Manitoba is concerned about what the labour relations are in the province. How many strikes will we have and how many disputes can we solve before we have serious inconvenience caused to that public of Manitoba? And I have a suggestion for the Minister. I would suggest that there are differences in services provided to the people of Manitoba. Some services might be called essential. We've heard that term used before. I'm suggesting to you that all services in Manitoba are essential. Whether you consider the services of one individual or another, the services rendered is generally an essential service or else they are in fruitless labour. However, I would suggest that there are vital services as opposed to essential services and this kind of differentiation has not been made in the bill but could wisely be done. I'm suggesting to you that the firemen in Manitoba are vital to the protection of the public; that the policemen are vital; that the power utilities of hydro, gas and water are really vital and must be preserved and must be protected. The telephone system must be vital. The courts, Sir, must be a vital service, and the prisons must be considered a vital service, as well as the medical employees services must be vital. I'm suggesting to you that to give these people who have a vital role to play for the welfare of the public, to give those people the right to strike in unison might not well be a responsible act. I'm not suggesting that the news media, if one, a part of the news media, say one daily newspaper is on strike it necessarily is a catastrophe. But I'm suggesting to you that the news media as a whole is a vital service and should the news media completely be on strike, it would be disastrous.

Well, the Member from St. Vital, Mr. Speaker, suggests that it's a good thing, and he might have his reasons for it, however as a whole I still suggest it would not be a good thing, it would be disastrous.

Another aspect of the bill which I find somewhat surprising and maybe it would be right to say that it's creating some annoyance to a lot of people is the fact that the bill itself in my view lacks in some aspect of democracy. We speak in the bill of certification provided that we have 35 percent of the employees that are unionized. We have forgotten that 50 percent is half, 51 percent is majority. We say that as long as 35 percent of a workforce is unionized then that 35 percent should dictate to the whole employment force with regards to salaries, with regards to strikes, with regards to dues, with regards to almost all of the organization of their work. Seventy percent of the workers in Manitoba will be unionized in some five years, says one of our labour leaders, and after reading this bill, Mr. Speaker, I can well believe it because this bill being a bill probably planned very carefully with the union leaders whose main objective is to unionize as quickly as possible, regardless of the wishes of the workers, regardless of the wishes of the workers. This bill is designed to do this and I suggest to you that it will because

(MR. GIRARD cont'd) the workers themselves will have nothing to say about it.

It's interesting to note, Mr. Speaker, that within the bill we provide for compulsory check-offs. It will be compulsory to check off the employee's salary an amount considered to be the due payable to that union. But there is nothing in the bill specifying that that check-off will be that amount payable as dues; there is nothing specifying in the bill that the dues payable by the union members and the non-union members will be the same. I agree with the Minister in a sense that the non-union members ought to be responsible for paying for the benefits they derive from being unionized; I agree with this principle, however, I would like to see some safeguards in the bill that says that the union dues will be collected in the same way from all, or if they are to be different, how much will they be different by. We've heard a lot in this Chamber about check-offs, Mr. Speaker. We've heard that check-offs are automatic; we've heard that the union executives decide what they will do with the money they derive from check-offs; we have heard, and understand, that it is their democratic right as a union to make contributions to political parties, and so we know now that the check-offs of union members as non-union members, as has been in the past, will be automatic, now automatic and the contributions whether to political organizations or any other organizations will be in the full control of the executives themselves. I know that the members from across like to compare this to the shareholders of a company, and they like to say, well who knows whether you own shares or not, who knows which party this company is contributing to, and I suggest possibly they have a shade of an argument there. However, I would submit very humbly that there's a great deal more choice between which shares you're going to buy and what kind of employment you're going to use to put bread on your table.

With regards to the automatic check-off as well I suppose that most members in the Chamber realize that there are religious sects that do not agree with the idea of unionization but they have not been considered in this bill. They will be compelled like everyone else to check off, to have a reduction on their cheque, a reduction that says you are a member of the union whether you like it or not, and if you're not really a member you're going to pay to it anyway. I would suggest maybe some consideration would be appropriate to those people. Yes, Sir, the Honourable Member from Winnipeg Centre says the teachers have the same kind of thing, and this is not true. The teachers of Manitoba have a right to write themselves out of the Teachers' Society and not pay union dues of any description should they choose to do so.

Another interesting feature in the bill I find is the Labour Board will be in a position to decide whether or not an organization should be certified to represent the employees of a company or not. They will be able to decide on their own assessment, and we are told that if a union has 50 percent representation of a workforce in a firm and they apply to a Labour Board for certification to represent to be the bargaining agent for the employees of that firm the board may authorize a vote. A vote of those employees at the firm as to whether or not they would like to have that particular union as their bargaining agent. If they have 50 percent unionized members, the Board "may" authorize a vote, but if they have 35 to 50 percent of the members of a firm unionized, in that case the board will have no choice. The Act says now, "they shall order a vote", "they shall order a vote". I have no objection to "shall order a vote", but the amusing thing I find is that when a firm has 35 percent then the Board "may" authorize a vote; in a case where they have 35 to 50, they "shall" order a vote; in the case where they have 35, they "may" order a vote. Now there might be something to be read in that kind of seemingly inconsistent clause, Mr. Speaker, it might well be that what the Minister meant in drafting that was that they either will authorize or compel a vote or else decline the certification. But I'm suggesting to you that if that's the case it should be in the Act, not subject to everybody's interpretation. The way the bill is written now seems a little inconsistent and certainly is in great need of clarification.

It seems to me, Mr. Speaker, if we interpret the legislation as is, when we consider joint certification as there is provision for joint certification of employees of a variety of firms in this bill, it might well be, it might well be that one percent of unionized members in a firm could dictate that that firm must have a vote. It might well be that with five percent they will be called upon for a vote. And it might well be that we have a number of employees in Manitoba, whether they like it or not, will in the near future as soon as this bill is made law, be notified by a deduction on their cheque that they are now union members, and I'm suggesting to you that that is hardly a fair way to tell them that we live in a democratically organized society.

Interestingly enough, Mr. Speaker, in this bill although we are told that the Labour Board

(MR. GIRARD cont'd) may take a vote or shall take a vote, there is nothing in the bill that says the Labour Board will have to abide by whatever the results of the vote are. I would suppose that this is the intention all right, but may I suggest again that this kind of thing should be outlined in the legislation. It seems that the hastiness with which the bill was drafted did not permit the time to clarify these very significant points.

I suggested a while ago that the public should be considered when we are drafting labour legislation and I meant this in all seriousness. We are now living in a time when the people of other provinces especially, because our labour relations here have been good, are complaining about prolonged strikes and piling garbage piles. We don't want to see ourselves degenerate into that kind of situation and consequently we should when legislating labour relations such as this kind consider the public at large.

Attempts are being made in this bill to provide employees who are doing a similar kind of work, be it in one kind of industry or another, to be unionized under the same contract. We know that this exists in part already, we know that the railway workers of the CN or the CPR are for the most part under the same kind of working agreement. But I suggest to you, Mr. Speaker, that the more we coagulate the organizations of labour in similar industries, the more we live in the danger of having complete strikes, strikes that are tying up a complete industry with related industries as well.

I can't see an easy way out of this kind of thing, Mr. Speaker, but I'm wondering if the Minister has looked at the possibility of timing contracts. I'm speaking now, let's suppose, of the construction trades where we have experienced a year ago a strike that tied up most of the labour trades although it was a strike created by one. If we had thought of somehow legislating or persuading that contracts be timed in such a way as they are to be renewed at a somewhat similar kind of interval, we are not going to be living in the danger of inconveniencing many trades for the disagreement of one.

I find that the bill throughout is generally a punitive bill, We almost consistently speak of fines - \$500, \$1,000, 2 months in jail - and this kind of clause is repeated about some 15 times throughout the bill. Also I find it very interesting that throughout the punitive measures we find that the employers to which the punitive clauses are addressed almost invariably, if not entirely invariably, are asked to prove their innocence rather the accusers to prove their guilt. You'll find, Mr. Speaker, that if you follow this kind of thinking that we might well have employers throughout the province for a good deal of time fighting off frivolous accusations, because accusations whether or not they are serious accusations, whether or not they are allegations that are founded, the employer is still called upon to justify what he has done and show his innocence. It's a reversal of what I have been used to in terms of law, except of course maybe in the Highway Traffic Act where we find this kind of thing.

There is another area that provides for certification and then after certification the bill says "a union must not call a strike for 90 days", and I'm suggesting here that this might well work some difficulty in some areas especially in the construction trades where their work is seasonal. You might find that a newly certified trade wishes to negotiate immediately, wishes to strike because the negotiations have been unsuccessful, but they can't do so for 90 days after certification. What does an organization of that kind face when a job lasts 89 days? --(Interjection)-- Well, Mr. Speaker, the Minister of Labour says we'll change it to five days and it might be a good idea and it might not. I would certainly like to hear what the people of Manitoba, those that will be involved will have to say about this, and I can hardly think that the people of Manitoba as a whole will have time to tell us because we are not going to be sitting in Committee on this for long enough for the people of Manitoba to realize that this kind of thing is being legislated. So consequently I'm suggesting that 90 days is a suggestion; if he wants to change it to five, he may change it to five. I plead with him to ask him to consider the people that might be affected by this kind of legislation and give them a little time to consider it.

There is another clause in the bill that says "after a strike" - and it doesn't say a strike that lasts one day or five months - "after a strike it is lawful for an employer to rehire those people who have been on strike and he must provide them with the same kind of jobs and the same kind of work as he was doing prior to the strike". And this might well be a little unrealistic because in a case of a prolonged strike in some industries you will find that markets have changed if not fallen, it might well be that in order to accommodate the administration of the firm might have to take a different direction and to ask that exactly be the same might well be a little unrealistic. If it is possible, fine; if it is possible it is no doubt desirable, but I would

(MR. GIRARD cont'd) not like to see some firms being caught by this kind of legislation in a rather impossible kind of situation. I wonder, Mr. Speaker, if we could think of whether or not the employees have the freedom of selecting jobs other than the one they had while they were on strike. This kind of legislation if it is to be equal seems to me that if it compels the employer to accept all those employees who wish to return you might as well compel all the employees to return to that same firm after the strike, and I'm suggesting to you that would be rather ludicrous.

We talk in the bill about union organizers having the right to visit workers on the job. I think that is a justified measure and I think that that has to be, but the bill doesn't say, doesn't state if the union organizer should go there twice a day and be there for half days at a time, it doesn't stipulate anything about the duration of the business, the conduct of the business, and I'm suggesting again that we are leaving ourselves a little bit open, because under this bill, under this bill a union organizer can go to a firm and he can spend a week with one of the union members or a prospective union member, he can discuss with him at length and argue with him about the pros and cons of unions without having anyone being able to say anything about it. And I'm suggesting again that we're leaving ourselves a little wide open. It may be well to specify either durations of time or conduct of the organizers.

Another interesting part in the bill says that "no employer has the right to refuse employing a person who is an organizer of a union". Well what are the implications of this, Mr. Speaker? The implications of this as I read it might be that the unions, the union organizations might well have someone on their payroll who they would like to see in one industry or another, not for the purpose of doing work for the employer but rather to be on the site for organizing unions. Not only must the employer hire - if he asks that person whether or not he belongs to a union he is subject to \$500 fine or two months in jail. --(Interjection)-- As I interpret the bill, Mr. Speaker, that's exactly what the bill says. If an employer refuses to employ a member of a union - that is really an organizer whether he knows it or not - he is subject to a fine, and if he asks the prospective employee whether or not he belongs to a union he is subject to \$500 fine or two months in jail. Oh, there is a provision of course, there is a provision of course. The provision is that unless something in the contract that prevails at that particular industry forces the employer to ask whether or not he is a member or intends to be or has been a member of a union, but short of that he is faced with \$500 in fine or two months in jail. I suggest to you that's punitive.

We have heard through the debates in the Industrial Relations Committee over the past summer a number of people who came forth and said, "Our unions are controlled too much by jurisdictions outside of Manitoba, indeed outside of Canada". I thought that this was something the Minister was interested in and I thought that maybe some indication of this interest would manifest itself in the bill he has presented. And I assure you, Mr. Speaker, that I have detected nothing, nothing that says whether the unions functioning in Manitoba ought to be autonomous, ought to be locally controlled or conversely ought to be directed by the castle from across the border.

We have in the bill provision for joint unions representing the employees of one firm. Now I am not sure how this will work out. I see it as an observation but I cannot tell what the objective is or really what the outcome might be and I hope that sometime the Minister might see fit to let the public discuss this with the committee in order to have their view in assessing the results of this kind of arrangement.

I was glad to see in the bill provision for some kind of anti-discrimination against employees by unions. We have heard in the discussions or in the submission to the Committee on Industrial Relations that some unions for some reason do find themselves in disagreement with some of their own members and there has been a practice of being closed out in some cases where unions and employees disagree and of course the little guy is the one who took the road. It might well be that this legislation is an improvement. I'm suggesting it's still a bit toothless because I don't know if we can apply the punitive clauses that belong to the employers to that of the union, but if we could it might help.

Probably one of the most interesting articles contained in this bill is that which would rule that an employee can refuse to do any work asked of him by his employer if he deems that work to facilitate the operations of another employer whose workers are on strike. If one company is on strike the workers of the other company who might do any work that can be deemed to facilitate the operation of that company which is on strike can refuse to work and they can legally

(MR. GIRARD cont'd) refuse to work and the employer cannot do anything about it. That's very interesting if you consider the effects of this kind of legislation. It might well be that there is some strike in the United States, some strike in the United States that says, you know, if it's a company that deals with almost anything, if it's iron work, if it's paper work, if it's glass work, and it almost doesn't matter, you can relate that a job of some description is tied somehow and can be deemed to facilitate somehow the work being done by that firm, or that should be done by that firm that is on strike. --(Interjection)-- Well, this is a classic example I suppose. --(Interjection)--

MR. SPEAKER: Order, please.

MR. GIRARD: Yes, I suppose the interpretation could be that if the radio station is on strike any company which is advertising through that radio station, any workers of any companies that are advertising through that radio station might deem their presence and their work as facilitating the operation of the radio station that is on strike and therefore they can refuse to work, and there's really not much anyone can do about it. Now if you consider the possibilities --(Interjection)-- Well, I'm not sure about Harry Enns, but --(Interjection)-- Well, I'm suggesting to you, Mr. Speaker, that the same kind of a situation would arise if Seagrams were on strike.

I again feel very strongly that this kind of legislation, if I'm interpreting it correctly, could be a paralyzing one and I'm anxious to see what the public will have to say, those people involved. How will it be interpreted and to rush it through at this time is to me a little irresponsible. May I again plead with the Minister that the right thing to do with this kind of far-reaching legislation is not to drive it through second reading, drive it through the committee, and then bring it in and say, hurry up fellas we're getting out of here and we want this in third reading. Rather it is to lay it over and have the committee hear the representations that are going to be made on this bill and let's have sensible legislation, let's be the real open government that we said we would be.

MR. SPEAKER: The Honourable Member for Logan.

MR. WILLIAM JENKINS (Logan): Thank you, Mr. Speaker. I rise to make my contribution on Bill No. 81, the proposed new labour code for Manitoba. I do so, Mr. Speaker, as perhaps one of three or four of the real bona fide union members within this Chamber.

I've heard the critique of the Honourable Member for Emerson, who I believe is supposed to be the labour expert on the side of the Progressive Conservative Party in this Legislature, and I must say that I've never heard so much nonsense in my life.

Mr. Speaker, the main principle of this bill, and I think it was enunciated quite clearly by the Minister of Labour during his introduction of the bill, the principle of this bill is to take away from the collective bargaining process in the Province of Manitoba, the third party intervention. And the third party intervention, and I think I can speak perhaps with as much experience as one who has suffered from third party intervention as a worker on the Canadian Pacific Railways. We've had the dubious honour of three Liberal Governments giving us compulsory arbitration and one Conservative, and I can tell you, Mr. Speaker, that if you think that you get satisfactory collective agreements and bargaining when under the aegis of a government department, someone is going to come in and try to play Solomon, because neither side is satisfied, I can assure you. I just wish, Mr. Speaker, that the labour jurisdiction that I fall under, which happens to be federal, that they had the courage to bring forth such a labour bill.

The Honourable Member for Emerson stated, I believe at the outset that this government was trying to ram, ram, push through this labour legislation. We have been the Government of Manitoba now for three years. We've done some small amendments to the Labour Relations Act. We've had hearings last fall. I think that the Honourable Member for Emerson is prone to a bit of exaggeration, he said what about these people and the union members, many who have come forward, who say that the control of unions is outside this province and outside this country. To my knowledge, Mr. Speaker, and I was chairman of that committee and I was at all the meetings, one person came forward, one person, only one person. So let's set the record straight for the Member of Emerson. I don't think he attended all the meetings.

Now, the bill in itself is set out mainly in about five or six sections, main sections, and I'm not going to really get into the areas except to state that perhaps one of the real bits of real justice that is coming forth in this bill is the one dealing with technological change during the lifetime of an agreement. You know it's very easy for management to get a collective agreement this week for say a period of two or three years, and there have been in the Province

(MR. JENKINS cont'd) of Manitoba I think in one of the construction trades where they have a five year agreement, and then two months later say, all the rules are changed now boys we're going to have a new procedure, and these people are locked in, absolutely locked in, for five years, three years, two years, one year, whatever you want to call it. The employer is free to raise havoc within that industrial sea. And we've seen it happen. Now what will happen is that that agreement will become open to negotiation, and I think that's pretty fair. That was the report of Justice Freedman on the run-throughs on the railways in this country, and I think it was one of the most sensible things. If you want industrial peace, Mr. Speaker, and members of this Legislature, and I think this should appeal to my honourable friends opposite, who are the great champions of individual freedom. But when they want to practice that on one hand for the industrial section of the economy, oh, no, no, government and us must not interfere. But when industrial workers are displaced, did I hear anybody crying on behalf of the thousands of workers who were laid off on the Canadian railways? They were accused of featherbedding; they were accused of everything else, and I can tell you, Mr. Speaker, 25 years ago the trains across this country hauled about 60, perhaps 70 boxcars, 30 ton capacity, 50 to 60 or more, about 1,800 tons. Today the same workforce, in fact a reduced workforce, because we don't have firemen on run-throughs now - they were the boys that were accused of featherbedding - and so they've gone. We now have trains of 180, 200, 250, in fact one train pulled out of here of empties of over 400 cars. And do you know what the capacities are today, Sir? No longer 30 and 40 ton cars, they're 50, 70, 100, 120, 200 ton capacity cars. With a smaller workforce, and they say that people within the trade union movement have not kept up their productivity. Well I can assure you, Sir, that they have. When we were on strike in 1950 there was over 200,000 employees non-operating. Today there's less than 100,000 on the two railways. The figure is closer to about 75 to 80, and the same high productivity, in fact increased productivity. --(Interjection)-- But it hasn't been brought about by our Liberal or Conservative friends in Ottawa.

The Honourable Member from Emerson said that the public participation public participation; what does he think the members of the trade union are? Are we a species apart? Are we some sort of part of the non-public that we could be put aside in one corner. We are all part of the public, just as much as the farmer is, just as much as the lawyers, or anybody else in society. --(Interjection)-- And that even includes former Mayors of Charleswood. And to say that we have no responsibility is sheer irresponsibility. I've been in three major strikes and I can assure you that it is only as a last resort, only as a last resort when we can no longer bargain and we get some adamant employers who just simply refuse to bargain. And that is what you get when you bring in compulsory arbitration. You get an employer who says, I'm not going to bargain in good faith. And it sometimes happens that unions also do the same because they're going to wait around to see if Uncle Solomon is going to come in and settle it, and that's the arbitrator.

Let's get back to what collective bargaining really means, Sir. It means sitting down at a table and you make a proposal and the other fellow makes a counter-proposal. And throw out the lawyers, the statisticians, and recorders, who have mucked and murked up the whole industrial relations picture in the Dominion of Canada and in North America. These are the people, these are the people who sit and charge fees of 500 to 1,000 dollars a day, and they're not in a hurry to see negotiations proceed quickly. What has been proposed here is that people who are responsible for the management of a firm, and people who are responsible for the collective security of the employees within that plant, that they get down, in fact I say that the legislation doesn't go far enough. I would ban all lawyers and statisticians out of negotiations. Because I can tell you, Sir, the only time we got down to brass tacks in negotiations across this country was when we could get Donald Gordon and Bud Croft to the table and keep them there. No other way could you, and I will give credit, Sir, federally, to the former Minister of Labour. He was a trade unionist, the Honourable Bryce Mackasey. A former trade unionist who did try to keep as many negotiations going on an even keel as possible without trying to force a situation whereby both sides come to the point that they no longer can --(Interjection)-- well I'm never aware that Alvin Hamilton was the Honourable Alvin Hamilton was ever a Minister of Labour. I know he was Minister of Agriculture but perhaps that was one of his . . .

Now the Honourable Member for Emerson said essential services and what does it mean, and then he talked about vital services. Well, I would say, Sir, that if negotiations are essential or if the services are essential, and there may be some that are vital, but I would say that the

(MR. JENKINS cont'd) negotiations that go on in these things are also vital. They're very vital. And I do not want to see a person because he happens to in the public service subject to having to subsidize the public purse or the public by accepting arbitrary awards that award him less money than if he was working in private industry. And that's what happens in many cases. I don't see that people who are in the public service, or in essential services, and you can be in essential services and still work for a private firm, and be subject to compulsory arbitration.

The honourable member said he doesn't believe in check-off of dues. Somewhere within the bill it has something about check-off of dues. In other words then I guess he believes in people being freeloaders, **Freeloaders** on society. Because --(Interjection)-- Oh yes, I listened very carefully. It might be very interesting for the honourable member to realize it just the other day in the paper that the Saskatchewan doctors have asked the Saskatchewan Health Commission to introduce a union check-off in that province, and a compulsory one at that. --(Interjection)-- Now the honourable member also said that when the Labour Relations Board that will deal with certification applications, if the employees are not consulted the board will decide. Who the devil does he want to decide who's going to represent those people; the union that is making the application and does he want the employer to say well, no no, that union is not satisfactory to me, I think you should have that union. That choice, Sir, is the choice of the employees themselves and the fact that they have organized themselves, made their application for certification, be it 35 percent, be it 50 percent, and he was quite perturbed. He said because the Act said, well between 35 and 50 percent, the board "shall" order a vote. I think that's quite plain. If it was 50 percent or more the board "may". Well I say to you, Mr. Speaker, and members of this Assembly, that if I come in front of the Labour Relations Board and there's a hundred employees in that plant and I have 99 of them, that you're going to ask me to take a vote. How stupid can we be? That's what it means. --(Interjection)-- I would suggest to the Honourable Member for Birtle-Russell that if he has a contribution to make that he stand on his two feet afterwards and make the contribution. I'll be delighted to hear from him. I'm sure that the Minister of Labour will as well. He can give us some of his barnyard philosophy and also the little red hen man.

You know, Mr. Speaker, we only know when we bring good legislation before this House that when those fellows over there, those honourable members start squealing, you know that you're doing good. That's the only time you know. These are the people, these are the people who say you've been proceeding too fast, too fast but Godfathers, we've been here for government for three years and we've tinkered around with labour legislation. This session, and you had ample warning that we were bringing it in; we had the Industrial Relations Committee; the meetings were published in the newspapers; we had the representation, what more do you want? --(Interjection)-- All right, you've had the bill for ten days and it looks like you've had your friend --(Interjection)-- I read the bill. --(Interjection)-- Well my honourable friend, the little red hen man says how long a gestation period does it need? Well it's been gestating for three years and it's hatched out and it's a pretty fine looking specimen. --(Interjection)-- The Honourable Member for Morris, the barnyard philosopher, I shall be very pleased to hear him when he rises from his seat - he speaks better from his seat, I admit - and then we have that honourable braying jackass from Charleswood. But, Mr. Speaker, I'm not going to be deterred by the honourable members opposite because I think this is a good piece of legislation; it's long overdue, and if we want to have a look at some of the repressive labour legislation and what it's achieved, we can look to the west coast and see what our honourable friend in British Columbia has accomplished. We can take a look at what our honourable Liberal friends down in the Province of Quebec accomplished. If that is what they want, I'm not going to be party to that sort of procedure. I think by giving people who are involved in the procedure of collective bargaining the dignity and the right to make their own decision without the interference of a third party is a fundamental underlying principle in this bill, and that is good. We're going to make it easier for people to become certified, and that is good. We have that honourable gentleman from Pembina who gets up here and decries and decries about welfare and about the minimum wage. Well I can assure my honourable friend, I said it during the Budget Debate, and I'll say it again, that we should make it easy for people to become certified and then we won't need a minimum wage and it will cost the government less money, because when you have a minimum wage, a miserly thing like we have and even when it's going up, you have to have a battery of inspectors to make damn sure that they are paying it. Give the people the right to

(MR. JENKINS cont'd) organize and the people within that industry will make sure themselves that the people are paid more than \$1.65, more than \$1.75, more than \$2.00 an hour, and we don't need no battery of lawyers or statisticians or anybody else to tell us how to do it because we can do it ourselves. And when that agreement is signed the people within that collective bargaining unit will determine and make sure that the wages, and that the scales of wages, that have been negotiated fairly at a bargaining table will be maintained. We don't need to have somebody come along and police our agreements.

You know, Mr. Speaker, I don't often get exercised in this House but when I hear the nonsense, absolute drivel and nonsense that comes from the Honourable Member for Pembina --(Interjection)-- Emerson, and if this is the best that the Conservative Party can come up with as their labour expert, well I must say to you, Sir, that the Conservative Party is in sure a sad sad state of affairs. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, I wonder if the honourable member would permit a question? It's a matter of clarification. He said he would like to see done away with the lawyers and the statisticians from the negotiation table. Would he also include in that list the psychodramatists, the psychodramatists?

MR. JENKINS: Well I don't know if they're a bunch of people that come along to cloud and murky up the picture, then throw them out too.

MR. SPEAKER: The Honourable Leader of the Liberal Party.

MR. I. H. (IZZY) ASPER (Leader of the Liberal Party) (Wolseley): Mr. Speaker, I move, seconded by the Honourable Member for Assiniboia, that debate on Bill 81 . . .

MR. SPEAKER: Order, please. Does the Honourable Member for Charleswood wish to speak now?

MR. ARTHUR MOUG (Charleswood): I just want to make one or two short remarks, Mr. Speaker. Mr. Speaker, the problems that I have with labour are not the same as that that the Honourable Member for Logan has, and the problems that this province has making our decisions on where we're going to get our power, and how we're going to get our power, and the amount of water that passes over that desk while he is up waving his arms and saying little or nothing, I think if we could tie a generator on the end of his swivel and swerve that we could sell power to the States as has been recommended from time to time in this Legislature.

I think that this bill coming into the House is way late in the session and I don't think it's going to get the fair debate or scrutiny that it should have by the Opposition members, regardless of whether the Member from Logan sees fit or not. And certainly I hope that when it gets into the Labour Relations Committee that the Member for Logan is not chairing that because certainly the people will not have an opportunity to say their piece as he is trying to deprive us from doing that very thing right in the Chamber. And I would say, Sir, that . . .

MR. SPEAKER: Order, please. Order, please. Does the Honourable Member for Logan have a point of order?

MR. JENKINS: Mr. Speaker, the Honourable Member from Charleswood is imputing motives and I ask that he withdraw that remark.

MR. SPEAKER: The Honourable Member for Charleswood. The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris): The Member for Logan has seen fit to participate in this debate and as long as he is participating in this debate, then he is subject to the criticisms and to the charges that can be laid by any Opposition member. He's not going to hide behind any immunity as a chairman simply because he happens to be a chairman of a committee. --(Interjection)-- That's fine, then we have no quarrel.

MR. SPEAKER: Order, please. The Honourable Member for Charleswood.

MR. MOUG: Mr. Speaker, when the Member for Logan was up speaking, he said that he feels that because the legislation is so good, he knows, or made reference -- I'm paraphrasing -- he makes reference because we on this side get up to oppose it. I say that when he gets up I have noticed in the Legislature, it's my experience the only time he gets up is when it's embarrassing legislation and he feels that he has to get up and protest what has been brought in by the government side of this House and I think that the legislation is far too heavy in coming in one rapid movement and it's not there for the people of this province, the employers, the employees, at this late date knowing that prorogation of this House is only ten days or two weeks away. They haven't got the time to study it; to go to their legal advisers and bring it in and

(MR. MOUG cont'd) come into committee with it. --(Interjection)-- Well I think it is; that's my opinion, and I'm expressing it. I'm not speaking for the Minister of Labour, I'm speaking for what I think is right in the way legislation should be brought in and I think this bill after the government's been sitting in this Legislature and the government side for three years, I think this bill could have been put together and brought in far earlier in the session to give us a chance to take it to several people we think should scrutinize it besides we ourselves in this caucus. I think it's very very unfair and the Member for Logan criticizes on this basis, and I think he's wrong in doing that.

To refresh his memory of what's happening in this province, in 1969 a firm Kipp Kelly on Higgins Avenue, who's a big manufacturer, had 154 union employees, union members in their employ and there's now 11, and that's less than three years later, because I know in September of 69 they had 154 union employees, union members, and they're down to 11 now. The management of that firm says that he doesn't have to have the threat of socialism hanging over his head, that he can produce elsewhere and ship into Manitoba, plus ship all over the world as he does. It's a world-wide organization. They ship into the far east as well as --(Interjection)-- the near west is right. And for this reason the man has no - he's forced to stay right inside the Province of Manitoba and right in the City of Winnipeg to be faced with what some people on that side of the House wish to poke down the free enterpriser's throat today. He feels that it's just bad investment to have it in the City of Winnipeg or in the Province of Manitoba, and he certainly shifted the greater part of his investments he had in the Province of Manitoba right out of here. There's cobwebs on every lathe, drill press and milling machine that he had in that shop. There's cobwebs on it today and absolutely nobody manufacturing in there, there's only service men, installers, and those that are putting the equipment together that he handles as a distributor and not as a manufacturer.

In regards to the bill, Sir, after what has been said by the Member for Emerson, I think there's very little to add from our side of the House, but certainly I am opposed to police, firemen and garbage men. After what I saw in the newspaper that happened in, I believe, Toronto, Montreal and Vancouver, I'm certainly opposed to garbage men even having the right to strike as they're in a position with environment and health to put us in a very bad position. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. J. R. (BUD) BOYCE (Winnipeg Centre): Just before the Leader of the Liberal Party adjourns the debate, there's just the one point, Mr. Speaker, I keep hearing this late date as an assumption by some members. I too am entitled to express my opinion. I expressed my opinion earlier that I didn't think we'd be out of here till September. I haven't seen anything to change my mind yet. I think that if the Opposition feels that this is important legislation and that time should be taken care to consider it, then time should be taken to consider it.

But there's one other point that was raised by the Member for Charleswood, and in some areas I share his concern because in manufacturing a person who is faced with making a dollar is placed in a squeeze and if labour rates exceed what he can pass on to his customer, then he has very little choice. But really, Mr. Speaker, this is one of the things that is implicit in this bill that we hope to rectify. The impact of technological change has been too long swept under the carpet. The Freedman Report has been with us for quite some time and the total sociological impact of technological change has not been considered, at least in my view, by this House or by the Federal Government, or anyone else. But as we put pressure on business people to stay in business and make a dollar, which is still legitimate in my mind, then they're placed in the position where they have to automate and they have to automate as fast as possible and if we leave it to them alone to solve, then we're asking for nothing but trouble. The other evening I had occasion to recall what was being portrayed on television with reference to a hay baler which is being advertised where they show that one man can do the work of three, and this is one of the areas in this particular code which hopefully will solve this problem because as our economy demands better and better skills then those people on the bottom of the scale who cannot possibly develop those skills are going to have to be taken care of in some manner in our society. We have heard much in this House, and we have heard much outside of this House, about the plight of our economy as far as welfare is concerned. Now who is to pick up the tab as far as automating people out of jobs is concerned? Is it the public purse? Should it just be a mad chaotic rush into so much technology that very very few people can be meaningfully employed in our economy. I don't think this is the type of society that members opposite

(MR. BOYCE cont'd) want to create. None of them have given me this indication. They are just as concerned about people having some type of work, some type of involvement in our society that they can make a living, take care of their families, take care of their responsibilities. But yet what is your solution to this problem. What suggestions have been forthcoming from the opposition? Mr. Speaker, none. The Member for Lakeside, from his seat, keeps saying freedom. And in his usual way freedom, liberty and justice for all. They're such beautiful sounding words. Let me just recount . . .

MR. SPEAKER: Order, please.

MR. BOYCE: Let me just recount a couple of occasions within the past few years, maybe members opposite need their memories jarred a little, the switches that take place in a technological way, and not only just in technology but in the tastes and the social customs of people. I know of a few people in my constituency who got hit twice in this technological chain. A few of them are boiler makers who were automated out because of the diesel engines, which the Member for Logan reminded us all are pulling trains of mammoth sizes. But these people went through retraining programs, and they were past fifty at the time that they did, and they became barbers. Now they are in the same plight as they were before.

So that when the Member for Charleswood makes light of this particular bill, and I'm addressing myself to one ramification of it, is the need for labour and management to take into consideration not just the immediate but the total impact of their operation within a community. Because surely, Mr. Speaker, if a company, if an organization, is licensed to do business within a particular community, and in some cases is granted monopolistic licenses to do business, then it is incumbent upon them to protect the social environment of that locality in which they do business. That seems implicit to me. So that they're going to enjoy the benefits of that society and make a profit by operating, then they should be in social terms interested in not only the immediate but the long-range socio -, you know let me put in a little - what's that word? --(Interjection)-- The Member from Lakeside on occasion is helpful. So what is it again? --(Interjection)-- Socioeconomic. I just haven't learned all their jargon. But --(Interjection)-- It's one of those nights, Mr. Speaker, I'm getting more help from the Opposition than I am from my colleagues. --(Interjection)-- No, I still won't accept the Member for Lakeside's invitation to join them on the other side. --(Interjection)-- Perhaps if the leadership was open I would reconsider that.

To get back to this one point that I wanted to make. If, Mr. Speaker, the society of Manitoba as a province and Canada as a nation is to solve some of their economic problems then they must take into consideration the social impact of some of the sociological changes. --(Interjection)-- I get an Oh! Bud groans here from my right. Well, you know every time I pick up my little drum I keep beating on it because this in my mind is one of the important issues. It's not shared as a matter of priority by some of my colleagues perhaps. --(Interjection)-- No I'm not going to beat my drum for the Human Resource Research Council tonight --(Interjection)-- . . . Anything else? The Member for Crescentwood here seems to be in some kind of a jocular mood this evening.

But, Mr. Speaker, it astounds me. We go, you know, we just roll on - we have been sitting here since March, and I guess some of the 120 bills that we have before us to consider are more than housekeeping. Some of them have got some things which will change how people live within our society. But on some occasions, Mr. Speaker, we seem so blind, so blind. As a teacher, as a teacher I was asked by this society to convince students to stay in school to get training, to get a job, get an education to get a job, to get into this rat race that we are responsible for perpetrating. It is coming to the attention of a few that perhaps we were wrong. You know the economists who have been preaching for years that full employment is a possibility. I think that they err; I think they're wrong; I think it's a myth; I think it's impossible. And if we don't start taking it into consideration in labour bills and labour codes and labour relationships and industrial negotiations, that we are going to solve very very little.

Every once in a while they accuse me of being the resident philosopher. I don't believe I am, I believe I'm a pragmatist. You know, Mr. Speaker, if I let go of this piece of paper it falls, and I pick it up and I let it go and it falls, and I pick it up and I let it go and it falls. You know it seems logical in my mind, Mr. Speaker, if I have that piece of paper and I let go of it that it is going to fall. You know people go around and they keep collecting tons and tons and tons and tons of empirical evidence. They throw you case after case after case after case, and people are still screaming the world's flat. The economists are still saying that the

(MR. BOYCE cont'd) you know the full employment is a possibility, crude growth, you know, create jobs, create jobs, create jobs. Mr. Speaker, they can't even keep the jobs that we got, let alone create enough jobs to fill the gap. We have people pouring out of the universities who can't find jobs. People trained or people exposed to an education in sociology and psychology. Trained for what as far as a job is concerned? --(Interjection)-- The Member for Sturgeon Creek asks a very good question. How many do you need? How many do you need? I don't know, I don't know how many you need. Well perhaps it's not important but I happen to think it is. --(Interjection)-- I can't even read it without my glasses on. The last time I got a note in this House it said my --- and I'm not going to read this one. --(Interjection)-- No. That will form the basis for my next contribution to the illustrious debate in this House.

But, Mr. Speaker, to get back more closely to the bill before us for consideration. The two things implicit in this bill which I think are *avant garde* in this country is the withdrawal of third party interference. I was involved in negotiation with one of the school divisions as a teacher. It was a very interesting, very very interesting exercise. It was my first year in teaching and I taught on a letter of authority, and the reason that I was involved is because I was one of the oldest teachers on staff. This particular school division, there was five of us on this negotiation team and we sat down with the school division negotiators and they said that we refused to negotiate. We said, here's our proposals we refused to negotiate. And it's a matter of record they applied to the Minister of Education at that time for an arbitrator. And we asked the Minister of Education to refuse to give them an arbitrator because they had refused to negotiate. So the Minister of Education did in fact refuse to give them an arbitrator. So they come back and they still refused to negotiate but they came in with some kind of a ridiculous position on this, you know, a counterproposal rather - I'm looking for a term - which we turned down and then they applied for an arbitrator. They applied for an arbitrator and - I'm sorry, they applied for a conciliator. Excuse me I'm getting my terms mixed up. They applied for a conciliator; the conciliator was unable to resolve it, so eventually it went to arbitration. But the interesting point about this whole negotiation was, I was fired. Maybe that was a good thing. The vice-principal of the school who was on negotiations was demoted; another high school teacher was demoted; another teacher who was on it left the particular school division. The five people who were on this negotiating team were all emasculated by the illustrious school division. If it is necessary for me to document this particular part of my address I certainly am prepared to. So that when you are talking about free negotiations this is one of the areas that I will support wholeheartedly is this removal of this phony third party interference because, Mr. Speaker, it does not solve problems. The responsible people when given the responsibility in our society have demonstrated their ability to discharge it, and they will so do in this particular case.

So that the two things that I am impressed with in this particular bill - there are other things I'm sure other members can address themselves to, is the freedom for both people to behave responsibly, the unions and management, and two, some way to take into consideration technological changes during the life of contracts.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): Mr. Speaker, I just have a few remarks that I'd like to read into the record regarding this bill. And being a member of the Industrial Relations Committee I would certainly like to quarrel with the Minister and the government regarding the haste with which they are trying to pursue this type of legislation in the dying days of a long session. Well the honourable member says we may be here till September. That may be the benefit of his wisdom, but I'm not talking to some of his other Ministers and thinking that this session may end within a week or two weeks, and there's no way that the members of this Legislature, the people of this province, can deal with a bill of this magnitude and this philosophy in that type of time, and if, Mr. Speaker, in all sincerity to the government and to the people of this province, if we think we're going to deal with this legislation in that time of period we're fools. And we're damn fools, Mr. Speaker, to try and deal with this new philosophy, a new Labour Code that will be maybe setting a philosophy for all of Canada, and we're dealing with in a matter of a week or ten days. And these members over here - in fact in listening to the Honourable Member for Logan tonight I suspect that he likely wrote the bill. And being the chairman of the committee, how then are we as an Opposition going to deal with it after listening to his speech. And, Mr. Speaker, the critics - this is an example of the critics of private business and industry in action. In action in Manitoba and in action in Canada as they've

(MR. McKENZIE cont'd) never been before. Here is the example. And they're influential, Mr. Speaker, as they've never been before. Because they've done their homework on this bill. It's a long lengthy thick document and they've done their homework, and they've done it well. I don't quarrel with that. I don't quarrel with that at all but for gosh sake give the Opposition and give the people of this province a chance to deal with it the same way that you have dealt with it. And most important of all to me, Mr. Speaker, and I'm sure this is most important to a lot of people in this province, they're exceeding today as they have never exceeded before.

And just look at what's going on across this country today with labour. The quarrels we've had in Quebec; the quarrels we've got in British Columbia; the quarrels we've got about the ships today. Ships . . . And it's going on and on and on, day after day after day. And what are you going to prove, Mr. Speaker, with this type of a bill in the dying days of a Session? --(Interjection)-- Well, Mr. Speaker, I think that - I find anyway, Mr. Speaker, I find an evergrowing anti-business element in the halls of this government. In the halls of this Legislature, I've never seen a more anti-business business element in this Legislature than we have with this government. I've never, and I've been here since 1966. And it's also evident in our educational institutions. And why is that? Why have we got this anti-business element in government, we've got it in the church, and we've got it in our educational institutions, and now we've got it in Bill 81. And, Mr. Speaker, if . . .

MR. SPEAKER: Order, please.

MR. McKENZIE: . . . that's not anti-business legislation, I'd like to have somebody prove to me otherwise. And of course these critics, Mr. Speaker, and we've got them all across over there, they're all chirping like a bunch of birds right now. They'll be satisfied, Mr. Speaker, with nothing less than complete nationalization of every business in this province. And they're not going to stop until we nationalize every business in this province, Mr. Speaker, and it's that simple. Because there's the bill that's going to do it, right before us, Bill No. 81. Certainly. --(Interjection)-- The truth? In fact, Mr. Speaker, I would say the truth is the only antidote capable of dispelling the exaggerations that's voiced by these anti-business elements that we happen to have across the street within our society are business men who've got the guts and the courage to stand up for their convictions, and here I am one tonight. A small businessman from a very small dying community in this province is going to stand up and fight this bill to the bitter end. And the Honourable Member for Logan talks about the CPR. I wish he would come out and see what the CPR has done to the village that I live in. The station torn out, the railroads gone. I can't even get a box of peaches in, or a pear or an apple, or anything in by railroads today, because they don't know how to deliver it. --(Interjection)-- No there's no more trains running out there, Mr. Speaker, and why? Because of the crazy labour union leaders that have posed all these rules and regulations on all the rural communities of this province and for what? I got to come into the city on Monday morning; I load a bunch of stuff in the back of my car and I take it home Friday night and see if I could sell it, because the CPR outside of providing a delivery assistance for grain in the village where I live, are providing no services to the people of that community, and why is that? Are they all at fault or is it part of the problem of the unions? Is it 50-50 is it 25-75, or who is to blame? But we're going to destroy this province; we're going to destroy rural Manitoba, unless these union leaders will sit down and take a look at the people and the problems of the farmers of this province, and you're not going to do it with that type of legislation, Mr. Speaker; never, Mr. Speaker.

And of course, Mr. Speaker, I wonder how many businessmen we've got in this province today who are going to take the time, holiday season, summer's on, to come and meet this challenge in Law Amendments or Industrial Relations Committee. I suspect that's the reason the Minister brought it in late. I suspect he knew that most of them would be on holidays - and we're not going to get no static because they can't afford any more. They lost Borowski, they lost Allard, and they're going to lose some others, and we've got the Leader of the Liberal Party in the House today, so they can't afford the luxury of very much static in the dying days of this session. The Minister of Labour brings in a great big bill in the dying days of a session and says, here boys, it's yours. And you get a speech like we got from the Honourable Member for Logan tonight - it scares the living daylight out of you. And then you get the member over here from Winnipeg Centre to back him up, and Mr. Speaker, I don't think I'll sleep tonight after listening to those two speeches. In fact I'll go further, Mr. Speaker, and say I was not prepared to speak tonight. Had not those two members spoken I would have still remained to my chair,

(MR. McKENZIE cont'd) . . . but I must as a businessman of this province meet that challenge that was laid out by those two members in dealing with this type of legislation. And I say, Mr. Speaker, I say to you private ownership - and businessmen in this province - will become a thing of the past unless we can find some other way to deal with the problems that we have in society today other than by that type of a bill. And without ownership, without ownership, what happens to this province? The fundamental freedom that we have as human rights, freedom disappears and that's a fact, Mr. Speaker, Freedom disappears. There's no freedom in that bill, Mr. Speaker; absolutely none. Absolutely none. The only freedom that I read is the union leader. The union man himself, the ordinary card-carrying union man, has no freedom in that type of legislation. If he has, I fail to see it.

And it's interesting, Mr. Speaker, as you read through this bill, and one interesting thing that you come across to my attention -- being from a rural constituency I think it's a matter that concerns me a lot -- less than 25 percent of the non-agricultural workers, or the work force in this province, are members of organized labour unions. I think that's fairly close to the truth. In fact it said here, I think the president of the labour union said with this type of legislation he's going to zoom it up to 75 real fast within, what - two years? Now what does he want on a platter? What does the leader of the unions in this province want on a platter? That bill? When he can from 25 percent to 75 zoom the leadership up -- is that freedom in this province, Mr. Speaker? Is that fair legislation in the dying days of a session? Is that fair legislation from a labour leader that's been implemented and involved in unions from Day One in this province, in a province who's had the best of labour-employer relations that any province in Canada has had for years? Bring this type of legislation in and try and break down that. You go across this country, Mr. Speaker, and you'll find labour people saying Manitoba has got the best employee-employer relations all across Canada, has had it for years.

So here we are, Mr. Speaker, with this type of bill and I realize, Mr. Speaker, that a great many people, including employers, take the stand of the recent minimum wage. Maybe it was too high and maybe it's inadequate in my case to meet some of the expenses that I have to do business with, or it's inadequate too to provide a good standard of living for the man that's asking for the minimum wage, and I don't think there's any quarrel with that philosophy. However, I asked the Minister of Labour, has he taken the time to really study the facts of the situation in this province or is he bringing this bill in just through the wisdom of the labour leader, or what studies has he done regarding this bill? What have you done - and I ask the Minister of Labour, what is your philosophy in this bill? Or did somebody hand it to you on a platter and say, "Here, you put it in"? I suspect, Mr. Speaker, that the Minister of Labour in this province hadn't done very much about this bill.

Wage levels. What's wage levels, Mr. Speaker? Wage levels to me are relative and I'm sure they are to the Honourable First Minister. What is a minimum wage? Let's take a look at the minimum wage of a jet pilot. What's the minimum wage of a jet pilot? 60 bucks a day, 100 bucks a day, I don't know, but it's a minimum wage and it may run -- let's say it runs from 40 to 75 dollars a day for a good jet pilot: he's worth all of that, 40 or 60, 75 dollars a day. Well, do you want to fly with anybody cheaper? Mr. Speaker, what about a plumber? What's the minimum wage of a plumber? What's a plumber? A plumber came the other day to fix the tap in my house and as I could read him his minimum wage looked to me about six bucks an hour. He wasn't there very long and the bill was 20 bucks, and he tells me he's going for higher wages. That's fine.

What about B.C.? What about all the strikes that's going out in British Columbia today? Maybe the Honourable Member for Rhineland can clear us on that labour jungle they've got out in British Columbia, but they got a doozer going out there. I think everybody is on strike in British Columbia. If I listen to my radio right and read the newspapers right, the carpenters are on strike, the electricians are on strike, and it's most unfortunate because here we have a time in our society today with a high unemployment rate when we need everybody to work and so half the people walk out on strike. And, Mr. Speaker, in all sincerity I say to you, if government or labour unions are going to try and fix wages beyond the true market value it's inevitable, I say to you, Mr. Speaker, it's inevitable that a portion of those who want to find jobs in this province or all across Canada will remain unemployed. It's that simple. If you get your wages too high, I'm not going to pay a plumber again to fix a water tap for me for eight bucks an hour. No, it's not fair, and such measures as I have in my hand here right now, Mr. Speaker, I think it's falsely being brought in as a bill from the Minister but I say with a false

(MR. McKENZIE cont'd) label on it, that's labour leader legislation to me, Mr. Speaker, and I can't read it any other way. I can't read that an honest guy that wants to go out tomorrow and get a job will support that type of legislation, because if we pass that bill as is before me, Mr. Speaker, in this province, half the guys that are labour union 'card men will be out of a job because there's no way I as an employer or a heck of a lot of other employers in this province can support that legislation, and what are you going to do? We're going to have to lay them off. It's that simple. Now that's hard words, Mr. Speaker, for me to say as a little small town businessman in rural Manitoba, but in all sincerity, Mr. Speaker, I regret the tactics of this Minister and this government to bring this bill in the dying days of a session and ask us in the matter of a week or seven days to deal with it.

Well, Mr. Speaker, there's only one effective way to deal with that type of legislation in this province, Mr. Speaker, and that's what I say, let's refer it to the committee to be studied between now and the next session of the Legislature; let's get the best wisdom of the businessmen of this province and other jurisdictions because this never happened all across Canada, and let's deal with this in an effective manner and give it the attention that it deserves.

MR. SPEAKER: The Honourable Minister of Education.

MR. HANUSCHAK: Mr. Speaker, would the honourable member permit a question? Early in his remarks he made reference to the anti-business attitude of churches and educational institutions. I'm sure that the honourable member wouldn't wish to leave that statement unexplained.

MR. SPEAKER: The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, if the Honourable Minister of Education in this province would read the Chamber of Commerce report that was done about three years ago - and I recommend it to him highly - you'll find out what I'm talking about. A study was done all across Canada some three years ago --(Interjection)-- no, no, no. I'm just recommending, Mr. Speaker, for his reading of what I'm talking about. Read that report and you'll find out what the average child in school today knows about business.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier)(Rossmere): Mr. Speaker, I was wondering if the Member for Roblin will entertain one more question. Very close to the end of his remarks the honourable member I believe said that if this bill were to pass that all those persons whom he employs would have to be laid off. Would he mind telling us how many men he employs.

A MEMBER: Four women.

MR. SPEAKER: The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, if I said all the persons that are employed would be laid off, I didn't mean it in that context. Sometimes in the heat of debate I do make errors because I'm not, Mr. Speaker, known as a great orator, but I suspect that half, 50 percent of the people, if we pass that bill in its entirety, will feel severe repercussions. I'm not an analyst or economist, but I say we're going to have real economic problems in this province if we pass that bill.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. ASPER: Mr. Speaker, I move, seconded by the Honourable Member for Assiniboia, that the debate be now adjourned.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: I wonder, Mr. Speaker, would you kindly call Bill 100 standing in the name of the Honourable Member for Roblin. I love to hear him.

MR. SPEAKER: On the proposed motion, the Honourable Member for Roblin.

MR. McKENZIE: Well, Mr. Speaker, Bill 100 I guess - is this correct? Well, Mr. Speaker, I checked the bill to the best of my knowledge and while it hasn't been to caucus yet I will not hold up the proceedings of the House. Mr. Speaker, this is a bill and I don't think there's an MLA in the Legislature that would want to hinder the double use of our parks in this province, and here is a bill, a supplement to the Parks Act of some twelve years ago, which gives park management and park control, more control of the parks to the people that are in our parks today than we've had before, and I think we in our caucus welcome that type of legislation.

But I have several questions, Mr. Speaker, that I would like to ask the Honourable Minister regarding this bill. He mentions in the early part of the bill "officer", and I wonder

(MR. McKENZIE cont'd) how many officers have been hired or how many officers there are that are working under the department today. The bill also has -- the duties, Mr. Speaker, haven't changed from the responsibility of the -- it was formerly under the direction of the Minister of Tourism and Recreation and now the responsibility lies with the Executive Council. I wonder the way the bill is written, Mr. Speaker, in some places in the bill you find where they refer to government and other places they refer to the Executive Council, and I wonder why it is not the Lieutenant-Governor-in-Council all the way through the bill. Some places it's referred to as government and the next time it's referred as Lieutenant-Governor-in-Council. I think to be consistent the bill should refer to the one definition.

There's one section of the bill, Mr. Speaker, regarding withdrawal from municipalities and I don't think I know of any municipality or municipal authority that has any jurisdiction over the parks in this province. I just wonder why that section was brought in. The power of the officers I've also referred to earlier and I can't find under the old Act that the officers had any authority in there at all. So if in fact they are brought in here for that reason I welcome that addition to the bill where the duties of the officers are specifically spelled out, but I still can't find in either bill who has the authority to appoint officers. It just doesn't seem to be there. They're appointed but nobody seems to have the responsibility for appointing them.

The other thing that concerned me, Mr. Speaker, and we certainly welcome the addition of regulations with the bill. I think this, especially in opposition, is a real improvement over a lot of the other legislation where you don't get the regulations. So in this bill we have two types of regulations, Mr. Speaker. We have one set of regulations which has been provided by the Lieutenant-Governor-in-Council, the other set of regulations have been included by the Minister. Why couldn't they all have been included together? It seems rather unique and maybe I'll get the answer to those questions, Mr. Speaker, later on.

In the application of the regulations, Mr. Speaker, I wonder what kind of rules an anticipated park officer would be making; he's given some chance to make some rules there, and I just wonder what type of rules a park officer would be able to make in that section. In fact I would even contemplate in this bill we have maybe too many people making rules or laws for the travelling public. In my experience dealing with especially visitors from outside our jurisdiction, if you rap them with a lot of law officers and rules and regulations and signs, quite often you impose a sort of discouragement to our tourist friends and they may say to heck with it, all these laws and regulations and rules and signs that we're going to have, because we've got them here by the Lieutenant-Governor-in-Council, by the Minister and the officers, so maybe the Minister could clarify that when he replies to the bill. We would welcome the bill and support it on second reading, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, without wishing to prevent anybody from speaking on the bill at this time, I beg to move, seconded by the Honourable Member from Riel, that debate on this matter be adjourned.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: I am trying to find some . . . Oh. The honourable member -- no. He's flown the coop. If members would only attend to their labours I might not have as much difficulty as I have at the present time. --(Interjection)-- You know, Mr. Speaker, I'm going to have to acquiesce to the desire of the Member for Lakeside and call 93. It seems that he is here and a heck of a lot of his colleagues are not. Mr. Speaker, would you kindly call Bill 93 so that the Honourable Member for Lakeside may cleanse himself.

MR. ENNS: Mr. Speaker, I wonder if I could have permission to have this . . . No, Mr. Speaker, we're certainly prepared to move along with the business of the province in bringing a few comments to bear on Bill No. 93 The Clean Environment Act. It certainly is the business of the province that we should be concerning ourselves with at this particular time.

A little bit of research, Mr. Speaker, has indicated to me though that unlike what this government would like to lead us to believe, and I will have some other comments to make, certainly unlike what the Throne Speech led us to believe, that we were to make some pretty important strides forward in this important area of environmental control and environmental management. Let me for the edification of us all remind us that in the first legislature of this province, the first session of this province, the first act in this province, among the first acts was an act entitled an Act to Prevent the Deposit of Manure on the Banks of the Rivers. Passed

(MR. ENNS cont'd) in 1871. Better known as The Sanitary Act. Mr. Speaker, so they were worried then about what we are doing in our rivers. And we ought to be worrying now, Mr. Speaker, the fact that we're still doing it. Mr. Speaker, more precisely, that we have serious problems particularly with our institutions, and more ironic our most learned institutions such as the University of Manitoba whom I understand to be probably the severest culprit in this respect.

Mr. Speaker, let me indicate at the outset that it is the intention of my party and our group to support this legislation and to see this legislation move forward in due course to the committee stage where we hope we will have an opportunity to glean from submissions made from the public, first of all their thoughts and concerns with respect to the changes that are being contemplated here and indeed maybe offer forward at that time, and as I'm sure we will, some specific amendments. Amendments, Mr. Speaker, that have to do perhaps with reducing to the minimum the amount of restrictions and red tape and regimentation that is always implicit in this kind of legislation. No. 2. Perhaps strengthening the appeal mechanism within this legislation. There is some concern that we have as we look through the bill. The powers that are being vested within the Lieutenant-Governor-in-Council, the Minister.

Mr. Speaker, more specifically the area that I would be wishing to make some additional comments on are the question of how the commission which has now been somewhat defused of power because the Minister has taken over the power, but nonetheless, I respect the fact the commission nonetheless will be making a good deal of the recommendations, bring the recommendations up for the Minister's consideration; and whether or not in view of the complex nature of the problem, you know, the environment situation, that you are dealing with totally different aspects of pollution practically with every application, whether or not some form of a rotating commission or some way of changing membership within the commission cannot be considered.

I recognize, Mr. Speaker, that it is impossible to include or to enlarge that commission to encompass you know all possible sorts and types of pollution problems and persons with expertise and representatives of that segment of our society that is involved in that particular problem area to be sitting on one commission. It would make it too unwieldy, too large. But I want to speak very strongly on behalf of the, particularly the agricultural community. We view the makeup of the present committee, and we deal with particular agricultural pollution problems. There is a genuine concern expressed, I'm sure the Minister has heard it, that the membership, the existing membership of the commission is not sufficiently informed or sufficiently expert in matters relative to agriculture, or well versed as my colleague from Rock Lake helps me out, to bring you know, full and frank and an honest appraisal of what can, what should and what has to be done.

Mr. Speaker, we have some particular problems in the last little while with the Clean Environment Commission that are faced by hog producers, by cattle producers. It's not my suggestion, Mr. Speaker, that we should in any way bow down to particular pressures or extract any powers from the commission; indeed, I believe, strengthening is probably what is needed. Mr. Speaker, my suggestion to the Minister is that if the people that are being licensed or the people who are being heard with respect to a particular appeal have confidence in the knowledge of those people that are hearing their appeal, then, Mr. Speaker, I suggest that it's much more acceptable to them to accept their judgment and to accept their restrictions that are placed on a particular industry. If the general feeling among, whether it is an industrial matter or whether it is an agricultural matter or whatever it is, if there's a general feeling that those persons listening to that appeal or hearing their situation are not sufficiently well versed, do not have sufficient expertise, then there's room for genuine doubt, room for genuine dissatisfaction on the part of the public.

Mr. Speaker, I personally - and I wish to at this time make it plain that I'm speaking personally in the next few comments that I would like to make, do not make too much or do not raise the question of the amount of power that is being vested in the Minister of the Lieutenant-Governor-in-Council as being undesirable in this bill. I believe that the kind of act that we have before us in the first instance calls for a tremendous application of common sense. I also believe, Mr. Speaker, that the very nature, the very success of our kind of government is important, that a clause such as this, the first one that leads off the bill -- and I respect, Mr. Speaker, that I'm not permitted to deal with the bill at second reading clause by clause, I do not deal with it in that manner. But the clause that says "notwithstanding anything contained in

(MR. ENNS cont'd) this Act or in any other Act of the Legislature the Minister has general supervision and control over all matters relating to the preservation and improvement of the environment and the prevention and control of contamination of the environment." Mr. Speaker, in other words, a general clause placing the responsibility fixedly and firmly on the shoulders of the Minister, on the elected representative of the people that make up this government. A philosophy, Mr. Speaker, that I would have to concur with.

Mr. Speaker, what concerns me most though in this kind of a bill is that we can, this is the kind of a bill that we have all kinds of room for bureaucracy to run hog-wild. Mr. Speaker, I believe members opposite probably -- well certainly they would be aware of these. We have a draft for discussion only. Regulations respecting you know the regulations that are to be drawn up with respect to the agricultural aspect of the Clean Environment Commission. And there are of course general broad outlines that I understand are being circulated among the agriculturists and the agricultural offices and so forth for general discussion purposes to draw up the necessary regulations.

Mr. Speaker, I refer to such clauses that leave a great deal of room for you know an honest difference of opinion. When a clause such as this says "prevention of offensive odors". To whom? And what is offensive? Mr. Speaker, if you are born on the farm, if you have been raised with animals, if you've worked daily on the farm, what is offensive to me as a farm person you know is something perhaps quite different to what is offensive to a person who may have built his home or purchased some land years after that operation has been in existence within a mile or two of this man's livestock operation and now complains and uses this act to restrict this man's operation. So it's in these kind of situations where a great deal of common sense has to be applied.

Mr. Speaker, I'm concerned about a further possible suggestion for regulations when it states here that the operators shall not enlarge their operations beyond that noted in the registration form and without applying for and receiving approval from the Director of Environmental Protection Branch. That means, Mr. Speaker, if these proposed regulations go through, and this is what I talk about, the kind of red tape that we're now going to have. We're all going to have to fill out, that is all the farmers are being asked to fill out a multi-form registration form that starts off with the legal description of the land and the rural municipality, the name, the mailing address, the telephone number, the postal code. I still don't know my postal code. Local contact man, whatever that may be. Then we come to the animal units, we have to list the animal units, they're called AUs. Now just to give you an idea of how we arrive at the AUs. For instance, we have different kind of formulas here. One cow, Mr. Speaker, that is a mature cow, is an AU, one animal AU. 25 ducks, Mr. Speaker, is another AU. And 2.6 feeder steers of 12 months of age constitute another AU. If they're 16 months of age they constitute 2.8 AUs. Mr. Speaker, what I'm trying to suggest to you, that you know in between figuring out the AUs that the feeder steer or the pig or the duck or the cow constitutes, the farmer has to take some time out to feed the animals. He also has to take some time out to clean out the barn and worry about where he's going to leave the manure. So, Mr. Speaker, I for one, you know, see the necessity that under this kind of regulation, this kind of act, we're going to need the benevolence of a Minister to apply a great deal of common sense or else, Mr. Speaker, we'll be restricting ourselves unnecessarily. And, Mr. Speaker, surely that is not the goal of this particular act.

Mr. Speaker, I can't also help but suggest to you that you know that I have some concern about who sets the particular standards or concerns about what is pollution in this particular area. You know, Mr. Speaker, when you travel to different parts of the world, as I recently had the pleasure of doing, in many built-up areas, communities in Europe, Switzerland and Austria, the quite familiar sight of your well piled stock of natural organic fertilizer in front of the buildings right in the towns, the communities, this isn't in the open prairie. Anywhere in Europe, Mr. Speaker, you can't have a livestock operation more than 50 yards or 500 yards away from somebody that's living somewhere. So, Mr. Speaker, I get a little nervous when I see maps drawn by bureaucrats like this. It's like a bullseye that says this is my hog operation or this is my cattle operation, then we draw a circle around that. Within one-half mile I can operate; if there's nobody living within one-half mile of me I can have a hundred animals on my farm. If there's nobody living two miles from me I can have 200 animals on my farm. You know what do I do if there's somebody, you know, if I'm within 50 or 100 feet away from somebody that's moved in or something like that. You know these kind of circles, Mr. Speaker, you know make me nervous. Because I like to think that the cattle business, the agricultural

(MR. ENNS cont'd) business generally has enough pitfalls, enough concerns, enough vagaries of marketplace, marketing boards, government tape, red and otherwise, to deal with, without going out of our way to establish yet another massive bit of paperwork that we're going to throw to the farmer.

Mr. Speaker, I would earnestly suggest to the Honourable Minister that while supporting this bill - I have indicated that we in all likelihood will - that we take time to consider some of the ramifications. Let's keep the principal matters at hand. We're concerned about pollution. Let's clearly define pollution. Let's not get carried away to the extent that I've heard it rumoured in the constituency that you know a little bit of chicken droppings in my farmyard now constitutes manure. I know that that is surely not the case. But then I also really don't ask, I really don't think that every farmer has to fill out and has to get registered in this form. And that is being suggested. Mr. Speaker, that is being suggested.

Well, Mr. Speaker, --(Interjection)-- No, Mr. Speaker, let's then for the record very clearly indicate who set up the Clean Environment Commission under the leadership of one Buck Witney, former Minister of the Progressive Conservative administration. We took that progressive step in 1968. In 1972 the now Premier of this province saw fit to include in the Throne Speech that now this government was going to move forward in a real and meaningful manner in attacking the problems of pollution and environmental management. Mr. Speaker, well is that not generally the gist of what we had before? Why then the hoopla of this big bill when actually what it does and what it represents, if anything, is a slight retreat, retreat from the position that was put forward by the Progressive Conservative administration three years ago. Because, Mr. Speaker, what this bill really contains, what this bill contains is they are not now quite prepared to leave this delicate matter of enforcement in this area to the hands of a commission of bureaucrats. They are saying let's put it back into the hands of political control of the Minister, which I just finished agreeing with. Mr. Speaker, let me not be hypocritical with this at all. I've agreed with that, but let me also recognize it for what it is, Mr. Speaker. It is certainly not, Mr. Speaker, any new move towards the problems of our environmental control. This legislation has been with us for the last eight years. It is a slight shifting of responsibility, it is a shifting of responsibility -- indeed as somebody has mentioned, part of that bill has been with us since 1871. So, Mr. Speaker, what the plea has to be, and what the hoped for results have to be, is that we will take the time, listen to the groups that will be making representations - and I speak again particularly for the farmers of this province - and that we will avoid needless red tape, that we will not subject our farmers to useless registrations, unless, Mr. Speaker they do, in fact, represent a specific and potential cause for alarm, a specific and potential cause for pollution. --(Interjection)-- Certainly, Mr. Speaker.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: It is rather an important question, Mr. Speaker, the Member for Lakeside does not agree that as a result of experience in those provinces, in those states in the midwest that have had a good deal of increase in livestock production - feedlot type of livestock production - that in fact environmental pollution can become a very serious problem because of the concentration of large numbers of cattle?

MR. SPEAKER: The Honourable Member for Lakeside,

MR. ENNS: Mr. Speaker, I couldn't agree more with the Premier's question that that certainly is a very valid concern, and a concern that I think should aptly be covered by sensible regulations, by registration, by some form of knowledge, that the department obviously must know what's going on. But, Mr. Speaker, fine, but you know that's the trouble with socialists, you know, if they want to do something, they can't approach something with a little bit of finesse, with a little bit of understanding, they always got to move Sherman tank into position. If they want to bring a point across that requires, you know, a little copper's hammer, they have to use a sledge hammer. So, Mr. Speaker, while you are trying to get at the thousand head feedlot operator that's going to start an operation along the banks of the Assiniboine or along beside the community of Austin - or the 3,000, something like that, fine, but to do that you're asking, you're asking, "notwithstanding any requirements the Director of Environmental Protection Branch may require any operator of a livestock and a poultry operation to complete and forward the prescribed registration forms and may require approval for his operation."

Mr. Speaker, that kind of a broad, you know, difficult socialist approach to a problem says that this complicated registration form may be called for from everybody that has any kind of a livestock, poultry, swine, hog, dairy operation in the Province of Manitoba. Now surely

(MR. ENNS cont'd.) that is not what the First Minister has in mind. Yes, horses are included, horses is more than an AU unit. And certainly, Mr. Speaker, that is an understandable suggestion and request to make. --(Interjection) -

MR. SPEAKER: Order, please. The Honourable First Minister's point of privilege?

MR. SCHREYER: I'm sorry, Mr. Speaker, I meant a Point of Order.

MR. SPEAKER: Point of Order?

MR. SCHREYER: Yes. The Honourable Member for Lakeside is making detailed reference to some application form and regulations in some detail, and if he advised the House I apologize, but it's not clear to me that he has identified as to whether or not those regulations and those forms were drafted pursuant to legislation which has been on the books for some years now, or is it pursuant to the bill that is now before us? Because I have the impression, Sir, that those regulations that the member is referring to, the application forms he is referring to, are pursuant to legislation that must be on the books for about four or five years.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, my understanding is that these are - as I indicated earlier, these are drafts, this is only a draft, draft regulations for discussion that were issued by the government to the development organizations, you know, the regional farm development organizations throughout the provinces and others, for discussion prior to the passage of this legislation. --(Interjection)-- These have been in circulation I understand the date on here is April 6th, 1972. Now for the edification of the Member for Thompson I should indicate to him just what a horse is. A horse is two AU's, as compared with rabbits which takes in 25 AU's, laying hens, boilers . . .

Mr. Speaker, this is a concern that I have, the fact that the implicit suggestion is that they are considering, you know, this kind of registration, --(Interjection)-- fine, then let's discuss it right out of existence when we get to it. And then the other kind of situation that I'm worried about is the kind of map drawing that goes on which permits, you know, within one-half mile radius, one and a half mile radius, two mile radius's the kind of operations that can exist --(Interjection)-- Woodlands? No, Mr. Speaker, what the centre of the circle means, any operation, any farmer's yeard that carries on a business, and he can only do that - if he is, you know, one-half mile from his closest neighbor he can only carry out a 50 AU operation. If he wants to carry out a 100 AU operation he's got to be one and a half miles away from his closest neighbor, or some sort of thing.

Mr. Speaker, this draft is called the animal unit distant relationship. Well, Mr. Speaker, the point that I was trying to make with the few remarks that I have on this Bill is that we would like to see this bill move forward, we'd like to have enough occasion to have the persons who I know have expressed an interest outside, the outside community to come forward and talk to us about this bill, particularly from our agricultural community. We suggest that between now and committee stage that we take a harder look at the appeal mechanism within the Act, and we would in all likelihood be moving an amendment at committee stage to strengthen up the appeal mechanism in this Act. But otherwise, Mr. Speaker, we are rather really, you know, satisfied that after three years of government this government really cannot improve on the legislation that was put forward by a progressive administration back in 1968. They recognized it as being progressive at that time; they recognized it as being progressive at this time. So, Mr. Speaker, it would be highly unlikely for us to withhold our support from this Bill. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, my colleague from Lakeside has introduced his address tonight with a text taken from Chapter 28 of the First Epistles here which was dated 1871, and I think it's worth just a few minutes to look at this particularly since it is noted that the Polluting of the Rivers Act follows right behind the Police Act, The Education Act, and The Supreme Court Act, and the Travellers Act, and The Masters and Servants Act. I think it is important to realize that this was an extremely important act at that time, important enough at least to occupy the attention of Messrs. Riel and Shultz who, I am sure, who were behind the moving and seconding of this act. If this Act is not repealed it's going to impose some very peculiar conditions, because let me read to you a couple of the passages that are in it. It's very short, Mr. Speaker, they didn't worry too much about regulations in those days. They didn't have too many people to institute regulations.

But let me read Clause 1: "Any person who shall deposit or cause to be deposited any

(MR. CRAIK cont'd.) stable or barn manure, any night soil, or any other filthy or impure matter of any kind along the bank of any river, or any running stream within the province shall for every such offence on conviction incur a penalty not exceeding \$25.00 for each and every such offence, and in default of payment shall be imprisoned in the common goal of the province or of the district or county in which the offence was committed for any term not exceeding two months." And then it covers throwing any kind of refuse into the river or the stream, and then an interpretation of the word "bank" which puts the distance factor in with regards to the - Mr. Speaker, I should point out the distance factor in this case is 50 feet, not a mile and a half, 50 feet. But here's the clincher, Mr. Speaker. And if this one still is on the statutes we're going to have to have some fun with it because this is No. 6, there's only seven parts to the Act.

No. 6 says "In all cases under this Act, one credible witness shall be sufficient, and the magistrate or Justice of the Peace before whom any case under this Act is heard and determined, may in his discretion order one-half of the fine to be handed over to the informer; and in all cases the party convicted shall pay all costs of arrests and prosecution, in addition to and above the amount of the fine." Mr. Speaker, if that last clause is still in effect with this legislation, these regulations, and you put that kind of an incentive plan in where the informer gets 50 percent of the take for informing on anybody who is unfortunate enough to cause an infraction of this law, we can see that we shall have a very active pollution program in the Province of Manitoba.

I thought that that was worth pointing out because we have a habit of stacking up legislation over the years, regulations that apply from time to time, and I am sure that if you accumulated them all, you would have a very effective program and a very dormant industry at the same time. I think it might also be worthwhile to mention, Mr. Speaker, that also the Statute Labour Act follows right behind this one which is also fortuitous and timely at this time, and it might be of interest to those of you that have an interest in the Labour Act. This was Chapter 32, 1871. It says here that "every male person over the age of eighteen, and under the age of sixty shall be held liable to perform one day's statute labour in each year on the public highways." I am sure if the Member for Thompson were still occupying that post that he would be very happy to re-enact that portion of the statutes and resurrect it and I'm sure would help out the welfare system as well.

Mr. Speaker, apart from those comments I would like to take part in the clause by clause of this when we reach the committee stage. One question that I had at first glancing at it is why it is not an Act to amend the Clean Environment Act that was passed in 1968, the changes to it I don't think are that drastic. It can't hardly be considered a Clean Environment Act on its own. It is basically some amendments to the act, and we'll participate at the committee stage.

MR. DEPUTY SPEAKER: The Honourable Member for Gladstone.

MR. J. R. FERGUSON: Thank you, Mr. Speaker. Well I was very interested in what has gone on in this debate on Bill 93 up to this point. The Honourable Member from Logan tonight carried on at great lengths about the freedom of the individual, and the right of the trade unionists to organize and carry on in any way that they saw fit. I think here that we have a bill - we have as my colleague pointed out, twelve pages of regulations in respect to farming. We're having a pretty good example right now of the right of the trade unionists to strike in the fact that all grain shipments have been shut down to the East. I think this brings home the message once more that this is certainly a right that has been abused.

This Bill has quite a lot broader scope than what the 1968 Bill had. It's now taking in the energy contaminants, nuclear wastes, feedlots, etc., but the thing that strikes you most, Mr. Speaker, in this Bill is the fact that the Minister has a power that seems to be indisputable in most cases, the supervision and control over all matters relating to the preservation and improvement of the environment. I don't know whether this means that the Minister may make orders without going through the procedures the commission must have. The Minister is on the administration end of it. We have the Minister, we have the Commission, and we now have I think a new appointment, an Advisory Committee. I would like to know what the function of this Advisory Committee is going to be, and just what their terms of reference will be.

Now under the old Act, there were exemptions I think on a considerable amount of things. We now find that even if you're the proud possessor of an outhouse that the Minister may have the prerogative of closing this up on you. In that case I don't know what you do. --(Interjection)--

(MR. FERGUSON cont'd.) whether you're within it or without it I guess it doesn't really matter.

Another thing that we are definitely concerned with is the composition of this commission. We feel that in agriculture we are definitely going to have to have a say in it, because if we have people that are not going to listen to reason, try to enforce this twelve page document with four pages of licensing required on the back of it, I think that we are going to find that we are going to have half the country up in arms, and these cute little circles that have been drawn on this which my colleague showed I think are another thing that is going to certainly bring back to the people the fact that, in many cases where feedlots have been established, what they are going to do I don't know, possibly we'll have a whole hassle of the same kind of deals as we had with Assiniboine Feedery. I think they are in their fourth location now.

Another thing that is in this Bill is the fact that the names of the commission I don't think will be published. An annual report will not have to be issued, I think for a year previous to this, I think six months was the length of time. We have another clause which is giving the City of Winnipeg special status. What this means I don't know, but I would like to ask the Minister responsible what is involved here. The investigation clause whereby the Minister may restrict the power of the commission to investigate certain matters; and another clause here is that the Minister may restrict the number of farms and industries. Now I don't know how we could go along with this particular clause because it certainly gives anyone in a responsible position, any bureaucrat the opportunity of closing down any business. Your right of appeal seems to be very limited and consequently I feel that there are certain clauses here that are just a wee bit too much on the dictator type of a deal. Another is that the commissioner may close down a business without a hearing; officers can search your premises any time without a search warrant. And all of these clauses are just something that we can't altogether, I certainly can't go along with, --(Interjection)-- that may be, but it certainly gives the opportunity to a bureaucrat to enforce it. Up to this point we've had very little trouble with this act. We are now entering a stage whereby the public rightly or wrongly, a lot of cases probably wrongly are involved in a pollution kick, and if we get a few overzealous bureaucrats enforcing the regulations I think that you're going to have a considerable amount of trouble on your hands. I don't think I have a great deal more to say on this, Mr. Speaker. I'm quite sure that the agriculture sector of the community will go along with this bill, provided it's enforced in a commonsense manner and if it isn't why I expect the bill will be a considerable amount of trouble. Thank you.

MR. DEPUTY SPEAKER: The Honourable Leader of the Liberal Party.

MR. ASPER: Mr. Speaker, I don't propose to deal at length with the bill other than to compliment the government for bringing in a more comprehensive and more workable piece of legislation than that which we now have.

It will be our view that this go to Committee as quickly as possible, but in Committee I would give my honourable friends notice that we believe there are a number of technical and one or two substantive amendments that are needed to make this bill perform what I think all of us hope it will do, and that is give us better machinery for preventing the ecological and environmental damage that we know we're suffering.

Apart from the general community that the bill aims at, we will be asking in committee questions such as: What government agencies will be brought under this auspices in the authority of this bill? What steps government itself through its own departments and its subsidiaries and through the cities and towns of government, what action they'll be expected to take to come into line and, for example, the question of dumping of raw sewage and so on that is partially as a matter of fact substantially carried out by governments.

There are provisions here allowing for the abrogation by the commission of existing agreements. And this is a retroactive abrogation of rights. The government will find us in strong opposition on that part. There is a provision setting out that in effect the entire bill, the heart of the bill will be covered in regulation. And it will be our proposal that since those regulations are of such wide-reaching importance to the community that when they're published before promulgation there'll be public hearings. There is a provision to establish the commission but no limit on the size of that commission and we think it can be improved by having a size fix put on. There's no limit as to the length of time for which people can be appointed to the commission, and we suggest this implies the right perhaps inadvertently to make a life-time appointment to this commission. Certainly that shouldn't be the intent.

But if there's one area in which I would ask the government to reconsider its position

(MR. ASPER cont'd.) before it brings this to committee - and perhaps the responsible Minister can let us know tonight that he's prepared to consider an amendment - it is that provision which provides that the Lieutenant-Governor-in-Council, the Cabinet of this province in effect can unilaterally without recourse to the Legislature, without provable ground or cause and for any reason whatsoever limit or restrict the establishment of any business or industry or undertaking within the province. And if that's true, if that's what the section really intends then what we're having suggested to us is state control of the economy, and I'm sure my honourable friends across the way don't intentionally suggest that. And I would like to hear if possible from the Minister on that point.

There are problems with the bill in defining what is a contaminant; there are problems in that there's lack of authority for public hearings; there are lack of appeal provisions which we would like to see. But fundamentally, Mr. Speaker, in order to expedite it subject to our fundamental concern that there is a provision in this bill that would create state control over the economy for no reason other than its own sake, we will approve the bill and support it through to Committee.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I have a few comments to make and I think they should be made before the Minister replies and before this bill goes to committee. I think I have no intention of adding to the remarks that the Honourable Member for Lakeside presented when he basically dealt with the act from our point of view. But there is one element to this particular act that is fairly significant, and that is the fact that the government has allowed proposed draft regulations to be circulated and discussed by members of the government with interested community leaders throughout the province.

Now the Member for Inkster has been one who has continually said that he does not believe in government by regulation, and where the regulation is known in advance it should be part of the act, in that way there is a degree of certainty. The conditions and terms under which the act is brought in is known, and there should not be situation whereby it is left to the Lieutenant-Governor-in-Council - notwithstanding the fact that they may be acting in the best interests of the people, to be given the power to regulate under the broad principles enacted by the Legislature. And here we have a perfect example, Mr. Speaker, of proposals for draft regulations already prepared by the government now being considered by members of the community as a result of it being placed in their hands by the government. And it would seem to me that there is a very serious question that should be raised as to whether these draft regulations should not now be included as direct amendments to the act itself.

And, Mr. Speaker, I suggest that the Minister has an obligation not only in his reply before closing debate but also before the committee to allow a discussion to take place with respect to the draft regulations. There has already been too much controversy caused as a result of a handing out of these regulations to interested people in this province. I doubt very much that they are going to have the notification given to them to appear in front of Law Amendments in sufficient time for the presentation. But I think, Mr. Speaker, that there is an obligation on the part of the Minister, and this obligation is a very serious one, to allow a discussion to take place with respect to the regulations dealing with this matter when we get to committee; and particularly the regulations that are proposed here, because the regulations deal in concepts that are essentially new which have to be understood by all members of the Legislature, to understand the exact thrust of what is taking place.

And so I recognize the fact that in many cases regulations are promulgated after legislation has been passed. But here in one aspect, and not entirely in every aspect but in one aspect of the principle which we are asked to pass today, the government already has its intent known and has codified it in a regulation form. And it would seem to me that there is an obligation for this to be dealt and to be dealt with by the Minister in his reply and to be dealt with at the committee. If the government fails to do that then I would suggest that some of the statements made by the members opposite about their real concern that government should not govern by regulation were utter sham presentations and were not expressions of serious intent to allow the Legislature to legislate rather than the Cabinet.

MR. SPEAKER: The Honourable Member for Churchill.

MR. GORDON W. BEARD (Churchill): Thank you, Mr. Speaker. Not too many words have been said, in fact none I do not believe on how the environment in the north is affected, and I would like to speak on it for a few minutes because no reference has been made into what

(MR. BEARD cont'd.) the environmental bill will do or has done in the past to help control northern pollution. And I would recall to your attention the big problems that have actually been caused by government and by government Crown corporations. And I look back to the flooding of the Forebay in respect to Hydro, the Grand Rapids operations which was I suppose before we were so conscious of pollution. But it was a time when authorities, the bureaucrats in the government themselves had become conscious of it.

But coming a little forward from that I think of CFI, and that is in the days when we were conscious of pollution and I recall that they had an application to dump pollution into the Saskatchewan River. And they were given a licence for limited pollution. And I've seen this carried on and on in different areas of the province, and it bothers me. Because just how much can the waters absorb. If one industry, one community is allowed limited pollution then another community or another industry adds on to it a little further down then we're back into the same position we were years ago because that is indeed what happened.

I also must take this opportunity to point out the position that South Indian Lake will be placed in and that whole area that will be surrounding the South Indian Lake area. I ask whether the Environmental Group Commission have looked into the recreation, the natural resource areas, the disturbance of the whole area itself that is surrounding that body of water, the tributaries that are leading into those, the Burntwood River system, the Nelson River system, etc., which will be affected by reversing the waters, by adding to it immense amounts of water that were never designed for those areas. But that again, I presume we're going to give a licence to go ahead with that without a public hearing so that people can ask questions and look into it as many of us feel it should be done.

And then into the communities themselves and the growing communities, the isolated communities of the north. And I say growing communities because they are, and by and large each and every one of them have expanded in population. They are still isolated and they're still dumping the pollution into the lake because they do not have water and sewer facilities in their particular communities. So the drainage all goes into the lake and those people have to go to that same body of water for their drinking water, and by and large the one problem that has come back to us through the years is the fact that the water is getting more and more polluted as time goes by. And each year we bring that problem back to the Legislature and each year a deaf ear is turned to that problem itself; and I think that the time is long past when something should be done about it, because these people live and require the water just as any other community does and one of these days there's going to be a severe health problem and when we start to act it will be too late.

I think that one other facet of it is the problem that the diversion of the south of the Churchill River could bring in respect to the Town of Churchill itself. I've said it over and over again and I will say it again that as far as I'm concerned diverting 30,000 cubic feet per second out of the Churchill River into the South Indian Lake bothers and disturbs me as it disturbs many people who have lived on the Churchill River for years. And I consider them experts, far better experts, than those who are trained as so-called engineers in the rest of Manitoba. And they tell me that it will cause problems that will not be able to be easily solved.

And so again I say to you, Mr. Speaker, and through you to the government that I hope they will take into consideration the things that I have said in respect to the north. And they don't need to take my word for it, but I hope that they would consult with, not particularly with the engineers that are sitting in universities, but with the people that live on these edges of the water day by day and year by year, because certainly they're the ones that become experts in the communities and the areas immediately surrounding the waters of the particular part of the province that I'm talking about.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. JEAN ALLARD (Rupertsland): Thank you, Mr. Speaker. I could go on at length and repeat everything that the Member for Churchill has said, but I won't do that. All I'll say is, me too. But there's another - I think I'd like to add a few words to what he has said. He mentioned that some of the worst polluters in the north were operations that were under government control and he mentioned Crown corporations. But what's even more incredible is that probably the worst polluters in small communities in the north are government institutions themselves. And to give you an example, in Norway House the hospital is a creator of its own customers because it dumps raw sewage into the river, with a good part of the Reserve below. And you end up with children with intestinal diseases throughout the summer. Now that's a

(MR. ALLARD cont'd.) little difficult to believe - and it would seem that whilst you might worry about a plant, that CFI might not be able to handle a high degree of pollution control - it seems incredible that somehow the government is not able to put in a treatment plant for the schools and the hospitals of the north.

I can understand or I can see - I believe that in the past the attitude of government was to say well, they've got big lakes and lots of water and a few kids get sick here and there, they're going to get sick anyway. The truth is that with the little research that has been done it has been found that it's the institutions themselves that do most of the polluting; that seepage from individual homes does create some problems, but the major part is from the major and larger institutions themselves. And I would ask the government to step in quickly in places like Norway House and Berens, especially Norway, where the hospital itself is well known to cause the major part of the pollution in the area.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Yes, Mr. Speaker, I wish to make several comments in connection with Bill 93. I think it's a very important piece of legislation, it's a very important piece of legislation that we have before us. I have had some experience with it, being involved in the cannery at one time. And now we have a provincial cannery, and I'm just wondering what effect this bill is going to have and whether they're going to make exemptions for the cannery at Morden when it comes to bringing it in the line with the act, although the biggest, the biggest criticism I have is what is in the bill and what's in the regulations. Everything, the most important parts are in the regulations which are not spelled out. This should be in the legislation itself. We're now handing over the authority for the Lieutenant-Governor, the Cabinet to more or less make the legislation for us and I just despise this, because when we take a look at the bill, there's no contamination of air in excess of prescribed limits. What are the limits? We don't know, none of the members know. Have they got a prescribed limit at the present time?

The next point, more contamination of soil in excess of prescribed limits. What are the limits here? The same thing on water. We have no limits prescribed to us and given to us at this time, and this should be out right now. We should know before we have to pass a piece of legislation giving the right of Cabinet to determine that, and we don't know whether we'll agree with whatever they come up with. I notice that an annual report is to be submitted to the legislature. I hope the report will give the necessary information when we do get it so that it will be of value to us.

I also note, had marked another point that the Honourable the Liberal Leader already brought to our attention, that is the restriction or limiting of the number of industries and the power that is being given to government to the Lieutenant-Governor-in-Council under this act. I think this is far too restricted, and this section should be eliminated from the bill. Why do you want these powers? Why do you want the power to restrict industries in Manitoba and the setting up of industries? Is that because we are getting more Crown corporations, that they are going to make monopolies out of them so that they won't have to compete? Is this what's behind them? I certainly would like to know the reason for that very provision.

If I take a look at the things that come under the regulations, and these are the all-important ones; when people are going to ask us how far are feedlots to be apart we don't know as members, we have no idea, we don't know what the government will do. When will the regulations be out? People who are starting feedlots right now, and there are some in my area, will they be given licences? Everyone will have to report to the commission that intends to set up - pardon? Well, we don't know at this point whether they will be given a licence to proceed. Yes, by all means, we should spell the very thing out. If we're going to limit to two or three miles apart we should say so, if it's ten miles let's say so, but let's have it in the Act so that we as members know what we are dealing with and not have you people later on come in with limiting restrictions that we cannot live with.

Respecting the environment is another very important matter that the regulations also will be prescribing and I know too well when the former Member for Lakeside, and I know the present one is very interested in it, but the former Member for Lakeside, the Honourable D. L. Campbell when he was in this House he was very strong on this point that we have as little legislation given to the regulations as possible, and just the committee that has been dealing with the regulations at this session and we have a stack about that high of regulations under the various bills and statutes that have been passed in this province, and even the gentleman - I

(MR. FROESE cont'd.) forget his name presently, who is charged with the responsibility of going through them and pointing out the necessary revisions that were to be made, he too emphasizes again and again and the committee on statutory orders and regulations subscribes to his wishes and to his interest that we put more of the provisions in the statute itself and leave less to the regulations, and certainly that holds true for this particular bill. I certainly cannot support the bill at this time on second reading with the amount of power left to the regulations and left to cabinet to decide on which we as members on this side of the House do not know what will happen or what they will contain.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. I beg to move, seconded by the Honourable Member for Virden, that debate be adjourned.

MR. SPEAKER: Does the Honourable Member for Inkster wish to speak?

MR. SIDNEY GREEN, Q.C. (Inkster): . . . whether the Honourable Member for Rhineland would permit a question?

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I wonder if he, in saying that he wouldn't support the bill on second reading, whether he can recall whether he supported the previous Clean Environment Commission Bill which contained as much or more powerful regulation on second reading.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: I think the Honourable Member should check Hansard. I don't think I did.

MR. GREEN: You don't think you did.

MR. SPEAKER: Moved by the Honourable Member for Birtle-Russell, seconded by the Honourable Member for Morris, that debate be adjourned. Agreed? So ordered. The Honourable House Leader.

MR. PAULLEY: Bill No. 99, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID R. BLAKE (Minnedosa): Thank you, Mr. Speaker. It's a privilege to say a few words on Bill 99. My colleague from Roblin has joined me in doing considerable research on this bill and we have awaited with anticipation its introduction. On clause by clause we cannot really find too much fault with the bill although the Taxicab Act in general maybe leaves something to be desired. From our discussions with many of the taxicab people we understand that things are maybe not as good as they could be, that they are not able to make the money that they did at one time earn, but we would add on the clause by clause we can see no objections other than probably to clause 9 (1) where it is obvious they're extracting a fee of \$1.00 on the rebate of fees paid on the Highway Traffic Act and probably one of my colleagues may have something to add on this. The section 20 we must commend the government for bringing in this amendment because the

MR. SPEAKER: Order please.

MR. BLAKE: . . . return fee of \$5.00 certainly

MR. SPEAKER: Order please. I would suggest to the Honourable Member we're discussing the bill in principle. I wish he wouldn't go through it clause by clause. The Honourable Member for Minnedosa.

MR. BLAKE: Thank you, Mr. Speaker. I will refrain from referring to clauses. The \$5.00 fine that was existing under the previous bill certainly was not a deterrent to anyone who wished to bilk the cab driver out of his fee, and I am glad to see that this has been amended to include an amount that certainly will make it - it will give them some consideration now before they try this devious method of getting a free taxi ride and I'm sure that the amendments will be of considerable benefit to the taxicab operators. All in all we have no objection to this bill going to committee, and as I have mentioned there will probably be other members of the caucus that will wish to comment on the bill before it possibly goes to committee and we'll have a chance there to examine it clause by clause. But all in all we feel that the amendments proposed are of benefit to the Act and we have no objection to passing the bill to committee.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Speaker. I just want to deal with one particular aspect of this piece of legislation. That's dealing with the part where the government wishes to retain an extra dollar from the person who applies for a refund on his licence. Mr. Speaker, I want to bring to the Honourable Minister's attention the fact that last year in committee we objected quite strenuously on this particular point on other pieces of legislation. I want to bring to the

(MR. GRAHAM cont'd.) Minister's attention we were successful in having that withdrawn with regard to the refund on driver's licence, we were successful in having it withdrawn from the Snowmobile Act, and I would ask the Minister if he would consider withdrawing that \$1.00 penalty which he will probably say is justified because of the additional costs of administration, and in reply to that or anticipating that type of reply I would say that the costs of administration are already taken up in the original licensing fee that has been paid by the person applying for a licence. So I would urge the Minister when we get to committee on this, to consider an amendment which would remove that \$1.00 which the registration bureau will be withholding on any application for refund.

MR. SPEAKER: . . . pleasure of the House . . . Motion. Agreed? The Honourable House Leader.

MR. PAULLEY: You know, Mr. Speaker, everybody seems happy at this stage; maybe a good night's rest would help so therefore I move, Sir, seconded by the Attorney-General, that the House do now adjourn until 2:30 tomorrow afternoon, and may I remind members again of Law Amendments Committee tomorrow morning at 10:00 o'clock.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 o'clock Tuesday afternoon.