



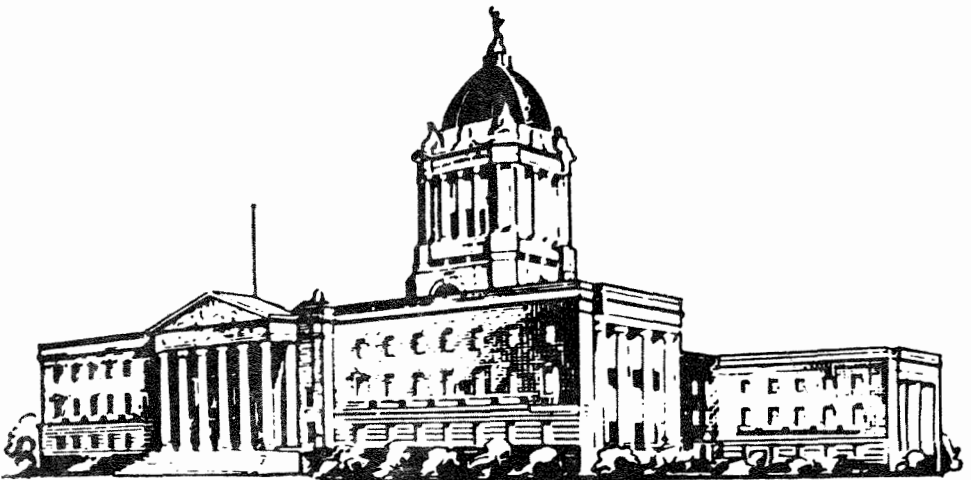
61836-3

Second Session — Thirty-Fourth Legislature
of the
Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS
(HANSARD)

38 Elizabeth II

*Published under the
authority of
The Honourable Denis C. Rocan
Speaker*



VOL. XXXVIII No. 110 - 1:30 p.m., WEDNESDAY, JANUARY 24, 1990.

**MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fourth Legislature**

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIBERAL
ANGUS, John	St. Norbert	LIBERAL
ASHTON, Steve	Thompson	NDP
BURRELL, Parker	Swan River	PC
CARR, James	Fort Rouge	LIBERAL
CARSTAIRS, Sharon	River Heights	LIBERAL
CHARLES, Gwen	Selkirk	LIBERAL
CHEEMA, Gulzar	Kildonan	LIBERAL
CHORNOPYSKI, William	Burrows	LIBERAL
CONNERY, Edward, Hon.	Portage la Prairie	PC
COWAN, Jay	Churchill	NDP
CUMMINGS, Glen, Hon.	Ste. Rose du Lac	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur	PC
DRIEDGER, Albert, Hon.	Emerson	PC
DRIEDGER, Herold L.	Niakwa	LIBERAL
DUCHARME, Gerald, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIBERAL
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Laurie E.	Fort Garry	LIBERAL
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Virden	PC
GAUDRY, Neil	St. Boniface	LIBERAL
GILLESHAMMER, Harold	Minnedosa	PC
GRAY, Avis	Ellice	LIBERAL
HAMMOND, Gerrie, Hon.	Kirkfield Park	PC
HARAPIAK, Harry	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HEMPHILL, Maureen	Logan	NDP
KOZAK, Richard J.	Transcona	LIBERAL
LAMOUREUX, Kevin M.	Inkster	LIBERAL
MALOWAY, Jim	Elmwood	NDP
MANDRAKE, Ed	Assiniboia	LIBERAL
MANNES, Clayton, Hon.	Morris	PC
McCRAE, James, Hon.	Brandon West	PC
MINENKO, Mark	Seven Oaks	LIBERAL
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
OLESON, Charlotte, Hon.	Gladstone	PC
ORCHARD, Donald, Hon.	Pembina	PC
PANKRATZ, Helmut	La Verendrye	PC
PATTERSON, Allan	Radisson	LIBERAL
PENNER, Jack, Hon.	Rhineland	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren	Lac du Bonnet	PC
ROCAN, Denis, Hon.	Turtle Mountain	PC
ROCH, Gilles	Springfield	LIBERAL
ROSE, Bob	St. Vital	LIBERAL
STORIE, Jerry	Flin Flon	NDP
TAYLOR, Harold	Wolseley	LIBERAL
URUSKI, Bill	Interlake	NDP
WASYLYCIA-LEIS, Judy	St. Johns	NDP
YEO, J. Iva	Sturgeon Creek	LIBERAL

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, January 24, 1990.

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

TABLING OF REPORTS

Hon. Harold Neufeld (Minister of Energy and Mines): Mr. Speaker, it is with great pleasure that I table the Annual Report for the Energy and Mines Department.

INTRODUCTION OF GUESTS

Mr. Speaker: Prior to Oral Questions, may I direct Honourable Members' attention to the gallery where we have, from the Ryerson School, fifty-eight Grade 5 students. They are under the direction of Gail Marlow and Leona Wiens. This school is located in the constituency of the Honourable Member for St. Norbert (Mr. Angus).

On behalf of all Honourable Members, I welcome you here this afternoon.

ORAL QUESTION PERIOD

Out-Migration Statistics Government Strategy

Mr. Reg Alcock (Osborne): Mr. Speaker, I would like to start with a question to the Deputy Premier (Mr. Cummings). For months in this House we have been pointing out to the Government that this province is losing people at an ever increasing rate. Month after month the Premier (Mr. Filmon) has stood up in this House and pooh-poohed that concern and suggested that it is not a serious problem. Well, the City of Winnipeg has just released the report of its Task Force on Economic Development. It underlines and confirms the concern.

In the last five years 124,000 people, young Manitobans, have left this province. Three out of four of them have been under the age of 34. Mr. Speaker, will the Deputy Premier today admit that we have a problem and tell us what they are doing to correct this outflow?

Hon. Glen Cummings (Deputy Premier): The Member makes a correct assumption when he talks about over the last five years. We certainly appreciate the fact that we have inherited a considerable number of economic woes from the previous administration.

Mr. Speaker, this Government has chosen to build a strong foundation upon which the economics of this province can grow, and thereby the people of this province can be assured of long-term employment and strength of that employment for their families. We have done that by making sure that there is more take-home money in the pockets of the taxpayers of this province

by reducing the taxes. We are approaching that by removing the onerous payroll tax as rapidly as we can afford to do it.

Mr. Speaker, we are attracting investments to this province and embarking upon a new era of growth for this province. That is how we will repair it.

Mr. Alcock: Mr. Speaker, the increase in take-home pay amounts to 50 cents. Out-migration has increased in this last 18 months at a rate unprecedented in the last 10 years.

Free Trade Agreement Impact Labour

Mr. Reg Alcock (Osborne): Mr. Speaker, the report goes on to indicate serious concerns about the impact of the Free Trade Agreement on this province, another question that we have raised over and over in this House only to have the Government deny that it even is a problem.

* (1335)

Mr. Speaker, the de Grandpre Study called for a labour adjustment strategy to affect areas that were negatively impacted by free trade. Can the Minister of Labour (Mrs. Hammond) tell us where that strategy is, and when we are going to see it tabled in this House?

Hon. Gerrie Hammond (Minister of Labour): Mr. Speaker, the de Grandpre Report also said that you could not pinpoint any areas that were applicable to free trade, that it was not an area that could be related to free trade. When there are work stoppages, work losses, our department goes in with the labour adjustment unit and does everything they can to make sure that those workers have a chance to get new jobs.

Free Trade Agreement Labour Adjustment Strategy

Mr. Reg Alcock (Osborne): Yes, Mr. Speaker, this Government is very quick to act after the jobs have been lost. This report says that they want evidence. Their prospective candidate is the chairman of this study. Our rail and truck transport industries will be affected by free trade, not maybe, will be affected. Potential opportunities may be limited in this province.

Will the Minister tell us not what she is going to do after, but what they are going to do before we feel the full impact of this?

Hon. Leonard Derkach (Minister of Education and Training): Mr. Speaker, I might indicate that indeed the trucking industry is one that we have identified, as a Government, where there needs to be a lot of attention paid to training people for truck driving, because there is a shortage of qualified truck drivers in this province, and that shortage is about 200.

We in this province have moved to ensure that there is going to be qualified truck drivers in this province to make up for the needs that are out there. Indeed we are doing that in every field that we can, and we have a Skills Training Advisory Committee that is going to be reporting at the end of February, which will indeed tell us how we should address many of the skill development areas that there are in this province.

Mr. Alcock: Mr. Speaker, we have lost thousands, thousands of full-time jobs in this province. The trucking industry has been recognized as a target for rationalization all during this past year, and this report confirms that.

We have to do a lot more than train a few truck drivers. We have to help those truck drivers get adjustments so they can move into other transit employment, because their jobs are going out as fast as everybody else's.

Bankruptcy Rate Job Loss Statistics

Mr. Reg Alcock (Osborne): Mr. Speaker, with a new question, each month we see evidence of this Government's complete lack of vision. Today the Superintendent of Bankruptcy has released its December report. Business bankruptcies are up 45 percent. A total of 392 Manitoba businesses went bankrupt this year, leaving \$105 million in liabilities.

Mr. Speaker, my question is to the Minister of Labour (Mrs. Hammond). Perhaps she will answer this question. Can the Minister tell us how many Manitoba jobs have been lost in this province as a result of these 392 bankruptcies?

Hon. Glen Cummings (Deputy Premier): Mr. Speaker, no one ever wants to see private or company bankruptcies. There are, unfortunately, from time to time a number of those.

We, as I said a few minutes ago, are working to turn around the economy and improve the underpinnings economically within this province. That is why we are forecast to have one of the strongest rates of capital investment in this country. Mr. Speaker, that will help us turn the tide that was left in the wake of the previous administration.

Mr. Alcock: Mr. Speaker, if I can quote the City of Winnipeg study: only the misinformed could believe that the city will continue to grow. The Scotiabank predicts Manitoba as the only province in western Canada to show a decline in the size of its labour force.

Will the Minister of Labour (Mrs. Hammond) tell us, will this pro-active business-oriented Government tell us how many Manitoba jobs will be lost as a result of these bankruptcies?

Mr. Cummings: Mr. Speaker, there is no attempt to deny the fact that we are displeased to see anyone have to go out of business or declare personal bankruptcy, but we have to make sure that the economic growth of this province is assured for the future months.

There is the Opposition that referred to Limestone as "Lemonstone." There is the Opposition that has been tearing at the heels of Repap over a billion dollars worth of investment in this province.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order.

Mr. Cummings: Mr. Speaker, there have been significant steps taken to make sure that jobs and the economic growth in this province start to turn around and give us the jobs that the people in this province are expecting us to deliver. We are dedicated to that, and we will not get it by the naysayers from across the way.

* (1340)

Labour Adjustment Strategy Government Initiatives

Mr. Reg Alcock (Osborne): Mr. Speaker, there sits the Minister of Mining and Energy (Mr. Neufeld), who said we will see no impact from Conawapa until 1993. If the Minister of Labour (Mrs. Hammond) will not answer the question perhaps the Minister responsible for Training (Mr. Derkach), who seems eager to get to his feet, will tell us what new initiatives he has initiated to help retrain Manitobans and give them an alternative to moving out of the province?

Hon. Leonard Derkach (Minister of Education and Training): Mr. Speaker I am glad to get to my feet to correct the Member for Osborne (Mr. Alcock) who just said a minute ago that in fact truck drivers are leaving the province because there are no jobs. That is the kind of misinformation that they keep putting on the record time and time and time again.

Mr. Speaker, in this province right now we have a shortage of at least 200 long distance truck drivers. We have moved to ensure that there is adequate training for people to get into that industry. The trucking industry has come to our support in ensuring that they are a partner in this training endeavour as well.

Mr. Speaker, the Skills Training Advisory Committee that has been meeting over several months has indeed put their minds to ensure that we move in the proper direction when we announce training programs in the future. I am anxious to hear the report, because I think we indeed will have opportunities for Manitobans that will be long lasting and will have job entries at the end of those training programs.

Racist Lapel Pins Legal Intervention

Ms. Maureen Hemphill (Logan): Many groups and organizations have been outraged over the racist propaganda that was printed on lapel buttons by a Calgary citizen.

The Minister of Justice (Mr. McCrae) received a letter from the Congress of Black Women of Canada asking

that he bring an injunction to stop the sale and distribution of these in Manitoba.

The Attorney General (Mr. McCrae) has ruled out an application under the Criminal Code and we are wondering if he will tell us what the basis of ruling out the application or applying for an injunction is.

Will he reconsider this on the basis that this is not only a legal issue but a political issue, and it is important that the Government take a very strong position and give a very clear message about racist propaganda like this?

Hon. James McCrae (Minister of Justice and Attorney General): I certainly appreciate the concern that prompts the Honourable Member's question.

There are times I suppose when being an Attorney General is not the time to be also a politician in the case of what I think are offensive and distasteful lapel pins proposed to be distributed -(interjection)- I am having a little trouble hearing, Mr. Speaker, because the Honourable Member for Kildonan (Mr. Cheema) wants to get involved in the Question Period from his seat.

The Honourable Member for Logan (Ms. Hemphill) asks me to put a political decision ahead of one that would be a proper legal decision to be made by an Attorney General. As much as I feel strongly about the issue, I believe as strongly as the Honourable Member does, there are times when the law has a role to play, and this is one of those times.

Unfortunately I do not at all want to see this type of material being distributed throughout our province. I suggest to the Honourable Member that she join me in recommending to others that they not buy that pin, but that perhaps they would make a positive move and make a positive statement about this whole issue by endorsing the lapel pin being put out by the B'nai B'rith Society.

Human Rights Code Violation

Ms. Maureen Hemphill (Logan): I would like to table a letter that I am sending to the Manitoba Human Rights Commission, and my question to the Minister of Justice (Mr. McCrae), as was the question placed in this House on January 8, is: will he support the position that we are taking in this letter to the Manitoba Human Rights Commission requesting that under Section 55 of the Code, looking at both Section 4 and the statement in the preamble, which we believe justifies legal action under the Human Rights Code, will he look at those sections and will he support the request that we are making that the Manitoba Human Rights Commission apply for the injunction to stop the distribution of these pins?

Hon. James McCrae (Minister of Justice and Attorney General): I have no hesitation in supporting the sentiments being expressed by the Honourable Member and others in opposition to these particular lapel pins. The legal advice that I received from my department is good legal advice. The people that we have working

for our department are the best in this province, if not in this country, and I am bound by that type of advice. I think it would be a dangerous proposition for me to compromise the Office of the Attorney General by proceeding on matters on which I ought not to be proceeding.

* (1345)

Ms. Hemphill: Might I ask the Minister of Justice (Mr. McCrae) why he is prepared to predetermine what the results of the application would be by listening to the advice of members in his department, instead of letting it go to the courts and having a judge decide? We have received informal, albeit informal, legal advice that the Manitoba Human Rights Code does cover this and that there is a strong possibility that an injunction can be brought in under the Manitoba Human Rights Code. Why is the Minister not prepared to follow all legal avenues? Why will he not explore the Human Rights Code for the injunction?

Mr. McCrae: Mr. Speaker, I have, with my department, explored all legal avenues. As I say, I certainly agree with what the Honourable Member's intent is. I do not think it would be appropriate or responsible of me to use the law in such a way.

The logical extension of what the Honourable Member is suggesting is that there would never be a stay of proceedings. There would never be a reduced plea accepted in our criminal system. As the Honourable Member for St. James (Mr. Edwards) would know, that would totally bog down our total justice system. We would not have enough judges. We could have as many judges as we have lawyers presently in the province and we still would not have enough.

So that is the logical problem that we create for ourselves by doing that and going against appropriate legal advice that we are given by those who are in a position to make those—

Mr. Speaker: Order, please. Honourable Member for Logan.

Ms. Hemphill: Mr. Speaker, I do not think that the Minister of Justice (Mr. McCrae) has yet addressed the question of why he is not prepared to look at the regulations or the laws under the Human Rights Code.

My question to him is: will he look at, as our legal advice suggests, the statement in the preamble and Section 4 which prohibits designs or symbols which incite, advocate or counsel discrimination? Will he look at those two sections and reconsider, if not an application under the Criminal Code, an application under the Manitoba Human Rights Commission Code?

In the absence of agreeing to that will he support our request to the Manitoba Human Rights Commission that they apply for the injunction?

Mr. McCrae: Mr. Speaker, I will go over my material and check to see that each of the sections enumerated by the Honourable Member were indeed reviewed by my staff. I have reason to think that they were. I will get back to the Honourable Member on that.

Wednesday, January 24, 1990

The Honourable Member should understand that when I made the decision I made based on the Criminal Code, that was based on the Criminal Code. The Honourable Member is raising the Manitoba Human Rights Code, and those options are available to others. I am telling you what the legal advice that I have been getting is what I have set out. Therefore, that is the position, unfortunately, the Government of Manitoba finds itself in having to take.

I would like to hasten to stress that in no way does that position on the part of the Government mean anything but what I have said, the narrow legal look at it. We have our views about the appropriateness of that type of material out amongst the population too. I believe most people in this province share my view about the strength of the diversity of our province and that the materials like that do not represent the public view—

Mr. Speaker: Order, please.

Legal Opinion Request

Mr. Paul Edwards (St. James): Mr. Speaker, my question is also for the Minister of Justice (Mr. McCrae). The Minister has indicated an unwillingness to stop the importation and sale of these clearly racist pins in this province. He says he is bound by the recommendations of his legal advisers. Let me make clear that he is not bound. He has a choice, and he has made that choice.

Mr. Speaker, the Minister indicates that he has received the advice and he has no options available to him. Yet Section 319 of the Criminal Code says you cannot wilfully promote hatred against any identifiable group in this country.

* (1350)

Is the Minister saying, by his decision, that these pins are not an intentional attempt to promote hatred? If he is saying that, will he table the legal opinion upon which he is relying?

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, the Honourable Member helps make my point. We know that the Honourable Member for St. James (Mr. Edwards) is a politician, but he is clearly not ready to be an Attorney General.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please. Order.

Mr. McCrae: The Honourable Member says I have a choice, and that I am not bound. He is correct, I could make a political choice. I think that would—and the Honourable Member for Concordia (Mr. Doer) refers to a principle choice, and I am telling you the choice that I am making is a principled and legal choice.

If the Honourable Member for St. James (Mr. Edwards) is suggesting that Attorney Generals across this country put aside legal principles when they make decisions; with respect to the public conduct of

business, then I think that he would not last very long as an Attorney General if he ever did get to be one.

Private Prosecution

Mr. Paul Edwards (St. James): Let us just look at the choice that this Minister has made. He has not only made a choice not to prosecute it himself, he has barred any citizen in this province from prosecuting these people for this offence. That is the height of arrogance.

Mr. Speaker, why is he preventing all private citizens in this province from launching a prosecution under this section by withholding his consent which, under this particular provision, he is entitled to do? Why is he doing it? Is he afraid that someone might prosecute this successfully—

Mr. Speaker: Order, please. The Honourable Attorney General.

Hon. James McCrae (Minister of Justice and Attorney General): The Honourable Member asks about Section 319, Subsection 7 of the Criminal Code of Canada, which states that no prosecution can go forward without the consent of the Attorney General. He has failed to look at the implications of such a move. He has not considered at all the precedent that might be setting, and then he asks me to be inconsistent, as we know he already is, in the daily conduct of his business as a politician.

Mr. Edwards: Mr. Speaker, the fact is that it is very rare that a Minister actually has the power the Minister has in this case. By far and away, the majority of the times, private prosecutions are allowed. This Minister has taken this step to stop them in this case.

Order for Seizure

Mr. Paul Edwards (St. James): Finally, for the Minister, why at the very least has this Minister not moved under Section 320 of the Criminal Code to get an order to seize any of these pins in Manitoba? All he needs to get that is reasonable belief, reasonable grounds, to believe that these pins will incite hatred. That is all he needs, it is not the full criminal standard he needs to get an order for seizure of these pins. Why has he at least not taken that step and why is he backing away from this issue and leaving the door open? The promotion of race—

Mr. Speaker: Order, please. The question has been put. The Honourable Attorney General.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, in my last answer, I cited Section 319, Subsection 7; that should have been 320, Subsection 7. I ask the Honourable Member, as a legal person, to ask himself why the Parliament of Canada put that subsection in the Criminal Code in the first place, and that leads one to examine the question and to examine the precedent one would be setting.

The Honourable Member repeatedly in this House asks me to do things that Attorney Generals in this

country ought not to do. His position with respect to the CSIS agreement is totally inconsistent with the position he takes today, which is one of many, many examples. The question is someone has—

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please; order, please.

Mr. McCrae: The point is someone has to take responsibility and someone has to be held accountable. I am quite happy to be held accountable in this instance although, I will tell you, Mr. Speaker, it gives me no pleasure.

* (1355)

Substance Abuse Compulsory Education Program

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, my question is to the Minister of Education (Mr. Derkach). In a recent survey conducted by Knowles Centre for the River East School Division, serious problems were evidenced among our young people in the area of substance abuse, both drug and alcohol. Among the evidence that came to light was that 24 percent of our elementary school students had consumed alcohol.

Mr. Speaker, elementary school students in this province are 12 years of age and under. The figures climb in junior high to 58 percent, 90 percent in senior high. When will this Minister introduce a compulsory drug and alcohol education program at all levels, elementary, junior high and senior high?

Hon. Leonard Derkach (Minister of Education and Training): Mr. Speaker, over the last year and a half we have moved significantly to ensure that, in fact, programming for elementary, junior high and senior high school students is available on drug and alcohol abuse. There have been many programs that have been introduced into the school system over the last number of years.

Since I became Minister of Education we have authorized that the Lions' Quest Program be authorized as a school program that schools can tap into. We have, within the Family Life Program, sections on alcohol and drug abuse, which are units within that Family Life section, which indeed alludes to the fact that there is a problem with alcohol and substance abuse.

Mr. Speaker, there are programs in the Grades 7 to 9 area as well, which cover the whole area of alcohol and drug abuse. There is no mandatory program in the high school. Before we can move in that direction it is important that we consolidate the kind of programming so that we are not offering 10 different programs to an area. We have been meeting with the Department of Family Services, Health, the Department of Justice in an attempt to co-ordinate a proper approach—

Mr. Speaker: Order, please. The Honourable Leader of the Opposition.

Mrs. Carstairs: Mr. Speaker, these children are crying out for help. Seventy-four percent of them said they needed, wanted and were not getting programs, 74 percent, because this Minister refuses to make the program mandatory. Why is he not accepting his responsibility to the children of this province and making these programs elementary, junior high and senior high compulsory for each and every single student?

Mr. Derkach: Mr. Speaker, over the last year and a half, we have moved very specifically on several fronts, and I would just like to point out that when I came to this office the AIDS Program, for example, was not a mandatory program in this province. It was one that was offered only for two hours in the high school area. It has taken us some time to rewrite the program and make it mandatory for all schools to offer the program and we have started that program right in Grade 5.

So we have taken some positive action to ensure that those important programs are offered, but teachers have complained that their school day is only so long so that if we are going to put more demands on them we had better ensure that there is time in the day to allow for those programs. So for the last while we have been getting together with other departments and with my department to ensure that any program we come up with will be such that it indeed is meaningful and can be incorporated into the school day that is short enough as it is, Mr. Speaker.

Counselling Programs

Mrs. Sharon Carstairs (Leader of the Opposition): The bottom line is he is not prepared to make them compulsory, and yet the students—66 percent of them who reported their use of alcohol, 46 percent of that 66 said that they consumed five or more drinks in order to get drunk. These children are well on their way to being addicted.

What new counselling programs has this Minister introduced to ensure that they get help before they are alcoholics?

Hon. Leonard Derkach (Minister of Education and Training): One of the issues that the Leader of the Opposition (Mrs. Carstairs) did not refer to was that when some of the students were questioned they said that their parents were aware of the fact that they were taking those drinks as well. That is why this Government has been moving towards ensuring that parents have a say in school programming so that parents become partners in education.

Before we introduce any kind of a haphazard program we will think it through. We will develop it in a way that it indeed is effective and that parents have a say in the type of programming. Education is a partnership of course. I am not saying that we will not make it compulsory for all school divisions to offer drug and alcohol abuse programs, but we are not going to go in there in a haphazard way, in a band-aid approach. It will be a thoughtful, meaningful program that will be introduced.

* (1400)

Racist Poster Justice Department Review

Mr. Elijah Harper (Rupertsland): My question is to the Attorney General (Mr. McCrae). We all know that racism exists in this society. I am asking the Minister whether he is aware of a notice that was posted in a public place in a commercial establishment in Thompson? This poster sickens me as an Indian person, the first citizens of this country.

I would like to table a copy of the poster and read what this part says, because it refers to hunting seasons: "However, in place of big game animals there will be open season on Indians, locally known as Ronches, Camanchys, Skumahotchys or Niches. These welfare recipients must be thinned out every 3 years."

That is a copy of the letter. Will the Attorney General investigate the matter of how this came about? Will he take appropriate action against this propaganda that is targeted against the first citizens of this country?

Hon. James McCrae (Minister of Justice and Attorney General): The material the Honourable Member refers to is disgusting in the extreme. It is odious. It is hateful. It is awful. The moment I found out about that material last evening my office was in touch with the Thompson RCMP to ensure that it is properly being investigated.

The material the Honourable Member is talking about points out what we were talking about a little while ago with relation to the lapel pins and the kinds of decisions that legal people in Manitoba are called upon to make. The decision in this case was not difficult at all.

Mr. Harper: Mr. Speaker, the action or the propaganda that has been out is not tolerated by aboriginal people. I am sure that the rest of the citizens of Manitoba, including the politicians in this Chamber, will not tolerate the propaganda that has been posted.

I would like to get assurance from the Attorney General (Mr. McCrae) whether this matter will be dealt into and also the people responsible will be charged. Also, we have to have assurances that people are protected and not being discriminated against or—prejudices and racism exist at all levels.

Mr. McCrae: Having seen the material I can assure the Honourable Member that the department has stressed to the RCMP in Thompson the importance of ensuring that no stone is left unturned in the investigation of the matter. Once the police have completed their investigation my department will take an extremely active role if we are able to.

Signature Investigation

Mr. Elijah Harper (Rupertsland): Yes, Mr. Speaker, my final question is to the Attorney General. Will he also investigate the matter of how the Minister of Natural Resources' (Mr. Enns) signature appears on the document outlining those comments? I am sure that the Attorney General would like to clarify the matter, and also the aboriginal people would like to have

assurances from the Government that this will be cleared up.

Hon. James McCrae (Minister of Justice and Attorney General): I have no hesitation in assuring the Honourable Member that whoever penned whatever it is at the bottom of that document certainly was not the Minister of Natural Resources (Mr. Enns). The authorship of that of course would be the subject of the investigation. There is no one in the Government and indeed no one in this House who would lend any scintilla of support to this kind of garbage.

Substance Abuse Availability

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, again to the Minister of Education (Mr. Derkach), with regard to the Knowles Centre study on River East. One of the most disturbing issues in this survey is that 41 percent of the senior high academic students and 54 percent of the vocational students said they could have easy access to these drugs in the school building. Will the Minister of Education immediately call a meeting with police, parents, teachers and students to prepare strategies to get these drugs out of the schools and to prevent the continuing sale of those drugs within school buildings?

Hon. Leonard Derkach (Minister of Education and Training): Mr. Speaker, the Leader of the Opposition (Mrs. Carstairs) indeed raises a good issue, but I have to tell her that this Government has been on top of that and has moved in that direction some months ago. We recognize the problem that we have in our school system with drugs and alcohol. As a result of our recognition of that some months ago a committee was struck between the Department of Justice, the Department of Health, the Department of Family Services and my department to investigate this matter, to come up with a program that is going to address this very important issue, and we indeed will be able to address it in a way in which will have support from the community, the school divisions and the parents.

Mr. Speaker, as soon as we can consolidate our findings and as soon as we can come up with a program I will be happy to announce it and make the Leader of the Opposition familiar with it.

Mrs. Carstairs: Could I suggest they put some students on those committees, because the students know how to get the drugs and the rest of us do not?

Mr. Speaker, 28 percent of these students, 28 percent of them are indicating that they are using drugs and alcohol within the school. Twenty-five percent of them are saying they are using it before they go to class. Can the Minister of Education (Mr. Derkach) tell this house how teachers are to provide appropriate education to students who are already under the influence of drugs and alcohol?

Mr. Derkach: Mr. Speaker, at the present time in the Province of Manitoba there are at least five different types of programs that are available for school divisions

and for teachers to choose from to deliver not only in the junior high, or the elementary areas, but also in the high school areas, as well.

Mr. Speaker, those programs are available. We have had the co-operation of such organizations as CAPHER, the Manitoba High School Athletic Association; we have had the co-operation of such sports teams as the Winnipeg Jets, the Winnipeg Blue Bombers, to ensure that we try to reduce the amount of drugs and the usage of drugs within our school system and among the young people of this province.

Mr. Speaker, I do not think there is any Member in this House who would deny that we do have a problem within our school system in that regard and that it has to be addressed. The approach we use has to be carefully thought out, and that is why we have this committee of senior officials and Ministers who are dealing with this to come up with an approach that is indeed going to address the problem in an effective way.

Compulsory Education Program

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, the tragedy is that in this very study, parents and teachers do not recognize the seriousness of this issue, and neither does the Minister of Education. When is he going to get off his duff and act?

Hon. Leonard Derkach (Minister of Education and Training): Mr. Speaker, the only time the Leader of the Opposition gets off her duff is when she reads something in the newspaper.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order. Order, please. The Honourable Minister of Education and Training.

Mr. Derkach: Mr. Speaker, I would have to indicate to the Leader of the Opposition (Mrs. Carstairs) that school boards, parents' groups, in fact students themselves, teachers, the police, the Winnipeg Blue Bombers, CAPHER, and the Manitoba Athletic Association have indeed all been aware of the kind of problem that exists with drug and alcohol abuse in our school system and in our society. This is not a new revelation.

Indeed, that is why this Government has struck a committee to work toward a program that will reduce the abuse of these products and, Mr. Speaker, we will do everything we can to ensure the protection of our youth in this province.

Crow Benefit Method of Payment

Mr. Bill Uruski (Interlake): Mr. Speaker, my question is to the Minister of Rural Development (Mr. Penner). Seeing that with the decline in incomes to farmers, many thousands of farmers who are in financial difficulty will be moved off the land. I am sure that the Minister

of Rural Development (Mr. Penner) is concerned about those areas, and I am sure that he is also part of the ministerial committee dealing with the present process of soft selling the question of change in paying the Crow rate from transportation subsidy to a producer subsidy.

Yesterday, the Minister of Agriculture (Mr. Findlay) indicated that the Member for Dauphin (Mr. Plohman) had his figures wrong, that there would be a \$70 million dilution. The fact of the matter is the report, on page 17, indicates up to \$75 million would be a dilution effect, and he chastised the Member for having wrong figures.

* (1410)

Mr. Speaker, I ask the Minister, in light of the Minister of Agriculture's (Mr. Findlay) statement yesterday that Members on this side want to politicize this issue, and we are denying potential opportunities to Manitoba farmers by this change, can this Minister, on behalf of the Government, tell us what potential opportunities exist for Manitoba farmers by making the change that they are now recommending through this process?

Hon. Jack Penner (Minister of Rural Development): Mr. Speaker, the Honourable Member from the Interlake (Mr. Uruski) raises a point that has been addressed by many farm organizations for many years. The method of payment of the Crow benefit to the agricultural community certainly has been a discussion item for many years right across this nation. When I was involved with the farm organization, it certainly was a discussion item at virtually every meeting that we had.

It is our intention as a province to consult with all Manitobans as closely as we can to determine what in fact the views of the agriculture community in Manitoba are today. Let them speak to the issue of the method of payment, how it should be paid and who in fact should receive payment for the transportation of grain in this province, as well as the rest of Canada.

The question is a good one and hopefully by the time the hearings that are currently going on will have been held, we will have the answers for the Honourable Member from the people of Manitoba.

Mr. Speaker: Time for Oral Questions has expired.

ORDERS OF THE DAY

Hon. James McCrae (Government House Leader): Mr. Speaker, I would like to announce that the Standing Committee on Law Amendments will meet on Thursday at 10 a.m., to continue consideration of the Bills that were before it last evening.

Mr. Speaker, would you be so kind as to call the Bills in the following order today. It is a fairly long list: 31, 74, 75, 8, 19, 69, 73, 70, 65, 84, 35, 81, 59, 60, 6, and the remainder as listed on the Order Paper.

Wednesday, January 24, 1990

DEBATE ON SECOND READINGS

BILL NO. 31—THE LABOUR RELATIONS AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Labour (Mrs. Hammond), Bill No. 31, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, standing in the name of the Honourable Member for Brandon East (Mr. Evans), who has 37 minutes remaining, the Honourable Member for Brandon East.

Mr. Leonard Evans (Brandon East): I welcome this opportunity to continue to debate on the very important piece of legislation. An important issue because as far as we are concerned, Mr. Speaker, as we said time and time again, it is in the interest of the working people of this province. It is in the interest of business. It is in the interest of all Manitobans to allow FOS to stay on the statute books, so that we can carry on with this innovative approach to labour legislation.

We would hope that after this debate is over that the Minister of Labour (Mrs. Hammond) in her wisdom will see fit to either let this die on the Order Paper, or to withdraw this particular piece of legislation.

Mr. Speaker, the legislation bringing in FOS was introduced a number of years ago at the request of organized labour in the Province of Manitoba. The Manitoba Federation of Labour was fully supportive of this move by the NDP Government of the time. It was a new technique, it was innovative. It was something that could promote greater harmony and could lessen work stoppages in the province.

Mr. Speaker, regrettably, the Liberals and the Conservative Members of this Legislature do not see fit to give this legislation an opportunity to work even though there is a growing number of Manitobans who want to see FOS remain on the books, all the way from the doctors on the one side right through the spectrum to various women's groups on the other.

Mr. Speaker, final offer selection is nothing new under the sun in the world of labour legislation. There are experiences in other jurisdictions that we can look to to give us some insight into questions about its use and potential impacts. Indeed some of the criticisms that have been levied about FOS in this Legislature in this province have been heard in other jurisdictions when that particular legislation was introduced in those jurisdictions.

Indeed there are many misconceptions about FOS. They have been expressed in these other jurisdictions and they have been dealt with. Now they are being brought in here. They have been suggesting for instance that the final offer selection takes away the right to strike. Mr. Speaker, nothing is further from the truth. Nothing is further from the truth. It is a misconception (interjection)- The Honourable Member for Arthur (Mr. Downey) did not hear my opening remarks when I said that it would be in the public interest to allow final offer selection to remain on the statute books so that labour and management together can utilize this legislation

to bring about further harmony, further peace on the labour management scene.

Indeed, Mr. Speaker, as I will refer later there is evidence that FOS is working in this province. The Leader of the NDP, MLA for Concordia (Mr. Doer), yesterday referred to various statistics which indicated a rather positive effect of the final offer selection. Indeed there are other documents we could refer to, other pieces of information that we can refer to, decisions made by the Manitoba Labour Board which would indicate as well that final offer selection has been useful.

As a matter of fact, just at this point I could make a reference to an occurrence of a couple of years ago whereby final offer selection allowed Manitobans to enjoy some beer, a taste of beer in one long, dry, hot summer in 1988. It was stated by the representative of Manitoba Brewery Workers that the province could have been hit with a beer strike if it was not for the final offer selection legislation that was brought in by the NDP. He said at that time it provided an incentive to both parties to sit down and negotiate seriously. This is a representative of the United Food and Commercial Workers Union.

He said also that he was very disappointed that the Tory Government had decided to repeal this particular piece of legislation, because from his point of view it has already served a very useful purpose. He said labour and management did not get as far as submitting their final offers for selection, but the final offer selection put pressure on the three breweries and the Associated Beer Distributors to negotiate a settlement before the process was used. Anyway that is one example.

The point I am making, Mr. Speaker, is that it does not take away the right to strike. This is what I was going on to say. It really very clearly places the decision as to whether or not to go to final offer selection or to go onto strike with the members of the bargaining unit who must ultimately bear the consequences of either action. That of course is where the decision should be made. It should be made by the members of the particular bargaining unit.

* (1420)

Indeed this is where the legislation allows the decision-making process to take place among the membership. It does not take anything away from workers, but in fact it adds to their ability to bargain in good faith with their employer and hopefully to reach a fair settlement where possible.

I am not suggesting for one minute that will be the end to strikes and lockouts, of course not. These will continue unfortunately. In an ideal world we would have no strikes, we would have no lockouts. All labour-management issues would be settled hopefully fairly and quickly, and we would not have to suffer the consequence of work stoppages, but we believe that, while there will still be some strikes and lockouts, nevertheless FOS will help to alleviate potential strikes and potential lockouts.

I am not suggesting also that all issues lend themselves to the final offer selection process, for

example, disputes involving or revolving around seniority, for instance, or grievance procedures, for example. These disputes do not lend themselves to any form of arbitration or third party intervention, and final offer selection may not be an option in many other instances. The fact remains, nevertheless, there will be situations where bargaining has broken down for any number of reasons, and arbitration or final offer selection can be used effectively to avoid strikes and lockouts. Therefore, it will be up to the employees to decide whether those circumstances warrant final offer selection or a strike.

Indeed, Mr. Speaker, final offer selection offers the opportunity, as I said, to prevent labour-management strike. That is all it does, nothing more. It does nothing more, it does nothing less, it does not take away anything, it does not add anything, it is simply one more opportunity to reach a negotiated agreement before an employer or employee feels compelled to either go on strike on the one hand or to have a lockout on the other.

On the other hand, Mr. Speaker, there are some who have said that the final offer selection is too attractive a mechanism, therefore it will replace the strike, and consequently it will stop parties to a collective agreement.

An Honourable Member: What union said that?

Mr. Leonard Evans: Just give me a moment. It was not a Member of a union, it was a former Member of this Legislature who hinted at this. They suggest that the final offer selection will soon become the preferred option over good-faith bargaining. This is exactly the same argument the Conservative Members of this Legislature used to oppose first contract legislation in 1982. I can refer and in fact quote from the Member of the Day, the Member for St. Norbert at that time, who in opposition to this legislation said that the FOS legislation would make it "too easy not to negotiate."

An Honourable Member: That was the previous Government.

Mr. Leonard Evans: Yes, the previous Government, the previous Member. The Member for St. Norbert at that time was a Conservative, and he was opposing the introduction of this legislation. I am just quoting here; I have a bit of a quote from Hansard. He says, "It is too easy to negotiate, too easy to circumvent the bargaining process, and the entire concept of collective bargaining in this province may deteriorate or be destroyed."

An Honourable Member: Did he get destroyed?

Mr. Leonard Evans: Well, that is another subject. Obviously, his concerns and those of those who opposed it at that time, they failed to materialize; those concerns did not materialize. Their predictions of doom and gloom were unfounded and they were just wrong, they were simply wrong. In fact, since '82, since this legislation has been in place, there have been a very small number of first agreements decided under first contract

legislation. I believe that if you look at the data on applications for FOS, you will find that there have not been an overwhelming number although there have been a fair number. I believe there have been 61 applications for FOS since the legislation was passed.

Anyway, Mr. Speaker, final offer selection has encouraged good negotiating in other jurisdictions where it has been used. There is one reference I would like to make to a Mr. S. A. Bellam who has written an article in the Osgoode Hall Law Journal entitled Final Offer Selection: Two Canadian Case Studies and an American Digression. Quoting from his article, this is as I said in the Osgoode Hall Law Journal, he says: both parties reported considerable pressure was generated by the FOS deadline after mediation. Each preferred to reach agreement through negotiation rather than risk a complete loss in arbitration, unquote.

So, quite obviously, Mr. Speaker, the pressure of final offer selection keeps good negotiations at the bargaining table rather than forcing them or even enticing them away. In that article, Mr. Bellam was examining Canadian examples of final offer selection which took place in the mid-'70s in Ontario. He drew eight conclusions from that review. Four of which, I might refer to, dealt with the concern about final offer selection discouraging good-faith bargaining.

First conclusion, he said, No. 1, there was significant convergent pressure to appear reasonable in the eyes of the selection officer, so that was good.

Number two, he said both sides felt strongly motivated to settle the agreement themselves for personal satisfaction and to avoid the risk of complete loss at arbitration, and yet both felt that FOS gave the parties a larger measure of control than did conventional arbitration.

Thirdly, he said both felt that the time frames set in advance prevented a stalemate from developing and kept talks progressing, albeit slowly at times.

Fourthly, he concluded that both parties felt compelled to justify their positions during negotiations by reference to concrete financial data in preparation for the FOS criterion of reasonableness. Indeed, both reported that the FOS deadline encouraged realistic bargaining throughout.

Mr. Speaker, here is a conclusion of an expert in labour law who has offered a number of very positive conclusions based on his study of two cases in Canada and also a look at the United States or the American scene.

There is another misconception about final offer selection and that is that because the arbiter picks one full package over that of the other, there would be clear winners and losers when the final offer selection process is over. Again, the experiences in other areas such as the previous one that I referred to show that this is not the case. The American experience is the same as well as in Ontario.

There was an article prepared by Mr. James Stern for the annual meeting of the National Academy of Arbitration, who again is an expert in this field. He

wrote, and I am quoting: "There is a good deal of misunderstanding about the process on the part of individuals who have not been involved with FOS. As for any damage wrought by the winner-take-all-aspects of the final offer arbitration awards, it has not caused either the winners or the losers to condemn the procedure on this ground."

There you have it, Mr. Speaker, an American expert who says that it has not caused either the winners or the losers to condemn the procedure on this ground. There was not this damage about winner-take-all aspects of final offer selection that some people have referred to in criticizing FOS.

* (1430)

Mr. Bellam, who wrote in the Osgoode Hall Law Journal, is even more conclusive in his analysis that final offer selection does not cause winner and loser problems. He says, and I am quoting from his article: "FOS merely reflects the broad win-loss notion of the collective bargaining system, and in fact by generating conversion pressures the parties may be so close together that animosity is lessened at the end of their arbitration process. Finally, by forcing the parties to compromise rather than risk everything at arbitration the result is likely more acceptable than if the arbitrator, himself, compromised the two positions to reach a settlement." He later states in that same article that final offer selection "enhances the possibility of a settlement by the parties without recourse to arbitration and the results appear to be acceptable both in terms of the immediate dispute and the ongoing employer-employee relationship."

Mr. Speaker, history rejects the notion that FOS decisions create future problems. Those with the experience with the process, both in other parts of Canada and the United States and others who have studied it in work, report that in actuality the opposite is true. The parties are brought closer together. They are not torn apart. They are brought closer together during the process, and there is oftentimes less animosity, less hostility, following the process than there would be under other circumstances.

It is interesting that I can refer to an economist who lived at the early part of this century, a famous English economist by the name of Dr. Stanley Jevons, who stated, "Peculiar as this procedure seems there are in reality distinct advantages in it, the most important being that any demand made by either side must be strictly reasonable and capable of being supported by good evidence so that it has at least a good chance of being accepted."

As they said, what is very interesting about his comments on what we call a new and unique bargaining tool in Manitoba is that those comments were made in the year 1915 in Britain as part of a reference to the British labour scene, and there was a part of his book that he wrote on the British coal train.

Mr. Speaker, this is not a new idea under the sun. As I said, it is in practice in some parts of the United States, in other parts of Canada and indeed it was tried in the early part of this century in Great Britain.

Indeed it was used for several years settling wages for that particular industry, the coal industry, during the early 1900s.

More recent examples, more recent history confirms the fact that FOS forces reasonableness and for that reason alone, Mr. Speaker, reduces hard feelings and does not result in the suggested win-lose mentality after the contract is settled.

There is another misconception about this legislation that we have heard criticizing FOS and that is that unions or indeed management could lose major gains such as seniority or the right to grieve, or even management rights, if they were to submit to final offer selection, and either the union or the employer were to develop an extremely reasonable package with one exception on a major issue in the hope that the arbitrator would choose their package as the most reasonable one. In other words, that both sides would come in and bring in extreme proposals, not reasonable proposals, but extreme proposals, on the thought that just as winning a lottery or winning a poker game that their side would win and they would have great gains.

That has not been the case. History proves just the opposite. Mr. Bellam, who I referred to earlier in my remarks this afternoon, discusses this particular misconception, and I will quote from his article. He says: "Another criticism stresses the possibility that the arbitrator may be forced to choose between two patently and reasonable offers, whereas arbitral discretion could shape a reasonable compromise or collective bargaining force a test or strength.

"Firstly, it is suggested that the likelihood of such an occurrence is remote. Few unions or companies would wish to risk everything at arbitration rather than compromise themselves, and further, even fewer negotiators would risk losing face so dramatically in front of both their superiors and their counterparts by backing a losing side. Consequently, it is argued that the bargainers themselves have a vested interest in closing the gap even if a collective agreement could not be reached.

"Secondly, the result would likely be no better under conventional arbitration, which would probably impose a settlement unacceptable to either unreasonable party while collective bargaining would merely have one side eventually knuckle under.

"Finally, the criticism ignores the very real convergent pressures reported in the case studies, which are generated by FOS."

As I stated, this is from an article written by Mr. Bellam, B-E-L-L-A-M, in the Osgoode Hall Law Journal, in his study of FOS as a technique in labour-management relations. The possibility of major gains being eroded or lost during final offer selection is very remote and I believe that has been proven by those who have studied this issue that this has not been a problem.

The fact is that final offer selection has proven to be a valuable bargaining tool, which narrows the issues, not broadens them, but narrows the issues, and mitigates against one side trying to take advantage of

the other for fear of appearing unreasonable and losing everything.

I would like to deal with another criticism that we have often heard from both sides of this House, from the Conservative Members of this House and the Liberal Members of this House, and indeed from some members of the business community, and that is that final offer selection gives too much power to workers and to unions, that this legislation is biased in favour of the unions, in favour of the workers. What in fact it does, it equalizes the power among different parties involved in the negotiations.

Again I would refer to the expert in this matter, Mr. Bellam, who suggests that final offer selection, "may be considered to afford some advantage to the weaker party." I would suggest that this weaker party in one instance may be a small union against the big business. That may happen. There may be other cases where it may be a small business against a large union. In that case it would be to the advantage perhaps of the small business to utilize FOS in its fight against the large trade union.

In either of these cases, Mr. Speaker, whether the union is small and weak or whether it is business that is small and weak, in either of these instances final offer selection will give some comfort to the weaker party. That is for sure.

I guess what we are talking about is a levelling of the playing field in order to avoid a stronger party bullying a weaker party, whether it be business or whether it be labour, whichever, through an unnecessary strike or an unnecessary lockout. I would hope that this is a point that I could drive home today to persuade Members of the House, Liberal and Conservative Caucuses that this is a legislation that therefore should be left on the statute books, that should not be removed as is being proposed by the Bill presented to us and the one that I am discussing today, by the Minister of Labour (Mrs. Hammond).

Members who make this criticism, that is exactly what they are telling us when they are opposing giving workers in Manitoba the right to choose final offer selection over a strike or a walkout. That is what we might refer to as the law of the jungle style of collective bargaining. It impacts on our society in a way that is very negative. I think what we want to do is lessen jungle-style collective bargaining.

I am not certain how final offer selection would have affected the strikes that have occurred over the last couple of years. It certainly would help avoid violence. It would help avoid problems. We have seen in a couple of years past postal strikes where unfortunately postal pickets were arrested. There was one headline in the Free Press which read, Winnipeg postal pickets arrested. Another Winnipeg Sun headline read, Violence flares as picketing started. Another one was, Tories stall while tempers rise. Maybe, just maybe, final offer selection could have helped in other situations similar to this.

* (1440)

What we want to do, Mr. Speaker, is to bring more peace and more harmony into the labour market and

utilize as I said this particular piece of legislation as one more vehicle hopefully to improve or to enhance labour-management peace in this province.

Another criticism that we have heard about the existing FOS legislation, Mr. Speaker, is the fact that only employees have the ability to vote on whether or not a FOS process will be started. I would therefore say it seems that the Conservative and Liberal Members of this Legislature seem to be opposed therefore to giving working people their right to control their own destiny. I would hope that they would not want to force working people to a strike situation or to subject them to a lockout by an employer, the situation by the way which is unilaterally proposed by an employer without any say in the matter of the workers.

Where is the concern for fairness when the employers lock out their workers or hire replacement workers to steal jobs of workers who are on a legal strike? Where is their sense of balance, where is the sense of fairness that we should have?

Well, we have that concern and we have a concern that working people should be given the right to decide their own destiny. What we are doing here is enhancing the right of workers to decide on their own destiny.

Really, Mr. Speaker, when it comes down to it, the fact is that final offer selection would probably never be of much use to large unions and big business, they will not need to use it, and they probably will not want to use it. They are quite capable of bargaining. They have both groups, large unions and large business have economic strength. They have research capacity, they have negotiating capacity. The fact is the bulk of the organized Manitoba labour force is made up of smaller unions, and it is the impact of final offer selection on the smaller, less powerful unions, and indeed on the smaller less powerful businesses in this province that I am concerned about. I think that is what all Members of this Legislature should be concerned about.

How about small business, and how about small labour? We indeed are assisting these weaker units in their fight perhaps with stronger economic units, whether they be labour or business, through this legislation.

I guess this is why the Manitoba Federation of Labour, which is the foremost labour organization in the province, fully supports the concept of final offer selection. The Manitoba Federation of Labour is on record—in their 1985 convention, the final offer selection was debated at length and was endorsed by an overwhelming majority of more than 600 delegates who attended that particular convention. I might add those 600 delegates represented nearly 350 union locals in almost every community of Manitoba, and they were indeed overwhelming, as I said, in their support for final offer selection.

The support, the position of the Manitoba Federation of Labour has not changed since then. The MFL, the MF of L, the Manitoba Federation of Labour, continues in that position and, therefore, would be opposed to this amendment introduced by the Minister of Labour (Mrs. Hammond).

So there is no doubt about it, Mr. Speaker, the final offer selection procedure is supported by the vast majority of Manitoba unions. Again, I would return to Mr. Bellam and offer his comments on FOS, and when he speaks of the benefits of final offer selection, he says: "A system which required the subjugation of the weaker party despite a more compelling argument for its offer on the grounds of a brute force standard is hardly attractive." Well, I hope Members of this House would not wish to promote a brute force standard, instead of a reasoned argument.

I would appeal to their sense of justice. I would appeal to their sense of fairness. Brute force and the survival of the fittest on the one hand, versus reason and logic. I am arguing for reason and logic that does prevail through the FOS legislation. I say, do not eliminate FOS legislation, as the Minister of Labour would have us do; let us not enhance or encourage brute force and the survival of the fittest.

I think people of this province do not want to see labour-management confrontation. They want to see labour-management peace in this province and as I said I would suspect, therefore, if an average citizen of Manitoba were to discuss this and understand what it has been doing, and what it can do in the future, that the average citizen of Manitoba would support the position of the New Democratic Party and the Manitoba Federation of Labour.

We have to innovate. The world does not stand still, no matter how much some Members of the other Parties in this House might wish otherwise. Circumstances do change and those changed circumstances require new ways. They require innovative ways of doing things, and this is true of all areas of Government, but certainly it is true in labour legislation.

It is true in labour legislation as it is in every other area, and every other area of concern, that this Legislature, this Government has. This is what FOS does, it is innovative here. It provides both employers and employees with the opportunity to reach a collective agreement without necessarily having to resort to strikes or to lockouts. That is what it was designed to do when it was drafted. That is what that legislation is designed to do.

I think, Mr. Speaker, there has been analysis by experts in Manitoba that would lead us to think that it has had some measure of success. I am referring particularly to a study done by a Professor Hugh Grant, an economics professor at the University of Winnipeg, who analyzed the experience of FOS for a period of 20 months. In that period, he referred to 42 FOS applications having been made to the Labour Board. He goes into a lot of detail as to the categories, the industries involved, how many were, what kind of union supplied, and so on. They were not all applications by labour, some of them were actually by the employers. The decisions were rendered one way or the other. In some cases, the employers received a favourable decision. In other cases the employees had a decision rendered in their favour.

There are five examples that we could refer to. One was in the town of Springfield, the union—it was a

matter of a wage offer, this was what was at stake. It was a matter of percentage increase in a two-year contract that was being asked for by the union. In this case, the selector, Mr. Jack Chapman, awarded in favour of the union.

However, the second example, referred to by Professor Hugh Grant, is the DOM Group. This is one of the last two Dominion grocery stores in operation. There was an application by the Manitoba Food and Commercial Workers with regard to severance pay and the decision was in favour of the employer, not in the union's favour, but it was in the favour of the employer.

Another example, Vista Park Lodge, again the Manitoba Food and Commercial Workers, it was not dealing with the direct wage issue. It was a non-wage issue. It was dealing with pension plans, and this one was settled in favour of the union.

* (1450)

Another example was Unicity Taxi, again settled in favour of the union. This was regarding a wage increase, but the fifth example, the town of St. Clements, the selector came down on the side of the employer, rejected the union's position and favoured the employer, arguing in that particular example, this is the town of St. Clements, that the union requested shorter qualifying periods and more generous benefits well in excess of prevailing standards in surrounding jurisdictions.

So the fact is, Mr. Speaker, that from this study, although the professor did not draw any definitive conclusions, he said there are some inferences that you can make just based on the limited research that he has done. He says first of all, the first inference is that FOS has proved to be flexible in permitting ongoing negotiations. I think that is great. It is noteworthy that it has been the employer that has appealed for FOS in four of the six instances where an application was made with a strike in process.

A second positive feature which he infers from his research is that FOS has indeed acted as a safety valve for small bargaining units wishing to avoid a long strike. He gives a number of examples and he gives a lot of detail here which I will not take the time of the House to go into. But his conclusion then, third, Mr. Speaker, is that while the use of FOS has been largely restricted to a couple of trade unions, it could be argued that FOS in Manitoba has not interfered with the collective bargaining process, it has not led to any unreasonable wage gains, and at least in one instance has proved beneficial to a small bargaining unit facing an employer attempting to break the union.

Well, Mr. Speaker, I think that speaks well of the success of FOS. As my leader yesterday indicated—okay, I gather I am running out of time. I did not realize I was so far in the time—but just let me conclude by again reminding Members that there is a growing number Manitobans who want this legislation, the doctors on the one hand and a group of women, the Manitoba Women's Agenda, who speak for a large number of organizations, and they say there are 200,000 Manitoba women working in service industries that would be affected.

So, Mr. Speaker, thank you very much for listening patiently to my remarks. I trust the Members of the House will see fit to let this legislation die on the order books. Certainly it should not proceed. Thank you.

Mr. Harry Harapiak (The Pas): Mr. Speaker, I move, seconded by the Member for Flin Flon (Mr. Storie), that debate be adjourned.

MOTION presented and carried.

COMMITTEE CHANGES

Mr. Edward Helwer (Gimli): Mr. Speaker, I move, seconded by the Member for Minnedosa (Mr. Gilleshammer), that the composition of the Standing Committee on Law Amendments be amended as follows: Pankratz for Burrell; and Praznik for Penner.

Mr. Speaker: Agreed? (Agreed)

Mr. Jerry Storie (Flin Flon): I would like to make a committee change as well. I would like to move, seconded by the Member for Dauphin (Mr. Plohman), that the Standing Committee on Law Amendments be amended: Storie for Uruski.

Mr. Speaker: Agreed? (Agreed)

BILL NO. 74—THE HIGHWAY TRAFFIC AMENDMENT ACT (7)

Mr. Speaker: On the proposed motion of the Honourable Minister of Highways and Transportation (Mr. Albert Driedger), Bill No. 74, The Highway Traffic Amendment Act (7); Loi no 7 modifiant le Code de la route, standing in the name of the Honourable Member for Assiniboia (Mr. Mandrake), the Honourable Member for Assiniboia.

Mr. Ed Mandrake (Assiniboia): I have had some considerable time, seeing that the Minister when he spoke to it on November 29, to review this Bill and I appreciate his explanatory notes. It certainly made the effort that much easier.

I have some concerns about the manner in which the proposed amendments have been placed on the agenda. I do not have any problems with the first one, that is the bicycle—definition of a bicycle, et cetera, without any hesitation or any reservations about his program in that field.

The one that I find rather startling is where the Minister now recognizes that a driver of a vehicle that being for the purpose of plowing snow, as defined as a special mobile vehicle, that their licence should not be penalized if they get in an accident with this type of vehicle.

I applaud him for that action, but I am completely amazed that he would take this step. I would like to hear his opinion, Mr. Speaker, with regard to the police force. Has he been in consultation, let us say, for example, with the RCMP, the city police, and the rural town police with respect to their driver licences? Are

they going to have that same type of a provision in their licence whereby if they are on duty that they would not be penalized unless—they will have a review board of course put into place that will judge whether or not the accident actually was in fact not connected with duty.

I think, Mr. Speaker, we could go a few steps further with respect to this type of legislation and include our fire department, and our ambulance people, because all of those people are prone to accidents. They are performing their duties, but if we are going to do that, we have to set in a review board of the peers within the organization, i.e., that being the fire department and of course the ambulance, so that if they do get in an accident they will be reviewing the accident, and say, okay, it certainly was with regard to negligence, or whatever the case would be, so that their licence is not going to be penalized.

I would certainly be very appreciative if the Honourable Minister would take that suggestion into consideration. He has yet to take anything under consideration that I have ever offered, but maybe this one he will.

The other article, and I refer to an article that was placed in the January 12, 1990, Winnipeg Free Press, whereby it indicates that the snowplows are not adhering to the laws of the land, and that being your stop signs, your lights, et cetera. I would ask the Minister whether or not he has undertaken, because apparently the gentleman apparently had spoken to the Minister with regard to the problem that he has observed. I would certainly appreciate hearing from the Minister as to what he plans on doing with the serious problem that there is.

I know personally in my travels throughout the Province of Manitoba that I have seen infractions of the law because of the people that operate this machinery. It is ironic that I am on this subject. I notice that here the other day I was going to Portage la Prairie, a constituent wanted to talk to me, and what was in front of me on Highway No. 1 but two front-end loaders, side by side, blocking the road.

(Mrs. Gwen Charles, Acting Speaker, in the Chair)

The only way, Madam Acting Speaker, is I had to honk my horn out of sheer frustration, honk my horn and finally the driver of the other front-end loader slowed down and got behind the one on the right-hand side.

* (1500)

That is the type of problem that we are having on the highways. I think, Madam Acting Speaker, that the Minister could be a little bit more receptive to suggestions and realize it is a frustration. It is truly frustrating when you have two of this kind of vehicle blocking the highway and not allowing anybody to proceed in a normal manner.

The other one, Madam Acting Speaker, finally the Minister has taken the initiative and says now that we will not have any kind of front licence plate that is going to resemble what the rear plate is. I applaud him for

that. I wrote down two of them and I will just give you an example of how ridiculous this is. This is totally, I just cannot comprehend it. I found one vehicle here in the City of Winnipeg, the front plate reads, 901 ACT, Manitoba plate. The rear plate is 717 HAB.

Madam Acting Speaker, how are the law enforcement people to do their job when we have those types of plates? I just cannot understand how we have taken so long to address such an important issue as that. Our law enforcement agencies are having enough of a problem with the rear licence plate where up to now we have allowed even a front Manitoba plate to be different from the rear plate.

Another one, Madam Acting Speaker, an Alberta plate in front, this year's, and the rear plate is a Manitoba plate, 328 AHB. The guy gets into an accident or something like that, the police force of course will take down the front plate and away the vehicle goes. To try to locate the driver, he is no longer in Alberta, he is in Manitoba. It should have happened last year. At least he has addressed it. I am not complaining.

Madam Acting Speaker, another one that certainly has been brought to my attention, that is the transit permits which are presently located in the right-hand corner of the windshield.

Now I know in other jurisdictions that for the sake of policing these transit permits they are located on the left-hand corner of the rear window. Now if the RCMP or a city police drives by all they have to do is the constable in the right-hand side looks out the window, sees it and he knows it is a transit permit.

Right now it is in the right-hand corner of the front window, very, very difficult to distinguish. I know because I have seen it with my own eyes. You know what people are doing? Getting a piece of paper, putting a little bit of adhesive on the side, putting it in the front in the right-hand corner and they are delivering the vehicle to another location.

An Honourable Member: That is incredible.

Mr. Mandrake: That is a true fact. I have seen it with my own eyes.

Madam Acting Speaker, how are our police force going to do their job when we are handicapping them? If we are going to allow our police force to do a job let us at least do one common and decent thing, please, allow them to do their job with great expediency. This is not doing it.

Madam Acting Speaker, I am referring to 31(3) where the Honourable Minister is recognizing people who are coming into Manitoba from various jurisdictions. The one thing that he has forgotten is we have a large contingent of armed forces personnel coming into Manitoba yearly. You know what, a good portion of them have international driver licences. That is not recognized in this.

How dare this Minister—when our people go and serve our country in Europe and he does not have the decency to recognize that they do come back with international driver licences. In other words what he is

saying to them is, when you come back you are going to have to get re-examined again. Now, is that fair to our people who gave up four years or three years of their lives from being away from Canada, to penalize them like that? I do not think that is fair.

I would strongly suggest to this Minister to address that issue, because when we go into committee I am going to insist that be placed in this legislation, particularly in this particular clause whereby he eliminates the fact that our armed forces personnel do come back with international driver licences and he is not addressing it in this. I will fight with the last ounce of my blood to make sure that is included, Madam Acting Speaker.

I was just informed here the other day that the Honourable Minister, through his department, has been circulating a proposed amendment. I am not saying it is going to happen, but this is a proposed, possible amendment to 35(15) of The Highway Traffic Act. I will read that to you, and I will give you an example of how this department is operating: Tow trucks shall be equipped with a lamp on top thereof, clearly visible from all directions under normal atmospheric conditions from a distance of 150 metres—

The Acting Speaker (Mrs. Charles): Order, please; order, please. I would like to point out to the Member that you are to be addressing the general principle of the Bill and not referring to particular clauses. Thank you.

Mr. Mandrake: Madam Acting Speaker, I am referring to Section 35(17) whereby we are discussing the lamps that have been flashing and also being of such candle size and candlepower. So that is what I am talking about.

The Acting Speaker (Mrs. Charles): Order, please. The Minister of Northern Affairs.

Hon. James Downey (Minister of Northern and Native Affairs): Madam Acting Speaker, let the Member apologize. You just admonished him for making reference to specific parts of the legislation, and he has absolutely and intentionally ignored your ruling. I would think he should apologize for carrying on in the manner in which you corrected him for doing. Shame on him.

The Acting Speaker (Mrs. Charles): I thank the Minister for his recommendations. I am sure the Member was about to get on with his discussion of the Bill.

Mr. Mandrake: Madam Acting Speaker, I would strongly again recommend that the Minister make sure that all towing vehicles, regardless of which ones they are, should display a name on the side of a tow truck because right now they are not required to do that. A lot of them that are out there on the streets do not have any name whatsoever. In the interest of public safety, in the interest of public awareness this should be a priority. This has been told to me by the RCMP and also the City Police. They say that it is very difficult

to be able to detect a tow truck that is legitimate and that is not legitimate because when they are out there picking up a car, they do not know whether it is supposed to be picked up or not supposed to be picked up. A lot of them just do not have any names so they cannot identify them. So I suggest to the Minister that he should take that under consideration.

* (1510)

In regard to the signalling of bicycles, Madam Acting Speaker, I agree that is an admirable way of going at it and I agree with the Minister. The only question I would have on that particular subject, General rules 145(1), is that operating bicycles during the wintertime, and I am sure everybody has seen it, whereby you see a bicyclist in the wintertime in the right-hand path of a vehicle. Now with a two-wheeler of that nature all they need to do is slip, fall and they could be very, very seriously injured by a vehicle running over them or something like that.

Now I would strongly suggest that this Minister take into consideration that point that I am bringing up. He might consider maybe banning the use of bicycles when you have heavy snow or a lot of snow like, for example, today. Today I am coming down Academy and here is this gentleman—mind you he was fully clothed with a proper helmet—driving a bicycle in the right hand tracks. All you need is a slip and he would have caught curbs.

Madam Acting Speaker, the Members from the Government think that is funny, but to me, I am sorry, I do not think it is funny at all. The loss of one life can be prevented if we only use our common sense. I think that is something that this Government is really lacking, common sense.

There is another article here, and I am pleased. I cannot show my appreciation when I received this particular 147(3) when the Minister finally acknowledges that a child that is in the bicycle, particularly in the rear seat of a bicycle, should be wearing a helmet. Grant you, they are not CSA approved yet, and he has acknowledged that.

I am pleased that he has done that, because every child should be cared for with the greatest—I just cannot, for the love of me, express myself. Children are our most precious resource, our most precious resource, and we should do everything in our power to protect them. He has omitted one very important thing, and that is why did he not go one step further and incorporate my resolution, whereby it called for a seat whereby the child, legs and body, were going to get strapped in? Why did he not go that one step further?

An Honourable Member: I asked the same question.

Mr. Mandrake: Madam Acting Speaker, again I am going to refer to a comment that this Minister made in this House with regard to my Bill No. 74 and whereby he stated that, and if you allow me, on November 14, '89 he referred to this. This is what he said, I will quote: I want to refer to my colleague from Lakeside who very

often has used the expression in this House, if you cannot make good legislation, do not bring it forward. He calls it phony legislation.

Well, that is exactly what I say about that bicycle amendment whereby he does not address the problems of our children. That is phony legislation. So why does he not adhere to his own words, or his own colleague from Lakeside, to not incorporate legislation unless it is really meaningful, really meaningful?

Madam Acting Speaker, again I wish to bring the Minister's attention to my resolution whereby it prohibits the use of just the buckets for the children in the back, actually a proper type of seat where they have leg protectors. They could be done. All he has to do is go to the manufacturers and work with them, in concert with a manufacturer, whereby we can design a seat for the rear of the bike for our little children. I am not saying two years old—three, four, five—whereby they can be secured and they would not get injured if that bike was ever to fall.

As I said, I would hope that this Minister not introduce phony legislation. That is exactly what this Minister is doing when he proposed that particular legislation, because he is not addressing the issue. The rest of the amendments here—I will not go to any kind of depth on them, because I think it is only fair that we take it into committee. Then we can discuss it there and on far more complex issues than what we can in this House, because I do not think it is fair to the Minister.

I am just giving him some suggestions that I feel are very, very important. The young children of our society today, Madam Acting Speaker, are going to be our leaders of our society tomorrow. Let us give them a chance.

The other one, and I find that most startling, is 182(5)—

The Acting Speaker (Mrs. Charles): Order, please. I would just like to remind the Member that it is not appropriate to refer to the clause, that you will be speaking to the Bill in general terms. So if you would refrain from referring to the general clause, it would be appropriate.

Mr. Mandrake: Madam Acting Speaker, the Minister now is going to be restricting the use of plastic film or substance to a windshield or side window to prevent light coming in. We will be discussing that in committee as I am sure that the—I had asked him about this in Estimates and he provided me with a very wishy-washy answer. This time I am not going to let him get off the hook. I am going to make sure that he knows what he is talking about when it comes down to this particular piece of legislation.

The others on this Bill, I will agree that they have merit. They do address the issues. I would not wish to make any derogatory or impugn any kind of motives of the Minister with regard to the remaining portion of his Bill. Again, I urge the Government and I urge the Minister, before he brings in any kind of amendments to a highway traffic Act—again, I will refer to the statement of the Honourable Member for Lakeside (Mr. Enns): do not make this phony legislation.

* (1520)

If you are going to present a legislation in this Chamber, Madam Acting Speaker, make sure it has some time type of teeth in it, whereby our law enforcement people will have at least some respectable degree of clout, whereby they can go out there and do their job in the fashion in which they were asked to do. If we give them a legislation that is wishy-washy, how are they going to apply the regulation? They cannot apply that regulation. Again, there are portions of that Bill that certainly warrant merit, no question about it, but there are certain parts of that Bill that I certainly will be addressing in Committee.

With that, Madam Acting Speaker, I wish to thank you very much for your time and your indulgence, and Members of this House. Thank you very much.

Mr. John Plohman (Dauphin): Madam Acting Speaker, we had to use that term routinely a few years ago, and I was very comfortable to say Madam Speaker, but now it seems a little unusual since we no longer have been utilizing the reference to the Speaker in that way.

Let me say first of all to the Minister of Highways and Transportation (Mr. Albert Driedger) that I do appreciate the format of explanations. For the Member for Assiniboia's (Mr. Mandrake) information, he might be interested in knowing that the explanatory sheets that were provided by the Minister was not a practice that had taken place in this province until just a few years ago when, during our Government, we had asked the departments to bring forward, whenever they brought forward amendments, instead of just the technical sheets which make it very difficult to understand, spread sheets that would show the existing provision, the changes, and the explanations in a very clear way for everyone to understand.

We began the process at that time of providing that information to the Opposition Critics, not as routinely as the Minister is now doing, and I am pleased to see that it has evolved to that stage where it is done almost routinely. I do not know if all Ministers are doing it. The Department of Highways and Transportation is doing it because they had Ministers who understood the need for this in the past and put in place that kind of practice. Now this Minister, and I give him credit, has followed through and it is being done. As a matter of fact, I have even the memo from the Deputy Minister saying for the Opposition Critics it is being provided, it is being done as a routine practice in the department.

I appreciate that and I know that the Liberal Critic appreciates that. I think that is a practice that the Minister of Northern Affairs (Mr. Downey), if he ever has any legislative changes to bring forward in this House, will in fact do and adopt for his department, because it will ensure that there is a clear understanding. Especially in minority Government it is important that everyone works together in a constructive way to have amendments passed and improvements made in legislation. In fact, that is what happens.

We saw that in The Municipal Act where we attempted to bring some sanity to the Government's proposals on The Municipal Assessment Act. What you see in

this particular case is the Minister of Highways and Transportation bringing forward a number of amendments and sharing the explanations with the Members opposite, and of course that is a very positive step and certainly facilitates the process.

Let me just make a few comments on this Bill, because it is certainly a wide-ranging Bill covering a number of different topics. I want to say for the Member for Assiniboia (Mr. Mandrake), first of all in his comments dealing with the plate confusion, there is a section in the legislation in The Highway Traffic Act at the present time that deals with this issue specifically. We reviewed that when we moved to a single-plate system in this province to save some \$200,000 or \$300,000 of expenditures per year. The single plate was adopted and at that time we said that it was clear. At least we thought it was clear in the legislation that a person could not put in a plate that would in anyway be confused with the official plate of the province, so it is not like it had not been addressed.

Since that time situations have arisen, we understand, where an individual manufacturer was actually going to try to reproduce the exact plate and sell it to people to put on the front of their cars. The reference was that it was illegal only to put in place a plate that resembled the existing plate, but had different numbers. This one had the same numbers and if the manufacturer had not voluntarily withdrawn that proposal, we would have had some confusion here. So accepting the fact that there was greater clarity required, but for the Member for Assiniboia not to think that this issue had not been dealt with in The Highway Traffic Act along the way because of the feeling that there could be a problem in this area.

I want to mention a couple of other issues that I think are important for this House. I want to first of all join with the comments that were made by the Member for Assiniboia (Mr. Mandrake) dealing with bicycle safety. I do not think that the legislation is phony. I just think that the comments made by the Minister are misleading and phony, because what he did in fact say is that this Bill also ensures that commercial vehicles are properly insured, and then he goes on: Provisions affecting bicycles are amended to ensure bicycle safety in the Province of Manitoba. If I have ever seen an overstatement there is one, because this Bill does not do anything of the kind to ensure bicycle safety in the Province of Manitoba.

What the Bill does simply is change definitions for bicycles to I think reflect the current configuration of various kinds of bicycles in the country. It also defines a bicycle facility such as a bicycle path. That is all it does.

The actual action that could be taken to ensure bicycle safety would follow from this, perhaps by providing an extensive bicycle path system in the province or in the city for example. That is how it could ensure bicycle safety, but you certainly do not have this. The Minister of Natural Resources (Mr. Enns) says we have his full support for that kind of a program to ensure bicycle safety by having a bicycle path system. The fact is, this amendment does not do anything of the kind, and yet the Minister makes that statement

in his opening remarks. That is unfortunate, because what it does, if it was ever quoted and explored by any reporter, would make him very vulnerable as to whether he is providing the facts to the Legislature. I have seen a lot of overstatements in this House, but this one is as blatant as any of them.

I would ask the Minister to start to work on this issue. I mean, he has a couple of amendments here, and they are put in a Bill of housekeeping amendments. So really they are not even highlighted as bicycle safety amendments, and properly so. The Minister would have been really misrepresenting the issue had he highlighted it as a package of bicycle safety amendments to ensure safety.

There are some minor amendments here and it is a step in the right direction, but he can do a lot more and he should do a lot more and he must do a lot more. Bicycle safety is an issue that the organizations have been pushing in this province. They met with us when we were in Government to start the process of updating regulations and putting in place programs to improve bicycle safety in the province.

The Minister does not seem to have followed up on that organization's proposals. He does not seem to have implemented any of those proposals at all. I do not know if he has even considered them, if he has met with the groups and brought forward various proposals to his colleagues.- (interjection)- Well, you know, it is important to follow up on these kinds of initiatives when people bring them forward. It is an important area. The Minister has had nearly two years. He can say, well, I had four or five years, but the fact is we started to work on that particular initiative.

Everything comes due at a particular time in the political history of this province. In the Government history of the province different issues are dealt with. This one was beginning to evolve in 1987-88, and now the Minister has had time, and he does not seem to have made any progress and certainly has not with this Bill.

I would just indicate to him that I think it is an area that he should pay more attention to, and see whether he cannot in fact make some major steps forward in the next short, short while that he has as Minister of Highways and Transportation in this province.

* (1530)

Then we move on to another area that is very important. That deals with the issue of merits and recognizing safe driving habits of drivers from out of the province. That is a positive step I think especially as made possible as a result of the highway safety code and initiatives that were undertaken over the last number of years prior to the Minister assuming his portfolio, and during the time he has been in that capacity.

The rapid exchange information has now made it possible to share information on driver licences instantly across the province. Therefore it now makes it possible for jurisdictions to have all of the information at their disposal on a driver, and there is no reason to have

separate systems. Actually I think they should work toward a country-wide merit system of some kind for driver licences. It would be I think less confusing for people and a big step forward.

There is another side of this that the Minister could well look at, and one that I believe I wrote to him some time ago about as I recall. That deals with the issue of demerits that are assessed against drivers when they are out of the country.

Within the country of Canada I believe that there should be sharing of demerits and merits. The negative sides of driving, the poor driving habits, should be reflected in driver licences across the country, and the merits should be reflected across the country, good driving habits, good driving practices.

I have a little bit of concern with the alleged infractions that take place outside of the country, particularly in many states in the United States where quite often an individual on a vacation with his family, her family, with friends or whatever the case might be, will encounter a situation where they have a very marginal infraction, if one at all. Perhaps going 56 miles an hour in a 55-mile zone or something like that. They are stopped—or maybe they are even going 55—and the patrol person stops them and says, could I have your licence, you were speeding. Here is your summons. You can pay it wherever, here, or you can pay it down at the courthouse before you leave or whatever the case might be.

The individual is in no position to fight that kind of thing if they get to court. They have to return perhaps and get a lawyer to handle the kind of situation. He pretty well has to accept that he has to plead guilty to it and pay it. He pays it and it is marginal, very marginal, perhaps not even an infraction, and yet he gets two demerit points on his licence later on. The merit system is in the Bill.

An Honourable Member: In the Bill?

Mr. Plozman: It is in the Bill in fact because the Minister has failed to address it in this Bill. So because he did not address it, the fact is that it is an omission in this Bill. That is something, but the merit system is in the Bill. The merit system is in the Bill because the Minister is making amendments to allow for the recognition of merits for out of province. I am saying, since that issue is being addressed the Minister should have looked at the other side of it. He should have looked at removal of those demerits that happen when people are travelling in the United States particularly, because I believe in many cases the merits that take place there are unfairly attributed to that driver because he really or she really has very little option but to plead guilty to infractions that perhaps did not even occur. I do not think that is fair for the driving record, particularly now, because demerits and merits mean so much to drivers in this province in light of the insurance system, particularly in light of that. A merit system can be worth a lot of dollars in this province now in terms of insurance and registration.- (interjection)-

Well, the Member for Lakeside (Mr. Enns) said he is responsible for bringing the merit system in. That was

a good system, perhaps even though a few of us have never seen the luxury of merits and so cannot benefit perhaps from some of the insurance reductions. The fact is, over a 20-year period we in fact may end up with the high merit points that some people have. The fact is they mean a lot financially to people now. Therefore, it is even more important for this Minister to deal with this issue and the Registrar of Motor Vehicles, Mr. Coyle, knows that I was concerned about it. I raised this with him about this possibility a few years ago. We did not do it formally. No action took place. I believe I wrote to the Minister about this issue last year. It seems to me that I recall that it was raised by a constituent of mine that ran into a situation as I have described here. I believe it has a lot of merit, if you pardon the pun. I believe that you should look with some degree of urgency again keeping in mind the short time that he may or may not have in this portfolio. Therefore he will want to take action as quickly as possible on something this important. I hope he will consider that.

There are a couple of other areas I wanted to address briefly here. This issue of special mobile machines and the new definition for snowplows mounted on trucks is an important one both from the point of view of the drivers who in the past had to endure demerits on their licences perhaps if they got into situations where that big machine encountered some damage to some property in some way that could be termed the driver's fault and since it was a motor vehicle he could in fact have demerits placed on his licence. That is unfortunate. That has been cleared up with this amendment.

However, the other issue that the Minister deserves some credit for is in the area of snowplow safety, again an area that we had begun to work on. I notice now that the Minister is advertising on a safety campaign limited I believe, not too extensive, but limited to provide information to the public about the dangers of snowplows in the wintertime, being encountered either coming up behind them or meeting them. I think that is an important area.

We had some situations in the past where accidents have occurred because of what could be viewed as improper or insufficient lighting on the snowplows to indicate how fast they are moving and so on. In some cases a snowplow travelling on the road results for a driver in absolutely no visibility for several hundred yards behind. It is a very difficult, very dangerous situation, particularly if it is already stormy or if there are other icy conditions, or other conditions that might contribute to an accident, heavy traffic.

I think it is important that the Minister continue to improve the markings and lighting of snowplows and also improving the awareness of the public to the dangers of snowplows in our province, in our climate and our weather conditions.

I want to indicate to the Minister that I think these amendments are an improvement, but there is some more effort that he can make in this area of snowplow safety. He should continue to address this and have this reviewed with his staff.

Although they responded when an accident did occur near McCreary in about 1986, I believe, and we all were

very concerned and moved forward with some improvements, it tends after four or five years perhaps not to receive the priority attention that it should. Therefore, the Minister would find it incumbent upon himself to lead that initiative back to the department to ensure that they are continuing to give it the kind of priority that is required.

There are other sections in this Bill that I will want to ask the Minister about in terms of the necessity of them and the need for them in addition to the information he has provided. We will do that during committee stage, and so I will reserve judgment on the position that we would take on them.

However, we are prepared to see this Bill move forward to second reading to have it considered and have public input on these issues. Particularly, I believe the bicycle issue may be one that the public wants to provide some degree of advice to the Minister on. Then we are prepared to debate it at that point in terms of the clause-by-clause consideration.

With those remarks, Madam Acting Speaker, we are ready to move this forward. Thank you.

* (1540)

Hon. Albert Driedger (Minister of Highways and Transportation): I would like to close the debate on Bill 74. I just wanted to indicate that I appreciate the comments made by both critics.

Both critics are aware that this is the normal housekeeping Highway Traffic Amendment Act which comes forward every year, what happens within the department when they run into difficulties with various regulations that they come forward each year with sort of a general package that tries to address some of these things.

I would have to indicate to the Opposition Members that we are having some discussion about the possibility of rewriting the whole Highway Traffic Act. I think it has been mulled over a period of time. I think it is overdue. It is a very complex Act and I just offered this forward, certainly it is not coming forward for this Session, but given time, whether it is myself, or whether it is a different Minister of Highways, somewhere in the future, I would expect that staff will be promoting the idea, and I certainly have no difficulty.

I have to indicate once again that the comments that the Members have made will be noted and we will try and have replies when we go clause by clause and get into the committee. I will have my staff there at that time. We can address the specific concerns. On the bicycle issue, most certainly I will take that back to staff and see if there is a way we can possibly, based on the suggestions made, whether we can make it a little better, improve on it. I will have it reviewed and come back at committee at that time.

I just want to indicate also that we will be bringing one further amendment forward in the committee, and I will be bringing the information to both critics beforehand. This has to do with the request from the City of Winnipeg regarding clearing of snowplowing

routes, the parking aspect of it. The mayor has written myself, and it was done just in fact in the last little while, and staff have looked at it. Staff do not feel it is really a problem. It is basically within the city jurisdiction, but it has to come through The Highway Traffic Act. I will supply both critics beforehand—it is a very brief thing and we would like to add that to The Highway Traffic Amendment Act as an amendment, with the consent of course of both Members of the Opposition. I will try and have that information available to them beforehand so they can have a look at it and hopefully feel comfortable with that.

As far as getting into the details of the merit system, I want to indicate that we are doing a review on a broader basis than just what we are doing right now. These are very interim things that we are doing to correct some situations that are hard to enforce, some of the regulations where we have some difficulty, or the staff has difficulty, and that is basically what we are doing with this.

On a more larger scale, we are looking at reviewing the whole merit system because we have a system that is unique to Manitoba in terms of how we operate and the way it affects our insurance, our drivers and all these things. We are going to have a look at that, but that is further down the line, somewhere along the line. Once we get into it in a serious matter, and depending on the time restraints as to who is where, we will be able to discuss that further with the Members of the Opposition.

Madam Acting Speaker, I just want to indicate that we will note, as I said before, the comments that were made. I know that I will have staff that when we get into the committee and go clause by clause and there are further questions or anything that we can jointly agree on in terms of further amendments, we will have a look at that thing, because this is not a Bill that will be considered a controversial Bill. It is something that is basically helping clean up some of the issues in The Highway Traffic Amendment Act. We are certainly open to suggestions in terms of how we can further improve that.

(Mr. Speaker in the Chair)

With those remarks, Mr. Speaker, I want to thank Members for their participation. Thank you.

QUESTION put, MOTION carried.

BILL NO. 75—THE INSURANCE AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Co-operative, Consumer and Corporate Affairs (Mr. Connery), Bill No. 75, The Insurance Amendment Act; Loi modifiant la Loi sur les assurances, standing in the name of the Honourable Member for Transcona, the Honourable Member for Transcona.

Mr. Richard Kozak (Transcona): Mr. Speaker, on December 15, 1989 the Minister of Co-operative, Consumer and Corporate Affairs (Mr. Connery)

presented Bill No. 75, The Insurance Amendment Act, and I am pleased today to stand to place a few comments on the record regarding this Bill.

I am particularly pleased to note that Bill No. 75 is in fact the last Bill standing in my name in this House during the present Session. I note that our deliberations in this Session have continued at this point for 110 days, and I personally feel under a responsibility to contribute in every way possible to the expeditious conclusion of the business of this House during the present Session. Therefore, Mr. Speaker, I do take some pride in noting that I am today addressing in a timely fashion the last Bill that stands on the Order Paper in my name.

Mr. Speaker, the Bill before us, The Insurance Amendment Act, is largely technical in nature and does not require lengthy debate in principle. As the Minister indicated in his introductory remarks, the Bill does include some housekeeping matters. The changes to the Act do in fact involve inserting more appropriate wording into certain sections of The Insurance Act. For example, as the Minister pointed out, the use of the word "funds" in The Insurance Act at present does in fact have potential to be somewhat misleading in certain instances.

The Bill that we have before us today therefore takes the necessary step, a step which my colleagues have no difficulty whatever with, of changing references in certain sections of The Insurance Act from the word "funds" to the word "plan." Mr. Speaker, nothing could be simpler. The principle of clarity in the language of legislation passed by this House is a principle that I feel no Honourable Member has any difficulty whatever in defending and supporting, and I stand today with the intention in part of endorsing on behalf of the official Opposition the Minister's action via Bill No. 75 to update the language of The Insurance Act of this province.

Mr. Speaker, there is however one matter covered by this Bill that does require a slightly lengthier discussion of principle. As the Minister indicated in presenting this Bill and as I confirmed in researching the Bill, the amendment does in fact allow for the accommodation of four separate insurance councils in the Province of Manitoba. The councils will be responsible for regulating the educational qualifications and disciplinary actions for general insurance brokers, life insurance agents and insurance adjusters.

In other words, Mr. Speaker, we are looking at a Bill that promotes the principle of self-regulation of professions. This is not a principle that is without controversy, and I would like to address some of my remarks to the controversies surrounding the principle of self-regulation; however, I would first like to review the Bill in some more detail with specific reference to the principle of self-regulation.

The insurance council concept is presently being used across Canada. I do not dispute it. Amendments to allow establishment of these councils will in fact bring Manitoba in line with councils established in British Columbia, Alberta, Saskatchewan, Ontario and Quebec. Despite comments that I have now and that my Party will state in considerably more detail during committee

consideration of specific provisions of this Bill, I have no difficulty with measures that bring Manitoba law into conformity with practice employed, and employed rather successfully, across this great country throughout Canada.

Also, Mr. Speaker, the amendments before us will leave the Government of the Province of Manitoba with direct input into the councils proposed by the amendments. As the Minister pointed out in introducing this Bill, any action taken by the councils with respect to educational and other qualification standards will have to be approved by the Superintendent of Insurance. This does provide us with a signal that the Government does not intend to abdicate its responsibility to participate in a meaningful way in the regulation of the insurance industry.

* (1550)

As well, all policies and procedures that are set in place by the council will require the approval of the superintendent. Once again, Mr. Speaker, I comment that this particular thrust by the Minister does not provide evidence that the Government intends to abdicate responsibility for regulation of the insurance industry.

Also, if a council rejects an application for a licence or where a licence is revoked or suspended, an agent or a broker will have the right to appeal the action under the conditions presently in place under The Insurance Act. Mr. Speaker, these particular intentions of the Minister as were reflected in Bill No. 75 do suggest to me that we do not have before us a Bill that proposes to relieve the Government of its long history of direct responsibility for due diligence regarding the insurance industry and indeed for its regulatory function.

The Minister, in introducing this particular Bill, did claim that allowing for the accommodation of the insurance councils will ensure increased provincial input into matters involving licensed agents and brokers, while at the same time ensuring a system of checks and balances for monitoring the insurance industry for the Superintendent of Insurance and the Insurance Appeal Board.

Mr. Speaker, despite the fact that I have just stated, that I do not feel that this Government proposes to abdicate totally its responsibility for regulation of the insurance industry, and despite my feeling that the Minister has certain plans to keep the Government active in the field of regulating the industry, I do have some concerns about the principle of self-regulation which I would like to put on the record at this time and which I strongly feel should be investigated and discussed fully by the Law Amendments Committee at the appropriate point if this Bill does in fact pass this House.

My Party is prepared to see this Bill pass second reading, Mr. Speaker, because we feel that committee consideration will be of significant importance with regard to a meaningful exchange of views on the somewhat controversial concept known as self-regulation. Commentators on self-regulation have been of two minds on the value of the concept. Self-regulation

as a concept dates back to the guilds of medieval Europe whereby the various trades set standards for their members, standards for entry into the trades concerned. The principle has been in constant use throughout the western world ever since the middle ages. I do not stand here to argue with almost a full millennium of western civilization. In fact I do point out that there is strong justification down to the present day for a certain level of self-regulation within the framework of interest by the Government, which is ultimately responsible for the welfare of the public of this province and indeed jurisdictions throughout the western world.

Quite recently, Mr. Speaker, Manitoba's Director of Professional and Applied Ethics described Government participation in self-regulation as being based on something of a social contract. He stated that society does not have the knowledge to enable it to control and police such professions as the dental or medical professions effectively. He indicates what society has done is reach a bargain with each professional group, something of a tradeoff.

The professions are granted autonomy to self-regulate in exchange for a commitment to blow the whistle on unscrupulous and dangerous practitioners. But, Mr. Speaker, where I start to have difficulties with the functioning of the principle of self-regulation is when I realize that the critics who argue that self-regulatory professions have sometimes attached considerably more importance to defending the interests of practitioners within those professions than they have had to defending the public interest in a general way.

In other words, Mr. Speaker, it has been contended, and I have some sense that the contention is not entirely ill-founded, that the social contract between Government and the self-regulatory bodies is not always observed. It is not always the case that self-regulatory professions invariably, provably and openly defend the public interest as opposed to simply defending the practitioners within those professions behind closed doors.

I am not speaking in isolation, Mr. Speaker. The Leader of the official Opposition (Mrs. Carstairs) has expressed a similar concern which I feel should be considered during committee debate on this Bill. The Honourable Member for River Heights has pointed out very justly, I doubt that any Member of this House would dispute her point, that self-regulatory bodies with which we are familiar have a tendency not to be public in the sense that their meetings are not open to the public.

* (1600)

A fundamental principle of justice in western civilization, Mr. Speaker, is that openness, access to the judicial process, and we are talking about a quasi-judicial process here, is absolutely fundamental to ensuring not only that fairness is the driving force behind the system, but also that the public can see that fairness is the driving force behind the system. The Member for River Heights (Mrs. Carstairs) has expressed the opinion that complainants should have the right, as we expect them to have the right under our western

democracy, to attend closed disciplinary hearings in which they have a clear interest and to cross-examine professionals who are subjected to quasi-judicial proceedings.

The remarks of the Member for River Heights are in my view extremely insightful. I find them persuasive. My colleagues in the official Opposition find them persuasive. I suggest that Members in the Government and in the Second Opposition Party take to heart and address in an open-minded, serious way this line of reasoning when this Bill, and I assume it will, proceeds to committee consideration.

Mr. Speaker, the official Opposition does not suggest that hearings should be open on a universal basis if such universal openness is of little importance. Open hearings in all likelihood, and we will address this further in committee, can arguably be restricted to major cases of misconduct and other cases that are already public such as the Dental Association's probe of a group called Quest. Further Government intervention into the affairs of the self-regulatory councils should be a last resort, Mr. Speaker.

Having stated those few brief remarks on the record I would like to proceed no further with my contribution to this debate at this time. The matter that I have raised as a matter of principle regarding Bill 75 is a serious matter and indeed indisputably a matter of principle. However, I feel that further discussion cannot productively proceed at second reading stage without getting very deeply into the details and the specific clauses of the Bill in question. Out of my invariable respect for the rules of this House as stated by his Honour, the Speaker, I will defer further comment to committee consideration and suggest to all Honourable Members of this House that although my colleague the Member for Radisson (Mr. Patterson) does intend to place certain comments on the record. The official Opposition is indeed interested in expeditious passage of this Bill to committee consideration. Thank you for your consideration, Mr. Speaker.

Mr. Allan Patterson (Radisson): Mr. Speaker, I would just like to take this opportunity to make a few remarks about this Bill, which is generally favourable. Outside of the just some several housekeeping amendments the key thing in the Bill is the establishment of the insurance councils. The four insurance councils who look after the various classes of insurance and insurance agents and so on.

There is much that can be said about this concept, Mr. Speaker. It is very useful I think to have input from Members of a occupation, trade or profession, whatever who are knowledgeable about the various problems in the particular trade or occupation or profession. How are, therefore, have some significant qualifications to come up with satisfactory answers or solutions to such problems. Generally, routine matters such as licensing, the setting of various standards for the particular group.

However, it must noted and this is emphasized by the recent series of articles in the Winnipeg Free Press on the matter of self regulating professions. It must be recognized that there are or can be problems so far as the consumer is concerned with such self regulating

bodies. Now, some of the currently existing self regulating bodies, particularly some of the older professions has been pointed out in the next series of articles operate as pretty well almost completely autonomous whole societies which is something that in this day and age is really flies in the face of our open Government and democratic police.

So it should be recognized and noted that in this legislation, while these councils are set up to carry out many functions now carried out by the Superintendent of Insurance, that they are fully accountable to the Superintendent of Insurance and, therefore, of course to the Government and through that to the people of the province. These councils will not therefore be operating as completely closed and autonomous societies.

This is one important part of this particular Bill. This responsibility to the Government and monitoring by the Government is there for the protection of the consumer and the citizens of the province generally.

An Honourable Member: Pass.

Mr. Patterson: The Member for Arthur (Mr. Downey) says pass. If the Member will be patient, Mr. Speaker, in due course things will come to pass, and at our leisure.

At any rate, Mr. Speaker, I just might reiterate that while this concept of the councils is a sound one, there can be problems with this type of self-regulation, and while the Bill does substantially address it, it is important that in committee very serious consideration be given to these matters that I have raised on just how much power and how much openness there will be in these councils and in the processes that they establish.

As my colleague, the Honourable Member for Transcona (Mr. Kozak), has just mentioned, in quoting comments of the Member for River Heights (Mrs. Carstairs), our Leader, that a worthwhile concept is to have those who are affected, or are bringing charges of any breaches of regulations or rules under such regulating bodies, that the claimant or the appellant have the right to be present, hear the witnesses and the whole proceedings and maybe make presentations and question witnesses in various matters that might come before such councils. So matters such as this need to be addressed in the committee stage.

Given that, we are willing to pass this through to the committee stage so that the public, various individuals, institutions or organizations that have an interest or would be affected by this legislation may have the opportunity to make their particular views or concerns known and make the representations for consideration and possible amendments by the committee. Thank you, Mr. Speaker.

* (1610)

Mr. Jerry Storie (Flin Flon): I move, seconded by the Member for The Pas (Mr. Harapiak), that debate be adjourned.

MOTION presented and carried.

**BILL NO. 8—THE ENDANGERED
SPECIES ACT**

Mr. Speaker: On the proposed motion of the Honourable Minister of Natural Resources (Mr. Enns), Bill No. 8, The Endangered Species Act; Loi sur les espèces en voie de disparition, standing in the name of the Honourable Member for The Pas, who has 20 minutes remaining, the Honourable Member for The Pas.

Mr. Harry Harapiak (The Pas): Thank you, Mr. Speaker, I am pleased to stand and continue my comments on The Endangered Species Act. I would say, from our caucus, that we will be prepared to pass this to committee once I have completed my comments on the Act.

I have had the opportunity to speak to this legislation previously, and at that time I had shared with the Legislature that our previous Minister of Natural Resources, the Member for Dauphin (Mr. Plohman), was very instrumental in bringing this legislation to the point where it was ready to bring forward in 1988, and I think it is unfortunate that the Member for Dauphin did not have an opportunity to complete this task that he had set out to do.

I think it is a very important piece of legislation. The legislation deals with the protection of species both of the flora and the fauna which are threatened with extinction. They may either be currently protected under existing legislation, The Wildlife Act. There is a recognition that conservation in the past has not been strong enough to prevent some of the loss of species and habitat and that in order to preserve endangered species, there must be a legislative framework with measures for protecting. Also there has to be a method for prosecuting people who are further endangering both the fauna and the flora in this province, and I guess it is in this legislation that there will be some opportunities for promoting and protecting the species. Whenever it is necessary there is the process for prosecuting, as well.

Mr. Speaker, there are many organizations who have come forward and spoken in support of this legislation, and I think in the Act there is an opportunity for the Minister to strike a committee to help him in the administration of this Act. It is an advisory committee, and I think the Minister would be wise to take into consideration the role that the aboriginal people of this province played when they deal with both the flora and the fauna in this province.

I think that the Minister would be wise to take into consideration many of the Native organizations that are out there, and he should appoint members of these organizations who have already proven that they are in leadership roles in their communities, that he would take the opportunity to appoint members for this advisory committee. I know that we have had several meetings with the Native organizations when we were dealing with this legislation, and they were in favour of it, and they made many suggestions, which would help in the preservation of both the flora and the fauna in this province.

It is appropriate that the Minister would have the authority to compensate the members of the committee with a small remuneration, which would be adjusted by Order-in-Council whenever it is necessary. I think it is appropriate that these members of the committee, especially if many of them would be travelling from northern Manitoba representing the people of aboriginal ancestry, that they would have all of their expenses paid as they are in other committees. I am sure that the Minister would allow for that as well.

Mr. Speaker, when you are dealing with species that are endangered, I think that the Rafferty-Alameda dam comes to mind, and when the federal Government brought forward their concerns about the Rafferty-Alameda, they had a complete list of animals and plant life that could be threatened by the Rafferty-Alameda proposal. I think that there are several that fall into that category.

I guess when we are talking about plant and animal life, we not only can look at how we are being affected on a local level, be it provincial or in our own communities, I think that we have to look at the problem globally. I think more and more when people are starting to address environmental concerns that people are starting to think globally.

I know I was very fortunate when I had an opportunity to travel to Kenya for a Commonwealth Parliamentary Conference in 1983, and I had an opportunity to travel on a safari. During that safari, we had an opportunity to observe the wildlife in Kenya, and one of the animals that seemed quite plentiful at that time was the elephant. I know that there has been numerous stories written about the elephant, how they are coming close to being extinct.

I know that there has been a lot of funds that have been spent by the Governments of Kenya in the protection of the elephant, because the ivory trade is still very, very plentiful in Kenya even though it is against the law to sell the ivory. There are still many examples of where people are operating in very well-organized rings and they are still hunting the elephants. It is unfortunate that the people in that area do not see the value of having those animals there that serve as an attraction for tourism. Therefore, that country is gaining a lot of value out of having, not only the elephant, but many other wild animals that are so plentiful in that country.

I think that it is unfortunate that people there have a very shortsighted view of the value of it, and they only look at what they can gain in a very short time frame. They are hunting these animals illegally, and they are causing the Government there to be concerned about the eventual loss of those animals altogether.

(Mr. Mark Minenko, Acting Speaker, in the Chair)

* (1620)

I know there are several examples of areas in the Province of Manitoba where we have habitat protection. There are wildlife that were at one time being threatened. I refer to the whooping cranes. I, as a youngster, observed the travel of the whooping crane

Wednesday, January 24, 1990

in the spring of the year. We watched it very carefully. We communicated with the Audubon Society at that time and tracked them. I am pleased to note that the whooping crane has made a remarkable recovery. They are no longer in as great a danger of being extinct as they were a few years ago -(interjection)- Mr. Acting Speaker, I am getting some coaching and I appreciate it, I need it.

There are some areas in the province where wildlife is being protected as well. In the Oak Hammock area there is an area where there is protection set aside where there is a wildlife management area. Unfortunately, in the last year this Government has chosen to allow grazing in that area. I know there is also a need for livestock production to continue to thrive or at least exist during some difficult times, but I think that they should not be allowing grazing in an area that has been designated for wildlife protection.

I know it is under difficult circumstances that they would let people into an area like that. I would hope that when they designate an area for a wildlife sanctuary that they would look at it very carefully before they would be allowing grazing to be taking place in that area.- (interjection)-

Well, the Minister of Agriculture (Mr. Findlay) assures me that it will only be under extreme circumstances that he would allow it. I would hope it was extreme circumstances, and it more than likely was. With the drought that we were experiencing in Manitoba last year I am sure that many ranchers were in need of pasture so they took that into consideration and allowed the ranchers to go into that area and utilize it.

One of the areas that has been set aside for wildlife propagation is in the Saskeram area in The Pas. Mr. Acting Speaker, I know that was a very controversial decision when it was made, but I was a part of that decision making when it did take place. I thought we were able to satisfy both the needs of the agricultural community in The Pas and also the people who are concerned about wildlife propagation.

As a Government at that time we made a decision to make a dividing line and set aside some of the area for wildlife production. There was an agreement signed with Ducks Unlimited to make some improvements in the area. I think Ducks Unlimited have shown that they are, in that instance, doing an excellent job of providing nesting areas for ducks in that area, which is helping to multiply the population of ducks in this province.

Sometimes there are Canadians who question why we would be putting that much money into duck propagation. I know there are many farmers who do not believe we should have any land that is suitable for agriculture set aside for duck propagation. I think it is important that we co-operate when there is an opportunity to have a look at a particular piece of our country that is suitable for putting in a place where ducks multiply and survive in the same area where there is room for some agricultural production. I think they can co-exist.

I think that if anybody has had some doubts about that being a success story, they can go down to The

Pas now and see that it actually was a very profitable project, not only for the farmers. Because of the agreement being signed by Ducks Unlimited, there was also the agreement signed that there would be a bait feeding station put into that area. That has taken the ducks off of the farmland. The ducks are going down to the bait feeding station. It has relieved the extreme pressure the farm community was feeling when the ducks in the fall of the year were coming into the crop lands.

I think it has been very successful, but I would hope that the Minister of Natural Resources (Mr. Enns) and the Minister of Agriculture (Mr. Findlay) would look at that agreement that was signed with Ducks Unlimited where it provides for a second bait feeding station. I think it is time to have a serious look at it and look at the possibility of building that second station at this time. I know that the Minister of Natural Resources and the Minister of Agriculture will take this suggestion and look at it seriously. It is in the agreement, so they should come through with it.

When we first started speaking about the endangered species we talked about the need to propagate and to promote. We also talked about the prosecution. In this Act it provides for a penalty. If someone is found guilty of an offence, they are liable for a fine of about \$1,000 or an imprisonment term of not more than three months or both in severe cases.

There is also a penalty for corporations. It was nice to see that they are not that tied to corporations that they would include in the Act -(interjection)- the Minister of Northern Affairs (Mr. Downey) wants to know if I would exempt him. I certainly would not, but I certainly would not exempt the corporations from many of the taxes that they are being exempted as well. I think it is nice to see that he at least was part of a Cabinet that put in a penalty for corporations when they are contravening the Act.

I am anxious to see if they will put it into practice, or was that just put in there to appease some of the people who may have concerns about them not being consistent by having penalties for individuals as well as for corporations that may be contravening the Act.

It also deals with the issuing of permits, Mr. Acting Speaker, when there is a species that is being endangered. I think there is a clause in this Act which will deal with providing of permits so they can manage the activities which will benefit the species involved. Of course they would be subject to some terms and conditions.

Mr. Acting Speaker, how much time have I got left?

The Acting Speaker (Mr. Minenko): The Member has five minutes remaining.

Mr. Harapiak: Mr. Acting Speaker, I guess that brings me around to a subject that has been very controversial in the part of the province that I was raised in, the Swan River area, and that is elk ranching. I think this is one species that was not endangered. I am not sure why anybody would have gone ahead with it, granting of the elk licence and unfortunately there was -

(interjection)- well, the Minister of Northern Affairs (Mr. Downey) has a short memory, I think, when he accuses the former Minister from Swan River as being the one responsible for having the elk ranching, and he knows that it is not the fact.

In that particular case, there was an opportunity for turning the elk back to the wild. Unfortunately, even though that was part of the agreement, from the information I have now, they are not being turned back to the wild, because they are afraid that they will not be able to exist.

I can assure the Minister of Northern Affairs, who is probably the one that is really concerned about the existence of the elk, that they are very close to being near the wild there and if they turn them out, they would have no difficulty whatsoever in adjusting to wild conditions. If that is the reason they are using - (interjection)- The Minister of Highways (Mr. Albert Driedger) says it is a long story. He should know.

He was involved in it to a great degree when he was a Member of the Opposition, so he should know the history of—I think that is a very interesting subject that I am sure we are still not finished dealing with, because I am sure that there is a lot of pressure on the current Minister of Natural Resources (Mr. Enns) that they should be granting some licences for some of their friends who would like to go into elk ranching.

I would caution the Minister of Natural Resources that this is not the species that is being endangered so I would not want the Government to be issuing licences for a permit of this sort.

I guess in closing, I note that the former Minister of Natural Resources—I said when I started my comments that I would be concluding the comments, but the former Minister of Natural Resources, who was very involved in getting the legislation into place has some comments to make. So we will not be sending it to committee as soon as I complete. The Member for Dauphin (Mr. Plohman) will be speaking on this subject as well.

I think it is a good Act and I think that when we look at some of the species that are being endangered right across the world, and I had hoped to get to some of those species that are being endangered. I did not have an opportunity to read—maybe the Member for Churchill (Mr. Cowan) who was so kind as to give me the list of species that are being endangered right across the world. I know that we have to be looking at how we affect the global picture when we are talking about preserving some of the endangered species, we cannot only be looking locally.

(Mr. Speaker in the Chair)

I think it would be interesting for some of our other Members to have an opportunity to speak on this subject, and I think that it is important that we deal with this subject very quickly. I think it is an important Act and I am sure that the Minister of Natural Resources (Mr. Enns) will be bringing this to committee and hearing all of the submissions that the general public will be making on this subject. I am sure there are several organizations, which will be making presentations when it goes to committee.

So with that, Mr. Speaker, I urge the Members of the House to also support this Bill, and we look forward to the submissions that will be made by the general public when it comes to committee.

Thank you very much, Mr. Speaker.

Mr. John Plohman (Dauphin): I am pleased to speak to Bill No. 8. It was introduced by the Minister of Natural Resources (Mr. Enns)—

POINT OF ORDER

Mr. Jerry Storie (Flin Flon): Mr. Speaker, on a point of order.

Mr. Speaker: Order, please. The Honourable Member for Flin Flon, on a point of order.

Mr. Storie: My colleague, the Member for Dauphin (Mr. Plohman), is attempting to address Bill No. 8 in a responsible fashion, and I am having a great deal of difficulty hearing his remarks.

Mr. Speaker: So is the Chair. On the point of order raised, I would like to remind Honourable Members, those wishing to carry on with a private conversation can do so outside the Chamber.

Mr. Speaker: The Honourable Member for Dauphin has the floor.

* (1630)

Mr. Plohman: Mr. Speaker, I appreciate your words of admonition to the people who are carrying on meetings in this Legislature, that they are not part of the regular business of the House. I know I have even done that the odd time. I have to admit that the odd time I have. I know there are certain Members that have never engaged in conversation. I see that they continue to go on around me.

It tends to make one's speaking on the record feel very important, and it makes one believe that everyone is waiting with bated breath for the next important point that is going to be raised. I, in this case, have some important points to make. I would like to have them on the record, even if a number of Members are holding these meetings around me. I will attempt to stay on topic as the Minister of Northern Affairs (Mr. Downey) has indicated he would like me to do, although he is not one that usually does that himself in this House.

For the Minister of Natural Resources (Mr. Enns) benefit let me indicate that I know he found this legislation waiting for him from his former colleague, the Minister of Natural Resources before him, the Minister of Rural Development (Mr. Penner) now, had completed the plans and the preparation of this legislation over the first few months of this Government's mandate. Of course, he in turn had found it waiting on his desk in 1988 in the spring when he became Minister of Natural Resources.

As a matter of fact on December 31, 1987, I wrote to Mr. Balkaran, the Legislative Counsel, indicating that the caucus had approved this legislation, the principles on September 15, 1987, for inclusion in the 1988 Session. I asked him at that time to begin drafting the Bill according to the parameters that I had sent to him, along with The Ecological Reserves Bill which has already been considered in this Legislature, The Wildlife Act, The Fisheries Act, The Crown Lands Act, and a number of others.

It is interesting to see that the provisions of this Bill, The Ecological Reserves Amendments, which was an Act that was introduced as well, and The Endangered Species Act, which go hand-in-hand as environmentally important Bills for Manitobans, were accepted by the new Government almost as prepared, verbatim, by the previous Government. There were no major changes. There was a process of consultation that had to take place.

That is why The Ecological Reserves Bill was passed by this Party, by our New Democratic Party, and supported insofar as second reading, and that is why The Endangered Species Act is being pushed forward by this caucus, pushed forward expeditiously with only two speakers, I believe, to consider it, even though all of my colleagues would like to speak to this Bill, because they were the caucus that approved the Bill initially. They would like to speak at length.- (interjection)-

Well, now another one of my colleagues would like to maybe perhaps make that point too. I hope that the Members of the Government, the Ministers, will certainly not provoke debate by the remarks that they might make from their seats, because we would not want to see additional Members talking about the importance of this Bill and to the NDP Caucus that initially approved it. So we are not, in any way, holding it up, but pushing it forward to committee so that the public has an opportunity to consider the various provisions of this Bill.

There is wide support for the components of this Bill. We know that through the consultations that we undertook with the Naturalist Society, with the Ecological Reserves Advisory Board and many other conservation groups, the Wildlife Federation, and so on, many other groups who want to see action taken to preserve endangered species and potentially endangered species in the Province of Manitoba that are unique to Manitoba, both in the animal and bird species area as well as in plant life. It is important that we do take this action.

Two provinces already have such legislation in the country. I believe New Brunswick and Ontario have an Endangered Species Act so it was quite easy to pattern this legislation after those existing pieces of legislation in the other provinces. We are pleased that the Government has seen fit to follow up with the legislation and initiatives that were taken by the former Government in this area to preserve endangered species. Therefore, we see no reason to hold this legislation up or to see in any way that there will have to be major changes. There may have to be some minor changes made, but there certainly will not have to be major changes to this legislation.

The one point I would make with the Minister is that perhaps instead of having a separate board dealing with endangered species, he would in fact use the services of the Ecological Reserves Advisory Board. That board already is made up of people who are sensitive to the needs of ecologically important and endangered areas in this province. They have been working for many years successfully, I believe, under The Ecological Reserves Act and now the amended act that is being put forward to ensure that these special areas are identified and preserved. They would be the right kind of people to deal with this issue as well, with the issue of endangered species.

I would think that the Minister could do well to accept their expertise and to have them designated as the board responsible for the identification of these issues for the Minister. That would save on costs in duplication of boards. Additional boards and commissions all cost money; they have more people involved who also require an honourarium, it is traditional. In addition they need support staff and so on.

Therefore, I think that the existing mechanism in bureaucracy could actually handle the endangered species issue, and I say this to the Minister that he should consider asking his department to consider bringing forward an amendment that would designate the Ecological Reserves Advisory Board as the board dealing with endangered species and advice to the Minister. I believe that is the route to go. It is not necessary to duplicate another board for this purpose.

* (1640)

So, with that suggestion I would simply say, Mr. Speaker, that we feel that this Bill is very important. It is one of the Bills not only that we initiated while in Government but that we have identified as a priority for this Government to pass and have indicated so to the House Leader a couple of months ago, at least a month ago, in terms of the priority legislation involving the environment that we wanted to see through this House.

I want to give my support to this Bill and hope that it can be considered expeditiously in committee in terms of hearings from the public in this province and then passed into law in the province.

Hon. Harry Enns (Minister of Natural Resources): I want to thank Honourable Members from the Opposition for their positive approach to this Bill. It is a Bill that is timely and is needed in the Province of Manitoba. I will not take issue as to who authored the Bill. I accept the statements made by the last speaker that certainly the Bill had been worked on by different previous Ministers of Natural Resources. I am only pleased to be able to present it to the Chamber. I have asked staff to take note of comments made by Honourable Members at second reading of the Bill and undertake to provide any further detail that may be required when the Bill appears before committee. Thank you.

QUESTION put, MOTION carried.

BILL NO. 19—THE GROUND WATER AND WATER WELL AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Natural Resources (Mr. Enns), Bill No. 19, The Ground Water and Water Well Amendment Act; Loi modifiant la Loi sur les eaux souterraines et les puits, standing in the name of the Honourable Member for Dauphin (Mr. Plohman).

Mr. John Plohman (Dauphin): Thank you, Mr. Speaker. Bill No. 19, The Ground Water and Water Well Amendment Act, is a short Bill, but it has some rather significant revisions in it, some that I have to spend some brief time discussing here today, particularly in light of some policy decisions that have been made by this Government as it applies to the ground water and ground water reserves in this province. They deal particularly with the requirement that exists in the present Act. A person who wishes to drill a well that will in fact remove, as a result of it, ground water, has to notify the department in writing. There is no permit or licence required, although I think the Government should consider that.

What the existing Act does is to say that they must notify. This Government now with this provision is going to remove that provision for notification and in fact then will not be aware of wells that are being drilled necessarily into the aquifers of this province, into our reserves of ground water that this Government says are very important to the future of this province and the future development.

While we were in debate on the Department of Rural Development and the Department of the Environment, we heard the Minister of Environment (Mr. Cummings) and the Minister of Rural Development (Mr. Penner) talk about the Assiniboine Delta Aquifer. The Member for Gladstone, the Minister of Family Services (Mrs. Oleson), was here at the time. We asked at length about the West Lake proposal and the need of the farmers in the Plumas area, the need for ground water, for fresh good water supply, reliable water supply. They said at that time that they could not approve the provision of a pipeline to provide that water.

They said they were tapping into an aquifer which they were not certain was going to be available for future generations if it was overallocated. It seemed that was the gist of what they were saying; that they were not sure that this was the best use of that ground water, even though it was for human consumption, which is the highest priority identified in The Water Rights Act.

But here we have in The Ground Water and Water Well Amendment Act a provision that would remove the requirement for notification, so that in fact what the Government would be doing in this is going against the concerns that they seem to raise—and I did not say the Minister of Natural Resources (Mr. Enns) raised them because I know he knows that his department has a pretty good handle on how much water is still in place in the aquifers in the province, under the soils of this province. He is aware of the reserves that are there because his department has done a pretty good

job of mapping out those reserves, estimating those reserves, quantifying those reserves, but his colleagues did not listen to him when he advised them that there was a very small allocation of the current Assiniboine Delta Aquifer and in fact that providing the water for the West Lake proposal would not jeopardize the long-range projections for that water supply for that aquifer.

They said that there needed to be more study done on this issue, and so they delayed any provision of that water and the people there are still doing without. As a matter of fact, the Government is having to subsidize a program trucking water for those people because they said they did not want to overuse those aquifers, and yet the Minister of Natural Resources knows that there is no danger of overallocating that aquifer.

Here we have now a provision being put forward by the Minister which would in fact see less documentation, less awareness by the Government of wells that may be penetrating those aquifers in this province because they are going to remove the notification provisions.

Now, when we were in Government, I thought this was a reasonable amendment, I thought that the staff had indicated to us that perhaps it was not necessary, it was not enforceable and was not necessary to do, that the department had knowledge of the reserves of ground water in this province through other methods. As I indicated earlier, they have a pretty sophisticated system of determining where the reserves are and which aquifers are overallocated and which are not. So they did not need to have this kind of notification.

But I have taken another look at this in light of the Government's policy that they were now concerned about the ground water reserves, that they no longer seem to be taking the recommendations and the analysis of the Minister's Water Resources Department and personnel as fact, they no longer seem to be relying on that information, they have to do additional studies. So one wonders, then, why the Government would be softening up on their reporting requirements for ground water drilling into ground water reserves when, on the other hand, they say they have to do more analysis and studies to find out where the ground water is.

So there seems to be a little bit of a contradiction here, a rather serious contradiction by the Government in removing this. I think they should try to reconcile this whether in fact they have been forthright and forthcoming with this Legislature as to the reasons why they delayed the West Lake proposal, or whether it was, as I suggested during the Estimates, simply a political maneuver because of people who registered complaints in a petition, as opposed to a legitimate, real concern about the allocation of that ground water. I think maybe the Minister might be able to shed some light on the real reasons why that happened. Perhaps he might want to comment as to the legitimacy of this particular amendment in light of those statements made by his colleagues on the West Lake proposal and the concern that they had about overallocating that water, the serious concerns that they registered in this House. So I raise that with the Minister as a contradiction, and one that we will be asking the Minister further to comment on in the future before this Bill is passed.

There are provisions in the existing Act to control the flow of these wells once they are drilled, but the

Wednesday, January 24, 1990

fact is, the removal of a notification requirement here means that wells can be drilled and not reported, and the department is not aware that they are in fact now drawing from those aquifers. As a matter of fact, the department advised me when I was Minister of Natural Resources that in fact there was an overallocation of some aquifers in the province, under the City of Winnipeg, for example, and they did not know where the water was going. They simply do not have an inventory of all the wells in the City of Winnipeg that are drawing from the aquifer. They do not know where they are.

* (1650)

So I think that is a mistake, and it is important that mistake is not repeated. As a matter of fact, the department does have a good handle on where all the wells are and what is being taken out of the aquifers, because it is a very valuable resource. Pure water is something that the world will have shortages of to a greater and greater extent in the future, and we have an abundance which we must protect. So it is important.

I see a good amendment in this Bill, a constructive amendment, one that is consistent with environmental concerns that we have expressed in our Party over the years, and, that is, that the control of pollution of ground water will be tightened up. That is one provision that we were putting forward in this Act, and I am pleased to see this Minister following through with it. That is, it would provide the right for inspectors, for personnel, to go in to property to require certain changes to be made in existing wells that are polluting the ground water. If they were not made by the owner, they could, in fact, undertake those repairs, those changes, and bill back the costs to the owner of that well. That is a positive amendment, and one the Minister could be congratulated for doing.

However, as I pointed out earlier, that may not be enough if he does not know what kinds of wells are being drilled to penetrate these aquifers, where they are being drilled, because of the removal of the notification. The Minister may well want to go the other way in light of the position that his colleague, the Minister of the Environment (Mr. Cummings), took on the West Lake proposal. He may, in fact, want a licence or a permit to be issued before a well is drilled by a contractor, by a well driller, because a private person on his own land is exempt from this Act in any event. But, again, that is something that is debatable, whether that should be the case, when this is so valuable.

It may be that there should be a requirement for anyone drilling into those aquifers with the limited resources that are there to have a permit. There should be consideration of that by the Government, in light of the policy decisions that have recently been articulated by the Minister of Environment that he is reviewing the whole issue of ground water and its potential for development in this province, and the importance that it might play in economic development in industries being located that require fresh water supplies in the future. He said that in light of the West Lake proposal, and in justifying his decision to not proceed with that proposal to provide the water for

those people who desperately need it for livestock and for human consumption. Let us have consistency from this Government on this issue, and we will be content to allow this Bill to move forward to committee for consideration.

I say the Minister should consider those points very carefully before he finally asks for approval of the provisions of this Act as they are outlined here. He should deal with those issues, those seemingly contradictions in Government policy when, on the one hand, they are loosening up, and on the other hand, they say they want to tighten up on the overall regulations and governance of our ground water supplies in this province.

I bring that with all sincerity to the Minister's attention and ask him to consider those points when he has an opportunity to do so with his staff.

Thank you, Mr. Speaker.

Mr. Harry Harapiak (The Pas): Mr. Speaker, I want to make a few comments on this Bill, and I do not think I will have an opportunity to complete my comments today. We will probably send up to committee on Friday then, so I would like to start making my comments.

I think the Member for Dauphin (Mr. Plohman) has raised several points that we need to think about before we move on a Bill of this sort. I think The Ground Water Well Amendment Act is one of the areas that there is some concern about some reservoirs in the Gladstone area.

I know that there has been several meetings dealing with this. The people from the Manitoba Water Resources Committee have had public information meetings dealing with this issue. They have brought forward a lot of information to the public to inform them as to the levels of water, how this could be affected at a later date, and how it could be affecting the water levels in the local area.

I know the local people are concerned that the levels are dropping, and I think it is extremely important that it should be known of the capacity of the aquifer before the grant to license to be transferring that water to different areas. I think that the local people have to take into consideration that just because there is an abundance of water in that area that they can be using it for all purposes like agriculture and manufacturing, when their neighbours are in fact suffering because of the shortage of water.

I think it is important that there be an analysis done to just see how the level of the aquifer, how abundant the level of the water is and make sure that there is a good assessment done and how long that water will last. I know that this Government has taken the initiative in coming up with water policy. I think that there was a good public relations effort carried out by the previous Minister of Natural Resources in dealing with the whole water but, unfortunately, I do not think that they included the whole Province of Manitoba when they were taking into consideration their water policy.

When the first map came out, northern Manitoba was not even a part of it. After it was raised in one of

the committees, then a new map came out, a supplement. There was a supplement brought out, Mr. Speaker, that included northern Manitoba. I think that northern Manitoba has played a significant role in this province when you are dealing with water supplies. In this case it showed, as in most cases, that northern Manitoba is an afterthought with the Conservative Party and the Conservative Government.

I know that during this administration they have not been as hard on northern Manitoba as they were on the Sterling Lyon's administration. I know at a meeting just two weeks ago I had the opportunity to remind the people at that meeting that even though they were being quite reasonable at this time, it was only because of their minority position in this House that they were being reasonable when they are approaching many of the subjects. If they had a majority Government, like they do in the federal Government, then you would see the real Tory agenda come out where there would be cuts at every level of programs that exist in the whole realm of Government. You would see cuts coming out like we have never seen before.

I know that the cuts during the previous administration started in northern Manitoba. We were dealing at that same meeting when the Minister of Natural Resources, the Minister responsible for this Bill No. 19 was reminded by one of the chiefs that he was a graduate of the program that he was in. He reminded the Minister of Natural Resources about the Sterling Lyon administration, where they were handing out the pink slips very readily in those days. People who had graduated, they had jobs under the prior administration but when the Lyon administration came in, the jobs suddenly dried up.

Some Honourable Members: Oh, oh!

POINT OF ORDER

Mr. Speaker: Order, please. The Honourable Member for Dauphin, on a point of order.

Mr. John Plohma (Dauphin): I realize my colleague has some very important things to say, but he is being harassed from all quarters here by people who are not paying attention to the various speeches. I think it is almost to the point now, Mr. Speaker, where he wants to call it a day and just quit for the day.

Mr. Speaker: On the point of order raised by the Honourable Member for Dauphin, he is quite correct; the Chair is having great difficulty in hearing the remarks of the Honourable Member for The Pas (Mr. Harapiak).

Mr. Speaker: Unfortunately, the hour being 5 p.m., according to the rules, I have to interrupt the Honourable Member. When this matter is again before the House, the Honourable Member will have 35 minutes remaining.

* (1700)

PRIVATE MEMBERS' BUSINESS

Mr. Speaker: The hour being 5 p.m., it is time for Private Members' hour.

ORDERS FOR RETURN, ADDRESSES FOR PAPERS REFERRED FOR DEBATE

Mr. Speaker: On the motion of the Honourable Member for Churchill (Mr. Cowan), standing in the name of the Honourable Minister of Housing (Mr. Ducharme). Stand.

Is there leave that this matter remain standing? Agreed.

Mr. Speaker: On the motion of the Honourable Member for Osborne (Mr. Alcock), standing in the name of the Honourable Minister of Rural Development (Mr. Penner), who has 14 minutes remaining. Stand.

Is there leave that this matter remain standing? Agreed.

The Honourable Member for St. Vital (Mr. Rose) who has for four minutes remaining, the Honourable Member for St. Vital.

Mr. Bob Rose (St. Vital): Mr. Speaker, in my last talk I pretty well covered the points when it came up. This continuing saga of the GST in Canada continues to unfold, and there are some new developments which show the policy of the whole program and how ill conceived it is and how poorly planned in a typical way that the Tories, the cousins of these people opposite, planned such legislation.

We have seen in Winnipeg a well organized and very sincere boycott by the seniors of this province to fight the type of battle they did when the Tories wanted to claw back their pensions in Canada. So it is good to see that in at least some respects they do listen to the voters. In this particular case we are getting a deaf ear, and the Government of Canada plans to go ahead with this disastrous plan.

We have seen more and more organizations, so clearly the people of Canada overwhelmingly do not approve of such a way of taxation. Certainly the signs are there. It is too bad there would not be an election soon. No matter if the election was 15 years from now, the people of Canada will remember this. They are fed up, particularly the seniors of Canada who are on a fixed income. Undoubtedly this will result in an overwhelming change in Government, and then we will get some sense back into Canada. Unfortunately by then the damage will have been done.

Just to point out, Mr. Speaker, where the cousins of the Honourable Members opposite went wrong is that they never even planned the hundreds of auditors that they would need to police this program. This program, like any taxation measure, will take a lot of policing and a lot of auditing. Now they are saying in the news that to get the quality of people that they need in an already short market for accountants and auditors, they

will have to pay astronomical prices, \$60,000, \$70,000, \$80,000 a year to get these people. What they will do is drive up the cost of those facilities to all Canadians, making it even tougher than to get services such as income tax, business audits and what have you.

It is another nail in the coffin of the Tories who did not plan this Bill ahead. I think that is something that is going to affect all Canadians. It is going to drive up the prices for those facilities, those services. At the same time it is going to starve the market that already exists for auditors and accountants. The end result will be -(interjection)- I did not remember any positives. If I had some positives, I would be able to speak for a few minutes.

What we are going to see Mr. Speaker, in the long run is a very important program, very disastrous but very important, not important in the sense of its good, come into Canada unpoliced. There will be abuse of the system because there will not be sufficient auditors to carry out the program. The Government of Canada did not put in any place to train auditors or to expand their forces beforehand, and I think that, in total, it is going to be costly for Canadians in the way of the GST. It is going to be costly for Canadians in the way of increased services that they have at present for accountants. It is going to be costly for Canada in that we are going to have a program that will virtually be out of control.

We know that the federal Income Tax Act has got problems auditing, and when we need that many more it is going to be really difficult on Canada, just another step we hope that Tories opposite and their other cousins who are in Government would have the power to at least sit down with their federal cousins or counterparts and say, this is disastrous for Canada, it is coming to tar the whole Party with the same brush, and plead with their cohorts to stall the proceedings of GST. Thank you, Mr. Speaker.

Mr. Speaker: As previously agreed, this matter will remain standing in the name of the Honourable Minister of Rural Development (Mr. Penner). The Honourable Member for Springfield (Mr. Roch).

Mr. Gilles Roch (Springfield): Mr. Speaker, I would like to put a few comments on the record there in regard to the Address for Papers from the Member for Osborne (Mr. Alcock). I find it very, very strange that the Government would be reluctant to accept this Order for Return because the address simply asks for (a) a copy of the report on the impact of the Goods and Services Tax on the Provinces, recently prepared jointly by the Provincial Deputy Ministers of Finance; and (b) a copy of the study commissioned by the Provincial Finance Ministers from the Conference Board of Canada on the regional impacts of the Goods and Services Tax.

Now, for some reason—which is still mysterious; we have not been told why—this is not acceptable to the Government. Could it be then, the mixed messages we have been receiving from the Government benches, from the Cabinet of this Government, are not really that mixed because originally the First Minister (Mr.

Filion) was unsure as to whether he is supporting this tax or not, and the Minister of Finance (Mr. Manness) came out and said he was in favour, and the First Minister says he is not in favour, and then he says he will however facilitate its collection?

Well, Mr. Speaker, I would go on to say that, were it not for the fact that this Government is in the minority position, they would indeed be supporting wholeheartedly and publicly this goods and services tax because I recall, in 1987, when the then Opposition Caucus, the Conservative Caucus, opposed the NDP tax grab of that budget of 1987, they were very vehement in their opposition. Now, all of a sudden, we have what is going to be an even bigger tax grab being put on by the Conservatives at the federal level, and we hear some meek-mannered phrases saying that they are opposed, more or less, they are not sure, some Ministers are, some are not.

But, Mr. Speaker, what we have here is a tax grab of colossal proportions. Never in the history of Canada has there been such a tax imposed on the consumer to tax everything, with the exception of basic food commodities, is utterly ridiculous. We are already into a recession out here in the west, indeed a recession in most of the country, as my learned colleague from Transcona (Mr. Kozak) says, already for nine months. What this will guarantee is that we are into a severe recession.

Mr. Speaker, why then would the Government of Manitoba not want to release these papers, what is their agenda? Obviously there are some advantages to this Government in having the GST implemented, cascading as we see in our telephone bills could then be implemented on the wholesale scale. When I say wholesale, I mean on everything that is being taxed. Why are they all of a sudden saying publicly, the First Minister has said that he wanted to facilitate the collection of this tax. It seems that any Government, any organization truly opposed to this goods and services tax would come out wholeheartedly and make it as difficult as possible for this tax to be collected. Every organization around, except for the very big capital-intensive corporations, are opposed to this. The Canadian Federation of Independent Business has been one of the strongest business groups to oppose this tax, the consumers organizations, the seniors. Mr. Speaker, you can almost name, I would gather to say, 95 percent of the population to 98 percent of the population, whether individually or organizations, are opposed to this tax.

Mr. Speaker, I can see only harm coming by this taking of disposable income from the consumers out of circulation, out of the economy. I cannot for the life of me understand that, if this Government is truly opposed to this tax, they would not allow Members of this House to see the papers, the reports that were done by the Deputy Ministers, and the studies that were commissioned by the Finance Ministers, it is simply asking for information.

* (1710)

If indeed the Government as it has said, although meekly, that it is opposed, one would think that they

would not mind sharing this information with Members of the Opposition so that a concerted and united attack on the GST could be done. But I suppose, Mr. Speaker, they are finding it increasingly difficult to oppose their colleagues in Ottawa. After all, the Conservatives have not treated this province very well. We have seen the shutdown of the base at Portage; we have seen not awarding of the contract of the CF-18; we have seen the delay in giving the reasons as to why the Centre for Sustainable Development has not yet been started; we have seen all kinds of items negative to Manitoba and the west coming from this Conservative Government.

Because the provincial Government is in a minority position, they have had to try and oppose all of these issues, yet in the last federal election, Mr. Speaker, they all supported their federal colleagues and, indeed, the day after all came in here sporting blue carnations. I would say that if they truly, truly opposed what their federal colleagues are doing, they would do as the Member for Brandon West (Mr. McCrae) suggested a couple of years ago and sever their ties with the Party and change the name of their Party.

The Member for Brandon West at that time, who is now Minister of Justice, said that publicly during the public debate—when I say public, I mean out in the general public—on the awarding of the CF-18 contract. I would say that there is a double standard being done here. They seem to be saying, well, we do not agree with what our colleagues are doing or saying, but yet come election time we will support them. They cannot have it both ways.

They have done this on Meech Lake, too. At first, they were opposed to it when the former NDP Government was going to implement it or put it through the Legislature. Then all of a sudden when they became the Government, they were willing to support it. Then all of a sudden they are opposed to it again. They have to decide at one point, are they Members of the Conservative Party or are they not? If they are, then obviously they are supportive of their federal colleagues, and if they are not, they will have to do more than just pay lip-service. They will have to put some action behind their words.

Mr. Speaker, I would venture to say that a lot of Members opposite have been getting heat, whether they be at the federal or provincial level, from their constituents over the goods and services tax. They are saying that we do not want this tax imposed. I think that the Government to say, on the one hand, at least some Members are saying it on the one hand, that they are opposed to the tax, and then, on the other hand, not provide the information requested by the Opposition, is being hypocritical at worst and then certainly a double standard at best.

I think that they have to come clean, provide the Opposition with the information that they want, and decide: Hey, we are going to put on a united front on this issue; we are going to jointly fight this tax, and tell Brian Mulroney and his Conservative Government that we are going to go as far as to sever our ties with you, as the Member for Brandon West (Mr. McCrae) said a couple of years ago, in order to show our

opposition to this—what I would find to be the most treacherous and indeed very, very tough piece of legislation, which will be a major burden on virtually every Canadian in this country.

Having said these comments, Mr. Speaker, I hope that the Government will be willing to indeed share the information requested by the Member for Osborne (Mr. Alcock). Thank you.

Mr. John Angus (St. Norbert): Mr. Speaker, it is a shame that any Member of this House has to stand and make a request from the Honourable Minister of Finance (Mr. Manness) to release public information of a specific and important nature to all of the people of Manitoba. The continued battle flies in the face of open and honest Government.

Mr. Speaker, when I look at the request that has been made by the Member for Osborne (Mr. Alcock), the Address for Papers, (a) a copy of the report on the impact of the goods and services on the provinces, recently prepared jointly by the provinces' Deputy Ministers of Finance, what on earth is the prize for saving this information? What is the reward to the Government for hoarding this information? Why on earth is this a secret document? Why is this Minister of Finance continuing to frustrate the operation of this Legislative Assembly?

It is just another nail in the arrogant attitude of this particular Member. The evidence speaks well for itself. It is not only me that is frustrated by his inability, his unwillingness, his selfish hoarding, secretive manner, Mr. Speaker, the Ombudsman has to force him to release information to individual Manitobans who want to know things about the potential sale of MDS. When he does not get his way at committee hearings, he ups and walks out and takes his colleagues with him.

Mr. Speaker, I ask you, is this the balance of a Tory Government? Is this the representation of a Tory Government? Is this what we should be looking forward to expecting? The fact that a public document, information that should be made available—it should be made available to every man, woman and child in this province—based on what the effect of this GST is going to be, is being secretly hoarded in the back rooms of the Minister of Finance (Mr. Manness). Somebody should be standing up and speaking on behalf of the people, because it is the people who are actually going to have to pay for this particular material.—(interjection)—GST.

The House Leader from our side has just pointed out to me that obviously I have made some error in not informing you that the Order for Return for the information on the goods and services tax that the Minister of Finance is hoarding in his closet, in his office, in his hypocritical, double-standard, two-faced manner is a fly in the ointment of democracy.

Mr. Speaker: Order, please. I would ask the Honourable Member for St. Norbert to withdraw those remarks.

Mr. Angus: Which remarks were those, Mr. Speaker?

Mr. Speaker: Hypocritical, arrogant to start with. All Honourable Members in this Chamber are Honourable

Wednesday, January 24, 1990

Members. The Honourable Member for St. Norbert is quite aware of that. I would ask the Honourable Member to withdraw those remarks now.

Mr. Angus: Mr. Speaker, I will withdraw those remarks. I apologize.

Mr. Speaker: The Honourable Member for St. Norbert, thank you very much.

Mr. Angus: Mr. Speaker, perhaps we can carry on a little bit further. I am pleased that we have the attention of all Members of this House on this particular important issue, because I would like an explanation as to why this public document is not available to the citizens of Manitoba. This is a serious matter. The goods and services tax that is going to be implemented is going to add and take away, in fact take away from the ability of normal Manitobans to spend money. Let us carry on with this particular normal request for this public information that should be available through Freedom of Information Act and should not have to be forced through this process to get this type of information.

I am sure that the Honourable Minister of Finance has a reasonable explanation, but he has not been prepared to share it with us. Mr. Speaker, it makes me wonder about this particular Minister when I see reports from the MGEA and the Ombudsman suggesting that he has not been releasing information that he is supposed to be releasing in relation to Freedom of Information Act information.

* (1720)

I am very frustrated by the actions of the Government on this particular issue. I am sure that the Honourable Member has a legitimate and realistic reason why he has not shared it with us. I do not know why he has kept it. Let us carry on and see if there is anything unreasonable in this request. A copy prepared by the Deputy Ministers, we have that one—we do not have that one, I am sorry, but we have discussed that one. Also a copy of the study commissioned by the provincial finance Ministers from the Conference Board of Canada on the regional impact of the goods and services tax.

Mr. Speaker, I ask you. Is it not reasonable to expect that this individual would release this information? Is this not something that is going to impact upon Canadians? Is this not something that is going to impact upon Manitobans? Is this not information that should be made public? Is it not information that is prepared by the individuals that are employed by the tax payers of Manitoba? Mr. Speaker, there is more than enough evidence on this Order Paper alone that this information should be forthcoming without any information, any special requests, without lengthy debate, without a frustrating process of having to come cap in hand to this assembly, saying, give us the information, give us the accurate information, give us the normal information that we would require so that we can discuss the impact of this particular legislation as intelligently as we can.

Mr. Speaker, having to put us through the process of issuing an Order for Return is not only frustrating the process of democracy, but it is frustrating the actions

of this House and the ability of the individual members to be able to comment with any degree of honest intelligence on the cause and effect of this particular legislation.

Mr. Speaker, I would urge you to do your utmost to ensure that this information is made available to all Members of this Assembly and, through this Assembly, to all of the citizens of Manitoba at the earliest possible convenience. Thank you very much, Mr. Speaker.

Mr. Speaker: As previously agreed, this matter will remain standing in the name of the Honourable Minister of Rural Development (Mr. Penner).

PROPOSED RESOLUTIONS

RES. NO. 31—ENVIRONMENTAL IMPACT STUDIES—MANFOR

Mr. Speaker: The resolution of the Honourable Member for River Heights (Mrs. Carstairs), Resolution No. 31, Environmental Impact Studies—Manfor, the Honourable Member for St. Norbert.

Mr. John Angus (St. Norbert): With leave, Mr. Speaker, of the Assembly, I would like to introduce this particular resolution.

Mr. Speaker: Is there leave to allow the Honourable Member for St. Norbert leave to allow him to introduce the resolution of the Honourable Member for River Heights (Mrs. Carstairs)? Is there leave?

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please. Is there leave? Is there clear-cut leave? (Agreed)

INTRODUCTION OF GUEST

Mr. Speaker: Before allowing the Honourable Member to address this issue, I would like to draw Honourable Members to the loge to my left where we have Dr. A. Pagtakhan, who is the MP for Winnipeg North. On behalf of all Honourable Members, I welcome you here this afternoon. The Honourable Member for St. Norbert.

RES. NO. 31—ENVIRONMENTAL IMPACT STUDIES—MANFOR Cont'd

Mr. John Angus (St. Norbert): Mr. Speaker, thank you for a moment to collect my composure after the very emotional introductory remarks on the previous issue.

Mr. Speaker, I move, seconded by the Honourable Member for Fort Garry (Mr. Leonard Evans), that

WHEREAS Manfor is a corporate enterprise engaged in the cutting and processing of Manitoba's forestry resources; and

WHEREAS tree cutting and the pulp and paper industry have a significant impact on the environment; and

WHEREAS the Sinclair Report from the federal Department of the Environment stated that the

pulp and paper industry is responsible for 50 percent of all the waste dumped into the nation's water; and

WHEREAS a balanced ecology is essential for the future viability and economic sustainability of Manfor; and

WHEREAS all Parties in the Legislature have stated their support for the concept of sustainable development; and

WHEREAS The Environment Act gives the Minister of Environment discretion on whether a full environmental impact study will be conducted for a Class 2 development;

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba request that the Government ensure that environmental impact studies be conducted for all stages of the Repap expansion of Manfor; and

BE IT FURTHER RESOLVED that this Assembly request that the environmental impact studies are fully disclosed to the public upon completion; and

BE IT FURTHER RESOLVED that this Assembly call upon the Minister of Environment to ensure that the environmental impact studies include full public hearings so that all Manitobans can be reassured about the health of their environment.

MOTION presented.

Mr. Angus: The process of the divestiture of the Manfor Industries to Repap is one that we are all very familiar with and there is an awful lot of the elements of the divestiture that have caused an awful lot of concern.

One of the things that we are all of a like mind on is, if it is going to be sold, if it is going to be put into private hands, and if it is going to in fact be changed from a non-bleaching facility to a bleaching facility, then we all have very strong concerns about the continued survival of the environment.

Mr. Speaker, it is only recently that politicians have locked onto the buzzwords of "an ecologically safe," "an environmentally safe," about "sustainable development." It is something that has been around for a long time and it has been very important. We now are recognizing the hand and glove requirements of business to work with the continued development of a safe environment, not specifically for us, and for the first time, we are looking forward to a whole generation of people putting the requirements of people ahead of the corporate bottom line.

Mr. Speaker, it is a very, very, important, although giant step, for the whole world, because if we do not learn to balance between the requirements of good, solid work, of good jobs, of continued development of people; if we do not learn to balance those with the requirements that Mother Nature has for the earth, for the trees, for the water, for the fish; we are not going to have any of those things for future generations to enjoy.

* (1730)

In May this year, during interesting discussions on the divestiture of Manfor, the Liberal Party called for, requested, in Question Period demanded of the Government to consider the whole aspect of the Repap divestiture in its entirety, not to do it on a piecemeal basis. We did not believe, and we do not believe, that you can take the individual components out of the complete pie and deal with them in isolation. We felt then very strongly and we feel strongly now, Mr. Speaker, that the entire project should be looked at as to its cause and effect, because it is an integral part. The whole thing is looped together, it is tied together, it is dependent on itself.

Mr. Speaker, Phase 2 cannot go ahead before phase one is approved. Phase one and phase two both need the trees. All of the intricate parts of this particular complex operation have to be considered in its entirety. We were unable to persuade the Government of the logic of that argument, but fortunately the company's bankers saw the logic. The corporate bankers saw the logic of that.

Mr. Speaker, we have had the first phase taken to the Clean Environment Commission. There were indeed public hearings. There were public hearings held in Winnipeg. There were public hearings held in The Pas. I attended those public hearings, and I made representation. A number of other people attended, and a number of other people made representation.

Mr. Speaker, while some groups may not be satisfied with the results of the Clean Environment Commission in issuing the order to the Government in November of this year to issue a licence for Phase 1, while they may feel strongly that more controls should be put on, while they have expressed serious concerns about such things as the chlorine, the transportation of the chlorine, the dioxins, the discharge of dioxins and things of that nature, they cannot fault, at least in my mind they cannot fault, the public process that was held, because they did have an opportunity, with one failing.

There was no ability for legitimate opposers to the application to be able to fund themselves in any significant way, to be able to do meaningful research in order to be able to contribute to the process of a healthier environment. Mr. Speaker, there is something in that area that concerns me. I am not suggesting that every intervener should be funded to whatever level he or she wants, but if we are going to have honest, sincere and legitimate criticism from concerned citizens, then they have got to be able to afford to do the research that goes beyond the interests, the prime interests of the corporation, and, in this case, the provincial Government who clearly have a mandate to try and unload the company.

Mr. Speaker, with that caution in relation to assisting interveners to be able to make representation adequately, I do not believe that anybody can fault the process. The Clean Environment Commission has ruled, and they ruled early in November that a Phase 1 licence should be granted. Then the company came back and said, well, unfortunately, we cannot do this in phases. We have to do it as a total package.

Wednesday, January 24, 1990

Mr. Speaker, my hands are tied now because they have to make the application, and if they do not make the application, then Phase 1 goes on, I suspect, forever. They have not had the licence issued. There do not appear to be any sunset clauses in it. There is no sunset clause in the Phase 1 order from the Clean Environment Commission. By my understanding, it can probably go on for two, three or four years while the industry and the world changes. There is no mechanism to force anybody to take any specific action.

I am concerned about the lack of pressure to allow the Government any recourse to either amend the agreement between Repap and the Government or to alter the Clean Environment Commission order, if, in fact, they are going to order it. Why are they holding it up, if indeed they are holding it up? There was some suggestion that the chipping facility in Swan River is linked to the environmental impact. We all know that the chipping facility was designed, and by contract was to start at the end of December, 1989. The Minister of Finance (Mr. Manness) has taken it upon himself to simply say we have decided not to exercise that particular clause.

If it was tied to an environmental study, which it does not appear to be in the Phase 1 application, if the Government knew it had to be started by the end of December, why was pressure not put upon the company to begin some form of environmental study? The company published something in Swan River just recently that said they were looking for proposals from the private sector, they want these proposals by the end of February, they want somebody to be able to start in the spring of 1990. The Minister of Finance shrugs and says he does not know when they are going to start, and there does not appear to be any concern about putting a deadline on them to start at any particular or specific time.

Mr. Speaker, when I see that Phase 2, and the benefits that were talked about have to be kicked in within 20 months of the issuing of a licence, and I see a licence being held up for whatever reason, there is some concern. I see some concern in relation to the whole process of this arrangement. I would speculate that the Minister of Finance was so anxious to put a package deal together that in good faith he was led down a bit of a garden path and was not prepared to pay attention to some suggestions that were, and could have worked out to be, beneficial to him.

One of those suggestions would have been, let us do all of the environmental impact assessments, let us find out what the cutting rights are going to be and the impact is going to be on those cutting rights and trees that they are going to take out. Let us find out what Phase 1 and Phase 2 levels of dioxins and the emissions and the chlorine and various aspects is going to be, what is it going to mean?

Let us get all of our dominoes in line before we start knocking them down because, Mr. Speaker, it is no way to invite companies to come to Manitoba to establish business presence with a cat-and-mouse form of relationship, an opportunity for them to have a Government that says, well, if you do not want to proceed with the chipping facility you do not have to.

With them not apparently being prepared to introduce any information on the Phase 2 application, and a big agreement, several hundred pages that appears to be quite worthless.

* (1740)

So, Mr. Speaker, even though I find that this particular resolution at this particular time is simply lending credence to what now the company is asking to be done and what the Government has agreed is going to be done, and while I feel some sense of pride in the fact that we have been calling for this from the beginning, it is a hollow pride. It is a very shallow accomplishment because I fear that the bungling that has been going on, combined with the downswing of the market, is causing this opportunity to unravel. There should not be any resentment from anybody in the House, and there should not be any finger pointing about who is at fault and who is to blame.

I know that the Minister of Finance (Mr. Manness) wanted to divest the province of this particular corporation, and that was our policy, to divest it. How we went about doing it—clearly, is policy different between the two organizations? Some of the things we would have put in place, some of the things we would have asked for and some of the benefits we felt we would have been able to get, are negotiable.

There are many, many questions that are being raised that are legitimate questions. Has the road construction started in northern Manitoba? Are they going to start? Have they started before the Phase 1 application has been approved? When is Phase 1 going to be approved? When is Phase 2 even going to be filed for? What is the holdup in the Swan River chipping facility? Is it true that they are thinking of not even building the chipping facility in Swan River as appears to be reported by the general manager of Repap in The Pas? Is it true that they are thinking of doing the chipping right in the woods, in the hills of Swan River so that it will be a double whammy—not only will they not get the wafer-board facility, but they will not now have the chipping and maintenance facility?

How many people have they actually put to work in The Pas? Is it true they are still taking \$1 million a year out from the management agreement? Repap is taking \$1 million a year out for management fees, and I am not sure what they are doing. I mean, the facility has not changed. Has the Manitoba Government cleaned up the environmental problems they had there yet? Did the company participate in that?

So, Mr. Speaker, unfortunately we are right in hindsight. Being right in hindsight is never a very comforting feeling, but we were right then and we are right now.

Mr. Speaker: Order, please. The Honourable Member's time has expired.

The Honourable Minister of Northern and Native Affairs.

Hon. James Downey (Minister of Northern and Native Affairs): Mr. Speaker, I rise to speak to the resolution

that was presented today by the Member for St. Norbert (Mr. Angus).

In my opening comments, one would be hard pressed, in the introduction of this resolution, to relate it to really what the resolution is speaking to. I had a difficult time in clearly understanding what point the Member for St. Norbert was really trying to make with the resolution and the introduction of it. He talked about a lot of things as they relate to Manfor. He talked about a lot of things as they relate to Swan River. I think the Member might do himself and his Party a favour if he were to take some time to visit Repap in The Pas, to visit the community, to spend a few days to understand the process, to visit Swan River and really get an understanding of it. I will address that a little bit more as I speak.

The Member made clear, however—and I appreciate one clarification that I had a hard time for some time understanding—the Liberals' position as it related to the divestiture of Manfor. The Liberal Party were firmly and are firmly supportive of the divestiture of it. It should not continue to be a drain on the taxpayers of Manitoba any longer. That is clearly understood, and that is what I did get from him. He said that they were very clear on that. Now the difficulties that I think he said they were having is how it was done.

An Honourable Member: The process.

Mr. Downey: Well, the process. Again, not relating a lot to the resolution, but I will deal with the resolution and how I see the resolution speaking to the issue. I can assure him, as I can assure this House, as I can assure the people of Manitoba, that this Minister of Environment (Mr. Cummings), this Government, is extremely concerned. That is a major part of what our concerns have been in the whole activity of the operations of Manfor and Repap, and what the future will, in fact, do to the environment, and that the processes are absolutely and totally put in place to protect that environment.

What we have to acknowledge, though, from the outset is that the first thing that had to take place on the divestiture of Manfor was the cleanup of Manfor which was operating outside the provincial environmental laws and licence that was issued. That was not the Conservative Government's operating of it, Mr. Speaker; that was the former administration who were operating Manfor. The first thing that had to take place was to clean up some of the problems that were there.

An Honourable Member: Name them.

Mr. Downey: Well, I can name them. There were fuel oil spills; there were human waste problems; the ground water contamination which, in fact, had taken place. There were many activities that were going on that were outside the environmental licence. So let us be very clear: that was an initiative that had to take place, and that was being carried out.

The Member makes reference—and this is where again I am unclear of the Liberal Party's position—he

is saying on one hand, we want to make absolutely sure that there are environmental hearings which we are going to do, and have proven that we are going to do, and will do, and that before anything further is done—the cutting, the building of a plant, the chipping, and the whole business, this is where he really gets wandering—they need Phase 2 licence provided.

Then he comes back on the other side of the issue and starts making reference to newspaper articles that say, well, why have they not started to build a chipping plant? Why have they not started to put in place the bleach kraft process? Why have they not advanced a lot of the building activity? That is where, Mr. Speaker, he leaves this whole thing in the minds, particularly of people like myself, as not understanding what is, in fact, going on.

That is why I truly urge that he—because I think he is sincere in wanting the divestiture. I do not question the sincerity of any Member of this Legislature in wanting to make sure that the environment is one that is equally protected, regardless of the activities which are going on, that we have to guarantee that environmental concerns are met, and that there is a reforestation put in place.

* (1750)

I can get extremely emotional about this because as a farm person and with a farm background, without looking after the soil base, without looking after the production units that you work with, whether it be a livestock base, whether it be a grain production base, or whatever kind of a resource base you are working from, you have to protect it. You have to have it there next year to produce for you. You do not need all the kinds of fancy farm equipment if you do not have the soil on which to work, or if you do not have the air or the kinds of waters that you need to produce the product. Environment, sustainable development is not new to this Government.

I can tell you, there are many Members sitting on this side of the House, Cabinet Ministers, whose roots go very deep into the farm community for generation after generation. Forestry, forestry harvesting, reforestation is no stranger to many of us, because the same principles have to apply. If you are going to invest a billion dollars in a plant to harvest trees, you have to make absolutely and totally sure that you have the kind of a reforestation program in place that, number one, is not going to allow that soil base to wash away through erosion, that you are going to in fact have a replanting program that does not fall behind the harvesting of trees, but in fact is in advance of it. We are a Government which understands habitat and the need for the animals of this country and that area to have a place to live and to forage and to eat. You are not going to neglect those kinds of things in our environment, because they are an intricate part of our livelihood, the animals that live in forage and need that as well.

Mr. Speaker, let me say very sincerely that the question of having total community involvement and say as to what is going on has to be very much a part

of this as well. We have given the opportunity and will give the opportunity for every group in society to be heard. Let us listen particularly to our Native friends who are a very major part of that community. They have spoken out and spoken out very clearly as to how they feel about the project. Yes, they have made their points, and they are respected for the positions they put forward, but in general they are supportive of the activities. They are saying that with sincerity.

I think the resolution is—nothing wrong with the resolution that is presented. I think that it again allows the issue to be debated, and when we go to the BE IT RESOLVED and I will not bother with the WHEREASes:

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba request that the Government ensure that the environmental impact studies be conducted for all stages of the Repap expansion of Manfor—being done.

BE IT FURTHER RESOLVED—and I can assure you that I think the people of The Pas are expressing themselves. I would hope the Member for The Pas (Mr. Harapiak) would express himself as well, that he is in fact satisfied with the environmental studies that are going on and the work that is being done. I have not heard him stand up and say that it has not been.

BE IT FURTHER RESOLVED that this Assembly request that the environmental impact studies are fully disclosed to the public upon completion—there will be absolutely, in my estimation, no reason to hide anything. I am not aware of anything that is being hidden.

What was in fact hidden, or not known, or general public knowledge, was the fact that Manfor was operating outside an environmental licence, and probably, if the former administration had been serious about it, would have either put resources to clean it up, or shut the plant down. Those were the options. But really they were not, because I understood they were trying to sell it as well. The options were that there is no problem in disclosing what is going on, because it is in fact public resources. It is a public activity in the past. It is now private, but the harvesting and the operation of it should be fully—everybody should be fully knowledgeable as to what is going on. I have no difficulty with that. Now, let us read the final one.

BE IT FURTHER RESOLVED that this Assembly call upon the Minister of Environment to ensure that the environmental impact studies include full public hearings so that all Manitobans can be reassured about the health of their environment.

Mr. Speaker, there has been no one better speaking on behalf of the people, of the environment than our colleague, the Minister of Environment (Mr. Cummings) as it relates to the activities of Repap and Manfor.

An Honourable Member: Who is kidding who?

Mr. Downey: The Member for Wolseley (Mr. Taylor) says, who is kidding who? He says that very lightly because he has not been able to, on the Repap-Manfor

issue, put one scrap of evidence forward that every opportunity for public hearings and information input has been taken, absolutely and totally.

An Honourable Member: No, it has not.

Mr. Downey: To this point it has been taken as part of the process and will be taken.

An Honourable Member: The financiers forced you to.

Mr. Downey: The financiers have forced us to. That is absolutely incorrect. People who are involved in investing money want to make sure that they are part of a process, as I understand it, that is going to be allowed to be completed. That is where his colleague, the Member for St. Norbert (Mr. Angus) throws the train off the track.

He says on the one hand, and their resolution says, make sure that you have all the environmental impact studies in, and then on the other hand he says, why are you not building a chipping plant in Swan River and getting on with the job of chipping, cutting the trees. He is not being clear with his message.

On the one hand he says, why is there not action being taken and buildings taking place, and on the other hand he is saying, you have got to make sure the environmental impact studies are being done. It is a balance, Mr. Speaker, and I think the Member for St. Norbert (Mr. Angus) knows that, that there has to be some balance. I do not think there are any flaws. I think the actions of the Government, I think the actions of the Environmental Commission are being carried out very responsibly.

He says and this is another point that has to be considered, he said, markets change and things change. Yes they do, but there is a general feeling of good faith in The Pas, and I say that and again ask the Member for The Pas (Mr. Harapiak) who should speak on this particular subject. There is a general feeling of good faith that in the longer term the kind of protective measures are there for the environment. It is coming from not only the community of The Pas but surrounding areas, that investments will be made as it is proven that the investment being made will be able to deliver a product to return a profit at some point after the investment is made and the work has been done.

Until that is done, I understand that the work is being done to clean up the current plant problems that were inherited, that the whole question of harvesting of trees and replanting will be looked at. I do not expect people to go and invest money, and society would not expect people to go and invest money unless they knew that down the road, they would be able to get returns that are favourable on that investment. I think any deal has to be entered into in good faith. That is what we did—

Mr. Speaker: Order, please; order, please. The Honourable Minister's time has expired. The Honourable Member for The Pas.

Mr. Harry Harapiak (The Pas): Mr. Speaker, I am pleased to stand and speak on Resolution No. 31

dealing with the environmental impact studies with Manfor and now Repap. I think it is extremely important that I put some comments on the record. We have always been in favour of this Repap sale, buying the facility at The Pas. I think it is unfortunate the way that the Government has taken on the sale of Manfor; they have showed it as an either/or situation. They try to make it out as if you are either pro-development or you are anti-development. I think it is extremely important that we go ahead with that development in The Pas, because it is important for the jobs and the opportunity that it creates in that area.

It is also important to have the environmental studies that show what effect it is going to have on the operation. I think the proponents should know what the ground rules are when they are coming in and making an investment in the community. If the proponents do not know what is going to be happening in that operation, then they do not know what

investment to make. That is why it is important that the whole environmental review should have covered both Phase 1, Phase 2 and the forestry operation. That is what we, as a Party, have been saying right from the beginning.

Our Leader (Mr. Doer) has written a letter to the Minister of Environment (Mr. Cummings) expressing our complete belief in the environmental review and how it should be conducted. I think while we are talking about environmental—

Mr. Speaker: Order, please. When this matter is again before the House the Honourable Member for The Pas (Mr. Harapiak) will have 13 minutes remaining.

The hour being 6 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday).