

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 28 June, 1985.

Time — 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions
. . . Reading and Receiving Petitions . . .

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for River East.

MR. P. EYLER: Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same, and asks leave to sit again.

I move, seconded by the Member for Ste. Rose, that the Report of the Committee be received.

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Culture.

HON. E. KOSTYRA: I have a Ministerial Statement, Mr. Speaker.

A tradition has developed in our country, that of celebrating July 1st as Canada Day. It is on this day that special events involving the entire community take place in all parts of Canada. This year, the Canada Day theme is "Salute to Youth".

Canada's future has always depended on the youthful pioneering spirit that brought us to nationhood 118 years ago. So, on this July 1st, in conjunction with the International Youth Year, we are saluting the young Canadians of today and celebrating the heroic or notable accomplishments of young Canadians from throughout our history.

The courage to be innovative has been fundamental in shaping Canada as we know it - a panorama of beauty, of people and their cultures, of opportunity - a heritage of challenges boldly confronted.

Canada Day 1985 is dedicated to the young and some members here, the young at heart.

The youthful optimism that led to the founding of Canada as a nation offers us the vision and the hopes and dreams for our future. By recognizing the contributions of young people during this year's Canada Day, we help to ensure their success as they face the challenge of tomorrow.

1985 youth awards will be presented by community groups who wish to honour youth who have made a significant contribution to the community.

It is also important to note that this year is both the 100th Anniversary of the National Parks of Canada and the 25th Anniversary of Manitoba's Provincial Parks. Canada Day seems an ideal opportunity to promote these two milestones.

The major Manitoba Canada Day celebration will open at 12:00 noon at the Pavilion in Assiniboine Park. Ethnic entertaining including Francophone and Native talent and sports demonstrations, children's activities, bands, main stage events, and fireworks displays will last until 12:00 a.m. As 1985 is also the 75th Anniversary of the Girl Guides, they will be displaying colourful banners in Assiniboine Park.

In addition to the Assiniboine Park event, there will be a major event at the Centre Culturel Franco-Manitobain; in St. Norbert, there will be a French Metis presentation; the Winnipeg Art Gallery will be displaying seniors' painting; Osborne Village is holding a celebration on June 29th; and Riding Mountain will be unveiling a commemorative plaque. These activities are all in addition to the 150 or so activities taking place across our province.

Canada Day is a day of national pride and belonging. Thanks to the dedication of many community volunteers, many Manitobans and Canadians are actively participating in Canada Day activities.

On Canada Day 1985, I invite you to celebrate Canada's birthday and to offer a Salute to Youth.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, Her Majesty's faithful, loyal and obedient Opposition is pleased to associate themselves with this statement reflecting on what has become, indeed, an important date to all Canadians. We certainly want to acknowledge the emphasis placed on this particular year's celebrations on the youth of our country.

I say to all those who organize these days, I wish we could do something in this Chamber to improve upon the weather. I always feel for the many organizers, the many volunteers who are referred to in this statement that do go to a great deal of trouble and length to bring about the celebration that we've all come to know and love and cherish as Canada Day, that they do deserve a bit of a break in the weather.

I know that, for most Manitobans who are in the larger urban centres, they are aware of the bigger events that are planned around the Legislative Grounds and other places. I want to assure all members that Canada Day is celebrated throughout rural Manitoba. In virtually every community, some special event is planned. To all those organizers, I wish them well; to all our citizens, we wish them well.

MR. SPEAKER: Notices of Motion . . .

INTRODUCTION OF BILLS

HON. R. PENNER introduced, by leave, Bill No. 73, An Act to amend The Special Survey Act; Loi modifiant la loi sur les arpentages spéciaux; and Bill No. 86, An Act to amend The Consumer Protection Act; Loi modifiant la loi sur la protection du consommateur.

HON. A. ANSTETT introduced, by leave, Bill No. 88, An Act to amend The Planning Act; Loi modifiant la loi sur l'aménagement du territoire.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, in view of the fact that Bills 92 and 93 require the waiver motion which was on notice yesterday and, Sir, could you move to Bill 94 as the next bill to introduce, and we will leave the balance on the Order Paper until next week?

HON. J. BUCKLASCHUK introduced, by leave, Bill No. 94, An Act to amend The Housing and Renewal Corporation Act; Loi modifiant la Loi sur la Société d'habitation et de rénovation. (Recommended by Her Honour the Lieutenant-Governor)

INTRODUCTION OF GUESTS

MR. SPEAKER: Prior to Oral Questions, may I direct the attention of members to the gallery. We have a visitor from British Columbia, the Clerk of the Legislative Assembly of British Columbia, Mr. Ian Horne. On behalf of all of the members, I welcome you here this morning.

ORAL QUESTIONS

Deer Lodge Hospital - contingency plans

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Speaker.

My question is for the Minister of Health. Yesterday, the Minister of Health indicated that he was receiving advice from Deer Lodge Hospital as to contingency plans which would assure the health and safety of the patients of that institution during the current strike and labour impasse. Can the Minister indicate to the House whether contingency plans sufficient to guarantee the safety of those patients are in fact in place?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, the information that I have received is yes, that it is, but they are still working in improving the plan as much as possible.

MR. D. ORCHARD: Mr. Speaker, could the Minister indicate whether part of the contingency plans include the provision of emergency services, if they should be required by the patients of Deer Lodge, and those services to be provided either by the union membership which is on strike or personnel from other facilities in the city who will be able to go into that facility and offer those emergency services?

HON. L. DESJARDINS: That's the problem, that's the area that I am concerned with. Apparently the union has not wanted to talk about the union concerns. We talked about the emergency services, and this is what we are trying to work with, the nursing profession and other professions, to see if that will be done.

I believe that the Minister of Labour might have some information to that.

MR. SPEAKER: The Honourable Minister of Labour.

HON. A. MACKLING: Mr. Speaker, my department has been involved in respect to ongoing discussions between the representatives of the hospital and the union involved. I have been given to understand that the union has given assurance that should the hospital consider that if an emergency situation arises and they indicate that an emergency situation does exist the workers are prepared to return.

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, that is a concession that, no doubt, all reasonable Manitobans would expect from the union, and I'm pleased to hear that the Minister of Labour can indicate that it exists.

Deer Lodge Hospital - plans re lab and x-ray

MR. D. ORCHARD: Mr. Speaker, a further question to the Minister of Health. In view of the fact that lab and x-ray technicians are part of the union currently in strike position at Deer Lodge, can the Minister give the assurance to the House that other facilities, the Grace Hospital as an example, will be able to undertake those lab and x-ray requirements as needed by the Deer Lodge residents?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, I think it would be preferable if I would report exactly what has been done before giving any guarantee at this time. These are all things that the Commission is trying to settle. I'll give a complete report as soon as possible of what has been done.

Deer Lodge Hospital - imposed financial constraints

MR. D. ORCHARD: Mr. Speaker, I appreciate that the Minister is going to report on ongoing negotiations but, in view of the fact that this negotiation has been a relatively protracted one and that it appears as if the two sides may not, and certainly have not, come to an agreement, I think it's reasonable to expect that the Minister and his department already . . .

MR. SPEAKER: Question.

MR. D. ORCHARD: . . . have had those contingency plans in place.

Mr. Speaker, my question to the Minister is: can he assure the House that the budget constraints imposed on Deer Lodge Hospital, as well as other health care institutions, are placing such financial constraints on the management of Deer Lodge that there is every possibility that they will not be able to come to an equitable pay settlement with the Deer Lodge union that is currently on strike?

HON. L. DESJARDINS: No, Mr. Speaker, I reject that last statement.

MR. D. ORCHARD: Mr. Speaker, the Minister is then indicating to the House that the union position that the

management of Deer Lodge are requiring wage rollbacks is, indeed, not factual because, as the Minister just indicated, there are no financial constraints imposed by this government on Deer Lodge.

HON. L. DESJARDINS: Mr. Speaker, there are no real wage rollbacks. You must understand that there has been a transfer. The people working there that were working for a Federal Government are now working for a Provincial Government. An arrangement which was made last year, was accepted.

There are some areas where they were paid quite a bit more than the provincial employees; that has been red circled. There are other areas that were paid quite a bit less, and that was increased. They can't get the best of both worlds. There are some areas that were improved, some privileges - well, I guess you couldn't call them privileges - but some advantages that were given to them that they didn't have before. So it was a difficult time; I reported fully to the House last year.

Now, apparently, their request is to reopen that contract. The offer that was made so far, that is on the table, I think is fair, but this is something that the negotiation will determine. But there is no rollback, as such, at all and there is no cut in there that will make it impossible to give the service, the House can rest assured of that.

MR. D. ORCHARD: Well, Mr. Speaker, I appreciate the Minister's answer, and I would ask him then that if he is indeed saying that the alleged request of rollbacks by Deer Lodge management which, according to the union negotiators, range between \$450-\$120 per year are not indeed being requested and that, furthermore, the allegation by the union that last year's negotiated contract, which provided for the kind of circumstance the Minister has just described, is not being broken by management?

HON. L. DESJARDINS: Mr. Speaker, I don't think this is the proper place to negotiate and I don't think it would be proper to negotiate for we are not the people to negotiate at this time. The information that I have is that there is no rollback at all; but if there is any change in that, if I haven't got the right information, I will make the correction later on. I have asked that specific question on two occasions and this is the information I have been given.

Genstar re cement - Canada Cement tender

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Thank you, Mr. Speaker.

I direct a question to the Minister of Energy and Mines. Further to questions that I had asked to the Acting Minister yesterday, having to do with the awarding of the \$22 million cement contract for Limestone, Mr. Speaker, my question to the Minister of Energy and Mines is that inasmuch that Canada Cement indicated right in their tender document that they were prepared to reactivate the Fort Whyte plant, a plant that I remind the Minister in the House has been operating in Winnipeg, Manitoba since 1911,

except for the last two years, did the Minister or did the government consult with Canada Cement as to what that meant in terms of job creation, jobs in Manitoba, Manitoba content, prior to accepting the next tender which, of course, was for \$700,000 more.

MR. SPEAKER: The Honourable Minister of Energy.

HON. W. PARASIUK: Mr. Speaker, the people on the board who made the decision have a great deal of knowledge and experience with the Manitoba economy and who has been doing what. They considered all the options and they concluded that the awarding of the tender to Genstar was the appropriate one for Manitoba Hydro to make and that's what they have done.

I might point out that the people on that board are some of whom who were appointed by the previous administration, and they I think know the interests of Manitoba Hydro extremely well and were in a position to make that judgment which they made.

One should point out that Genstar has been operating in Manitoba as well and through the last recession operated without cutting back and moving operations out of the province.

MR. H. ENNS: Mr. Speaker, I'm trying to get some justification from the Minister for the additional expenditure of \$700,000 in this particular contract. The Minister has indicated to us at the Standing Committee of Public Utilities that this indeed would be the process from time to time. I'm just asking, specifically, what were the job opportunities that would be available and created in Manitoba had the award been given in the normal and usual way to the lowest tender, Canada Cement?

Canada Cement indicates in the tender document that they were prepared to reopen the plant at Fort Whyte; is that 15, 20, 30 jobs? Surely the Minister must have looked into that prior to making the decision of awarding the contract at an additional \$700,000.00.

HON. W. PARASIUK: Since the Board of Manitoba Hydro made this particular decision and having investigated all aspects, looking at security of supply, of looking at Manitoba content, looking at price aspects, looking at future developments, Mr. Speaker, looking at implications on highway maintenance in the future, they took all those factors into consideration. Let me tell you, the Board of Manitoba Hydro, in its judgment with respect to doing things in a financially good way and an economically good way, have far out-performed the Conservative opposition in this matter. Their judgments, Mr. Speaker, have led to a saving of at least \$420 million in the construction costs of Limestone, at least \$420 million. I believe that their judgment in looking at all these aspects is a sound one, Mr. Speaker.

MR. H. ENNS: Mr. Speaker, surely the Minister isn't asking this House to believe that Canada's largest supplier of cement would have some difficulty with security of supply. Mr. Speaker, the Minister is not answering my question; I know the Minister doesn't have to answer my question.

Did the Manitoba Hydro Board ascertain what did that cost particularly in terms of job creation in Manitoba

that was in the tendered document that indicated to Manitoba Hydro and to the government that a plant that has been operating in this province since 1911 has been closed down, partly because of the low highway construction of this government, partly because of the low economic activity in this government, this plant that would now be reactivated . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please. Order please.

A preamble by definition comes before the question, not afterwards. I believe the honourable member had posed his question.

The Honourable Member for Lakeside.

Canada Cement Company - number of additional jobs

MR. H. ENNS: Thank you, Mr. Speaker.

My question is to the Minister of Energy and Mines, does he know how many additional jobs would have been created in Manitoba had the award been given to Canada Cement?

HON. W. PARASIUK: Mr. Speaker, Manitoba Hydro Board looked at all those aspects in making their decision. They had to take into account a whole set of factors including security of supply through spring breakup and through periods when you have road bans and you have road restrictions on highways. Mr. Speaker, as I said, I am satisfied with their analysis and their judgments. Their track record with respect to the Hydro development has been excellent, Mr. Speaker.

Furthermore, I would hope that the opposition would again do its research in a better way. Canada Cement Lafarge, Mr. Speaker, did not close down operations because of any reduced highway construction program in Manitoba. They built a large plant in Alberta which was efficient; that's why they're producing clinker there. They're intention was to, at least for a year, truck clinker from Alberta to Manitoba, Mr. Speaker.

Now, Mr. Speaker, we find the opposition, as they have done consistently with the case of Hydro, if we want we can take quite a while and review their record, their performance with respect to Hydro where they have been wrong on every number they have put forward, on every prediction. They would be calling for us to be building this in 1995. We wouldn't even be debating this right now, Mr. Speaker, if they were in office.

MR. SPEAKER: Such a review would surely constitute a speech.

Manitoba Hydro re Canada Cement - payment made on basis of economy

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, my question is for the Minister of Energy and Mines as well. I would like to

ask the Minister if the \$700,000-plus that Manitoba Hydro is going to pay over and above the lowest cost tender for cement, if that decision to pay that \$700,000-plus is made strictly on the basis of economy and efficiency with respect to Hydro's operations?

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

HON. W. PARASIUK: Mr. Speaker, since one of the factors, as well as the aspect of the one being shipped by rail and the other being shipped by road, and the fact that Hydro has an obligation to pay road maintenance costs that are extraordinary, Mr. Speaker, then I certainly think that in Hydro's assessment they took into account aspects of efficiency and economy from Hydro's perspective, and it was the board that made this decision.

If they would have felt that there were other aspects beyond what they normally consider within their tendering policy, which has been operating for some time, they certainly would have referred this to the government for consideration under the Jobs Fund. But the Manitoba Hydro Board having assessed this, and they have people who are representatives, the Vice-President of the Canadian Manufacturers Association, Mr. Speaker, the Dean of Engineering, Assistant Dean of Arts and Science, a prominent Winnipeg lawyer, they have a successful Manitoba construction and building supplies' person on the board, they have quite a cross-section, Mr. Speaker, and in terms of cement cost per se, excluding transportation, the cement aspects were lower from the tenderer who was chosen.

I find the conservative debate on \$700,000 when Manitoba Hydro in fact has shown its judgment very correctly and accurately far outweighing what they have said, Mr. Speaker, as I say in conclusion, if they were in office we wouldn't even be talking about Limestone because they wouldn't be building it, Mr. Speaker. We are, and they are just trying to talk about every little negative thing they can.

MR. B. RANSOM: Mr. Speaker, when we see this government managing Crown corporations, such as tens of millions of dollars under this government, I think we are justified in asking questions about how the public's money is being spent.

Mr. Speaker, yesterday, the Minister of Industry, Trade and Technology indicated to the House that the \$700,000-plus was a decision that was made to pay that because of the extra benefits that were flowing to Manitobans generally. I would ask the Minister of Energy and Mines if he would review the record, the answers that were given yesterday by the Minister of Industry, Trade and Technology, and compare them to the answers that he has given us today and tell us which set of answers are actually the ones that apply. — (Interjection) — no they are not.

HON. W. PARASIUK: I'm glad that we have people of the calibre we do on the board of Manitoba Hydro because what they do is they look at all the aspects, Mr. Speaker. They don't try and paint everything into a black and white scenario. What I have said today is not inconsistent at all with what the member said yesterday, not at all, Mr. Speaker.

We defend this particular decision on the basis that it is good for Manitoba. We defend it, Mr. Speaker, on the basis of it ultimately being cost effective over the length of the term of the contract, taking into account all of the accounts, taking into account all of the aspects involved including Hydro's obligation to have to pay maintenance costs on highways. I find it rather unusual, Mr. Speaker, that those people who would have us be paying at least \$400 million, \$500 million more for Hydro construction, \$400 million to \$500 million.

Mr. Speaker, I hear the Member for Sturgeon Creek saying that somehow the members of the board of Manitoba Hydro have somehow overturned the competitive tendering system. I will take your comments and I will ship them to those people on the board of Manitoba Hydro who I respect as citizens of this province, Mr. Speaker, who indeed are working to try and build a better Manitoba, a more prosperous Manitoba, and their judgment, Mr. Speaker, has been pretty good over the last while, especially in comparison to the bad judgments of the Conservative opposition.

Manitoba Hydro - justification for payments

MR. B. RANSOM: Mr. Speaker, Manitobans know how the previous New Democratic administration wasted \$600 million on Hydro construction and saw 150 percent increase in Hydro rates result from that.

My question to the Minister of Energy and Mines is, what justification is there for asking the ratepayers of Hydro, the senior citizens, the ordinary people of Manitoba to pay for benefits that flow to all Manitobans?

HON. W. PARASIUK: Mr. Speaker, given the rather long preamble of the question, I think I will certainly deal with the question.

Let me assure you that Manitoba Hydro has the lowest Hydro rate structure in North America. Mr. Speaker, we will bring Limestone on stream and keep Hydro rate increases below the increases in the rate of inflation which, in economic terms, means a real decrease in Hydro rates.

That's in tremendous comparison, Mr. Speaker, to a Conservative philosophy at least nationally, whereby they were going to de-index pensioners and pensions. It was because New Democrats and people like us on this side of the House, Mr. Speaker, who don't have that happening. So I don't have to take any lectures, Mr. Speaker, from Conservative about protecting pensioners' rights.

MR. SPEAKER: I would remind honourable members again that the answers to questions should not become speeches.

Genstar dinner

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, in view of the dramatic defence the Minister of Energy and Mines has just given to the awarding of the cement contract to Genstar at a cost of \$700,000 to the taxpayers of Manitoba, could the Minister indicate whether he and a number of his

colleagues from Cabinet enjoyed the lobster they had at Genstar's expense at the St. Charles Golf and Country Club?

HON. W. PARASIUK: Mr. Speaker, I in fact was at that with the Leader of the Opposition, Mr. Speaker. I in fact find this rather interesting. That are the type of comments from a person who has to crawl out of his hole just to see the light of day even on an overcast day like today. I find that if the Leader of the Opposition — (Interjection) — no, Mr. Speaker, it was actually a nice salad.

But I find it rather interesting that the Conservatives would stoop to this type of tactic. I will take their questions of today and send them to the Canadian Manufacturers' Association and send them to other people so they can see for themselves the fools with which we on this side of the House have to deal, Mr. Speaker. They will find it rather enjoyable, Mr. Speaker.

SOME HONOURABLE MEMBERS: Oh, oh!

Education increases - elimination of

MR. SPEAKER: Order please, order please. Order please.

The Honourable Member for Morris.

MR. C. MANNES: Mr. Speaker, I address my question to the Minister of Education. I believe she received two or three days ago, a resolution in the body of a letter coming from the Rural Municipality of Edward. The operative part of that resolution states:

"THEREFORE BE IT RESOLVED that this Council signify their concern in this matter . . ." — and the matter was the education costs on property taxes — ". . ." to the Minister of Education, and urge her to join in the restraint program by eliminating future education increases on property taxes."

My question to the Minister of Education, will the government be eliminating future education increases on property taxes, particularly in view of the 90 percent commitment of funding in support of education?

MR. SPEAKER: The Honourable Minister of Education.

HON. M. HEMPHILL: Mr. Speaker, as I've said on a number of occasions in this House that we accepted the 90 percent figure in principle, and indicated very clearly that we would not be able to move towards the 90 percent figure when resources were very tight.

I can also say though that this government has done more to support education in these four years that we've been in office than any other government across the country.

I must also remind the Member for Morris that the question of property taxes . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. M. HEMPHILL: I remind the Member for Morris that the question of property taxes is not just related to the amount of money that the Provincial Government

puts in. In fact, Mr. Speaker, in about 12 to 15 cases, the municipal taxes are greater than the school board taxes. So one has to really look to see what the cause is.

We also know that one of the factors is board expenditures. One of the other factors is school board expenditures, and they are representing their communities when they make those decisions. The range of board expenditures goes from about 1 percent up to about 7 percent and that has a major factor. So while the amount of money we put in is one factor, we have done an excellent job at maintaining the quality of education and the staffing in each year that we've been in office.

MR. C. MANNES: Mr. Speaker, in one of the "WHEREAS" sections of the letter, of the resolution, it indicates that within that particular municipality the school rate portion, not the total property tax, but the school rate portion, the mill rate has increased. In 1981, it was 57 mills; in 1985, it's 78 mills.

MR. SPEAKER: Question.

MR. C. MANNES: I ask the Minister again to tell us when this government will offer to the citizens of this province some type of solution to the property tax that's coming down, particularly in view of the fact of the promise that this government used in the 1981 election where it promised to relieve the property tax burdens of the ratepayers of Manitoba.

MPIC - Claims Centre, Swan River Replacement of

MR. SPEAKER: The Honourable Minister of Housing.

HON. J. BUCKLASCHUK: Thank you, Mr. Speaker.

About a week ago, I took a question as notice from the Member for Swan River about a proposed MPIC Claims Centre, I should advise the House that there are no immediate plans for a replacement of the Claims Centre at Swan River.

MPIC - delay in settling claims

HON. J. BUCKLASCHUK: I also took a question from the Member for River Heights with respect to a constituent who is experiencing some delay in having his 1962 vehicle appraised.

I am advised that in fact there are delays in carrying out appraisals for vintage or classic vehicles basically because there has been a much higher than normal increase in the volume of requested appraisals. At present, the policy of MPIC is to have one estimator at each centre trained to do the appraisals and as a result of the unexpected increase, there has been some delay and MPIC is presently attempting to have two persons trained at each centre to bring about a more expeditious handling of these requests for appraisals.

I should also indicate to the Member for River Heights that on occasion there are appointments that are cancelled and if the member would give me the name of that constituent, I will certainly advise the other Claims Centres that this person would like to have an appraisal done as quickly as possible and if a cancellation should take place, that person could be accommodated.

Manitoba Economic Conference - contribution by joint sponsors

MR. SPEAKER: The Honourable Minister of Culture.

HON. E. KOSTYRA: Some time ago I had taken a question as notice from the Leader of the Opposition regarding the participation of sponsors in the 1985 Manitoba Economic Conference. I can report that the sponsors and their participation was as follows: Air Canada paid the costs of travel for eight speakers; the Business Network paid printing costs; the Canadian National Railways paid costs related to a dinner; the Canadian Trend Report paid costs related to a luncheon; Great-West Life Assurance and the Manitoba Federation of Labour paid costs associated with speakers to the conference; Infomart paid costs of dinner; Manitoba Hydro, costs related to a luncheon; Richardson Greenshields, costs related to the Premier's reception; Royal Bank of Canada, costs associated with a dinner; and the Cadillac Fairview Corporation, the luncheon of Mr. Allan Gotlieb.

Gimli, surface water - contamination of

MR. SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Thank you, Mr. Speaker. It has been reported that a government recommendation at Gimli's dump be closed because it is contaminating surface water. I would direct a question to the Acting Minister of Environment, Workplace Safety and Health.

When was the department made aware, or were aware, that this contamination of surface water was taking place in the Gimli area?

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. A. ANSTETT: Yes, thank you, Mr. Speaker. The Department of Environment advised the R.M. of Gimli and the Town of Gimli, who jointly operate the facility, last fall in a letter dated October 10th and then again earlier this year, they were advised that the overall condition of the site was unacceptable.

The information with regard to the difficulties that the department saw with the site was primarily communicated in conversations with staff of the Department of Environment, Workplace Safety and Health to the operator of the joint dump site, which is the Rural Municipality of Gimli as opposed to the town, and it would appear that some of that information obviously was not shared with the town as to the details of that communication and those meetings, so there may have been a lack of information at the town level.

So after ensuring that the town is fully aware of the department's opinions in that regard, and communicating with them directly the same information that has been provided to the R.M. of Gimli, so that they are completely up-to-date on the emergent problem in Gimli.

Fishing regulations - enforcement of

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question for the Minister of Natural Resources.

Can the Minister of Natural Resources assure the House that all regulations pertaining to fishing in Manitoba are being enforced?

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. S. USKIW: Mr. Speaker, that's quite a tall order. I would hope that they are being enforced, but I guess very much like the highway traffic laws, we will enforce those to the same extent in that it's impractical or impossible to have enough staff and facilities in place to make sure that there are no infringements of law.

MR. B. RANSOM: A supplementary question to the Minister then, Mr. Speaker. Can the Minister at least assure the House that none of these regulations have been rendered inoperative through administrative edict?

HON. S. USKIW: Well, Mr. Speaker, I would ask the honourable member to give me the issue that he wants me to deal with. I really don't know what it is he is fishing for. Unless the member is prepared to be specific, I can't answer the question.

ORDERS OF THE DAY NOTICES OF MOTION

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker.

There were two notices on motion yesterday, Thursday, June 27th, which affect private bills which have been introduced as such, and I would ask leave, Sir, to introduce those two motions now, the first one with respect to Bill 44, and then I will follow with the second motion so that we can expedite the reintroduction and passage of that legislation.

MR. SPEAKER: Does the Honourable Minister have leave to introduce those two resolutions? (Agreed)
The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker. I move, by leave, seconded by the Honourable Minister of Health,

THAT any motions relative to Bill 44 - An Act to amend an Act to incorporate Les Révérends Pères Oblats in the Province of Manitoba; Loi modifiant l'Acte pour incorporer Les Révérends Pères Oblats dans la Province de Manitoba be rescinded and the said bill thereby be withdrawn.

MOTION presented and carried.

HON. A. ANSTETT: Mr. Speaker, I beg to move, by leave, seconded by the Honourable Minister of Health,

THAT notwithstanding Rule of the House No. 112, the Rules of the House specified below and relating to

Private Bills shall be suspended with respect to the undermentioned Private Bills only:

Bill 66 - An Act to amend An Act to incorporate "Niakwa Country Club"; Loi modifiant la loi constituant en corporation le "Niakwa Country Club".

Bill 87 - An Act to amend An Act to incorporate "First Presbyterian Church Foundation"; Loi modifiant la loi constituant en corporation la "First Presbyterian Church Foundation".

Bill 95 - An Act to amend An Act to incorporate "The Winipeg Real Estate Board"; Loi modifiant la loi constituant en corporation la "Winnipeg Real Estate Board".

Bill 96 - An Act to amend An Act to incorporate Les Révérends Pères Oblats in the Province of Manitoba; Loi modifiant l'Acte pour incorporer Les Révérends Pères Oblats dans la Province de Manitoba.

Rule No. 105 - respecting time limits;

Rule No. 106(1) - respecting the payment of fees;

Rule No. 108 - respecting the publication of notices;

Rule No. 109 - respecting provision of copies of the proposed bill to the Law Officer;

Rule No. 110(1) - respecting report by Law Officer; and

Rule No. 111 - respecting examination and report by the Clerk.

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker.

I would then ask for leave to return to first readings to move Bills 92 and 93. Mr. Speaker, I believe they were covered by the motion we just passed, but it was advised by Clerk, after skipping them, that they were not. We could also do, Sir, 89, 90 and 91, if there is leave to proceed to introduce those five.

MR. SPEAKER: Is there leave to return to Introduction of Bills?

Leave being granted, the Honourable Government House Leader.

INTRODUCTION OF BILLS

HON. A. ANSTETT introduced, by leave, on behalf of the Minister of Natural Resources, Bill No. 89 - An Act to amend The Fires Prevention Act; Loi modifiant la loi sur la présentation des incendies; and Bill No. 90 - An Act to amend The Ecological Reserves Act; Loi modifiant la loi sur les réserves écologiques. (Recommended by Her Honour the Lieutenant-Governor); and Bill No. 91 - An Act to amend The Wildlife Act; Loi modifiant la loi sur la conservation de la faune.

HON. A. ANSTETT introduced, by leave, on behalf of the Honourable Member for River East, Bill No. 92 - An Act to amend The Architects Act; Loi modifiant la loi sur les architectes; and Bill No. 93 - An Act to amend The Registered Respiratory Technologists Act; Loi modifiant la loi sur les technologues en inhalothérapie.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker.

Mr. Speaker, there are two bills which have now been distributed which I would ask leave to advance to the stage they were at prior to the withdrawal and translation - Bill No. 73 and Bill No. 78.

MR. SPEAKER: The Honourable Government move them, by leave.

SECOND READING

BILL NO. 73 - THE SPECIAL SURVEY ACT LA LOI SUR LES ARPENTAGES SPECIAUX

HON. A. ANSTETT presented, by leave, on behalf of the Attorney-General, Bill No. 73 - An Act to amend The Special Survey Act; Loi modifiant la loi sur les arpentages spéciaux, for Second Reading.

MOTION presented.

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

MR. G. MERCIER: Mr. Speaker, I move, seconded by the Member for Sturgeon Creek, that debate be adjourned.

MOTION presented and carried.

BILL NO. 78 - THE AMUSEMENTS ACT; LA LOI SUR LES DIVERTISSEMENTS

HON. A. ANSTETT presented, by leave, on behalf of the Minister of Culture, Heritage and Recreation, Bill No. 78, An Act to amend The Amusements Act; Loi modifiant la loi sur les divertissements, for Second Reading.

MOTION presented and carried.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I understand the stage this bill was at was stood in the name of the Honourable Member for Virden, and the Honourable Member for Virden is not here. Will the bill stand in that way, or would it be necessary for me to take the adjournment at this time?

MR. SPEAKER: Order please. This is a new bill, it is not a previous one which could have stood in a member's name. It has been introduced for second reading. If members wish to speak to it, they may do so; if they wish to adjourn the debate, also, they may do so.

The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I move, seconded by the Honourable Member for Morris, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, would you please call the Second Readings on Page 4 of the Order Paper in the order in which they appear on the Order Paper.

SECOND READING

BILL NO. 18 - THE HIGHWAY TRAFFIC ACT; LE CODE DE LA ROUTE

HON. J. PLOHMAN presented, by leave, Bill No. 18, An Act to amend The Highway Traffic Act; Loi modifiant le code de la route, for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Highways.

HON. J. PLOHMAN: Mr. Speaker, I'm pleased to present a series of amendments to The Highway Traffic Act for second reading today. These amendments have been carefully planned and are aimed at making The Highway Traffic Act more effective and responsive to the needs of Manitoba motorists.

The first amendment I would like to discuss deals with the registration of mobility vehicles. Mobility vehicle means a device or vehicle which is specifically manufactured to modify it for operation by a physically handicapped person and which has a maximum speed capability of more than 15 kilometres per hour, but not more than 50 kilometres per hour.

With the introduction of the legislation last year, it was necessary for these vehicles to meet all of the equipment standards regarding lights, reflectors, speedometers, as provided by the act, as it applies and is defined from mopeds before it could be registered. However, in some cases, situations occurred where someone wanting to register a mobility vehicle that did not meet all of the equipment requirements of the act, but was still otherwise safe for the purpose and use of the physically handicapped owner, they were unable to do so. We are proposing an amendment which would allow some flexibility and would give the Registrar of Motor Vehicles the authority to register the vehicle, provided the vehicle complied sufficiently with the requirements of the act.

The legislation presented before you also has a series of amendments dealing with the topic of suspension or cancellation of registration, drivers' licenses or permits. These amendments have become necessary in light of a recent decision of Mr. Justice Patrick Ferg; the effect of which was to strike down or declare as being of no force and effect two subsections of The Highway Traffic Act, on the basis of those subsections being contrary to the Charter of Rights.

The two subsections provided for a Notice of Suspension sent by registered or certified mail advising of a suspension to be deemed conclusive proof of service of the notice on the person to whom it was addressed. We are satisfied the effects of Justice Ferg's decision is to render invalid the latter subsections only to the extent that those subsections conclusively deemed a Notice of Suspension to be received, where the notice was not actually received by the person to whom it was addressed. Service carried out by registered or certified mail which is actually received would, therefore, still be valid and no less valid than personal service.

As there are approximately 25,000 drivers on suspension in Manitoba at any given time and as many

as 37,000 Notices of Suspension are sent by certified or registered mail each year, the judge's decision necessitated changes to existing legislation and significant changes to the current methods associated with the administrative suspensions. The cost of having a sheriff personally serve all of the suspensions which are returned through the mail was prohibitive.

It is our hope that the legislative amendments proposed on this topic - and I will touch on some of the more notable ones here, will provide for efficient and cost-effective administration of The Highway Traffic Act in concurrence with the Charter of Rights.

The first of these amendments gives the right to a person acting under the authority of the Registrar to give notice of driver's licence, or permit cancellation. This amendment is required to facilitate the serving of notices of suspension by Sheriff's Officers, or other persons authorized by the Registrar.

The next amendment provides for a new section to reflect Justice Ferg's decision. The phrase, "deemed to be conclusive proof", Mr. Speaker, should be removed from the current section and in place, wording should be used that provides a prima facie presumption to service of notice.

Another amendment is the insertion of a section into the legislation to clearly make available in charges of driving while disqualified, the strict liability defences of reasonable excuse and reasonable belief which, although existing at common law, are not set out in the current legislation.

In the next several amendments, the reference to suspension has been deleted consistent with the proposed changes in regard to Justice Ferg's decision and replaced with phrases such as, refused to issue a driver's license or renewal and/or refused to issue a vehicle registration or a renewal.

So what would be happening, Mr. Speaker, in effect, is that rather than suspending immediately by act of sending registered mail, a person would not be suspended at all. There would be Notice of Suspension and then when it came time to renew the licence in the month of the individual driver's birthdate, they would have to settle all outstanding accounts and claims before they could be issued the renewal of their licence.

Under the proposed changes, non-payment of traffic fines, non-payment of 10 or more convictions for parking offences and failure to observe the terms and conditions of a court order program will result in the Registrar refusing to issue or renew a driver's licence or vehicle registration to the offending party.

The remaining amendments dealing with this area will make it possible for the Registrar to suspend the registration or refuse to register any vehicle registration, licence or permit, with a dishonoured cheque. The same penalty may result if a person owes a debt to the Manitoba Public Insurance Corporation.

The revisions to the existing legislation will also make it possible for the Registrar to cancel the licence or refuse to renew or issue any further driver's licenses to a person who does not complete a defensive or a performance driving course as directed by the Registrar.

So we believe those series of amendments, Mr. Speaker, will deal with Justice Ferg's decision in terms of changing the procedures with regard to suspensions to comply with the Charter of Rights.

Another amendment to The Highway Traffic Act would make it possible for driver education students who are

enrolled in the 15 1/2 year old program to receive additional training from instructors from commercial driving schools. Presently, under legislation, the 15 1/2 year old holder of a learner's licence may operate a Class V motor vehicle upon a highway only when accompanied by an instructor of a driver education course offered by a high school in which the learner is taking the course, or by a parent of the learner who holds a valid and subsisting driver's licence and who has at least a year of driving experience.

Some persons who have been issued learner's licences, may not because of a variety of reasons, be able to acquire valuable and recommended practice and experience. Consequently, they are deprived of the privilege of the practice and experience available to other 15 1/2 year olds who may have been issued a learner's licence as well. This amendment will make it possible for those people to attend a commercial driving school to obtain any additional needed instruction to improve their skills. We believe this will contribute to safer new drivers on Manitoba's highways.

Another amendment to The Highway Traffic Act that we are proposing gives the Registrar of Motor Vehicles authority to cancel a 15 1/2 year old's permit if the person does not comply with the conditions of the 15 1/2 year old Driver Education Program. No authority for the withdrawal of this type of permit is currently provided for in the Act, even though the requirements for the permit have not always been met.

The next amendment deals with the deletion of the 30-day time limit for appeals to the Medical Review Committee. Presently, where the Registrar suspends or cancels or places any restrictions on the licence to any person, or refuses to issue a licence to any person because it is alleged that the person is suffering from a condition that may make it dangerous for that person to operate a motor vehicle, the person has 30 days to appeal this decision to the Medical Review Committee.

The present restrictive time limit of 30 days in which to make application for an appeal does not adequately provide for a possible change in a person's medical condition or circumstances. This deletion of the 30-day time limit would allow a later application to be accepted where it is not possible to do this at the present time and many people are inconvenienced because of this, Mr. Speaker.

The next two amendments to The Highway Traffic Act concern the medical review committee, as well. We are proposing to make it possible for more than three positions, one lay person and one ophthalmologist or optometrist to sit on the committee. Experience has shown that the physicians are not available at all times and that results in delays in hearings for people who have to appear before the Medical Review Committee. So, in order to facilitate availability of physicians, provision will be made for a more extensive group of board members to be designated and available for hearings, but would not mean that there would be more physicians sitting on any individual panel.

We also plan to make a provision in the act for a vice-chairperson for the Medical Review Committee. Currently, there is a provision for the Minister to appoint the chairperson, but there is no provision for appointment of a vice-chair. The appointment of the vice-chairperson means there would be fewer delays in the operations of this committee where a ruling or

a decision was required when the chairperson was absent or on holidays, business or illness and so on.

The next amendment also concerns the Medical Review Committee, and it proposes that the Registrar of Motor Vehicles be given the authority to waive the Medical Review Committee appeal fee. In situations where the Registrar deems it unreasonable or unjust that a fee should be paid, or deems that undue hardship would result from the payment thereof. This is consistent with the provisions provided for applications to the Licence Suspension Appeal Board where that fee can be waived under exceptional circumstances as deemed by the Registrar.

The next amendment deals with the use of flashing red lights for volunteer municipal emergency groups. Presently, there is no provision for volunteer members of municipal ambulance or rescue crews to use a flashing red light on their cars when attending emergency calls. This amendment would provide the same provision as is presently provided for volunteer members of municipal fire brigades. So the other emergency vehicles, ambulance, rescue crews, would be treated the same as municipal fire brigades with regard to the use of flashing red lights.

Another amendment gives an expanded definition of a Dealer 7 to include provision for utility trailers to be classified the same as boat trailers, as it applies to the selling of them. Currently persons engaged in the sale of light utility trailers are required to be licenced as dealers and to post a bond of \$25,000, as the sale of light utility trailers, which are of low value may be compared to the sale of boat trailers. It is recommended that a similar exemption from the definition of dealer should apply for those people selling light utility trailers.

The next amendment covers the area of emergency lamps and their use. Under the current legislation, drivers are only allowed to use their emergency flashers when their vehicle is coming to a stop or standing upon a highway. However, it has become quite evident in our province and in other jurisdictions, Mr. Speaker, that drivers make ready use of flashing emergency lights to indicate that they are not able to move their vehicles safely at other than a constant slow speed or as an escort vehicle behind another disabled vehicle. It appears that this type of use has been accepted by law enforcement personnel even though provision for it does not exist in the act.

The American Association of Motor Vehicle Administrators has given support to the International Associations of Chiefs of Police and their proposal to permit vehicle hazard warning lights to be used as identifiers of a slow moving vehicle as well as a stopped vehicle on a highway.

In addition, other sections of the act, Mr. Speaker, can permit a slow moving vehicle to have an intermittently lighted or flashing light. It would appear beneficial to the public interest to allow emergency flashing lamps which are ever present on most vehicles to be used as a means of identifying a highway operation which may be hazardous to other vehicle users.

Finally an amendment provides for the addition to the act which clearly defines the rules of the road for lane direction signals. An example exists on south Main and Norwood Bridge in Winnipeg with northbound traffic flow expanded to three lanes by directional arrows during the morning rush hour and southbound traffic

expanded during evening rush hour. Although the reversible lane control signals have been in existence for over 20 years, there is no legislation which prescribes specifically what the motorists must do when the green arrow or the red X is displayed. So I feel it is necessary that this be given official designation in the act. I think this addition to The Highway Traffic Act will clearly define to the motorists their responsibilities in this area.

Mr. Speaker, this concludes my introduction of amendments we are proposing to The Highway Traffic Act under Bill 18. We believe the amendments, as I said earlier, will make a significant improvement to The Highway Traffic Act for Manitoba motorists.

Thank you.

MR. SPEAKER: The Honourable Member for Lakeside.

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

MOTION presented and carried.

BILL 19 - THE HIGHWAY TRAFFIC ACT (2); LE CODE DE LA ROUTE (2)

HON. J. PLOHMAN presented, by leave, Bill No. 19, An Act to amend The Highway Traffic Act (2); Loi modifiant le code de la route (2), for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Highways.

HON. J. PLOHMAN: Mr. Speaker, I'm pleased to introduce amendments to The Highway Traffic Act, Bill No. 19, dealing with the proposed changes to the Manitoba trucking regulations.

This new legislation will make it possible for Manitoba and its trucking industry to reap the benefits of more relevant, safer and simplified motor transport regulations, and this is the start of a larger process, Mr. Speaker.

As many members of the Legislature are aware, a task force was established in December, 1982, with a mandate to review and make recommendations respecting Manitoba's regulation of motor carriers and, in particular, truck transport. Many of the existing recommendations were put into place in the 1930s, and were no longer meeting the changing needs of the transport industry in our province. Of course, this kind of change has been ongoing in other provinces of our country as well.

The task force conducted a series of public hearings in five locations across the province, and reviewed more than 65 briefs submitted from industry, labour, local governments and the community at large. In addition, the task force produced a number of internal studies, culminating in the distribution of several background papers dealing with the characteristics of Manitoba's trucking industry and issues respecting its regulations and options for change.

Based on these recommendations, Mr. Speaker, and other internal studies, the task force arrived at 16 recommendations which were made public last

September. The Manitoba Government began a consultative process immediately thereafter, receiving input and comments from the affected parties and the general public. We were fully aware of the importance of this report to the trucking industry in the province, and we gave industry members, labour and other affected groups an opportunity to tell us their views and opinions.

This consultative process continued after the White Paper on proposed changes in Manitoba's trucking regulations was tabled in the Legislature in May. We have listened to additional comments from industry and the public, and given them an opportunity to respond in writing or to appear, of course, as they have the right to do before the Law Amendments Committee when this bill comes before the Law Amendments Committee.

The bill that is presented here today for second reading is the result of that open and continuing consultative process. It is the result of careful and thorough research. The government believes that the transportation needs of the public will best be served by regulations which allow for effective and fair competition, and which seek to prevent market domination. The regulations must be fair, understandable, consistent, and relate as clearly as possible to the objectives that we have set out. They must also be enforceable in a reasonably efficient and effective manner, but the regulations also require a degree of simplicity.

The process of applying for and receiving decisions on operating authorities must not be cumbersome, costly and legalistic and must be fair. In many cases, that hasn't been the situation in the past, Mr. Speaker. Finally, Manitoba regulations must be compatible with those in other jurisdictions.

We believe that Bill 19 goes some distance to addressing these concerns adequately and fairly. Some of the changes proposed in Bill 19 are the establishment of maximum tolls by the Motor Transport Board, which will be compensatory for less than truckload service to rural communities. Carriers will be free to offer lower rates, and businesses will be free to bargain for lower rates with carriers in their area. The maximum rate system thus provides greater flexibility to carriers and shippers alike. Of course, it recognizes a practice that has been in existence for some time. Even though rates have been stipulated in the past, negotiations have taken place which resulted in lower rates being negotiated between shippers and carriers.

At the same time, the bill includes provisions aimed at deterring predatory or non-compensatory pricing by allowing for the board to provide for minimum rates as well as the maximum.

The bill also provides for continuing the exemption in The Highway Traffic Act which permits the use of farm trucks for compensation, but limits this exemption to trucks or truck-trailer combinations with three axles or less. Farmers who wish to use larger trucks or semitrailer trucks to engage in for hire transportation of grain or other unregulated or designated commodities may register their trucks as PSV trucks for all or part of the year. This amendment is expected to eliminate major abuses that exist in certain instances of this exception that is currently in place.

It also provides for legalizing the employment of owner-operators by authorized carriers. While the truck

will be registered in the name of the owner and the authorized carrier, the authorized carrier employing the owner-operator will be responsible for the insurance and for compliance with other requirements of the PSV certificate.

Currently, there is no provision for owner-operators, and the arrangements that are currently made between owner-operators and authority holders across the province have been done without legal provision in the act. Of course, it is a widespread practice in the industry that has developed over the last 30-or-so years.

The act also provides for increased penalties for offenders and other measures to improve the effectiveness of enforcement of the motor carrier regulations. It also includes provisions for issuing fines, setting fines by the Transport Board, which they previously did not have.

It also provides for provisions to enable the Motor Transport Board to screen interventions and reject frivolous opposition without the need for a full-scale hearing. In certain cases, in many cases, hearings have been delayed for many months because of interventions that were, for all intents and purposes, frivolous and were there only to delay the process. It will enable the Motor Transport Board with the changes we're making to strike frivolous opposition through a pre-hearing process.

The changes proposed in the bill must be viewed in the context of the numerous changes to be implemented by regulation, including the publishing of a board order by the Motor Transport Board establishing new rules and procedures to make the hearing process more expeditious.

One of those provisions, of course, is the matter of a pre-hearing that I just mentioned; the scheduling of joint hearings with neighbouring jurisdictions by the Motor Transport Board to hear the views on a proposed expanded list of commodities which may be transported without a requirement to prove need or convenience. These joint hearings will be set up for later this year, so that interested and concerned parties will be able to make representation on an expanded list of exempt commodities that is now being put together by the Transport Board.

Also under regulation, there is a requirement that all trucks used in extra-urban for higher transportation be registered as public service vehicles. The new regulation will make it clear that PSV authority will not be required to transport unregulated commodities, but that all trucks used in for-hire transportation will need to be registered as a public service vehicle. This change will remove the present anomaly that registration fees for trucks carrying unregulated commodities are lower than registration fees for trucks carrying regulated commodities.

The burden of proof in all extra-provincial trucking applications will be shifted from an applicant asking for authority to provide services in a given area to the intervener or respondents who oppose the application. Now that will be proposed on a national basis for extra-provincial trucking, and will not be introduced in this province until other provinces are ready to proceed with the reverse onus on extra-provincial trucking.

At the same time, the province will not apply that process for intra-provincial trucking, until we have had an opportunity to monitor how the process is working,

what the impact is on the trucking industry and on services to the communities on extra-provincial trucking first. So we believe it is prudent to assess the impact for extra-provincial trucking before applying this kind of a provision which is a dramatic change to intra-provincial trucking.

Mr. Speaker, these changes that are being presented in the act, Bill No. 19, will be phased in over a period of time to allow the transport industry time to adjust to the changing regulatory environment that takes place.

Thank you, Mr. Speaker.

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

MR. D. ORCHARD: Mr. Speaker, I move, seconded by the Member for Morris, that debate be adjourned.

MOTION presented and carried.

MR. D. ORCHARD: Mr. Speaker, I realize that I adjourned debate, but I wonder if the Minister might submit to a couple of questions for clarification despite the fact that debate has been adjourned.

MR. SPEAKER: Before the debate is adjourned, the Honourable Member for Pembina.

MR. D. ORCHARD: Yes, thank you, Mr. Speaker, and I thank the House for that courtesy.

Bill 19, with the operation of a farm truck for hire, now I think the Minister indicated that there is the allowance of a vehicle of three axles or less which can be used for hire on farm plates. The Minister, no doubt, is quite familiar and has received, I think, some representation from CAP and maybe others in terms of the use of semitrailers; in other words, vehicles with five axles in this case, and possibly even pup trailers behind the semis, which are specially designed trailers that can only be used for beet hauling in this case, or potato hauling, the potato vans.

Is there any consideration that the Minister can give, or is there any way he can see an amendment being proposed which would allow the sharing of those kinds of farm licensed specialized trailers for perishable vegetable crops to be included in the exemptions granted to the three-axle vehicles on a farm plate for hire?

HON. J. PLOHMAN: Well, Mr. Speaker, at this time I would be reluctant to go any further in opening up that provision. There are certain commodities that are listed in the act that may be hauled for hire. They are very limited, but they exist at the current time. Our preference would have been to remove that whole provision and really treat farmers the same as anyone else if they wanted to get into the for-hire trucking business, and that is to haul for remuneration.

However, after listening to the various representations - CAP was one of them, and it seems to me in reading their latest newsletter that they are relatively pleased with the changes that were made from the initial proposals that came out from the task force - we decided to continue to allow these exemptions or provisions for for-hire transportation by farmers in the act but to limit it to the size of three axles or less.

Now that doesn't mean that those with five axles or whatever it may be, semitrailer trucks or specialized trucks for peat or potatoes or sugar beets or whatever it might be, could not register their vehicles for a short period of time when they are needed, when they do have to help and they feel they have to do it on a for-hire basis rather than just helping each other as farmers do from time to time, that then they could register them for that short period of time as a PSV vehicle. The cost would not be prohibitive, it would be a very short period of time, and since they are in the business at that time of receiving compensation, it would seem reasonable that they could do that.

So that's the way I feel about it at the present time; I remain I guess somewhat flexible on further representations that might be made as to whether there is a way that it can be changed further, but at the present time I feel that this is reasonably fair and that we have gone some extent to recognizing the current practices in the industry.

MR. D. ORCHARD: Thank you, Mr. Speaker, just one more question.

In developing the alternate scenario, the Minister indicates a short period of registration as a PSV. The list of designated commodities as it appears in this bill is fairly short but, presumably, the Minister would be indicating to us that the designated commodity exemption list - okay, let me rephrase the question so it's maybe a little clearer.

When applying for a PSV licence, the normal board hearing process would not apply for a designated commodity such as a perishable sugar beet or potato - that's an assumption I am making.

HON. J. PLOHMAN: Mr. Speaker, there would not be the necessity to go through the full hearing process. They would simply be designated as a PSV, registered as a Public Service Vehicle, pay those registration fees, and then could haul any commodity that is listed as a designated commodity.

MR. SPEAKER: The bill will then stand adjourned in the name of the Honourable Member for Pembina.

BILL 75 - THE PAYMENT OF WAGES ACT AND OTHER ACTS OF THE LEGISLATURE; LA LOI SUR LE PAIEMENT DES SALAIRES ET D'AUTRES LOIS DE LA LEGISLATURE

HON. A. MACKLING presented, by leave, Bill No. 75, An Act to amend The Payment of Wages Act and Other Acts of the Legislature; Loi modifiant la loi sur le paiement des salaires et d'autres lois de la législature, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Labour.

HON. A. MACKLING: Mr. Speaker, first, I want to send a copy of what I like in this spread sheet on the legislation to the Honourable Member for La Verendrye so that he will be able to follow the changes in the legislation.

The amendments set out in this bill are intended primarily to provide for more effective procedures for the collection of unpaid wages on behalf of employees and to reduce time delays in the collection and paying of unpaid wages. A bill similar to this one was introduced in this Assembly in 1983, but was withdrawn with the understanding that it would be reintroduced at a later time following further study by a committee consisting of representatives of employers, employees and financial institutions.

Such a committee was established in 1983 and submitted a report with recommendations in 1984. To a very significant extent, the amendments proposed in this bill are consistent with the recommendations submitted by that committee.

I want to put on record, Mr. Speaker, my appreciation to the members of that committee, and I will name them: Mr. MacDonald of the Royal Bank, Mr. Monk of the Paperworkers Union and Mr. Wright who was then with the Chamber of Commerce.

The existing act is designed or structured essentially to facilitate the collection of unpaid wages from employers of employees. It is not as explicit or clear as it might be with respect to the collection of unpaid wages from corporate directors or from receivers or receiver-managers who have been charged with administering the affairs of an employer.

As well, the existing act is not consistent with The Corporations Act in terms of the extent of corporate director liabilities in respect of unpaid wages.

Furthermore, existing appeal procedures in the act sometimes result in unnecessary protracted delay in the collection of unpaid wages or in the paying out of such wages to employees.

The amendments set out in this bill are aimed essentially at addressing these problems and ambiguities with the existing act, as well as a number of more technical problems. In general terms, the amendments provide:

- (a) for clarifying the authority of the Director of Employment Standards and of the Manitoba Labour Board to direct payment of wages orders to corporate directors and receivers or receiver managers;
- (b) it sets out the obligations of corporate directors and receivers to whom wage orders have been directed;
- (c) it extends the amount of unpaid wages for which corporate directors may be liable (Parenthetically, here I say, it makes that consistent with the provisions of The Corporations Act); and
- (d) it eliminates the need to fully exhaust proceedings against a corporation before action may be taken against the directors of the corporation to collect unpaid wages;
- (e) it incorporates into the act certain provisions respecting the Payment of Wages Fund that are presently in the regulations; and
- (f) restricts the grounds upon which Manitoba Labour Board decisions may be appealed to the courts.

As noted, all of the above changes are aimed at providing for a more effective system for the collection of unpaid wages, and at eliminating unnecessary delays in the procedure for collecting wages that are owing to an employee.

In more specific terms, the following changes to the act are being proposed: first, the existing provision relating to the wage liability of corporate directors is being amended so as to extend that liability from two months of unpaid wages to six months of unpaid wages. This would make the provision consistent with the wage liability of corporate directors under The Corporations Act, as well as with departmental administrative policy which is to make adjustments for unpaid wages for a period going back six months from the date of a complaint or date of a violation.

Second, new provisions are being added to the act for the purposes of clarifying the authority of the director of employment standards and of the Labour Board to direct payment of wages orders to corporate directors, receivers, or receiver-managers and to require compliance with those orders in accordance with the act. The act was originally structured and aimed at collecting unpaid wages of employees from employers. However, with the number of closures, receiverships and bankruptcies in recent years, it has become increasingly necessary to restructure the law to recognize corporate directors and receivers as important players in the wage collection process. The amendments do this. For example, an amendment provides that where a receiver has been appointed, a wage order made against an employer by the director of employment standards must also be directed to the receiver.

If the receiver does not have the matter referred to the Labour Board for a determination, the receiver must comply with the order in accordance with the act. If the receiver has the matter referred to the board and the board subsequently makes an order against the employer, the order must also be directed to the receiver who must comply with the order.

A further amendment provides that in cases of a corporate employer, the director of employment standards may, whether or not an order has been previously made against the corporation, make an order requiring a corporate director to pay the unpaid wages of the employees. The general intent of this provision is to eliminate the need to exhaust wage collection procedures against the corporation prior to proceeding against the directors of that corporation to collect unpaid wages. In cases where a corporate director has paid the unpaid wages of employees, in compliance with an order, the corporate director would be vested with all the rights to proceed against the corporation to recover the monies paid to comply with the order. The corporation, in any such case, would have the right to have the matter referred to the Labour Board for a determination of liabilities.

For purposes of streamlining and speeding up the wage enforcement process, further proposed amendments limit the grounds upon which the Manitoba Labour Board decisions may be appealed to the courts. It is our view that the Labour Board, with its specialized knowledge of employer-employee relations, is a natural forum for arbitrating disputes in matters relating to industrial relations and that its decisions on the facts of such cases should be final and binding. For this reason, the bill sets out amendments that would permit appeals from Labour Board decisions to the Court of Appeal only on questions of law and jurisdiction. This would make appeal procedures under employment

standards legislation consistent with appeal procedures in most other Canadian jurisdictions, as well as consistent with our own appeal procedures in such areas as labour relations, workplace safety and health, and Workers Compensation. I might also add in respect to motor vehicle legislation.

The intent of the proposed amendments to provisions in the act relating to the payment of wages fund is to transfer to the act certain provisions which are presently included in the regulations made under the act. These provisions are considered to be substantive in nature, and, as such, belong more properly in the act than in the regulations. In specific terms, the provisions relate to the vesting in the Director of Employment Standards of all rights of the employee to unpaid wages, in cases where the unpaid wages have been paid to the employee out of the payment of wages fund. The director could then take action to recover the unpaid wages and any amounts of money so collected by the director, would have to be credited to the fund.

Further amendments are intended to clarify an existing provision under the act which provides that an employer is deemed to hold wages due and payable to an employee, in trust for the employee. The amendments would make it clear that this trust provision applies whether or not the employer is in receivership and that the provision is applicable, not only in respect of wages due and payable, but also in respect of wages that are accruing due.

The latter amendment is intended to make the wage trust condition applicable at the time wages are earned and not only when such wages are actually due and payable. Consequently, the amendment is aimed at eliminating a potential time delay during which effective action to recover unpaid wages might not be taken because the wages were not yet actually payable.

Other amendments are more technical in nature and do such things as make the definition of "employee" in the act more consistent with the definition of "employee" under The Employment Standards Act and take into account the transference of County Court duties to the Court of Queen's Bench.

In summary, therefore, the proposed amendments to The Payment of Wages Act are aimed at strengthening and improving procedures so as to facilitate the collection of unpaid wages on behalf of employees. The amendments do so by clarifying the authority of administrative and enforcement officials, by specifying the obligations of corporate directors and receivers, and by streamlining procedures for the collection of unpaid wages. The changes are based on the firm belief - that I believe we all share - that every effort possible should be made to ensure that wages earned by workers are in fact paid to those workers.

I therefore recommend the bill for approval by the Assembly.

MR. DEPUTY SPEAKER, P. EYLER: Are you ready for the question?

The Member for La Verendrye.

MR. R. BANMAN: Mr. Speaker, I beg to move, seconded by the Member for Morris, that debate be adjourned.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable Minister of Labour.

BILL NO. 76 - THE PENSION BENEFITS ACT LA PENSION DE RETRAITE

HON. A. MACKLING presented, by leave, Bill No. 76, An Act to amend The Pensions Benefits Act; Loi modifiant la loi sur la pension de retraite, for Second Reading.

MOTION presented.

MR. DEPUTY SPEAKER: The Honourable Minister of Labour.

HON. A. MACKLING: Mr. Speaker, the amendments set out in this bill are intended primarily to clarify certain technical issues and to facilitate the effective enforcement of the existing legislation. A copy of the spread sheet also is being given to the critic.

Pension legislation in Canada has been thoroughly reviewed over the last few years. Our own review led to the adoption of significant improvements in 1983. As a result, our current pension legislation has been praised as being the most fair pension legislation in Canada. This praise is further supported by the recent pension reform proposals of Alberta, Quebec, New Brunswick and the Federal Government, all of which have been modelled after our recent improvements.

Being the model for pension reform has meant that all of the provincial governments, the Federal Government, representatives from business and labour, and pension experts across the country have undertaken an in-depth analysis of our legislation. The results of this review and our own experiences since the implementation demonstrate that certain sections of the act can be clarified to simplify and expedite the administration of pension plans.

In general terms, these amendments:

- (a) clarify that employees have the right to transfer their pension benefit credits whenever they terminate employment or terminate membership in a pension plan;
- (b) clarify that pension plans started in the future will not be retroactively subject to the membership requirements of legislation;
- (c) clarify the provisions specifying whom the recipient of pension benefits shall be in cases where pension plan member dies prior to retirement;
- (d) clarify the calculation and processing of the division of pension benefit credits upon marital breakup; and
- (e) clarify the effective dates of some of the amendments enacted in 1983.

At the same time, we have included two minor amendments which are designed to facilitate the enforcement of our improved pension benefits standards.

In summary, the proposed amendments to The Pension Benefits Act are intended to clarify our existing legislation for the benefit of all plan members and plan sponsors. These amendments do not in any way change the policy intent of the reform implemented in 1983.

I therefore commend the bill for approval by the Assembly.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: The Member for La Verendrye.

MR. R. BANMAN: Mr. Speaker, I move, seconded by the Member for Morris, that debate be adjourned.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker.

It was my intention to ask you to call Bill No. 16 which is an adjourned debate on second reading, but it stands in the name for the Member for Sturgeon Creek. I wasn't sure if it was the intention of members opposite that he would speak today or . . . Mr. Speaker, I wasn't clear if the speaker who was intending to speak today was present in view of whose name it stands in, but I am now advised by opposition members that they are prepared to speak to the bill.

Would you please call Bill 16.

ADJOURNED DEBATES ON SECOND READING

BILL 16 - THE HERITAGE RESOURCES ACT; LOI SUR LE PATRIMOINE

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Minister of Culture, Bill No. 16, standing in the name of the Member for Sturgeon Creek, the Member for La Verendrye.

MR. R. BANMAN: Mr. Speaker, I believe the Member for Sturgeon Creek has indicated that he would like that bill to stand in his name, but does not have any objection to somebody else speaking to it.

MR. DEPUTY SPEAKER: Is that agreed?
The Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Deputy Speaker.
Bill No. 16, The Heritage Resources Act is an act that I have to say at the outset would meet with a great deal of support on this side of the House and with the general public from the standpoint of the philosophical intent of Bill 16, that being the preservation for future generations of our heritage resources in the Province of Manitoba. Our historical background, whether it be from days of the early pioneer or, indeed, of our original Manitobans, the Native community, in preservation of their historical life and development in the Province of Manitoba long before it was settled by European immigration.

Furthermore, I believe that the public at large would find general support for the preservation of our fossilized remains. I can't pronounce the paleontological aspect of it, so if I can be given the ability, I'll just call it our fossil resources of the dinosaur years which is several hundreds of millions of years back in the history of Manitoba. So when I say that that concept of

preservation is one that would be supported by most Manitobans, I don't think anyone disagrees and, quite frankly, on this side of the House, we have brought general support for that.

But, Mr. Speaker, as we go through the act, I'll try to point out some of the problems in this act on second reading and then certainly when the bill goes to committee I and others on my side will expect the Minister to have a number of explanations for questions that we will pose because when you go from the broad general intent of this act of preserving for future generations the heritage artifacts of our province and then you read the bill and see the method by which this government proposes to achieve that end, I think most Manitobans would not agree with the methodology, even though they might agree with the broad general intent.

Some cases in point, Mr. Speaker, that I think the Minister has to take some serious concern over. This act has jurisdiction over the heritage resources of the province which range from historic buildings to sites of, for instance, Indian campsites to fossil deposits in the bentonite clays that are part of my constituency in the vicinity between Morden and Miami in the Pembina Hills. So it is a wide-ranging act and covers a number of historical artifacts and locations.

But, Mr. Speaker, this act goes even further than that because there are provisions in the act which allow the property adjacent to a proposed heritage site to become part of the whole process, the whole prohibitive process that is enabled in this legislation. That may or may not be required, but it is there so that next door to a, for instance, let's use the example of an Indian campsite, the land adjacent to it may well be prohibited from normal development, normal commercial activity, normal construction activity, normal agricultural activity, because of the desire to preserve that site.

There is very little requirement on the government in this act to make sure that their decision is a proper one because all of the process of appeal, I submit in this act, is weighted towards the Minister and the government. For instance, the Minister must file a notice of intent, and I have some concerns about the notice that is allowed in this act as to the notice of intent to designate a site as a heritage site. It only has to appear in one paper, in one issue of one paper that is circulated in a general area.

I submit, Mr. Deputy Speaker, that with the prohibitions that are placed on a heritage site according to the definitions in this act and the clauses in this act, that more notice is required because once a heritage site designation is made, there are severe restrictions placed upon the use of that property, but that is a minor objection, Mr. Speaker.

Now if, for instance, the Minister decides that a given area should be a Heritage site, he must give in notice of intent to declare it as such to the landowners, adjacent landowners and affected parties. If there is any objection, those objections, if unresolvable, are referred to the municipal board. The municipal board only is required to give 10 days notice to the objectors of the date set for a hearing to hear these concerns.

If the municipal board hears the objections and makes a recommendation to the Minister, there is no compulsion on the Minister to accept that recommendation. For instance, if the municipal board

says that, yes, the objections are legitimate that are perchance being made by the landowner, the Minister has no obligation to accept that third party impartial recommendation. He can simply proceed with the original intent of declaring it a Heritage site. He doesn't have to accept the municipal board recommendation.

Mr. Speaker, the Minister correctly says it has to go to Cabinet, but I'm quite sure that if this Minister comes in with a recommendation to his colleagues that they ignore a municipal board recommendation, that Minister would have sufficient ability in Cabinet to make sure that happened.

Mr. Speaker, the appeal to a municipal board decision can only be made where the original designation has been varied or new evidence appears. Well, under the scenario that I've developed where the Minister refuses to accept the municipal board recommendation which may suggest a variation to the designation, then you practically rule out any further appeal, because the original designation has not been changed and that's one of the requirements you must meet before you have an appeal process.

So the requirements in here are too — (Interjection) — Mr. Speaker, I wonder if the Minister might just sit back and relax and listen to some legitimate objection to his legislation. He brought it in and it has these kinds of requirements in the act and the proper time to respond is in closing debate on second reading and at question period.

The Minister, obviously, is a little sensitive already and we haven't even got to some of the operative clauses in this act. So, Mr. Speaker, his appeal process is subject to question. A major overriding concern here is that there is deemed ownership by the public, by the Crown, of these historical resources after this act comes into effect. That has implications by itself; i.e., if you, sir, Mr. Speaker, were to come out to my farm and be wandering across it, after this act is passed, and perchance reached down and picked up an arrowhead, which is a Heritage object under this act, you would be contravening this act and you would be subject, sir, because you probably would not have a permit to allow you to do that, subject to a maximum \$5,000 per day fine, presumably, for every day you kept that arrowhead in your pocket without telling the Minister you had it and where you got it and under what circumstances you found it. But furthermore, that arrowhead automatically belongs to the Crown, and that causes some problems. The ownership is vested in the Crown. Mr. Speaker, that is on objects.

On the sites, any requirement by the Minister of his staff, and hence exercised through the Minister, any requirements to undertake certain things on a declared Heritage site, and bear in mind that we're doing this theoretically to preserve heritage for the general public, to preserve a Heritage site for the use and enjoyment and historical benefit of future generations.

In other words, we're doing it for the people of Manitoba, but the major onus can and will be placed on the landowner who happens to be the owner of that declared site. Provisions in this act allow for very onerous obligations to be met by the landowner.

Mr. Speaker, I don't know whether the Minister understands that that's part of the act, but it is, and here we have the unique circumstance where we are preserving heritage for the general public, but there's

no obligation on the government to provide any compensation to the individual landowner or building owner or artifact owner to compensate him for any order the Minister and his department may decide to place upon that landowner for improvements to the site or restoration of the site or the object or the building. You see, Mr. Speaker, that is where this act has been described by one individual we've met with who has some greater knowledge to it than certainly any Member of this House.

He said, this act in principle is good, which I indicated earlier. The principle of preserving our heritage we don't disagree with, but he said this act is all stick and no carrot. I want to remind the Minister that Alberta, some several years ago, passed a similar act in which they had all stick and no carrot and they ran into very substantive problems; and now the Alberta act, it's my understanding, has been amended to allow for compensation to the landowner, to the property owner, to the building owner and declared Heritage sites and that has removed some of the problems in it. Mr. Speaker, that is absolutely essential for the passage of this act. If we are going to have a Heritage Act for the benefit of the general public, then we can't do it at the expense of the individual landowner and that is simply a principle that cannot exist.

The abilities under this act are fairly substantive for the Minister. For instance, the Minister can go through the process I've described earlier of declaring a Heritage site with limited notice, etc., etc., but the Minister also has the ability in this act, given to him by his own draftsmen, where if he even suspects that a Heritage site exists, where there has been no Heritage site assessment review, where he suspects that there may be artifacts above or contained underground that is currently a site that - for instance, a highway is going through, a drainage ditch is going through or a farmer is working, the Minister, because he believes there may be objects of a Heritage value on that property, he can order the property owner to cease from the activity, or say it's road construction, he can order a cease and desist.

Mr. Speaker, that may be a required stipulation of the act to protect, say, an Indian campsite from road construction or an old cemetery from road construction or drainage ditch construction or creation of a lake behind a dam. That may be required, but the point I'm making is that the Minister only has to have reason to believe and he can put a cease and desist order on that.

The problem is, Mr. Speaker, the way this act is structured is that if the Minister is wrong and his advice has been bad, he has stopped construction, there may be a contract in place with performance bonuses and penalty clauses in it so that the contractor can be out-of-pocket because of the delay imposed as this Minister has granted the right to do under this act, he may be subject to penalty clause because he didn't complete his contract on time because the Minister forced him into an assessment of the heritage value of this property and the Minister has the right to stop it until there is a heritage permit granted by the Minister, and there's no time frame on the Minister to do this.

Where he's declaring a site the individuals must respond within 10 days to a municipal board hearing notice, but there's no obligation on the Minister where

he has reason to believe, according to this act, that a heritage site exists. There's no obligation on him to make a decision within 10 days, 30 days, or 60 days; there's no obligation so that he can hold up the activity whether it be construction, agriculture, forestry, whatever, on that site until he makes his review.

As I say, Mr. Speaker, that may well be a necessary part of this legislation, but if the Minister is wrong, if his advice is wrong, he can do it without any recourse, financial or otherwise, to the Minister because a later section in the act specifically exempts the Minister and all the employees and municipal officials from any wrongful decision.

Mr. Speaker, if we are going to have an act that preserves our heritage and if we are going to grant a Minister these kinds of power, then surely there must be part of this act a penalty clause on the Minister where his decision is wrong, so that you can't have a private individual or company or firm paying the entire cost for a wrong decision made by the government and by the Minister. I don't think that's an unreasonable thing to request.

It is certainly the kind of thing that would make sure that before the Minister would use that kind of discretion that he would have very, very good advice. The way it stands now he doesn't have to have that necessarily good advice. I'll use an example. One of the members in the backbench who is wont to stop all kinds of activities throughout this province, whether it be from wilderness parks, any sort of an activity that involves any kind of human activity in the great outdoors, this member would be wont to have it stopped.

Under the provisions of this act, and I'll give you an example, Mr. Speaker - in my general area at home, a group of farmers have gotten together and they have an agreement with Provincial and Federal Governments to set up a number of conservation projects within the area. One of them is the ability to build small storage dams. Now, if an individual like the Member for Inkster who objected to that because of some funny idea he had in the back of his head, he could go to the Minister and say, I think there's an Indian campsite in the pond that's going to be created behind that dam and I think we've got to stop this activity. The Minister has the ability to do that in this act just on reason to believe, and the reason to believe might be the peculiar penchant like the Member for Inkster might have. Mr. Speaker, if the Minister did agree with that member's concern, he could stop it. There's no compensation to the individual so affected for the delay in that project by the Minister. There's no compensation allowed.

I don't think any reasonable Manitoban would think that that power is correct and is reasonable to vest in any government and probably most Manitobans would agree that it shouldn't be vested in this government.

Mr. Speaker, I want to deal with a few other areas that the Minister has given himself authority under this act. Under this act, the Minister can require individuals to prepare a heritage resource impact assessment and that, Sir, is prepared at the expense of the landowner, not at government expense. Subject to having that heritage resource impact assessment, Mr. Speaker, the Minister can require the landowner to do certain things ranging from posting a bond, to putting up money, to ceasing and desisting all development. Mr. Speaker, all of these requirements can be required of the

landowner out of his own pocket, not out of the taxpayers' pocket but out of the owner's pocket.

Furthermore, Mr. Speaker, these sorts of heritage site designations become registered with the property and, according to this act, take precedent over all other registrations against that property including a municipal registration of back taxes unpaid, including first mortgages presumably held by even MACC or any of the financial institutions. The authority and the power in here are substantive and if the Minister doesn't recognize it, then we have a problem in the approach that he's taking to protect our heritage resources.

Mr. Speaker, the overriding concern is that this act gives to this Minister the ability to make an individual spend his own money to preserve a heritage resource which will then be the people's. That is not a fair concept. If the people are going to enjoy it then there should be some obligation that the people, the Crown, contribute financially to the preservation of that asset. I will say that the ability is in there for the Minister to participate, he may participate in funding, but there's no obligation for him to do so.

Mr. Speaker, the Minister has once again granted himself powers in this act to undertake unlimited search and even seizure of objects deemed to be of heritage value. That, as I understand the writing of one section - and the Minister will correct me if I'm wrong - can be undertaken where the Minister has reasonable and probable grounds that the breach of this act is occurring. Once again, substantive powers involving search and seizure on private property with the Minister's only justification being reasonable and probable grounds that a violation of this act or regulation is occurring.

Mr. Speaker, I don't know whether this Minister needs that kind of absolute power, but it is written into this act. He may well say it's not going to be used but it can be used because it is part of this act.

You see, there's another aspect of this and let's consider another scenario that a contractor has undertaken road construction for the Government of Manitoba. There are penalty contracts if he doesn't finish that; that's always been part of road construction contracts in the Province of Manitoba. The Minister can obtain if he believes that there is, for instance, an Indian campsite that is being disturbed by this road construction, the Minister can order a stop to all work there if he believes that this is a Heritage site.

Mr. Speaker, granted in the act is incredible costs that the Minister can stop the work right now. Right now it can be stopped. He can have his officials appear on the site to do an inspection. He can require the contractor to do a Heritage assessment impact and if he finds any damage, he can order restoration of those damages even though they were done unwittingly and unknowingly. The recovery of costs are from the contractor or the individual landowner. Mr. Speaker, I don't know whether the Minister needs that much power.

There is another section which because of the powers I've described under this act, and incidentally the powers to obtain these sites can include expropriation, but, Mr. Speaker, current sites that are designated under existing acts as Heritage or historical significant sites automatically fall under this act and in falling under this act become part of all of the constraints and the powers that are granted to the Minister by this act.

One can say that is quite alright, because if a building or a site has been designated already as of historical value then naturally it should fall under this act as a matter of logical progression in protecting our Heritage resources.

Mr. Speaker, the problem with this act is that there does not appear to be any obligation on the government to indicate to the landowner, the building owner or the owner of that site that they now fall under the obligations of this act. I think that is an essential thing to be done, because this act has considerably more power and authority and penalty clause than previous acts and any owner who now finds himself without going through the process of a notice of intent or the municipal process of a notice of intent that a building or a site will be declared a Heritage site, I think that existing sites should go through that notice process to make the owners, the occupiers or the lessees of those facilities to know that they are now falling under a new act with substantive more power to make them do whatever the Minister desires and with substantive penalty clauses. That's a flaw that I think the Minister has to address.

Mr. Speaker, under the municipal sites, once again, I have the same concern of the process. Any objection to a municipal declaration of a Heritage site can be appealed to the municipal board, but there's no obligation whatsoever for the council to abide by the recommendation of the municipal board. Once again, an individual who has appealed and appeared before the municipal board and has had that appeal rejected by the council, he cannot reappeal to the municipal board, because he has to have a variation in the original notice of intent to declare it as a Heritage site. If the council, as in the case with the Minister, has said no, damn the torpedoes, full speed ahead, we are going to declare this as originally intended, the council can ignore a municipal board recommendation to vary the designation and without a new variation the person appealing has no grounds under which to appeal. It's self-defeating, so that the protection in there is no protection and the Minister has to be concerned about that.

Now, Mr. Speaker, I want to deal briefly with one of the latter sections in the bill which deals primarily with - it's under the section of the bill which is designed to protect Heritage objects. These include the obvious ones such as Indian artifacts; it includes the obvious ones such as dinosaur fossils which may be found in the bentonite clay beds in the Pembina Hills, but it also gives the Lieutenant-Governor-in-Council; namely, the Minister responsible for this act, the ability to declare an object as a Heritage object. That means that they could declare as a Heritage object, for instance, even antique collections if it was deemed advisable by the Minister to do so and this act would permit it. Once again, I'm not certain that is legitimate.

I have specific concerns, Sir, and I express them on behalf of the avocational archeologists; to the layman, the amateur archeologist. This act declares that Indian artifacts, arrowheads, spear points, scrapers, hammer heads, tomahawks, all of those items of pottery, items of glass beads, all of those Indian artifacts now, Mr. Speaker, when this act is proclaimed and becomes law, all of those objects automatically belong to the Crown when found by the avocational or amateur archeologist.

Mr. Speaker, that's quite an interesting provision to confer in this act. In other words, as I use, Sir, the example of you walking across, not my field, but let's say in a provincial park and you pick up an arrowhead and you put it in your pocket, you are in violation of this act from two counts. No. 1, because you don't have a permit to pick that up because that's a Heritage object; and No. 2, every day you keep that Indian arrowhead in your pocket, you're violating the act and subject to \$5,000 a day fine maximum.

Furthermore, Mr. Speaker, you could not keep that Indian arrowhead, because when you find it it belongs to the Crown. That's sort of a perverse set of circumstances, I believe. I don't think anybody seriously wanting to protect the Heritage of our province in terms of Indian artifacts would have such a perverse obligation in this act and such power in this act, that if you pick up an arrowhead, it belongs to the Crown, period. That's what's in here, Mr. Speaker.

The broad intent is supposed to be preventing the sale of these artifacts out of the province. This is deemed to be the way to do it. Mr. Speaker, I just want to tell the Minister that what he's doing here is probably taking away from the archeologists at the university, at the Museum of Man and Nature, taking away a great number of avocational archeologists who have co-operated with them fully over the past number of years and are co-operating in increasing numbers with the university, with the Museum of Man and Nature. This act automatically makes those people criminals when they pick up an Indian arrowhead, something they've been doing for years and collections that they have made and had for public display and for use with school children, that from now on is not going to be allowed by this act. I don't think that the Minister and this government really want to have Indian artifacts that are found by amateur collectors to automatically belong to the Crown. Surely he doesn't want that.

If he wants to prevent the sale of those collections out of province, there is a clause in here which could prevent that, but you don't have to vest automatic ownership in the government. The upshot of this will be that the co-operation that has been enjoyed between the amateur and the professional can be destroyed here. You can be turning your amateurs into lawbreakers by this act, because not only do you not own that arrowhead that you picked up, but according to this act you have to provide the Minister with the site in which you found it, the date, the circumstances under which you found it. You have to provide that documentation to the Minister; if you don't, you break the law. Mind you, you already broke the law because, quite frankly, you probably didn't have the permit that's required to enable you to go out and pick up an arrowhead. You had to have that first.

Mr. Speaker, by and large, the avocational archeologists I've talked to don't object to the permit aspect of it because most of those people are very interested in co-operating with the professionals in developing the history of our Native citizens in Manitoba, in providing the professional archeologists with as much data as to where they found artifacts and the circumstances. There's no problem there with most of them, but they object quite strongly to the fact that the government now owns everything they find and with some of the onerous requirements of this act.

Mr. Speaker, the Minister inadvertently - or maybe deliberately - is prepared to put legislation in place which will destroy a reasonably good working relationship between amateur and professional that has allowed, Sir, Manitoba's historical resources to be identified much faster and in much more detail than is ever possible by the professional alone doing that search for Indian artifacts, as an example; because if it weren't for the legs of the avocational or amateur archeologist, most of the campsites in this province would not be identified because the professionals simply aren't numerous enough, funded enough or have opportunity enough to do it. It's the amateurs that have led the way in discovering the archeological sites of our Native history in this province.

This act destroys that trust, for very perverse reasons, for the NDP philosophy that the government must own everything and it's wrong, Mr. Speaker. It will destroy, as I say, a good working relationship.

Mr. Speaker, I want to tell you that I have absolutely no objection to any Manitoban who has made a collection of Indian artifacts, because he went out and searched for them and found them, of having him own them. I have no objection to having him pass them on to members of his family or to whomever he so desires in the Province of Manitoba. I have no objection to that whatsoever, but this Minister, this government does, because they want those artifacts to be owned by the Crown.

They will not allow them to become part of a family collection and pass from generation to generation. That's not permitted under this act. Mr. Speaker, I will furthermore concede to the Minister that if there are identifiable circumstances where valuable collections of Indian artifacts are in danger of being sold out of this province, that there should be an opportunity for the Crown to purchase them, so that there should be a reporting process.

Until the Minister resolves some of these concerns, this act is not suited to the nature of Manitoba and to the way Manitobans have protected individually, without legislation, our heritage resources. In principle, there is merit, in practice and in development of this act, the Minister has got a sledgehammer where a candy bar would be much better; but this government doesn't understand that and we hope to be able to point it out to them.

Mr. Speaker, in the limited time I've got left, I want to point out one other danger that the Minister has in proclaiming this act, that being in the paleontological finds in this province and I'll give you the classic example. The bentonite deposits in the Pembina hills from Morden to Miami are being mined right now because bentonite is a clay mineral used in cosmetics, from cosmetics to drilling mud in our oil exploration program. It's being mined at considerable expense. Within those beds of bentonite you find some of the best fossil finds in North America, Mr. Speaker, and I invite all members of the House to the Morden Museum where they have displayed a number of these fossils and they are the finest in the world. There is no question about it, and it is desirable to protect these finds for preservation and display for future generations, very desirable.

But, Mr. Speaker, this act contains an ability for the government to go into the mining company who have

gone to considerable expense, have a limited time frame in which they can mine this bentonite - that being the summer months - and when they come upon a fossil, must report it to the Minister, which is fine, but there is no obligation for the government, if they want that fossil to be preserved, to do it immediately, to compensate if there's compensation involved, for delay of the operation. They are under no obligation to act in an expeditious fashion to make sure that fossil is preserved and taken from the bentonite layer.

Mr. Speaker, the problem that this is going to present is that the co-operation you've enjoyed with those mining bentonite in the past under this act, is jeopardized, because now, with no guarantee the Minister and the government will act in a prudent and expedient manner, what you will find I fear is that there will be no reporting of fossil finds. They will simply be scraped up with the bentonite and crushed up and in the bottom of a drill hole someplace to the loss, permanently, of all Manitobans and even all Canadians and all people of the world, because those fossils are that good.

Mr. Speaker, this Minister has got to do some serious thinking about where his act is going to take the heritage of Manitoba. The way it is struck, the way it is written, this act may well do more to prevent the preservation of our heritage and the heritage sites and our archeological finds and our fossil finds. If the Minister proceeds with this act he may find that it is an act which prevents the preservation of our heritage, rather than enhances it.

Some of the bright lights on the opposite side are saying they're cleaning up the act. I would venture to say that the two bright lights that are talking haven't even read this act and don't even know what's contained in it, because if they had read the act — (Interjection) — The Minister of Municipal Affairs says he's read this act. Then I would venture to say that he is up to his normal standards of bending what might be truthful statement . . .

MR. SPEAKER: Order please.

MR. D. ORCHARD: . . . because I don't think that if he knows what's in this act, that even the Member for Springfield couldn't agree some of the provisions in this act. As perverse a mind as he has, he couldn't agree with it.

Mr. Speaker, I simply want to tell the Minister of Cultural Affairs seriously that there are problems with this act. The powers you've granted in here are beyond what are needed. There is no provision for compensation. It will cause problems if you implement this act as written. We would want and hope that the Minister will consider thoughtful presentation and consider amendments or even consider if it's too late to do it for this year, holding the bill over until some of the concerns are addressed. I am dead serious when I say that this act will cause problems to those involved in avocational archeology, in the collection of fossils and the preservation of our heritage.

Mr. Speaker, I urge the Minister to take my comments seriously and we will debate it further clause-by-clause in committee and I would hope that the Minister considers some of the points very, very seriously.

MR. SPEAKER: Order please. The honourable member's time has expired. If no other member wishes to speak the debate will stand in the name of the Honourable Member for Sturgeon Creek.

The Honourable Minister of Culture.

HON. E. KOSTYRA: Would the member permit a question?

MR. SPEAKER: The honourable member's time has expired. Does the Honourable Minister have leave? (Agreed)

The Honourable Minister of Culture.

HON. E. KOSTYRA: Thank you, Mr. Speaker.

I wonder if the member would, in view of his comments with respect to the process for notification and designation of historic sites, if he would let me know whether or not he thinks that the provisions in the present bill before the House, provide more notification and more process for an individual with respect to the declaration of an historic site than the act that was passed, in fact, Section 19 of The Historic Sites and Objects Act that was passed by his party in government. I'd like him to tell me whether or not he thinks that there is more involvement by the individual affected in this act rather than the act that his party passed while in government.

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, I'll be very pleased to answer that question for the Minister of Cultural Affairs. The Minister of Cultural Affairs already has the answer in the course of the debate in my presentation this afternoon.

His act that he is now passing has two provisions in it, and although I can't quote directly in debate, I can refer to it now because I'm answering a question. Section 24, the transitional provisions allow for the automatic inclusion as heritage sites all currently designated sites. Mr. Speaker, in doing that a number of the clauses in this bill apply in full and complete. The Minister's discretionary powers apply in full and complete to these heritage sites.

Mr. Speaker, as well, — (Interjection) — this bill has Section 69(1) and because I'm not in debate on second reading, I think it's informative for me to read to the Minister what his own act says. It says, "Any person who contravenes or fails to observe a provision of this act or a regular, order, by-law, direction or requirement made or imposed thereunder is guilty of an offence and liable, on summary conviction, where the person is an individual, to a fine of not more than \$5,000.00 for each day that the offence continues . . . "i.e., Mr.

Speaker, if you have that arrowhead in your pocket without a permit, \$5,000 a day.

Mr. Speaker, further in that same section, ". . . and, where the person is a corporation, to a fine of not more than \$50,000.00 for each day that the offence continues."

If, Sir, you were an employee of a construction company building a road and you picked up an arrowhead, your company would be subject to a \$50,000 a day fine.

MR. SPEAKER: Order please.

The Honourable Minister of Culture on a point of order.

HON. E. KOSTYRA: Mr. Speaker, on a point of order. I already received the answer. The member doesn't know so I don't think he wants to continue on.

MR. SPEAKER: I don't think that was a point of order. The Honourable Member for Pembina.

MR. D. ORCHARD: It certainly wasn't, because, Mr. Speaker, I was getting to the operative part of my answer.

Mr. Speaker, when this Minister asks for approval of this Assembly for an act with provisions such as are in here, I say to him with the penalties that I have just read out that are part and parcel of this act, with the requirements that this Minister can place on individuals to restore at their own cost for the public benefit, heritage resources, I say the notice provision is not enough and that is why I told him that the notice provision because it is one issue and one newspaper, 60 days prior, is not sufficient for the kind of onus and the kind of power and penalty that is given to the Minister discretionarily in this act. That is why I'm pointing out to him that he has to make revisions to this act, Sir.

MR. SPEAKER: Order please. I trust the matter is sufficiently clarified.

It is 12:30, Private Members' Hour.

The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, we on this side are prepared to dispense with Private Members' Hour to allow further clarification by the Member for Pembina, but if the matter has been — (Interjection) — The Member for Niakwa is reluctant, Mr. Speaker, I respect his wisdom.

I would move, seconded by the Opposition House Leader that the House do now adjourn.

MOTION presented and carried and the House adjourned and stands adjourned until 2:00 p.m. on Tuesday.