

THE LEGISLATIVE ASSEMBLY OF MANITOBA
10:00 o'clock, Wednesday, May 29, 1974

Opening Prayer by Mr. Speaker.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 21 students of Grade 8 standing of the Vermillion Bay, Ontario. These students are under the direction of Mrs. Fossey. They are the guests of myself since they are from out of province.

We also have two students, which I would like to introduce, of Grade 12 standing from the Pierre Radisson Collegiate, Mr. Scott Jamieson and Mr. John Gleeson, who are on a special program from their school called Expansion '74. They are visiting the Legislature and shall be working in the Legislature for the day. They are from the constituency of the Honourable Member for Radisson. On behalf of all the honourable members I welcome you here today.

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; The Honourable Member for Gimli.

REPORTS OF STANDING COMMITTEES

MR. JOHN C. GOTTFRIED (Gimli): Mr. Speaker, I beg to present the Fourth Report of the Standing Committee on Municipal Affairs.

MR. CLERK: Your committee met on Tuesday, May 28, 1974, and heard representation with respect to:

Bill No. 38 - An Act to amend The City of Winnipeg Act:
D. C. Lennox, Q.C., Solicitor, City of Winnipeg,
T. L. Thomas, Law Department, City of Winnipeg.

Your Committee has considered:

Bill No. 59 - An Act to validate By-law Number 3269 of The Town of Dauphin.
And has agreed to report the same without amendment.

MR. SPEAKER: The Honourable Member for Gimli.

MR. GOTTFRIED: Mr. Speaker, I move, seconded by the Honourable Member for Emerson, that the report of the committee be received.

MOTION presented and carried.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. J. R. (BUD) BOYCE (Winnipeg Centre): Mr. Speaker, on behalf of the Member for Ste. Rose, I would like to present the first report of the Standing Committee on Agriculture.

MR. CLERK: Your Committee met on May 21, 1974, and appointed Mr. Adam as Chairman. It was agreed that the quorum of the Committee would consist of seven (7) members.

Your Committee heard representations with respect to the Bills referred as follows:

No. 10 - An Act to amend The Margarine Act:
Joseph Petrie - Merchants Consolidated.

No. 43 - An Act to amend The Farm Machinery and Equipment Act:

Peter Cherney - Equipment Dealer, Hamiota.

Lawrence Mathison - Farmer, Hamiota.

Bill Thomson - Farmer, Hamiota.

Robert W. Kelly - Canadian Farm & Industrial Equipment Institute.

Robert M. Snelgrove - Canadian Farm & Industrial Equipment Institute.

Oliver B. Clark - Manitoba Wholesale Implement Association.

Willson Matthews - Prairie Implement Manufacturers Association.

Walter Martel - Saskatchewan-Manitoba Implement Dealers Association.

Your Committee met on May 28, 1974, and considered Bills:

No. 12 - An Act to amend The Veterinary Services Act.

No. 19 - An Act to amend The Crop Insurance Act.

No. 42 - The Veterinary Medical Act.

No. 52 - An Act to amend The Credit Unions Act.

And has agreed to report the same without amendment.

Your Committee has also considered Bills:

No. 10 - An Act to amend The Margarine Act.

No. 43 - An Act to amend The Farm Machinery and Equipment Act.

And has agreed to report the same with certain amendments.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Speaker, I beg to move, seconded by the Member for Emerson, that the report of the Committee be received.

MOTION presented and carried.

MR. SPEAKER: Ministerial Statements or Tabling of Reports. The Honourable House Leader.

MINISTERIAL STATEMENT

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management and House Leader) (Inkster): Mr. Speaker, I had indicated that there would be a meeting of the Committee on Economic Development on Thursday night and I was hoping that Law Amendments would meet on Friday night. Now there is a staff problem and I wonder whether it would inconvenience anybody if we reversed the two, that Law Amendments would meet on Thursday night and the Committee on Economic Development meet on Friday night. If that is agreeable then I would like to make those changes, Mr. Speaker.

MR. SPEAKER: There was one other question in respect to committee for tonight. Has that been arranged? Will the House sit or will just the Committee on Privileges and Elections meet?

MR. GREEN: No, there will be no concurrent sitting of the House.

MR. SPEAKER: Thank you.

Any other Ministerial Statements or Tabling of Reports? Notices of Motion; Introduction of Bills.

INTRODUCTION OF BILLS

HON. SAUL CHERNIACK, Q.C. (Minister of Finance) (St. Johns) introduced Bill No. 89, The Pari-Mutuel Tax Act. (Recommended by His Honour the Lieutenant-Governor)

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

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, my question I guess would be to the Minister of Industry and Commerce. It relates to the information concerning the Consumer Price Index and the latest information. I wonder if he can confirm that with respect to the Consumer Price Index that Manitoba in this past month achieved a higher rise or the second highest rise with respect to housing costs.

MR. SPEAKER: The Honourable Minister of Industry and Commerce.

HON. LEONARD S. EVANS (Minister of Industry and Commerce) (Brandon East): Mr. Speaker, I'm not in a position to confirm or deny the change in that particular section of the consumer price index not having had the opportunity to study it. I can look into the matter; perhaps the honourable member has looked at some recent figures. I wish he would refer for my edification at least exactly which month, or two months, or period of time which he is referring to. When he said the last month, does he mean March or April, or just what month?

MR. SPIVAK: Well I'm referring from March to April, Mr. Speaker, the comparison. I assume he will take this as notice to determine whether--I wonder if he can confirm that the rise in electricity rates was one of the reasons for the increase rise in the Consumer Price Index in Winnipeg and in Manitoba.

MR. EVANS: Mr. Speaker, generally speaking the rises in the Consumer Price Index, and I say this as a matter of experience in the last ten years or so, generally speaking the rise in the price index in Winnipeg - we don't have one for all of Manitoba - tends to be lower than the rise in price indexes in most other Canadian cities. Generally speaking we have been blessed with a lower rate of inflation in the last year than most other Canadian cities. However having said that, I will undertake to analyze the components of the Consumer Price Index changes and reply to the honourable member in due course.

MR. SPIVAK: Yes. I wonder then if the Minister can also in the course of making this presentation, or in his investigation, determine why Winnipeg and Manitoba was the second highest rise in connection with costs related to transportation?

MR. EVANS: Mr. Speaker, with regard to transportation this relates to, I believe, the month prior, perhaps it relates to the month of March, or perhaps to the month of February.

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(MR. EVANS cont'd). . . Whatever the month is the honourable member is referring to, this is because of the fact that we do have in existence an agency called Autopac and the fact that people do take out their premiums at this time. The fact that people take out their premiums at one particular time has that influence. But generally speaking transportation costs have not risen abnormally in Winnipeg compared to other cities.

MR. SPIVAK: Yes. I wonder then if the Minister can confirm that last month Winnipeg and Manitoba had the highest Consumer Price Index for all the cities in Canada for all items, on the over-all items.

MR. EVANS: Mr. Speaker, as I said, I will undertake to analyze this and will give an explanation after the analysis has been completed. I would only repeat that in Winnipeg we have been very fortunate in the last few years in not experiencing the rate of inflation that has been experienced in most other Canadian cities.

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

MR. I. H. ASPER (Leader of the Liberal Party) Wolseley): Mr. Speaker, my question is to the Minister responsible for Environmental Management. It relates to the ruling, the order of the Clean Environment Commission of March, No. 346, relating to the application by the City of Winnipeg for spraying for cankerworms using methoxychlor. Could he indicate whether the order's recommendation that there is a need for substantial reduction in the amount of chemical pesticides used and for replacing them with biological controls methods as much as possible, is any action being taken by the Provincial Government to implement that recommendation?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, the Provincial Government and many other governments are seeking to determine whether there are alternatives to the use of pesticides about which some question has been raised - that is an ongoing program and I believe that the Clean Environment Commission's order and discussion takes that into consideration.

MR. ASPER: Mr. Speaker, to the same Minister. The order that the Minister refers to recommends that records should be kept this year and maps prepared to properly document the effect of all attempts at control of pests. Is his department taking any action to keep records and make the maps so that the assessment of the impact of this particular pesticide can be measured for next year?

MR. GREEN: Mr. Speaker, the department will take reasonable steps to further the position that I expressed in my first answer. I would indicate that the Clean Environment Commission is a quasi-judicial body which hears these things and makes recommendations. It is not the administrator of the department. But having said that, Mr. Speaker, the department will take reasonable steps to follow up the positions that are reasonable to take.

MR. ASPER: Mr. Speaker, a supplementary. In view of the recommendation of Paragraph 6 of that report by the Environment Commission recommending that a serious. . .

MR. SPEAKER: Question please.

MR. ASPER: Mr. Speaker, my question is: Does the Minister intend to take any positive action on the recommendation of the Clean Environment Commission that, "A serious attempt be made to replace methoxychlor with a combination of the use of Dipel and a program of banding trees? Does he intend to enforce that recommendation?"

MR. GREEN: Mr. Speaker, let me indicate that the people who are directly responsible in the area, as evidenced by their application to the Clean Environment Commission, is the City of Winnipeg. The department is a department which will co-operate in doing such research and other reasonable activities as will go towards creating a more satisfactory environment. But the specific recommendation will be one that is looked at, and I assume by the authority concerned just as any other applicant to the Clean Environment Commission looks at the opinions of that Commission in dealing with their problems. The honourable member should be aware that the city will have to come up again for application to deal with cankerworms, and at that time I'm sure that the Clean Environment Commission will be asking questions relative to this year's experience.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. R. (Bud) SHERMAN (Fort Garry): Thank you, Mr. Speaker. My question is to the Honourable the Minister of Labour. Can he advise the House of the present status of the labour dispute at the Tudor Nursing Home in Selkirk? Are there negotiations going on between the two sides involved?

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MR. SPEAKER: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): The situation at the present time, Mr. Chairman, in accordance with The Labour Relations Act I have made a request of the Labour Relations Board - I just forget the section number - to consider the advisability, or otherwise, of giving permission to charge the management with unfair labour practices, namely failure to bargain in good faith.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, a question to the Honourable the Minister of Health and Social Development. Can the Minister advise the House whether there is sufficient staff working on duty at the Tudor Nursing Home at the present time to take care of the needs of residents?

MR. SPEAKER: The Honourable Minister of Health.

HON. SAUL A. MILLER (Minister of Health and Social Development) (Seven Oaks): Mr. Speaker, I am advised at the present time, now, there is sufficient staff to look after the needs of the patients, that is as of last week.

MR. SHERMAN: A supplementary, Mr. Speaker. Can the Minister confirm that regular and part-time nursing staff is intending to leave their employment?

MR. MILLER: Mr. Speaker, I can't confirm it nor deny it. If that does happen, certainly action will have to be taken by the Health Services Commission to assure the safety of the patients.

MR. SPEAKER: The Honourable Member for Portage la Prairie.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, I direct my question to the Minister of Agriculture to remind him that he took as notice a few days ago that he would inform the House as to the price differential of hogs sold into the United States vis-a-vis hogs sold in Manitoba.

MR. SPEAKER: The Honourable Minister.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): Mr. Speaker, I am fully aware of that. I have as yet not received the report from the Manitoba Hog Marketing Board.

MR. SPEAKER: The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Mr. Speaker, my question is for the Minister of Labour, I believe, in the absence of the Minister who looks after the Telephones. What action is the Minister currently taking to prevent the threatened strike of the Manitoba Telephone switchboard operators?

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: The usual steps taken by the Department of Labour to make available conciliation officers to assist in resolving the dispute.

MR. HENDERSON: A supplementary question. Should there turn out to be a strike are you making plans so as the telephone systems would still carry on?

MR. PAULLEY: Mr. Speaker, that is normal. It's a hypothetical question my honourable friend is asking. There is no strike.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Mr. Speaker, the other day an honourable member asked as to the number of requests for assistance in cleaning up in the aftermath of the rainfall and flooding that occurred in the City of Winnipeg. In reply to that question I can indicate that some 240 households being lived in by senior citizens and infirm and handicapped, some 240 requests for assistance were received. Two hundred and twenty requests have been met by 800 students approximately, working over the last weekend, from 35 high schools in the Greater Winnipeg area, at a cost of \$15,000. There are 20 homes yet to be cleaned. Two thousand students volunteered.

I think all honourable members would want to join in expressing some words of considerable commendation to the spirit of the younger people in volunteering in that circumstance.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: I wonder if the First Minister is in a position to indicate whether he's had a conversation with the Chairman of Hydro or the General Manager of Manitoba Hydro, and can assure the House that there is no obstruction blocking the flow of water out of Lake Winnipeg.

MR. SPEAKER: The Honourable First Minister.

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MR. SCHREYER: Well, Mr. Speaker, yesterday I telephoned over to the Chairman's office and asked for a report in writing, which I am satisfied will reconfirm the information I gave to the House some time ago, namely, that the obstruction, so-called, or the impoundment which was put in place earlier in 1973, was removed by the end of the open water season of 1973. Nevertheless I have asked for that by way of double checking.

Mr. Speaker, while I'm on my feet I might in reply to a question asked by the Honourable Member for Riel with respect to the release of a study on environmental impact conducted jointly under the Canada-Manitoba Nelson River Study Group that that report will be available relatively soon. It has been approved for clearance by the Honourable the Minister of Environment of Canada, Mr. Davis, and our Minister of Mines and Resources in Manitoba. It should be reasonably soon.

MR. SPIVAK: Mr. Speaker, then I take it from the Premier that he's asked for a report from the Chairman of Manitoba Hydro but he has not yet received that report.

MR. SCHREYER: Well I have received the information, Mr. Speaker. It's information that's already been imparted; it doesn't require any thick document. It was merely whether or not the impoundment that was put in in early 1973 was removed by the end of 1973. The answer is affirmative. But if it gives any comfort to my honourable friend's soul I will double check and have arranged to do so.

MR. SPEAKER: Orders of the Day. The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I would like to direct a question to the Honourable the Minister responsible for Environmental Management. Can he advise the House of the present level of Lake Winnipeg, and how it compares with the normal level of the lake for this date?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, the Lake Winnipeg Management Board met earlier and I am advised that the level of Lake Winnipeg could go up in July of this year to the highest point in history, in the neighbourhood of 18 feet. --(Interjection)-- Yes, that's right, 718. There are various things being done by the board relative to the problems that might be created. Certainly there is going to be information to the people concerned. How it compares - the highest on record I believe is 717.6. This is somewhat higher than the highest on record. The same is true with regard to the streams, I believe, that enter into Lake Winnipeg. The biggest contributor I believe is the Winnipeg River system of about 40 percent, and the Saskatchewan River system approximately 30 percent, and I'm quoting from memory, and the Red River is a relatively smaller part of that. But we are likely to experience the highest levels of Lake Winnipeg on record.

MR. SHERMAN: I thank the Minister for his information, Mr. Speaker. I'd like to ask him a supplementary. Are there emergency plans being formulated to assist permanent and summer residents along the lakeshores, particularly the southern and western and eastern lakeshores?

MR. GREEN: Mr. Speaker, there is a comprehensive analysis of what can be expected to occur and the various areas that may be affected, and there will be a release by the Lake Winnipeg Management Board indicating steps that are being taken, and I'll make it known to the House when it's ready to be released, but I believe that they are looking at every possible area, including the ones that have been mentioned by my honourable friend. If there are other areas that people bring to their attention, because they'll be communicating with the various communities involved, then of course they will be able to deal with those as well.

However, Mr. Speaker, I have to indicate that by no stretch of the imagination can I expect human efforts to undo some of the problems that could arise vis-a-vis the high waters on Lake Winnipeg, especially with wind effect.

MR. SHERMAN: A final supplementary, Mr. Speaker. Are there any northern communities that are threatened?

MR. SPEAKER: The Honourable Member for Wolseley, the Leader of the Liberal Party.

MR. ASPER: Mr. Speaker, to the same Minister, a question. Could he give the House any information as to the present levels of Lake Dauphin? Is it a fact that they too are at the highest levels in recent years?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: I'll have to check that, Mr. Speaker, but I do know that we have high water levels in many many places, Pelican Lake, Lake Manigotagon, Falcon Lake, Whiteshell, etc.

MR. ASPER: Mr. Speaker, is the Provincial Government - to the same Minister - is the

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(MR. ASPER cont'd). . . Provincial Government in a position to argue that in terms of the federal flood relief that the high lake levels are at least contributed to in some way by the flooding of the Red and the riverways which then enabled the Provincial Government to make a claim for compensation on behalf of the cottage owners of some of the lakes in Manitoba ?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, the question posed by the Honourable the Leader of the Liberal Party certainly is timely. It is certainly possible to make the case to Ottawa, to the Government of Canada, and this is being done, simply pointing out that the levels on Lake Winnipeg, which may conceivably cause damage at some early future date, are very directly related to the over-all problem of water levels, spring flooding, and the general near record and record high flows on practically every major watershed and stream in Manitoba. For example the Winnipeg River was gauged just last week at a metering point near the community of Pine Falls at something in excess of 100,000 cubic feet per second. This is unheard of for the Winnipeg River, Mr. Speaker, and accordingly certainly all of this is part of one piece, and we are discussing with the federal authorities the ways and means of including all of this in the one 1974 Peacetime Disaster Cost Compensation.

MR. ASPER: Mr. Speaker, I thank the First Minister and I'm sure all of Manitoba thanks him for that answer. . .

MR. SPEAKER: Question.

MR. ASPER: . . . and I wonder if the province could, or would consider taking an advertisement in the newspapers to alert homeowners and cottage owners along the lakes of Manitoba, as the City of Winnipeg has done, to record the costs of reparation of their damage so that should compensation become available, they'll have the records and not be in a position to say they lost them.

MR. SCHREYER: Well, Mr. Speaker, the answer in part flows from an earlier answer given by my colleague the Minister of Mines and Resources. There will be an information release on this very soon and flowing from that, pursuant to that, there may well be public information notices of one kind or another. For the moment at least it is not the level of the lake, although inordinately high it is not yet at a damage level but it may soon be. And I might add further that the levels referred to by my colleague do not include the action of wind and wave set-up.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Yes, my question, Mr. Speaker, relating to the problem of Lake Winnipeg to the First Minister would be, as to whether the government would undertake a meeting - convening a meeting of the municipalities, the towns, and the Lake Winnipeg Association, the Cottage Owners Association, at which time the government could indicate what preventative action could be undertaken to minimize damage that can or could possibly occur as a result of high wind, and whether that meeting could be convened fairly rapidly to at least communicate information so action, if possible could be taken now to prevent damage in the future.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, the flood fight plan does provide for a very clear and well understood procedure, namely the contacting, communicating with local government authority, municipal authority, in each of the potential problem areas. This applies in the case of spring runoff, potential flooding, it also applies in the case of the peripheral area of any lake, and accordingly, as between the Water Control Branch and the Emergency Measures Organization communication with these communities, will be put into effect. I think that deals with my honourable friend's question.

MR. SPIVAK: Mr. Speaker, I thank the First Minister for the answer but I wonder if that would include the Cottage Owners Association itself? I wonder because there have in fact been meetings with such a group before dealing with the problems of Lake Winnipeg, and I wonder whether the government will consider bringing them in at this point and informing them, so that they can take whatever appropriate action is necessary to minimize whatever damage could possibly occur from a particularly excessive wind.

MR. SCHREYER: Well, Mr. Speaker, those parts of the administration of the province Water Resources Division, the Emergency Measures Organization, Lake Winnipeg Control Board, will no doubt want to take the most systematic course of action open to it, which includes the contacting of local government authority, municipal authority, and where there is

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(MR. SCHREYER cont'd). . .some comprehensive association I would think that communication with them would be certainly in order as well, and accordingly they will be asked to keep that in mind.

MR. SPEAKER: Orders of the Day. The Honourable Member for Arthur.

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, yesterday I posed a question to the Minister in charge of Water Control in the case of the diversion ditch at Maple Leaf. I wonder if he could give any information on that today as the farmers are organizing out there to make some decision or protest in control of the. . .

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Well so that the honourable member knows my normal procedure, my secretary takes a record of the questions that are asked yesterday and tries to get them answered immediately. So she will be, I take it, in the process of doing that right now.

ORDERS OF THE DAY - SECOND READING

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

MR. GREEN: Mr. Speaker, I'd like to proceed with the Adjourned Debates on second readings followed by the new second readings.

MR. SPEAKER: Thank you. The proposed motion of the Honourable Minister of Finance, Bill No. 64. The Honourable Leader of the Opposition. (Stand)

BILL NO. 70

MR. SPEAKER: The proposed motion of the Honourable Minister of Agriculture, Bill No. 70. The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Mr. Speaker, I have perused the bill and I find the bill reasonably satisfactory and prepared to have it go to committee.

MOTION presented and carried.

BILL NO. 72

MR. SPEAKER: The proposed motion of the Honourable Minister of Mines. The Honourable Member for St. Boniface. Bill No. 72.

MR. J. PAUL MARION (St. Boniface): Mr. Speaker, I adjourned the debate for my worthy colleague. . .

MR. SPEAKER: Order please. It may be fun for some people but it isn't for the Chair. I'm trying to hear what the honourable member is saying and someone thinks it's funny to be thumping their desk. Order please. I enjoy a bit of enthusiasm from everyone, I like it to do it myself, but when it's overdone it becomes annoying. And those who like to be annoying, would they kindly remove themselves so that they don't bother anyone. The Honourable Member for St. Boniface.

MR. MARION: Mr. Speaker, I adjourned debate for my colleague the Honourable Member for Fort Rouge.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. LLOYD AXWORTHY (Fort Rouge): Thank you, Mr. Speaker. I would just like to indicate that our group is in general agreement with the proposals put forward under this particular bill in the Clean Environment Act. However I think it does raise some important questions that we would like the Minister to answer for us before the second reading is concluded, when he has the opportunity.

The first thing that we take note of is that this appears to indicate that the Provincial Government now recognizes that perhaps one of the essential factors underlying the whole area of environmental control and management is in the area of land, and it pleases us at this stage to see that the Provincial Government through this legislation appears to be enabling the municipalities in particular to take positive actions. I believe this is one of the intentions that up to now most of our environmental control has been of a policing kind or a defensive kind. In other words, if there's been an infraction or a particular abuse in the environment, and the municipality or government could react to it.

As we read this piece of legislation the introduction of a notion of an abatement project, and particularly an abatement project dealing with the regulation and use in planning of land in relation to that abatement project, may provide the municipality in particular with the opportunity of taking some anticipated protective action, that it could see that the danger or difficulty

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(MR. AXWORTHY cont'd). . .in environment is something that is not a more dramatic kind of event such as the emission of major pollutants into streams or into the air, but in fact it could be something of a more general nature where the landscape itself, or the general sort of environment is being transgressed by the misapplication of building sites, or the transgression of the wrong roadways. We would think it very important however that the definition of what is involved in a notion of an abatement project be spelled out more clearly, and particularly to see how far does it go. Will it for example give the power of the Municipality of the City of Winnipeg, or the City of Winnipeg, the power, let's say, to step into the Main Street area, declare it to be an area environmentally polluted by the fact that it is sort of full of worn-out buildings, and poor streets, and depleted sort of social and economic environment, and will the powers that are under the Act. .

MR. HENDERSON: Take it easy.

MR. AXWORTHY: The Member from Pembina says take it easy. He figures I'm off on one of my day care speeches again. I will caution him I'm not. All I'm simply saying is we'd like to know just exactly what are the limits that the Minister has in mind in stating the notion of an abatement project. How far does that cover? Is it really providing the municipalities with the capacity to take very far-reaching protective or anticipatory action in the environmental field, and to be able to move in and let's say overstep a number of by-laws and regulations and rules and standards for the sake of the protection of the environment. That is something that hasn't come through very clearly as to what are the parameters of the notion of an abatement project. How far does it extend? How much power does it really give the municipalities, and is it really designed to enable them to take positive action in terms of seeing what potential dangers may lie? And just really how far-reaching is this? Because if it is a far-reaching Act it would seem to me that perhaps certain protections might be required of the municipality itself going beyond simply the requirement to have a public hearing by the Clean Environment Commission, or to have the application laid down with the Minister.

To give one example, Mr. Speaker, in a private member's resolution that was introduced in this House about three or four weeks ago, we proposed that the Provincial Government enact legislation setting out requirements for environmental impact studies, which would not only give the municipalities, as in this Act, the power to take action but would have to spell out in very clear detail the consequences of their action, what in fact would be the result of their own activity. And it bothers me somewhat to see that that particular suggestion was not incorporated in this legislation, and perhaps they just didn't have time. But it would seem to me that if the Minister is now somewhat changing the philosophy of environmental protection from one of, in a sense, a policing power more into an activist power, an interventionist's power, then it would seem to me that along with that should go the requirement for impact statements, so that again the public itself would be given detailed information upon the range of public and private activities that affect the environment.

It would seem to me to have been a major improvement in this Act if, along with the proposals for abatement projects, as stated in this legislation, it had been accompanied by the notion of environmental impact statements, because as we pointed out at that time we are now seeing the very important results that can be acquired by private citizens through the use of environmental impact statements.

I pointed out I believe the very strong influence that the American legislation has had in protecting against environmental infractions by government itself. The Alaska Pipeline is a prime example where the initial proposal for the Alaska Pipeline because of the requirement of the 1970 Environmental Act of the United States to detail in impact study, has over the last three years brought about major changes in that proposal to the point where it's now a much better proposal, and far more careful about the environmental damages that will accrue. That is something that we are presently lacking in the province.

We don't really have the ability at this stage to fully know and understand what the consequences of a full-range of public and private works may be in terms of affecting environmental quality. Therefore it seems the simple requirement that public agencies and private organizations that are undertaking major works projects, and major operational projects, be required to state in full detail the impact of those projects and the alternative options that should be made available, that there are always different ways of carrying out a hydro project, or a highway project, or detailing of a factory site, or a power site, and there are different ways of doing it. Each way has its own peculiar goods and bads about it, and it would be very

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(MR. AXWORTHY cont'd). . . important as a public and as representatives who speak for the public to know what those different consequences are.

So it seems to me that while the Act that is before us today takes certain positive steps that it doesn't go nearly far enough, and certainly doesn't even begin to match up to what is now becoming a much more widely applied environmental standard, that is the use of impact studies, because I think their value is being proven beyond a doubt. It would seem to me a certain error of omission rather than commission of the legislation that that kind of proposal for impact studies is not part of this Bill 72 that we're now considering.

So, Mr. Speaker, that is one of the points that we would like to make from our group, that while we agree with the direction we would like the Minister to spell out for us in clear detail exactly what are the parameters that he sees being exercised in terms of the definition of the abatement project, and just how much power does that give to municipalities, or the Provincial Government, to take direct interventionist action to offset or anticipate environmental damage, or to what is the consideration of an environmental consequence in its own right. That under the reading of the Act they say that because it does apply to land there can be a number of definitions going from very narrow to very wide definitions as to what is an environmental problem, as I pointed out. Is the downtown Main Street area an environmental problem under the definition of this Act? Is the downtown development area between Portage and Broadway an environmental problem under the definition of this Act? If so, does that mean that the City of Winnipeg can therefore step in and take a number of interventionist actions to acquire property, to set by-laws extending outside the normal zoning requirements, and so on, to apply to the downtown. Does it mean that the City of Winnipeg is now able to take over, let's say, a thousand acres in the northwest corner of the city and declare that to be an abatement project and provide a whole range of environmental controls and regulations within that area. In other words, what kind of powers does it require? Does it give the municipalities, for example, rural municipalities the ability now to declare areas where feed lots are situated in an abatement project area, and therefore change the rules and regulations applying to say the whole feed lot situation. Because if that's the case then I think those definitions should be more clearly spelled out because they obviously have very significant implications.

I think the one thing we have learned in the last four or five years dealing with environmental legislation that oftentimes they are couched in fairly general terms, or fairly imprecise terms, and as a result a great deal of confusion arises, and oftentimes a great deal of confusion on the parts of the municipalities. This is true for example in the application of the City of Winnipeg Act where there is a requirement for the City to detail certain environmental impact statements in its own public works. And for two or three years the City of Winnipeg wasn't doing that because they didn't really see the implications of it. Now they are being faced with a series of court cases, which I think is probably the right way of proceeding, to define more specifically what are the exact terms of that impact requirement in the City of Winnipeg Act. I think it would save the people a lot of confusion and a lot of difficulty if the Minister in his statements on this bill could elucidate for us more, or amplify at least, how he sees this Act being applied and how far the parameters go. So that is at first reading the implications that we see in this Act.

We feel that again there is a certain number of steps which we're not sure are necessary at this stage in terms of the laying down of applications with the Minister, and then the referral to the Clean Environment Commission, and then perhaps to the Municipal Board. It may be that there are a number of unnecessary steps in that because one thing that I think we always have to be very careful about when we introduce environmental legislation, is that we don't over-complicate the regulatory process, that we don't just lay on a great mass of red tape to make and to set up unnecessary hurdles for people to step over, that while it's necessary to apply improved environmental protection, there is no reason to say environmental protection means more red tape, that if things can be sort of clean and simplified in terms of one point of application and one point of appeal, then that's all that seems to be required. While we haven't had time to fully assimilate what exact regulatory or administrative requirements are established under Bill 72, it does strike us that perhaps there maybe some unnecessary complications in the steps that are required.

There is also one other area of concern, Mr. Speaker, that we would like the Minister to explain further. That is that there seems to be a quality of ex post facto law in Bill 72

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(MR. AXWORTHY cont'd). . .relating to industries that are already in existence. As we understand it there is a requirement, and I could quote directly from it where industries that come under abatement areas that are now to be declared, now must file sort of statements concerning their functioning with the Minister. I think that would cause some consternation on the part of already operating industries and groups that may be polluting. While I think it is certainly necessary to get the statement of exactly what kind of contamination and transgression is going on, there is a degree of ex post facto conditions or premise, as I see it, in that bill unless - and I'm sure the Minister and his lawyers have discussed that particular aspect, and we would simply like him to explain how in fact that particular aspect of the bill has been, if it's been properly legally clarified, and how the Minister would presume to again administrate such a requirement. Because I could see again it being loaded up with a vast number of applications all of a sudden or at least statements of facts because if a municipality, as I say, declares 500 acres in the northwest corner of the City to be an abatement project area, and there is 500 different kinds of activities going on in the area, each of which may have some environmental contaminating aspect to it, then the Minister himself is going to be flooded with statements, and who is going to administer all these things? In other words, are we going to have the machinery grind to a halt, and again is there going to be a deal of confusion.

So that is our immediate concern about the bill. While we agree in principle with it, we do find that there are some questions that should be clarified, and we certainly feel that we would have liked to have seen the Minister take one further step, and that is, apply on a broader base the requirements for impact studies to be applied throughout the province.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before the Minister proceeds if he'll give me a moment. We have in the gallery 65 students of Grade 5 standing of the St. Andrews School and they're guests from Atikokan, Ontario. They are under the direction of Mrs. Siddle and Mrs. McRuer. On behalf of all the Honourable Members I welcome them here today. St. Andrews School is located in the constituency of the Honourable Member for Selkirk, the Honourable Attorney-General.

BILL NO. 72 cont'd

MR. SPEAKER: The Honourable Minister of Mines will be closing debate on this bill. The Honourable Minister.

MR. GREEN: Yes. Well, Mr. Speaker, first of all let me express my appreciation to honourable members, the Member for St. James, the Member for Fort Rouge, for in general what I believe has been constructive suggestions and constructive questions relative to what is being suggested in this piece of legislation.

I'd like to start with the Honourable Member for Fort Rouge because his questions are most current in the House, and unfortunately I didn't hear everything that was said by the Member for St. James because I was called out of the House when he was in the process of speaking.

May I say to the Member for Fort Rouge that the bill that is being proposed is not nearly as ambitious as he would envisage it being, or of it possibly being, or as he would apparently desire it. I think that when the member was the President of the Environmental Council because of his particular direction, and I say this positively, and because of his desire to deal with some pressing problems, that he had the definition of environment as including everything that the word "environment" could mean generally, that means the environment of him sitting behind the Member for Assiniboia, or the person that is sitting next to him.

I think that I'm not being unfair when I say that his terms of environment are much broader than those envisioned by the Act, with particular reference to municipal land use, not from the point of view of contaminants but from the point of view of whether it is a sensible land use. I think that when he was the President of the Environmental Council he indicated to me that the council wanted to do that kind of study and that kind of programming, and I believe that my answer was that I had no objection, that it's not for me to tell the Environmental Council what they should be concerned with, or what they should not be concerned with, but that from my point of view, the Minister of Environmental Management, that we were dealing with contaminants. We were dealing with contaminants to the air, the land and the water. The fact that there is too much pavement in the city in terms of let us say freeways rather than rapid transit,

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(MR. GREEN cont'd). . . I suppose could technically be referred to as a contaminant, namely that the properties of cement as they affect the land could be a contaminant.

But I don't think that that is the sense in which the honourable member is using the word. He is using the word in the terms of the freeways, or the urban hard core, perhaps degradation of some parts of the slum areas of Greater Winnipeg are a contaminant in a rhetorical sense rather than a contaminant in the sense that is used in The Clean Environment Act. To that extent I have to tell the honourable member that I am not as all-embracing as he would obviously like me to be, or as he would obviously want The Clean Environment Act to be.

What we are doing in that connection, Mr. Speaker, is that the Department of the Environment is now appearing before the municipal board when they are considering development plans, and we are making objections or suggestions with regard to development plans where we know that they could create an environmental problem which shouldn't exist and which we are now confronted with in the bringing forward of this legislation.

The honourable member has looked upon this abatement activity as being - and I think somewhat related to something that he was involved in, and that was the urban renewal type of program that was carried on by the Federal Government when the honourable member was Executive Assistant to the Minister of Housing, Mr. Hellyer, I believe it was. This is not--I regret to say that this is - well, I don't know if I regret to say it, I must say it - that this is in no way related to that type of an abatement program, and the type of things that he said that the city could declare an abatement area and do these things are in no way related to what is contained in this bill. I did, in introducing the bill, say that we were following the formula of urban renewal, that it was that kind of activity but on a very limited scale and depending on an environmental incompatibility between two different uses. The honourable member I don't think was here when I introduced the bill. I will therefore repeat, as briefly as I can, some of the objectives.

We have a land use which is legal. In other words, it is being carried on on property for which it is zoned. You have an industrial use on an industrially-zoned property. You have that use being carried on with the best environmental practices known. In other words, they've got the best equipment, they've put in the best kind of material, but in the best of circumstances that use involves some contamination or involves some pollution or involves some activity which is an annoyance to others. And the example that I gave is a hog ranch, or another example a practical example, is a foundry; that there is going to be a certain amount of escape of contaminants from a foundry, and that all that can be done is that a level be set. Now if that foundry is located in an industrial area then it is entirely acceptable and a level is acceptable. If the foundry, through bad land use planning, is located in a residential area, then there is a problem despite the fact that it is employing the best environmental practices. So only where those conditions are satisfied, (1) that it is legal; secondly, that it is incompatible with other legal users, are we permitting the City of Winnipeg or any other municipality to make an application to the Clean Environment Commission to say that this is an incompatible land use. It's not environmentally wrong from the point of view of the environmental practices associated with that particular industry, it is not illegal in that it is on land zoned for the purpose or, which is more possible the case, that it was built before there was any land use planning, because many of the problems that exist today don't exist because of incompatible industries that were zoned for that purpose but were there before zoning laws came in. And, as you know, the zoning laws provided for grandfather clauses; they didn't make it illegal to carry on a light industry in a residential area if that light industry was there 50 years ago. That is all - and I have to make that point to my honourable friend because I want to show him that it is much less if I have to make that admission than what he would like it to be.

Now, I'm not saying that what he wants is not a legitimate desire and a legitimate aspiration and a legitimate criticism or attack to make on the government as to its lack of activity, but that has to come under another area; it has to come either under the area of Municipal Affairs or under the Minister of Urban Affairs, and I'm not trying to shift responsibility elsewhere - they will be able to handle it and I'm sure that they can deal with it - but that's all that I am involved with, and I told this to my honourable friend when he was President of the Environmental Council, is the contaminants, and the abatement program is only with regard to something which has the characteristics to which I've already referred and which the Clean Environment Commission says is a non-comparable use. And if they do it then we permit a relocation.

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(MR. GREEN cont'd). . . We don't permit merely an expropriation; we don't merely say that they can get rid of it; we have to say that they have to find him a place, they have to reinstall him, and the net cost of doing that after deducting the value of the land is a 50-50 charge on the province and the municipality.

Now, Mr. Speaker, having shown how minimal the program is and how much it doesn't meet the objectives set by my honourable friend, let me say that I am not apologetic about the program. I believe that it is the first program of this kind. In other words, having been completely non-ambitious about what we are doing or indicated the minimum nature of it, I do think that it is a constructive program. I think that the province is right in doing it and I think that it can provide some benefits to municipalities who wish to make use of it. It certainly permits them to do it. Some of them have been saying that they can't do anything about these things. Maybe they don't want to. Well, they won't be able to say that they can't do anything any more. They may say that it's too expensive and I happen to respect somebody who says that that is too expensive because I don't think that the government can spend without relation to cost. And we have an opportunity of saying no too. We can say it's too expensive; we're not required to go into it. But we indicate that the door is open and subject to budgetary constraints, we will try.

The honourable member says there is a certain amount of ex post facto law.--(Interjection) --That is correct, Mr. Speaker, but that's not new. The entire Environmental Protection Act was ex post facto law. It said that, as of this day, everybody who pollutes the environment is committing an offence unless they have the authority of the Clean Environment Commission. That's the way the law was originally drafted, which made everybody in violation of the law. Of course it wasn't dealt with in that way. When somebody suggested then that somebody was in violation of the law or somebody should have the Clean Environment Commission look into their affairs, the Clean Environment Commission then started to deal with the Act about four or five years ago on the basis of giving permission to pollute the environment for people who had been doing it for years. But there were people, industries in existence, Hudson Bay Mining and Smelting Company had to put in a multi million dollar, several million dollar's stack, even though they had been carrying on business before with a certain amount of pollution. And all of the industries, Mr. Speaker, in fact, who have been before the Clean Environment Commission, or the great majority of them, have been told that they can't continue unless they take certain steps to correct their environmental practices. That is the basis, and I think Manitoba is probably one of the most difficult provinces in that connection, which gives the least concession to the fact that they've been in existence for a long period of time.

The same is true of an industry such as Prairie Foundry, such as the Springfield Hog Ranch, such as many others. Almost every industry that the Clean Environment Commission has now dealt with has been an industry which was in existence before, but that doesn't stop them from saying, the Commission from saying - and it does say - that you shall no longer emit this pollutant beyond this limit, and of course the Act was changed so that instead of giving permits to pollute, the Act now entitles the Clean Environmental Commission to set the limits beyond which pollution shall not go. Which may be a psychological difference only, but to me it has more meaning than a license to pollute the atmosphere, that it is a permit which entitles you to go no further than a certain limit. So that there is ex post facto law. What we were doing in this Act is trying to indicate to anybody that if they are concerned that they are breaking the law, that they can come into the department and the department will indicate to them what their limits are, and until they have an application from the Clean Environment Commission, until they go before the Commission, that they can be assured that they are not going to be in violation of the Act if they deal with the department in terms of establishing limits.

The honourable member says that he fears a certain amount of red tape. Let me tell you that the reverse is what is being attempted here; that for the previous years the only way of getting clearance was to make an application to the Clean Environment Commission and the Clean Environment Commission had applications and had to conduct hearings on each of these applications, and that they were in some cases six or seven months behind in their hearings. And what the department is now doing is it's trying to make regulations which apply generally and therefore, when an applicant comes in, the department will look at the application and see if it complies with the regulation, and if it does it will indicate to the applicant that it complies

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(MR. GREEN cont'd). . .with the regulations and then will refer the matter to the Clean Environment Commission, and if the Clean Environment Commission--my inclination is that they then may advertise that limits have been set for this industry; if anybody wishes to complain or ask that a hearing be held, that they would go ahead and take that procedure. But the initial step will be to go to the Clean Environment Commission so that if regulations are in existence that those regulations will--the particular applicant will be notified that these are the regulations which are in existence and it will be determined as to whether they are complying with these regulations. So my hope - and it remains to be seen - but certainly the intention of the legislation is to reduce the amount of red tape and not to increase the amount of red tape.

Now, Mr. Speaker, I believe that I dealt with the honourable member's questions. I've indicated that I did discuss with the Member for St. James yesterday some of the fears that he mentioned. If there are any things in his remarks that I have not covered, I will discuss them with him at committee.

QUESTION put, MOTION carried.

MR. SPEAKER: Bill No. 77. The Honourable Member for Gladstone. Bill No. 67. The Honourable Minister of Consumer is absent. Bill No. 69, the same. Bill No. 76. The Honourable Minister of Tourism and Recreation.

MR. GREEN: No.

MR. SPEAKER: No? Very well.

MR. GREEN: Excuse me, Mr. Speaker, I wonder if you'd call 79 and 80 first.

BILL NO. 79

MR. SPEAKER: 79 and 80. The Honourable Attorney-General.

HON. HOWARD PAWLEY, Q.C. (Attorney-General) (Selkirk) presented Bill No. 79, an Act to amend The Provincial Police Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: Mr. Speaker, this bill pertains to the Manitoba Provincial Police Act which had been passed in 1970, involves two changes. One is the change in the number of members on the board of the Police Commission, increasing the number on the Commission from three to five. The Police Commission itself, and I concur, felt that a broadening of the board would be a positive move. The present board numbering three is unduly narrow and restrictive, and five members would be a more reasonable number on the board, giving fuller representation on the board and would make their functioning more effective.

Insofar as the second change requested, it deals with the present defect in the legislation. It's always been the intention that one of the areas of responsibility of the Manitoba Police Commission would be that they would hear appeals from any municipal Police Commission bodies, and that there is no problem with that intention except that unless the municipal Police Commission in fact deals with the complaint in the original instance. If they fail to deal with the complaint, to hear the complaint, to deal with the determination of the complaint, then of course there is no way that a complainant can appeal from the municipal Police Commission to the provincial Police Commission, the Manitoba Police Commission. So that in fact a complainant finds himself without resource to the original intentions that were so strongly, I believe, supported by all members of this commission, or House, that the Manitoba Police Commission ought to be able to deal with appeals from municipal Police Commissions. There in fact have been indications that this very type of thing has occurred in the province, where a complaint has been lodged, requested in fact by one of the provincial judges to be dealt with at the municipal police commission level, and there is a question as to whether the complaint has in fact been dealt with in such a way that there could be an appeal to the Manitoba Police Commission. I think it protects the municipal councils to know that there is this avenue of appeal from the municipality to the province so that no one can point their finger and say that the municipality is trying to suppress or to ignore a complaint dealing with alleged police brutality or some other matter, and on the other hand it certainly is in the interest of the complainant that they know that there is an avenue of appeal from the municipal Police Commission to a provincial Police Commission, which is somewhat more distant from the municipal Police Commission. So I urge the support of the House for this measure, Mr. Speaker.

MR. SPEAKER: The Honourable Leader of the Opposition.

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MR. SPIVAK: Mr. Speaker, I move, seconded by the Honourable Member for Swan River, that debate be adjourned.

MOTION presented and carried.

BILL NO. 80

MR. SPEAKER: Bill No. 80. The Honourable Attorney-General.

MR. PAWLEY presented Bill No. 80, an Act to amend The Real Property Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: Mr. Speaker, there are a number of changes proposed in this bill, many of them of an administrative or technical nature. First, the Winnipeg Land Titles Office now works on the basis of one cash register, and all documents are processed through that cash register and documents are taken and stamped according to priority of registration - date and time. The officials at the Winnipeg Land Titles Office have proposed a method of dealing in a more efficient manner with registration. All members know there have been some difficulties, particularly during the summer of last year, in respect to the backlog of registrations, so that the officials at the Land Titles Office have proposed - and I endorse, - the installation of two cash registers so that documents can be registered through one of two, rather than one cash register. Now in order to do this, all documents would be processed by serial number and then they could be registered after that process is completed. So documents would be registered by priority according to serial number rather than by date and time, in order to permit the use of two cash registers rather than one cash register, in order to assist in the speeding up of the registration of documents at the Winnipeg Land Titles Office.

The second amendment deals with signing authority, permitting the Registrar-General and the district registrars to assign signing authority in respect to certain documents such as memorials on plans of subdivisions, caveats etc., to other members of their staff, that complete responsibility and control for such assigning of authority would still rest with the Registrar-General or the district registrars, but there would be permission for the assignment of authority to other officials within the Land Titles Office, again in order to develop greater administrative efficiency in the operation of the Land Titles Office.

Another amendment in the bill pertains to fees, and the amendment in the bill pertains to non-payment of search fees only. In effect, the departments of government will continue to pay regular fees for all registrations in the Land Titles Office despite the amendment proposed in the bill.

Also, the present section of the Act states that a District Registrar may, on request, search any certificate of title and issue a memorandum commonly called a search letter, setting forth certain of the details shown on the certificate of title including the name of and other details respecting the registered owner, and also including a notation respecting the encumbrance and other registrations and memorandum shown thereon. The proposed amendment would simplify the description of the certificate of the search, remove the reference to a search letter, and authorize a district registrar to delegate to members of his staff the power to sign certificates of search.

Another amendment deals with the filing space which is used for document storage. At the present time in the basement of the Land Titles Office there are documents, Mr. Speaker, which go back for decades. The present provision is that documents may be destroyed after 40 years, so that in fact you find in the basement storage space of the Winnipeg Land Titles Office documents of several decades of age. Now it was intended to microfilm and destroy, whenever possible, these documents prior to moving into the new building. As members know, it is intended that the Winnipeg Land Titles Office will be moved to the new building at the corner of--(Interjection)--the Doern Building, right. And it was intended to destroy these documents prior to movement to that building. But the intention now is to do as follows: that documents can be destroyed once they are older than ten years of age, and those documents destroyed will be microfilmed so there will be a permanent record insofar as the documents are concerned which were destroyed, that were older than ten years.

Another section of the bill deals with maintaining of records of reservations of mines and minerals where a certificate of title is destroyed. These reservations can only be found

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(MR. PAWLEY cont'd). . .after very careful checking and errors arise. With microfilming it will be much more easily available in time, and we look forward to the microfilming system because I think it will assist greatly in the processing of searches, and also I think will help in the District Land Titles Office, too, in obtaining information quickly and efficiently insofar as requested information in regard to possible encumbrances and land descriptions etc. in respect to titles.

Another amendment in the bill deals with the proposal by the Manitoba Law Reform Commission that the Limitation of Actions Act should be extended to include mortgages and encumbrance registered under the Real Property Act. Interestingly, the Limitation of Actions Act did not pertain to documents registered under the Real Property Act up until now, and the amendment would now ensure that the provisions of the Limitation of Actions Act would apply to mortgages registered under this Act. Also, there is provision that mechanically there can be applications presented to the courts for the extinguishing of statute barred mortgages on title documents. Those of us in the practice of law can often know the difficulties and problems that old mortgages can create, sometimes being on property for many many years, no one has a record as to whether the mortgage was paid in full or partly, and yet very little could be done in respect to it because the Limitation of Actions Act, Mr. Speaker, did not apply to mortgages registered under this Act. Now, with the application of that Act, a declaration can be obtained from the courts to extinguish the document from the title to ensure that the mortgage becomes statute barred.

The bill also provides for a new technique insofar as amending the terms of mortgages. Often mortgagees will be requested by mortgagors to extend the terms of a mortgage. If the mortgage has not been paid according to the terms of the mortgage as prepared, the mortgagee is prepared to extend those terms for an additional period of time, sometimes in consideration of a higher interest rate or larger, or sometimes even smaller mortgage payments, or other changes in the original mortgage document. Until now, such alteration was generally done by the filing of a caveat, a prohibition, in the Winnipeg Land Titles Office against the Title of the land against which the mortgage encumbrance is registered. Now there is provided for in the bill the registration of an agreement in the Winnipeg Land Titles Office according to Schedule Q of the bill, which will provide for the extension of the mortgage according to terms as set out in the agreement as per Schedule Q in the Act. The consent of course must be obtained from all affected persons having a claim or interest subsequent to the date of the registration of the mortgage before the amendment can be filed in the Land Titles Office.

A further amendment proposed ties in with the recent amendments proposed to The City of Winnipeg Act. The municipalities within the additional zone will be required to approve certain plans of subdivision, and this amendment is required in order to indicate how they are to show that approval.

An amendment also provides for the approval of the Commissioner of Northern Affairs on plans of subdivision that affect land under the jurisdiction of the Commissioner of Northern Affairs.

So those are in main the details of this bill, Mr. Speaker. I'll attempt to deal with the questions either during second reading or during Committee stage.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I move, seconded by the Honourable Member for Swan River, that the debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable House Leader. The Honourable Minister of Tourism and Recreation.

BILL NO. 76

HON. RENE E. TOUPIN (Minister of Tourism, Recreation and Cultural Affairs) (Springfield) presented Bill No. 76, The Heritage Manitoba Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

MR. TOUPIN: Mr. Speaker, in presenting The Heritage Manitoba Act for consideration, I am offering the Legislative Assembly an opportunity for the Government of Manitoba to join with the private sector and with all good citizens of this province in a concerted effort to preserve the rich historical inheritance which is both our right and our responsibility.

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(MR. TOUPIN cont'd)

On April 2nd, 1973, Heritage Canada was established by the Federal Government, and we are proposing a Heritage Manitoba Corporation which would parallel the aims and objectives of the national organization here in our province. By definition, "heritage" to us means the work of man, or woman I guess, or of nature whose character enriches the quality of Canadian life today, works which eliminate our past or which reflect the excellence of Manitoba achievement or examples of Manitoba's natural beauty which have survived in our time and which should be preserved for the future.

There are many occasions when citizens have written to Ministers or MLAs, urging the preservation of a piece of land, an ancient building, a work of art, even a tree, river property, or some other works of man or nature for which we have responsibility now. If we think of future generations, Mr. Speaker, and how they will look upon the ways in which we accepted responsibility for planning and government in this last quarter of the twentieth century, we must preserve these historical properties for the future.

By the Heritage Manitoba Act it is possible for well-intentioned citizens to give or bequeath to the province buildings, land, artifacts, works of art or other commodities, so that they may be made available for the enjoyment of all of our people. Hopefully, it will develop financial resources so that when priceless buildings or artifacts become available they can be acquired by the province and administered through a Heritage Manitoba authority. A chairman of the board of directors appointed by the Lieutenant-Governor-in-Council, serving without pay, would be an autonomous body with wide power to acquire, restore, lease and let property, accept donations, and enter into agreements with experts to promote restoration and preservation. The Foundation would seek out properties of historical and architectural value, places of natural beauty, and encourage their preservation for the benefit of the province and of the nation. Items of property could range from a single piece of sculpture to an old house, to a school, or a ship, or a steam engine, and the imagination and devotion of many thousands of citizens can be put to work in preserving and restoring these provincial treasures.

Mr. Speaker, I recommend this bill to the House.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY McKENZIE (Roblin): Mr. Speaker, I move, seconded by the Honourable Member for Brandon West, that debate be adjourned.

MOTION presented and carried.

BILL NO. 73

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Bill No. 73, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY presented Bill No. 73, The Buildings and Mobile Homes Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

MR. PAULLEY: Mr. Speaker, this particular Act is an act to try and tidy up our building codes in the province and also to bring about some semblance of regulation in the area of mobile homes. At the present time I am informed that in respect of mobile homes, to some degree it appears as though there is not enough possible inspection under our legislation and the regulations that would tend toward having the authority to make it sure, or as sure as we can that mobile homes that are entering into the province as well as some that are manufactured within the province, do not adhere to what is considered to be general levels of safety standards. That is the purpose of this section of the Act. Representations were made to me and also to the Minister of Industry and Commerce for quite a period of time, asking that this be drawn to the attention of the Legislature by way of an Act so that some of the difficulties being encountered at the present time might be overcome--(Interjection)--Overcome by the inspection department.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris): The Minister said representations had been made to him. I wonder who the people were who were making the representations.

MR. SPEAKER: The Honourable Minister of Labour.

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MR. PAULLEY: I'm sorry, I misunderstood my honourable friend. Representations were made by a group of people in the Altona area, for one that I well recall, manufacturers of mobile homes, and there is an association of Mobile Home Manufacturers - I believe that they call themselves by that name - in the province. It was from that group that representations were made. My colleague the Minister of Industry and Commerce says he believes also that there were some people from the constituency of Morris and the Town of Morris that were present when the representations were made.--(Interjection)--Now I have.

So, Mr. Speaker, the general purpose of this legislation is threefold: To provide a uniform building code throughout the province. To leave with municipalities, towns and cities the responsibility for enforcing the code or codes in any or all areas which they are capable of handling. What is meant by that, it is the desire that the local authority be given the authority for enforcing the code if they have the capability. If they have not, then that will be assumed by the Department of Labour on request of municipalities that do not think they are capable, and to permit the designation by the Minister of those classes of buildings, such as public buildings, in any area of public responsibility. The proposed Act covers mobile homes, travel trailers, etc., and therefore provides construction standards to be adopted in the regulation.

Under the proposed legislation there is exemptions for municipalities from control under the Act other than enforcing the codes unless so designated by the Minister. In other words, the municipalities would carry on in a similar manner to their present system, and to bring control of any building in the municipality or municipalities under the Act, it would be necessary for the Minister to designate either all the buildings or any portion of the buildings as a responsibility of his, or hers if we happen to have a Minister of the female sex. When certain buildings such as public buildings in a municipality, are designated by the Minister, it would then be necessary for those erecting, demolishing, etc. this type of building to obtain the necessary permit from the Minister, and they would have to submit plans and in the end, when the job was completed, to issue an occupancy permit..

The proposed Act which we have before us at the present time, Mr. Speaker, provides for exemptions of farm buildings and other buildings by regulation as may be desirable. I might say that I believe that there is some thought being given in some of the departments of government requesting whether or not farm buildings should be exempted from the Act.

The Act includes provision whereby a building that is hazardous, constructed either before, during or after the passing of this Act, can be required to come up-to-date as far as code standards are concerned as a safety requirement. The Act provides for permits and the charging for permits in regulations for buildings designated by the Minister. In order that a uniform code may be practised in the province, provision is made for a review of the municipal permits and documents and the authority to have steps taken to correct work in the case of a contravention of the code.

There is also a provision for appeal by an inspector or a municipality in the case of wrong doing to the Minister and to the courts. Provision is made for a Building Standards Board a penalty clause and the making of regulations. The present Public Buildings Act will be repealed and this Act will come into force when proclaimed. And then, at that time, this Act will take precedence over all other legislation dealing with building standards.

I might say, Mr. Speaker, in an endeavour to have as unified an approach in this matter as possible with those knowledgeable in government services, consultations have taken place with the Department of Labour, in whom will be vested the authority under this Act, the Department of Labour, Manitoba Housing and Renewal Corporation, the Liquor Control Commission, the Department of Mines, Natural Resources and Environmental Management, the Department of Municipal Affairs, the Department of Industry and Commerce, the Department of Public Works and the Department of Tourism.

There are a few questions being raised, Mr. Chairman, at the present time, whether all Crown buildings should come under this particular Act or not, and I would be very pleased, Sir, to hear from my colleagues in the Legislature their comments after we've had ample opportunity to study the bill. I am convinced that while there may be some deficiencies in the bill or some suggestions made, I am convinced that this is the type of legislation that we need to possibly prevent a recurrence of the incident that we had at Powerview, that would be more of our responsibility than it was at the present time, and I recommend this bill to the consideration of the House, Mr. Speaker.

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MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: I wonder if I may ask a question of the Minister. During the course of his remarks he said that there was a provision in the Act which would enable people to take action in the case of wrongdoing against the Minister or the courts. Now I'm not sure whether I understood that—I'm not quite sure that I understood that correctly, but I was wondering just what wrongdoing that he had expected would be taken against him by the provisions of this bill.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: If I wasn't clear, Mr. Speaker, I thank my honourable friend for drawing this to my attention, not that the Minister does not do any wrongdoing from time to time, and I'm sure my friend from Morris would be the first one to suggest that that is a truism. What I meant was that where there is an appeal against any charge that was laid against anybody for wrongdoing, there is an appeal either by the building inspector or the person who is accused of wrongdoing, to the Minister, and sent from the Minister to the courts.

. . . . Continued on next page.

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

MR. ASPER: Mr. Speaker, I don't think that we need deal at great length with this bill at this particular time. It's a bill that we have read, that we approve in principle, and we believe the concept of the bill is quite valid. We would hope that we could move it into committee where we could, without the formality of the Chamber proceedings, question the Minister on some of the proposed regulations and some of the proposed implementation techniques. One of the things that would concern all of us, I think is that we would want to express the hope that no new bureaucracy will be drawn up to administer the Act, and that it can be administered within the confines of the present Civil Service in his department.

The bill doesn't suggest anything that is offensive, but rather, Mr. Speaker, we would like to have seen further extensions rather than curtailment of what the bill provides. For example, and perhaps this can be done by regulation, we would encourage the Minister to consider building into the sale of goods, which involve mobile homes, a standard automatic warranty provision, and we don't have it on regular housing at this stage. We have encouraged the government to bring in that kind of sale of goods regulation, but certainly here, when we are now dealing with the bill, to specifically regulate the construction and the standards of mobile homes, it would be very, very effective for the Minister to build a warranty in, and also to deal with those manufacturers of mobile homes who do not maintain plants in Manitoba, to require them to stockpile parts, to require them to maintain inventory in Manitoba, so that those who acquire the mobile home in Manitoba from an out-of-province producer will be assured of replacement parts should maintenance and depreciation require him to buy further parts.

We have to express, any time we discuss mobile homes, Mr. Speaker, the very strong commitment that we feel toward mobile homes, the very important contribution to the lowering of the cost of housing and the making of individual homeowner units available to a much broader section of the community than is presently the case. That being true and because we believe the future of the mobile home is far greater than people generally seem to assume, because of the cost, because of the fact that a person can get into a home at a cost of approximately 50 percent of what a regular home might cost him, it becomes a very, very important tool in fighting the escalating cost of housing. And that being the case, Mr. Speaker, we have to express some disappointment that the government has not moved to remove a longstanding penalty against the buyer of the mobile home, a penalty which increases his actual cost of the home by a very sizable amount. I refer, Mr. Speaker, to the fact that when one buys a home, a regular home in Manitoba, he pays a sales tax, part of the purchase price is a sales tax, but only on goods supplied, not on labour; whereas on a mobile home it is my understanding, Mr. Speaker, that he pays a sales tax on the finished goods complete. Therefore, Mr. Speaker, on a \$15,000 mobile home he would be paying a sales tax of approximately double the sales tax that is paid by the purchaser of a normal \$15,000 home. And we would ask that the government, in considering mobile home legislation, give some thought to at least equalizing, if not removing, to at least equalizing the amount of sales tax that is paid on a mobile home to that, to equalize it with the amount of sales tax that would be paid with respect to a regular home on a fixed foundation.

Now, Mr. Speaker, again we commend the Minister for bringing in the bill, but make the point that the use of mobile homes, which has such an important potential in making housing available to low-income Manitobans, the use of these homes is restricted by two things that the Minister and perhaps other departments of this government could have considered, and perhaps will still consider. First, financing. Financial institutions have not been encouraged, have not been given much of an incentive, and therefore have not been given any - or have been given no directives, really, to finance the mobile home to make it as attractively financed on long-term basis as the regular home. Now I recognize part of that's federal responsibility and I think the Federal Government is showing some initiative, but I would hope that the Provincial Government would do something in the same area.

Similarly, something that is totally within the province's jurisdiction or the capacity of the province to legislate, the use of mobile homes, which I again stress, if encouraged, can bring housing to any family earning \$6,000 in this province, something that is denied to housing, is denied individual homeownership units, is denied to those earning in that 6,000 to 7,000 bracket without very severe financial strains, and the problem is zoning. There are

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(MR. ASPER cont'd). . . civic governments, municipal governments, that have failed to be attracted to the concept of mobile homes, and it imposed a bureaucratic nightmare on those who wished to subdivide properties, to create home sites for mobile homes. I would encourage the Minister to speak with his colleagues, particularly the Minister of Urban Affairs, or the First Minister, to consider bringing legislation to ensure that this industry that we're now developing in Manitoba and becoming leaders in, and creating tremendous job opportunities throughout Manitoba and beautifully decentralized, a tremendous industry for Manitoba because of the character of the province --(Interjection)-- Mr. Speaker, the Mines Minister responsible for MDC has said, and he has dismayed me by saying it, he's ruined the whole goodwill of my speech, by telling me that MDC is heavily involved and that means we're going to lose the industry; it's going to fail.

Well, Mr. Speaker, I'll obliterate that from my mind because I would want to re-examine my enthusiasm for the industry if I took it seriously. I would draw attention to the Minister that we have lost two mobile home plants that were manufacturing in Manitoba. We have lost two. One was in Transcona - I forget the name - Design Fabricators - left and one in southern Manitoba from Strathroy, Ontario - Glendale Mobile Homes. We lost two, Mr. Speaker, and that's unfortunate, although we have gained more than that, and it's a very encouraging sign. This kind of legislation will make Manitoba more attractive for this industry and I would hope the Minister of Industry and Commerce would take advantage of the fact that we are now fairly advanced, that we do have a comprehensive code, or will have, to encourage the industry to locate more and more in Manitoba. I recommend to the House that we move this to committee so that we can question the Minister more informally, and I would request him to undertake, to notify the Manitoba-based manufacturers of mobile homes to indicate in some way to us in committee so that we can dispense with it quickly, that the bill is satisfactory, that they can live with it, and so that we don't have to take up time of the committee. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I move, seconded by the Honourable Member for Brandon West, that debate be adjourned.

MOTION presented and carried.

THIRD READINGS - BILL NO. 27

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, we'll proceed to the third readings, Page 1 of the Order Paper.

MR. SPEAKER: Very well. Bill No. 27, proposed by the Honourable Minister of Finance. The Honourable Member for Roblin.

MR. MCKENZIE: Well, Mr. Speaker, I again will try and get across to the Minister my concern and the concern of our group regarding the phasing out of the Manitoba Golden Lottery system in the province. I still think that Manitobans are going to be the losers, and I notice that letters have gone out, or at least somebody sent me a letter this morning without a name on it, telling the people that's selling in this document, and it says it can't be stressed too strongly that the four provinces must not sell tickets within the other's boundaries; any breach of this regulation will result in automatic dismissal of the violating agency. And I still think that we've been sold down the river. We have the computer system in this province; we were the ones that started the lottery system; we built it up to what it is today. It's a very thriving industry; it's been well-managed and well-handled; and now we will find that we can only sell and get credit for the tickets that's sold within the boundaries of this province, and I happened to have somebody else send me a sample of a Saskatchewan ticket where it's on the Saskatchewan Derby, and it's spelled out on this ticket for some unknown reason, you don't have to be a resident of Saskatchewan to participate in the sweep-stake. So I hope, I'm sure the Minister's going to have many problems enforcing this lottery system because there's bound to be tickets sold from one province to the other. I don't see how it's going to be possible to police it, and of course this has been my concern in the lottery system since day one. As long as it can be well-managed and well-handled, the thing will never get out of hand, but now when we're involved with other provinces -- I'm still very unhappy and will support it, of course, in the third reading, but I'm sad to see the Manitoba Golden Sweepstakes phased out.

BILL 27

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

MR. MARION: Mr. Speaker, as I rise to speak to this bill on third reading, I feel like I'm fighting windmills or trying to hold back the wind. I think it's definitely a foregone conclusion that WesCan has come into being. The initial position that we outlined at second reading has not changed, Mr. Speaker. We still feel that this is not the avenue that Manitoba should be taking. We're still convinced that as was so aptly put by the Chairman of the Manitoba Lotteries Commission, we are being stampeded into this, and because we had a hell of a lot of good things going for us we're letting it slip down the drain. It's evident that that feeling is still shared by the agencies who were selling the Golden Sweepstake tickets, Mr. Speaker. We have had a chance to peruse their brief, and I think that there are a number of excerpts that should be stated in this House and I quote from Page 2:

"The Manitoba Golden Lotteries has been the most successful self-help program ever staged in Manitoba. Three hundred agencies representing thousands and thousands of Manitobans have been able to develop their projects at no cost to the taxpayer. It's become an industry as evidenced by a \$10 million-plus turnover within the last couple of years, and what probably makes it even more attractive is that it brings in 70 percent of its money from outside the borders of Manitoba", and I could read on and on, Mr. Speaker at the boon has been enjoyed by this province because of the initiative taken by the Manitoba Golden Sweepstakes. I think that all of this is going for naught because we are, as was said by the chairman, being stampeded into the WesCan Lottery system.

I'm certain that had all of the efforts been outlayed that could have been outlayed to enter into reciprocity, and reciprocity is certainly something that could have been attained had it been aggressively worked upon, then I'm sure that WesCan could have been staved off and the Manitoba Golden Lotteries could have continued the successful kind of endeavour that it had enjoyed over the past four or more years. I think that the present Minister is one that as we initially said, has taken over a decision or a fait accompli that he probably does not wholeheartedly support - other members on it in this House have stated that - but he's intent on carrying out the legislation that will not serve Manitoba well. I don't know that we can support this bill in third reading because I don't think that in essence it will serve Manitoba well.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I just want to add one or two words to what has been said by the foregoing speakers, because I was one who did participate as strenuously as I could in the early stages of debate on this bill. My position with respect to the bill I think is on the record and needs no re-emphasis. I must not let this opportunity pass however without saying that I was personally dismayed by the position taken by the spokesman for the selling agencies and for the Manitoba Lotteries Commission itself before Law Amendments Committee during the consideration of the bill at that stage of proceedings, because I had felt that the agencies, the selling agencies, were deeply concerned about their futures, about their financial futures under WesCan and had a case that they wished to make effectively and honestly and conscientiously. I still believe that that is no doubt true but it seems to me that there has been a change of heart, largely due perhaps to some concessions that the Minister himself has made. I think interesting questions could be asked as to just precisely what those concessions were. I know the Minister made a statement outlining them, in surface form at least, at Law Amendments Committee, but whether there were additional concessions made where the selling agencies and where the spokesman for the Lotteries Commission are concerned, remains a point of conjecture for us, and I don't suppose we'll ever learn the answer to that.

The fact of the matter is that the selling agencies through the spokesmen speaking for them on that occasion have agreed that they can live with the bill, therefore there is no point in maintaining the battle from this side of the House which we joined earlier.

We will reluctantly support the bill at this stage now and hope that the selling agencies and the Manitobans and that Manitoba derives the kind of benefits that the Minister seems to think will come our way as a consequence of going into WesCan. The jury will be out on that question for some time; hopefully when it returns the question it will bear out the position that the Minister has taken throughout. I want to say, Sir, that if it does, I will be the first to say that the Minister was right all along and that we were wrong all along. We took the position that the agencies were going to be hurt, that there was going to have to be a cap in hand approach made by many of them to the government for finances for funds that could otherwise be raised

BILL 27

(MR. SHERMAN cont'd). . . through the Golden Sweepstakes and the Manitoba Lotteries Commission, and we believe that to be a fair and legitimate case.

On the basis of the positions they presented to us I can reaffirm that in my view, and in the view of my colleagues, it was a fair and legitimate case. It may be that in the long run that this decision will prove to be the right one. In the short run, it certainly appeared to us to be wrong, but since those agencies through their spokesmen have agreed that they can live with the bill, then obviously, Sir, in the interests of moving the legislation along, in the interest of moving this session along, I think it's only responsible of us to agree therefore that we too can live with the bill.

MR. SPEAKER: The Honourable Minister of Tourism and Recreation.

MR. TOUPIN: Mr. Speaker I go back to some of the comments that I made when I introduced the bill for second reading in saying that the bill that we have before us now on third reading is not a bill that refers directly to WesCan. It's permissive legislation for the government through Manitoba Commission to be set up to enter into agreements with other provinces in Canada, and that has been done over the last few months. There's agreement in principle in regard to the four western provinces. A meeting was held again yesterday in Edmonton. All proposed legislation is now through third reading; we're the only province that's awaiting third reading. Some have to receive proclamation on certain sections dealing with regulations, and so on, but apart from that, we're ready to go in regard to this type of agreement with the three other western provinces.

That does not mean, Mr. Speaker, that if such a proposal that is before us now in regard to WesCan is not successful in the years ahead that we can just pull back, but I maintain that in regard to what we have before us, in regard to the section of the Criminal Code that is applicable all across Canada, that WesCan itself will be successful. I foresee other provinces in Canada wanting to join into such an arrangement, but it will only be successful in this province if we have the support of the agencies now involved, the support of all sellers that we've had up till now, and more supporters.

As you know, the last issue of Manitoba Golden Sweepstakes sold 12,000 short of a million tickets. I'm informed that the issue now being sold is beyond 900,000 tickets, so that will surpass a million tickets. With a larger prize fund in regard to one agreement that is permissible under this legislation, a prize fund of 3/4 of a million instead of 1/4 million, and later, hopefully, a million dollars in prize funds, that this will be an incentive to all Manitobans to purchase these tickets and to make a success of WesCan. In the agreement that we've reached with the three other provinces in Canada, the Western provinces, it is equally permissible for the Province of Manitoba, or any of the participating provinces, to have one of their own lotteries per 500,000 population, not exceeding your quarter of a million in prize funds, and as the Honourable Members of the House well know one of these draws has been announced about three weeks ago, and that will be officially started we hope later in June.

For the many reasons that we have before us, because of the intent of these four provinces to co-operate together in having a larger incentive for all western Canadians, and because of the interest that has been indicated to me by the existing agents that I've met on several occasions, I'm quite optimistic that WesCan will be successful and that we will go forward into the future with more provinces participating, and we'll be allowed to go ahead with our own lotteries, allowing different non-profit organizations to excel in many more services for their own endeavours.

It may not be easy to start off with in regard to the nitty gritty that has to be dealt with when we enter into an agreement with other provinces, and these will have to be ironed out, but I do have the assurance of some of the spokesmen of the agencies that they're willing to co-operate. I have not made any concessions, in Law Amendments. The honourable member can refer back to my statement that I made in Law Amendments. The only reference that I made was to regulations that will be allowed by means of this Act, and those regulations are subject to the acceptance by the Lieutenant-Governor-in-Council, and I did say that. Whatever happens in regard to WesCan had to be negotiated with the three other participating provinces, and that has to be done, and some of that was done yesterday, and we're forging ahead.

For these reasons and for the confidence that was given to me by my own colleagues and by the Conservative Party, and hopefully by some of the Liberal members of this House, I'm quite confident that we can hopefully within a couple of weeks from now launch WesCan, and that

BILL 27

(MR. TOUPIN cont'd) . . .after the next draw it will be more successful than others have been in the past.

QUESTION put and MOTION carried.

BILL NO. 6

BILL No. 6 was read a third time and passed.

BILL NO. 13

MR. TOUPIN presented Bill No. 13, An Act to amend the Boxing Commission Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. TOUPIN: Mr. Speaker, could I speak on the bill?

MR. SPEAKER: Yes. The Honourable Minister of Tourism and Recreation.

MR. TOUPIN: Mr. Speaker if I understand the rules correctly . . .

MR. SPEAKER: There is no closing of debate on third reading.

MR. TOUPIN: I can speak now but not later.

MR. SPEAKER: Right.

MR. TOUPIN: Mr. Speaker, I would only like to make a few comments on this bill.

This bill was discussed quite thoroughly in second reading and equally in Law Amendments. We've considered the points made by the Members of this House, more specifically the points made by the Member for Assiniboia, and the bill as it is now before the House is in an amended form which I believe is really meeting the objectives that I had in mind in regard to allowing for fair competition in regard to wrestling and boxing, allowing for medical attention being given to those competing, and for these reasons I sincerely hope that all members of the House will give this bill Royal Assent.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Well Mr. Speaker, this was precisely my point that we will be watching the regulations as they are drafted and prepared, and taking the Minister at his word that the requirements surrounding medical examinations for participants in boxing and wrestling matches are going to be strict, and are going to be efficiently enforced.

The bill really is the result of an unfortunate, in fact a tragic boxing card in the City of Winnipeg. I think the Minister would agree that it's largely as a result of, in fact the Minister has said that largely as a result of the Commission headed by Judge Hewak looking into that tragic card, the proposals put forward in the bill before us, have emerged.

The Member for Assiniboia and I both at second reading expressed some surprise at the fact that the bill itself contains no requirements for stronger enforcement of medical exams and a stronger enforcement of conditions in the area of good health and good medical status for participants. The Minister has assured us that this will be looked after the regulations, and as a consequence we take him at his word and will be looking forward to that kind of enforcement.

The bill without that kind of enforcement, without that kind of requirement, is toothless, Sir. There are many things in it that are simply of a housecleaning tidying up nature, and although housecleaning and tidying up is sometimes certainly overdue and desirable, the important thing in this area that we're trying to get at, through this legislation is that participants in boxing and wrestling cards in the province of Manitoba be in good medical health, and that persons who are not able to pass strict top flight medical exams should not be permitted to enter boxing and wrestling rings. That's what we're trying to get at here and so without that kind of a requirement, the bill is totally toothless. We'll be looking for that in the regulations and we thank the Minister for his addressing of himself to that problem.

BILL NO. 13 was read a third time and passed.

BILL NO. 14

MR. TOUPIN presented Bill No. 14, an Act to amend The Amusements Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

BILL 14

MR. TOUPIN: Mr. Speaker, this is another bill that was before Committee last week and was subject to quite a few amendments by myself, and equally by other members of the Committee, which were considered, and some of them are subject to proclamation because we did not want at least one section in regards to ID cards to be accepted upon Royal Assent but to be accepted by Order-in-Council, that is by regulation subject to an Order-in-Council. And the points made in Law Amendments with regards to the bill were well taken; some of them were dealt with in the amended form of the bill that we have before us. And again I ask support for third reading.

MR. SPEAKER: The Honourable Member for Roblin.

MR. MCKENZIE: . . . be brief and thank the Honourable Minister for his comments. We were quite concerned in Law Amendments with the way the bill was being carved up by the proposed amendments by the Honourable Minister, but I think we're satisfied now that it should be good legislation and I think clean up some of the problems that's been in evidence with regards to the classification and the beef of the students.

QUESTION put on Bill No. 14 at third reading: MOTION carried.

BILLS 15, 36 AND 48

BILLS Nos. 15, 36 and 48 were read a third time and passed.

BILL NO. 49

MR. SPEAKER: Bill No. 49. The Honourable Minister of Finance.

MR. CHERNIACK, on behalf of the Minister of Health, presented Bill No. 49, The Child Welfare Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I just want to take one minute to recognize some of the improvements in this field that are now going to be incorporated into our society as a consequence of Bill 49. In particular, I want to recognize for the record the change in the jurisdictional powers of the Review Board operating under this Act. The fact that the board has had removed from its powers the right to overturn decisions of the family court in connection with cases involving juvenile offenders is a step that I think will be welcomed by members of the Family Court, by jurists throughout the province and by Manitobans generally. I think that it returns and restores the power and the authority to deal with juvenile offenders to that area in which it should lie properly, that is the Family Court itself. So I don't want to let this bill go at this juncture without recognizing that new situation, without recognizing that new provision made possible under this Act, without acknowledging the efforts of the Minister of Health and Social Development and his colleagues, and I suppose in particular the Attorney-General for having taken this problem into consideration and dealt in a constructive way with it.

The only other point I would like to recognize is that having to do with the adoption process for children. I think here again that some fair play and equity has been introduced into legislation as a consequence of the provisions pertaining to the adoption process in this bill. Bill 49 will provide that there is a fairer opportunity for adoptive parents throughout the province now to receive recognition of their desires, and I think that it's another measure that will be welcomed by all members of Manitoba society and I commend the government for having brought it in.

QUESTION put; MOTION carried.

BILL NO. 62

BILL NO. 62 was read a third time and passed.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Can we proceed to the Concurrence Motions, Mr. Speaker.

CONCURRENCE - LABOUR

MR. SPEAKER: Thank you. Resolutions 74 to 82 separately and collectively, Department of Labour - the Honourable Member for La Verendrye.

MR. BOB BANMAN (La Verendrye): Thank you, Mr. Speaker. I take this opportunity and will just spend a few minutes on the Concurrence of Labour Estimates. I would like to

CONCURRENCE

(MR. BANMAN cont'd). . . draw to the attention of the Honourable Minister of Labour a problem that is causing an amount of great concern to many people of the province who have strong personal and religious beliefs about joining unions. I would like to refer specifically to a case I feel is discriminating against personal freedom, and I refer specifically to the case involving two LPNs who stated that by reason of their religious beliefs they were by conscience opposed to joining a union and paying union dues, and requested that the board direct their employer, namely the Selkirk General Hospital, to pay their union dues to the Canadian Red Cross. On February 19, 1974, the certified bargaining agent respondent filed its reply to the application. On April 16, 1974, the board heard evidence by the applicants and by Reverend Harvey Plett on their behalf. The ladies both gave their personal testimonies and stated their personal beliefs. During the course of the hearing, Mr. Speaker, Reverend Plett, who is a Minister of the Evangelical Mennonite Church and also the principal of the Steinbach Bible Institute, stressed two teachings of the church which would lead the girls to the position that they have taken, the principle of non-resistance, that is the teaching that we do not use force to gain rights or benefits for ourselves. I may add that this is a principle which originally led the Mennonites to leave Russia and come to Manitoba and is fairly deeply impressed in the thinking of many of the churches.

The second principle is the principle of loyalty, that under God we cannot take positions in opposition to those whom we work for.

The board following the consideration of the evidence. . .

MR. CHERNIACK: Mr. Speaker, would the honourable member permit a question?

MR. BANMAN: At the end. The board, following consideration of the evidence and argument heard found that the applicants had not satisfied the board that by reason of their religious beliefs they are by conscience opposed to joining a union and paying dues to the union. The Manitoba Labour Board therefore dismissed the application.

The Labour Board which interprets the Labour Relations Act has basically ruled that Section 68(3), that under that particular section a personal conviction and testimony does not have a bearing when referring to the Act. They interpret the Act as saying that they are looking for specific teachings of the Church, which meant that they could not accept the application by these two ladies because they were simply statements of personal conviction.

Mr. Speaker, I would request the Minister of Labour to look into this particular matter and discuss this matter with the Labour Board, to ensure that these girls as well as people who feel strongly about their personal convictions will be allowed to have their employers pay their union dues to Canadian Red Cross or some other worthy charitable organization of their choice.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Speaker, the honourable member agreed that I could ask him a question. I'd like clarification about the example he is giving. Were these people required to belong to a union, or were they only required to contribute to the union's funds by way of union dues being paid as in the Rand formula. In other words were they bound to be members of the Union?

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BANMAN: I have the letter received from the Department of Labour, the Manitoba Labour Board, which I would table. The first Whereas - on February 8th, 1974, the applicants filed an application alleging that by reason of their religious belief they are by conscience opposed to joining a union and paying dues to the union, and request that the board direct their employer, namely Selkirk General Hospital, to pay their union dues to the Canadian Red Cross.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Speaker, I just want to clarify. I assume now that the honourable member doesn't really know whether - I mean, from the letter it would appear that he doesn't really know whether they were required to actually join and belong to the union or whether it's a question only of the deduction, of the equivalent of dues.

MR. BANMAN: They were required to pay dues, yes.

A MEMBER: On a point of order.

MR. SPEAKER: There is no point of order. Order please. We cannot have a cross-fire debate. If the honourable member wishes to contribute, he's entitled to have his time too. We are on third reading of this particular -- or in Concurrence at the moment. The Honourable

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(MR. SPEAKER cont'd)... House Leader.

MR. GREEN: Yes, Mr. Chairman. I recall very well the passing of the section which said that if a person - and I'm paraphrasing - belonged to a religious denomination which prohibited him from belonging to a trade union, that he would be able to go to the Labour Board and make application to have the dues paid to the religion of his choice and, Mr. Speaker -- (Interjection)-- To the charity of his choice. Right. Excuse me. I think that the Minister of Finance's question was a question vis-a-vis information only because I don't think the section made any distinction between Rand formula or union shop. I think he was merely asking whether in the Selkirk Hospital that they had Rand formula or union shop, that's all. It doesn't appear from the letter that it's really definite. I don't think it makes any difference with relation to the Act. I think that the honourable member -- you know, and when this section was passed I was opposed to it. I indicated that I was opposed to it and then also said that I was willing to go along with having it enacted because it appeared that it would deal with this particular problem. But I then said that this section is going to lead people to say that they don't have to be a member of a union because they are opposed to unions. And that another person would say that they don't have to be a member of a union because they are opposed not on religious grounds but on the grounds of principle. And if one is opposed on the grounds of principle, why should that be any less binding on him than being opposed on the grounds of religion? It was a section which permitted the undermining of the entire system of collective bargaining, which I have indicated, Mr. Speaker, on numerous occasions, that I'm prepared to go all the way. Let us have no laws regarding who belongs to trade unions and who does not belong to trade unions. I mean, that would be in my opinion an improvement. And then the employees at Selkirk Hospital, all of them, who wished to belong to a union, if there were enough, they wouldn't go to the Labour Board, they would go to the employer and they would say to the employer, "You see those two ladies over there, they refuse to be part of our group. If they are here this afternoon they will be the only ones". And that is the way union organization proceeds under free collective bargaining, and proceeds in England. And they don't need legislation, and they don't need protection for a person who doesn't wish to be a member of the union because of his religious belief.

But let's just take the instance that the honourable member has cited as being a rationale for not paying union dues. One - they are members of the Mennonite faith. Is that what the honourable member said? Now is the honourable member saying that every person of Mennonite faith is prohibited by his religion from joining the union? Because that is what he is in fact suggesting. Or is he saying, as these people interpret the Mennonite faith, they cannot belong to a union. And they interpret the Mennonite faith to say two things. One - we shall not accomplish things by violence. So the Labour Board in order to give weight to that lady's complaint has to suggest that a union is organized for the purpose of doing violence. Where? What violence? A union is organized for the purpose of a group of people saying that they are going to exercise their joint collective position to have economic bargaining power over their employer. And that means that if the employer will not pay them what they feel they would like to earn, that they will have a right to say we won't work until we get paid a wage which we believe in. How violence? In what way is that violence? Not working is violence? Trying to convince other people that they shouldn't take your job when you are negotiating a collective agreement is violent? In what respect does the honourable member expect the Labour Board to accept the proposition that belonging to a union is a step in favor of violence? I'll tell you something, it is just as easy to say that violence will occur the other way; that if people do not have a right to bargain collectively for the purpose of improving their working conditions that violence will occur. So how does the honourable member expect the Labour Board to accept the notion that a scripture which says that "Thou shalt not engage in violence", which I assume now doesn't apply merely to the Mennonite faith but to every faith, because I gather that religions in one way or another are contrary to the exercise of violence. But is that woman's rationale, was that she is not permitted to do violence? The second one is, that she is not to say anything - and I seem to recall it - that they are not to do anything contrary to their employer. Now, you know, I gather that nobody is to do anything contrary to their employer. I assume that to take the honourable member's conclusion to its ultimate, that their interpretation would mean that the employer says that you will work eight hours a day, you will not do anything, and you will work eight

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(MR. GREEN cont'd). . . hours a day. And if the employer says that you will work ten hours a day, that you shall not say that you don't want to work ten hours a day. And if he said that you shall work 15 hours a day; that their religion prevents them from saying, I don't want to work 15 hours a day, I wish that we can work only 8 hours a day - can I talk to you about working 8 hours a day? Or that if the employer says that because times are tough and I am not able to make as much money as I used to, now you are making \$2.50 an hour, I'm going to now reduce you to \$2.25; that that woman's religious belief says that I am not to say no, I'd rather work for 2.50. Now is that really a basis for saying that they are not bound by the provisions of the Labour Relations Act, which merely says that if a majority of the employees in the unit obtain a certificate and becomes a certified bargaining agent and get a collective agreement, that everybody will pay the cost of that union's administering of the certified bargaining arrangement.

Now, you know, I said it - and I've been waiting now - as a matter of fact the Member for Fort Garry - I hope I'm not doing him an injustice - when it came to committee and we finally said that we'll have this one exception, it may have been the Member for Fort Garry or the Member for Riel immediately introduced another exception that if a person in principle doesn't wish to belong to a union, shouldn't that principle be just as strong as his religious faith? What if he is not religious but he believes that unions are wrong, should he not have that same right? Well, Mr. Speaker, I've indicated on many occasions that I'm prepared to give him that right. I'm prepared to say that nobody by legislative law should be required to belong to a union, but that a group of employees should have the right to exercise whatever normal means - and normal means includes the withdrawal of services and the right to request other people not to take my job- to get conditions in the plant which include who they will work with and whether they will work with someone who is not part of their group.

And then I repeat, and I ask the honourable member to consider this, whether he wants this type of collective bargaining because I think it's not a bad form of collective bargaining. That the union steward will walk up to the manager, there will be no checkoff, no legislation, no requirement to belong to a trade union, complete independent freedom of both sides - the ones that don't want to belong and the ones that do want to belong; and the ones that do want to belong will walk into the employer and they will say, "We have discussed this matter with these two ladies, their religious belief prevents them from joining us; we would like to have them, but their religious belief prevents them from joining us; everybody else has joined, they have to give part of their wages to administer our grievances, etc. and to protect ourselves in the case some day we may have to withdraw our services to build up a fund to take care of us during that period, and these two ladies don't see it our way." Now that's their right. But if they are here this afternoon, they will be the only ones here. Now that's the alternative and, you know, I rather think that the alternative has not proved to have worked worse, that freedom has worked better than the enactment of complicated labour relations legislation. But once you go on the track of enacting it, and we have gone that track, and it hasn't been this party in this province. When I was in the Opposition I said the same thing. I said "You want labour legislation, you want the government to be involved, some day the government will change and you'll get the kind of legislation that you think is bad for your people." Now if the government is not involved, that is one thing, but if you have a system of labour legislation - and I want to indicate to the honourable member that the position that he is now pursuing means to undo, undermine and render negatory the entire Labour Relations Act. Now perhaps, Mr. Speaker, he doesn't see it that way, but I ask him to consider whether a person can take the two interpretations that he has referred to and on that basis say that he is not required or that he is prohibited by religious belief from belonging to a trade union. Because if that is the case, Mr. Speaker, then anybody could take the same position and all of the attempts that you have made to create industrial stability through public involvement in labour management negotiations will be a farce.

So I ask the honourable member to consider that the path taken by North America has to be institutionalized through the law labour management relations, and that once that path is taken then the kind of complaint that the honourable member raises is one that is bound to occur. But if one gave weight to that kind of position, it would mean the undermining of the entire Labour Relations Act.

MR. SPEAKER: Resolution passed. No? Very well.

The hour being 12:30 the House is now adjourned and stands adjourned until 2:30.