



Legislative Assembly of Manitoba

**DEBATES**  
and  
**PROCEEDINGS**

Speaker

The Honourable Peter Fox



Vol. XXI No. 157 10:00 a.m., Wednesday, June 5th, 1974. First Session, 30th Legislature.

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ST. JAMES	George Minaker	P.C.	318 Ronald St., Winnipeg	R3J 3J8
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ST. MATTHEWS	Wally Johannson	NDP	418 Home St., Winnipeg	R3G 1X4
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STURGEON CREEK	J. Frank Johnston	P.C.	310 Overdale St., Winnipeg	R3J 2G3
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THE PAS	Hon. Ron McBryde	NDP	Legislative Bldg., Winnipeg	R3C 0V8
THOMPSON	Ken Dillen	NDP	1171 Westwood Dr., Thompson	R8N 0G8
TRANSCONA	Hon. Russell Paulley	NDP	Legislative Bldg., Winnipeg	R3C 0V8
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WOLSELEY	I.H. Asper	Lib.	Legislative Bldg., Winnipeg	R3C 0V8

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

10:00 o'clock, Wednesday, June 5, 1974

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees. The Honourable Member for St. Vital.

REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. D. JAMES WALDING (St. Vital): Mr. Speaker, I beg to present the Fifth Report of the Standing Committee on Law Amendments.

MR. CLERK: Your Committee met on June 4, 1974, and heard a representation with respect to:

Bill No. 73 - The Buildings and Mobile Homes Act:

Mr. Ralph Thompson, The Manitoba Association of Architects.

Your Committee has considered Bills:

No. 23 - An Act to amend The Liquor Control Act.

No. 65 - An Act to amend The Law of Property Act.

No. 67 - An Act to amend The Public Printing Act.

No. 69 - An Act to amend The Embalmers and Funeral Directors Act.

No. 76 - The Heritage Manitoba Act.

No. 79 - An Act to amend The Provincial Police Act.

No. 80 - An Act to amend The Real Property Act.

No. 88 - An Act to amend The Liquor Control Act (3).

And has agreed to report the same without amendment.

Your Committee has also considered Bills:

No. 20 - An Act to amend The Highway Traffic Act.

No. 72 - An Act to amend The Clean Environment Act.

No. 81 - An Act to amend The Department of Public Works Act.

And has agreed to report the same with certain amendments.

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

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

MOTION presented and carried.

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

MINISTERIAL STATEMENT - BILL 82

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management and House Leader) (Inkster): Mr. Speaker, I have a statement to make. On May 1st, I moved second reading of Bill 82, the Principal Minerals Royalty Act. In introducing the bill, I indicated as follows:

(1) That it was intended that the Act would implement that portion of the policy statement made in March of this year relating to a tax on economic rent.

(2) That it was not expected that the new tax would come into force for some time, and that in the meantime the Province would be able to realize equivalent revenue by increasing the normal mineral royalty tax from 15 percent to 23 percent.

(3) That when the new tax came into effect, it was expected that the basic mineral royalty would be reduced from 23 percent to 15 percent and any difference made up by an incremental tax, and the revenue would be maintained by the new tax, that is Bill 82.

Members have already been advised that the concept of taxation revealed in Bill 82 is new, innovative and without precedent. In pioneering this measure, it is understandable that complex considerations may arise and clarifications may be necessary in order to make it abundantly clear that the tax provisions implement the intention of government policy. The government is satisfied that the concept introduced in Bill 82 is justifiable and will result in a more equitable form of taxation of economic rent than presently exists. I am, however, willing and anxious to ensure that the tax is well understood and that opportunity is given to deal with any misunderstanding or problems which may arise relating to its implementation. In this particular case, the public has nothing to lose and everything to gain by some delay in the passage of this bill. No revenues will be lost, since the 23 percent royalty tax will realize that amount which is expected to be recovered in economic rent, and this royalty increase will be

## MINISTERIAL STATEMENT - BILL 82

(MR. GREEN cont'd) . . . . pursued by legislation this year. Since the new tax would not under ordinary circumstances be expected to take effect until the 1975 taxation year, there is no urgency in proceeding with the bill at this stage. There could, therefore, be some advantage in delaying the legislation which would implement this concept until the next Session of the Legislature.

I accordingly wish to advise honourable members that I do not intend to proceed further with Bill 82 at this Session of the Legislature, and the bill will not be called for further debate.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q. C. (Leader of the Official Opposition) (River Heights): Mr. Speaker, I thank the Honourable House Leader, the Minister of Mines and Natural Resources, for his statement. I would suggest to him and indicate to him that I think that this is a wise course at this particular time in view of the complexity of the subject, and I think a requirement for study, both on our side and on the government side, with respect to the way in which this will operate. I recognize that this decision is one that has come after the bill has been introduced into the House but with full recognition that there were problems concerned with the presentation of the bill and that was initially indicated.

But I rise, Mr. Speaker, to respond, only to point out what I think is a difficulty for both the Government and the Opposition in this particular session, at this particular time, in dealing with a series of bills, not just one, a series of bills which involve, Mr. Speaker, and which require study and debate, and which apparently, Mr. Speaker - and I base this on the presentation of the Honourable Ministers who have presented the bills - apparently has not received the consideration that it should within the Cabinet and caucus prior to its delivery to this House. And I say, Sir, to you, without naming the specific bills, and I think I'm capable of doing it, that the bills which give the Cabinet discretion in many areas and take out of this Legislature its legislative function, and which in turn deal so fundamentally with the economic and financial life of this province, require the kind of serious debate and study that should come from the time, Mr. Speaker, of the pronouncement of policy, the indication of what the policy would be, and the opportunity for not only debate in the Legislature, but for full community participation, so that what does come out finally in terms of the specific legislation will reflect the best thinking both of government and of those who are directly involved, and of the legislators who are not in government.

And, Sir, in dealing with those bills that have been introduced, dealing with the financial and economic matters in our province, it would seem to me that the government, in setting this precedent, could follow this precedent and could allow the opportunity for perusal by the community and ultimately for the adoption of the bill that would reflect better, Mr. Speaker, better, the needs and concerns of people. And, Mr. Speaker, I say this because in one particular situation, in the Automobile Insurance Bill, the Minister has already indicated that he is going to eliminate a section that he's already introduced. And, Mr. Speaker, when he says he's going to withdraw immediately a section that he's introduced, and that was only introduced a few days ago, only printed a few days ago, one must become concerned at the speed with which these matters have been dealt with, at the study that has been given prior to the introduction of the bill, and of the need for immediate passage in this House.

So I accept the Minister of Mines and Natural Resources' statement, but, Sir, would suggest that what this House should do now is recess for three or four months and provide the opportunity for the other bills, Sir, to be studied so that they can be dealt with properly, and so that what will come out will be better than what we have at the present time.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. LLOYD AXWORTHY (Fort Rouge): Thank you, Mr. Speaker. I, too, would like to thank the Minister for his statement and compliment him on his judicious decision in withdrawing the bill at this time. I think that it was only a proper course of action considering the complexity and in some cases the ill-considered parts of the bill which didn't really make much sense or were incomprehensible to many people, and certainly it seemed to me many of the provisions of that measure were not really even consistent with the principles that were laid out by the Minister in his original statement. And I think, Mr. Speaker, that in this respect it is important to point out that in a matter as complex as the one that was introduced in the Principal Minerals Royalty bill, where you are in fact undertaking, as the Minister rightly said, a pioneering or innovative effort into the economy of this province, that it does require

## MINISTERIAL STATEMENT - BILL 82

(MR. AXWORTHY cont'd) . . . . a good deal of consideration and probably far more public disclosure and discussion about the mechanics and mechanisms that are being applied, and I would obviously expect that the Minister would be meeting with members of the mining industry in the province to work this particular provision through before the next session.

But I recall, Mr. Speaker, about three years ago or four years ago, when the Federal Government introduced its major tax provisions deriving from the Carter Commission Report, that one of the valuable techniques that were employed after the bill itself ran into a number of questions in the House of Commons, that they did set up a parliamentary committee at that time to undertake representations to listen to the perspectives, and I think it was the general conclusion that the work of that committee was able to be a very beneficial impact upon the bill. And it would seem to me that the one thing, one area the Minister might consider, would be the setting up of a special committee on taxation to look at this particular provisions so that the examination could be done in a public way, where representations could be held by a variety of groups and interests, particularly those in the mining industry but also those from whomever would want to appear, so that all members of this House would have the opportunity to understand the difficulties, to understand the different options, and to be able to work through perhaps an acceptable kind of provisions that would make a mineral tax initiative that could be discussed by this Legislature by next session, one that would be less controversial and more understandable.

I would also like to say, Mr. Speaker, that in general we agree with the Minister's approach of proceeding with Bill 77 to increase the other royalty tax. We think that certainly it is time that proper consideration be given to increasing the royalty rates that the public derives from the mining industry in the province, and we think that this is probably a very wise and prudent step the Minister is taking to proceed with 77 and to stop with 82. But we would like to see the Minister perhaps consider the setting up of a committee so that this particular Act, the Principal Minerals Royalty Act tax, could be considered in a public form with wide representation so that all members of this House would have an opportunity to fully examine and discuss the implications of it.

MR. SPEAKER: Any other Ministerial Statements or Tabling of Reports? Notices of Motion; Introduction of Bills; Questions. The Honourable Leader of the Opposition.

ORAL QUESTION PERIOD

MR. SPIVAK: Mr. Speaker, my question is to the First Minister as Minister of Urban Affairs. Yesterday, the federal Urban Affairs Minister in speaking to the Federation of Mayors and Municipalities, indicated that \$250 million would be available for rail relocation. I wonder if he can advise this House whether he or any of his ministers or any of the senior members of his department had discussions with Mr. Basford, the federal Minister, or his department, with respect to rail or relocation in Winnipeg, and I wonder if he could indicate the substance of those conversations.

MR. SPEAKER: I'm afraid the question is much too broad. The honourable member should realize that.

MR. SPIVAK: The federal Minister indicated there was \$250 million available for rail relocation. I wonder if the Minister can indicate whether his government has had recent conversation with the federal Minister or had conversation with him during his stay in Winnipeg dealing with this matter.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, certainly there were conversations with the Minister some time ago, I would think prior to or concurrent with the period when the legislation was under draft, and then again, more recently, we've had conversations with representatives of the railways, and as well, at the administrative level, officials of the Province have been in communication with staff personnel from the federal department and there has been growing dialogue with the City of Winnipeg of an increasingly specific nature in respect of that.

MR. SPEAKER: Orders of the Day. The Honourable Attorney-General.

MINISTERIAL STATEMENT - BILL 84

HON. HOWARD PAWLEY, Q. C. (Attorney-General) (Selkirk): Mr. Speaker, I wonder if I could have leave just to make a brief procedural statement. The Clerk advises me that when Bill No. 84 - The Statute Law Amendment Act, was introduced to the House, that there

## MINISTERIAL STATEMENT - BILL 84

(MR. PAWLEY cont'd) . . . . should have been a message from His Honour, so I would like to just indicate that His Honour the Lieutenant-Governor, having been informed of the subject matter of this bill, recommends it to the House. That's in reference to Bill No. 84, The Statute Law Amendment Act.

MR. SPEAKER: I hope the honourable members are aware that Bill No. 84 now has a message from His Honour. Orders of the Day.

ORDERS OF THE DAY

MR. SPEAKER: Address for Papers. The Honourable Member for St. James is absent. The Honourable House Leader.

GOVERNMENT BILLS

MR. GREEN: Would you proceed, Mr. Speaker, with Bill No. 71.

MR. SPEAKER: The proposed motion of the Honourable Minister of Consumer Affairs. The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Mr. Speaker, may I have this stand until this afternoon? (Stand)

MR. SPEAKER: The Honourable House Leader. 74? The proposed motion of the Honourable Minister of Industry and Commerce. The Honourable Member for LaVerendrye.

HON. SAUL CHERNIACK, Q.C. (Minister of Finance) (St. Johns): Mr. Speaker, I see that the Honourable Member for LaVerendrye is not present so that I would -- there is no point in calling it until he does come into the Chamber.

MR. SPEAKER: Is it possible we could have a volunteer and then we would know which bill to take?

MR. CHERNIACK: Well, Mr. Speaker, I think it's just as well that we let it stand without calling it. I mean, we can call it back again in the morning when the Member for LaVerendrye comes. --(Interjection)-- That's what I say, rather than stand it. Then, Mr. Speaker, Bill 75 (Stands); 77 . . .

MR. SPEAKER: Possibly my proposal would be best, if someone would volunteer on one of the bills and then we'd know what we can proceed on and . . .

MR. CHERNIACK: That would be helpful.

MR. SPEAKER: If we don't have a volunteer then we know we have to go on.

A MEMBER: Rushing legislation through.

MR. SPEAKER: 77; 82; 83; 84; 90; 64 - The Honourable Member for Rhineland.

BILL NO. 64

MR. ARNOLD BROWN (Rhineland): Thank you, Mr. Speaker. As you know my area's quite concerned about Bill 64 as credit unions are very strong in my area. We have credit unions in Winkler, Plum Coulee, Altona, Gretna, Halbstadt, and we have the Caisse Populaire in St. Jean, and these movements were started a number of years ago and they had their difficulties getting established, but at the present time they are doing very well and they are serving the community very well.

As you know, in credit unions it's the members that pool their money and they also have control over their money; they can say where this money is going to be invested. And I would like to say at this time that if it wasn't for the credit unions we would not have had nearly the industrial development that we have had in the area. I know very well that many banks refused to lend any money to new industries coming up. They could get absolutely no operating capital whatsoever from the banks, and here is where the credit unions proved a real boon for the various areas in which they were operating.

They also have done very much for agricultural development. Here again, there were some of the farmers who just did not have the collateral that was needed for them to go to the banks to borrow money, and the credit unions again came through and saw these people through. We've had many businesses that have been established through credit unions. We've had many young people who went down to the credit union to borrow money to further their education. We've had churches that went down to the credit union to borrow money to get started. In other words, the credit unions have served a real need in the community, and we certainly are very concerned when we see that in Bill 64 that we could come up maybe with some treasury branches

## BILL 64

(MR. BROWN cont'd) . . . . and so on, which would surely take away some of the money which is needed by the credit unions to further their activities in the local communities.

There is no doubt in my mind this would weaken, rather than strengthen, the position of the credit unions. I don't think that they are all that afraid of competition, but when government goes into things and so on, that at times there could be unfair competition and this is what everybody is concerned about.

Now what credit unions do is they take the money that is generated within the area and they also spend it in the same area. You have local control, and then it is invested in the same area from which this capital is generated. I doubt very much whether the government would be doing this. They would probably be establishing a branch some place and taking this money and investing it in other areas, which means that people would not be able to see their money go to work for them on a day-to-day basis, and I feel that this is quite important.

There are other areas in which I can really not see why the government would want to get involved in the banking system. If they're going to turn down a loan to anybody who is a card-bearing NDP member, you can rest assured that he is going to feel slighted and more than likely he's going to vote for another party the next time. If they're going to turn down a loan for a known Conservative and so on, he's going to say that they're prejudiced against me, so you will have charges of favoritism, charges of prejudice, and I don't think that the government is going to place themselves in a very enviable position. I always feel that it is much better if government stays out of banking or institutions and so on.

Now as far as I'm concerned, there has not been any expression of real need. We wonder, where is the real need for the government to go into the banking system? Is the need just to have some branches established in Northern Manitoba? If this is so, then why don't they subsidize the credit unions to go up north? It would take a very small subsidy, I'm sure, and it would be mainly in the labour end of it. Now the credit unions have had quite a bit of experience in running affairs of this nature, and if the government is concerned about the North, then with a very small investment I am sure that they would be able to get the credit unions to establish themselves in Northern Manitoba, and if the real need is that the government needs a financial vehicle for themselves, then why don't they set up their own credit union? There is absolutely nothing that would prohibit them from doing this, and in that way they would have control over the money that they would wish to have control over.

Another area of concern, I believe, is that the three prairie provinces have been interested in setting up a western bank, which I believe has been referred to as the Northland Bank. I'm just wondering what other provinces must think of Manitoba when we are planning on going into our own banking system over here, when we've been working with them in order to establish our own bank in Western Canada, and it seems to me that this is certainly not going to further that cause any. We already have such a large bureaucracy, that it is getting more difficult all the time to keep government under control and I think that we should strive, really make a very serious effort towards this government rather than more government.

I am quite certain that if the government is going to go into the banking system that the taxpayer will have to subsidize quite heavily the banking system before it will be generating any money, because we can see what happened with credit unions, that many of them were in difficulty for at least for five or six years before they really got established. And I think one of the major concerns that we must have, Mr. Speaker, is that it was the small man that built the credit unions, it was not the large corporations. It was the small man that could not receive financial aid from banks and I feel that it is the small man who would be hurt through passing Bill No. 64. Thank you.

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I would like to move, seconded by the Honourable Member for Riel, that debate be adjourned.

MOTION presented and carried.

BILL NO. 86

MR. SPEAKER: Bill No. 86. The Honourable Minister of Highways.

HON. PETER BURTNIAK (Minister of Highways) (Dauphin) presented Bill No. 86, an Act to amend The Highway Traffic Act (4), for second reading.

MOTION presented.

## BILL 86

MR. SPEAKER: Is it the pleasure of the House to adopt Bill No. 86 on second reading? The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris): Isn't there going to be some explanation of what the Minister is contemplating?

MR. SPEAKER: The Honourable Minister.

MR. BURTNIAK: Mr. Speaker, Bill 86 has a number of amendments in it. Some are merely housekeeping changes - quite a number of them as a matter of fact are just housekeeping changes. There are a number of policy amendments relating to such things as class licences which we hope if this bill is passed will become a reality in 1975. There are ten amendments relating to various types of equipment, also standards for school buses, and there are a number of changes in regard to bicycle safety - and the rest are as I said fairly minor changes, merely housekeeping changes.

One of the points that I'd like to talk about briefly is - that is introduced in this particular bill - is the merit point system. I recall that during the Department of Highways estimates I mentioned this at that time, and this is to deal with - as I said at that time and I repeat again - a sort of a pat on the back for the people who drive carefully and drive safely for a number of years. I think it's only right of course that when somebody commits a driving offence that naturally he should be dealt with accordingly. But at no time has this province had any kind of legislation where a person or persons who have been driving safely for a number of years and nobody has really paid any attention to them - and I think that by giving them some sort of recognition for their good driving habits this would give an incentive for them to drive safer over the next number of years. I believe that this is something that the House I would hope would agree to.

I'd just like to mention some of the points here. Where a person has not been assessed any demerit points in respect of accidents or convictions for offences committed with a vehicle during a period of two full licence years applicable for that person, and providing that the person held a valid and subsisting driver's licence other than a learner's licence during that period, the Registrar shall award a merit mark on his driver's licence for that period, and an additional merit mark for each ensuing two-year period thereafter during which demerit points have not been assessed up to a maximum of five merit marks. Where a person has been assessed demerit points which have not been expunged from the person's record, merit marks shall not be awarded until the end of a two-year commencing from date the demerit points were due to be expunged from the driver's record. No merit marks shall be awarded to any person during any two licence years whose driver's licence has been suspended or cancelled for any cause whatsoever or who has been prohibited from driving. Upon being awarded the maximum of five merit marks a person who has not been assessed any demerit points for a further period of two years during which he held a valid and subsisting driver's licence, the Minister may cause to be issued to that person a certificate of merit. Where a person has been awarded one or more merit marks becomes liable for assessment of demerit points, one merit mark shall be removed from his record and his driver's licence when it is next due to be renewed for every two demerit points for which he has become liable to be assessed. Where a person has been awarded one or more merit marks becomes liable for assessment of demerit points, two demerit points shall be deducted from the demerits, he is liable for assessment for each merit mark awarded to him. So that is one of the I think major items in this particular bill.

The other one is dealing with the mandatory inspection of motor vehicles owned by dealers. I think this is something that we are all striving to do. We have been holding testing of vehicles over a period of years now in various locations, but we have not been successful in getting the permission from the various dealers who have used vehicles for sale; we are not able to test them and we want to make this available to the general public as well.

Another point - timing device. This amendment is necessary to permit regulations to be established prescribing the specifications and methods to be employed in the use of aircraft to time the speed of motor vehicles. The Royal Canadian Mounted Police are making provision for the deployment of an aircraft as a measure of law enforcement against vehicles exceeding the speed limit.

Amendment 196 - this amendment makes provision for the prohibition of persons operating a vehicle as a tow truck unless that vehicle is specifically equipped as required for towing disabled vehicles. Currently there is nothing within the Act to govern tow trucks and as a



## BILL 86

(MR. BURTNIAK cont'd) . . . . result there are many tow trucks operating with unsafe equipment and beyond the safe limits of their towing capacity.

Under the current legislation a driver who has been denied remission of suspension by the Appeal Board cannot make further application until a period of three years has elapsed since disposal of the previous application. In a number of instances the circumstances of the drivers change and there is just cause for him to obtain a restricted licence. This amendment will permit a further application of appeal if the person's circumstances change and he requires a conditional driver's licence. Currently drivers who have had their licences suspended for life do not have a defined recourse to have such a suspension absolutely rescinded. It is considered that if a driver who has a conditional licence and does not have any further convictions under the Act or the Criminal Code of Canada for a period of three years, there should be recourse for him to make application to have the suspension cancelled. This amendment would make provision for such an application to be received and for such a suspension to be cancelled absolutely.

In regard to the Licence Suspension Appeal Board, there has been a substantial increase in the number of applications that are being received. Therefore, in order to insure that appeals can be heard without a long time lag it is considered necessary that the membership of the board be further expanded. This amendment will make provision for the Board to expand to seven members from the present five members which is permitted under the previous legislation.

These are pretty well most of the major points, except I would like to at this time point out to the honourable members that Section 50 (1), this is dealing with the names on trucks. We have in the Act repealed the whole section and upon perusing it more closely we find that we may be running into some other problems that we didn't foresee at that time. I'm talking basically about the weight scales and what have you, and I would like to suggest at this time that there will be one or two amendments brought to the Law Amendments Committee on this particular section, that's Section 50 (1).

The other section which is Section 186.4, which has been quite controversial and has been for a number of years, I do know that even during the previous term of office by the previous administration they've had this problem and this is our second attempt at the compulsory wearing of crash helmets and we have the section - on motorcycles, yes - and we've had long discussions. I've had meetings with people who are opposed to this legislation and those who are in favour, and it seems to be pretty much of a split - although as I said, we have this amendment in the Act because I know that there is quite a split in the thinking of the government members and I would think that perhaps the same thing prevails on the opposition benches as well. So I would request, Mr. Speaker, if I may at this time that on this particular section, Section 186.4 that there be a vote taken, a pre-vote taken on this particular section, and I would suggest that I would have no problems and I think the government either - whatever the decision will be we'll be prepared to live with it. Thank you.

MR. SPEAKER: The Honourable Member for Virten.

MR. MORRIS McGREGOR (Virten): I move, seconded by the Honourable Member for Souris-Killarney, that debate be adjourned.

MR. SPEAKER: The Honourable Member for Minnedosa want to speak on it before it's moved for adjournment?

MR. DAVID BLAKE (Minnedosa): No, I just wanted a question for clarification, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. BLAKE: Yes. To the Honourable Minister. He mentioned - with some period of good driving record that one would be issued with a certificate of merit. I wondered if this would have some value such as a trading stamp, if one might be able to trade it in as a discount on their Autopac insurance premium.

MR. BURTNIAK: No, I'm afraid not. We're prepared not to go that far. But what it would actually mean is that - as we call it the star system, you can call it whatever you like - the star would be worth two demerit points. So that if for example you have four demerit points - I'm sorry - four merit points, two stars, and then you're convicted for something that costs you two demerits therefore you'd lose one star.

QUESTION put, MOTION carried.

## BILL 86

MR. HARRY SHAFRANSKY (Radisson): Mr. Speaker, I have a question, I'd like to ask a question of the Minister.

MR. SPEAKER: The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Speaker, I'd like to ask the Minister of Highways whether there will be any amendments or changes with regards to signs on trucks that are on highways?

MR. SPEAKER: The Honourable Minister of Highways.

MR. BURTNIAK: Mr. Speaker, I did mention that in my remarks we will have one or two amendments for Section 50 (1).

BILL NO. 87

MR. SPEAKER: Bill No. 87. The Honourable Attorney-General.

MR. PAWLEY presented Bill No. 87, an Act to amend The Animal Husbandry Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

MR. PAWLEY: Mr. Speaker, members of the Legislature like Peter Adam and . . .

MR. SPEAKER: The Honourable Attorney-General means the Member for Ste. Rose.

MR. PAWLEY: . . . the Member for Ste. Rose . . .

MR. SPEAKER: Thank you.

MR. PAWLEY: . . . and the Member for Roblin would probably be in a better position to describe some of the reasons behind the need for this type of legislation that I am introducing, and I look forward to the debates and the discussion that will later ensue.

One of the frequent problems that have constantly occurred within our province, as elsewhere of course throughout Western Canada, has been the constant and repeated rustling of cattle by cattle rustlers. And each year from time to time the courts have to deal with those that are caught with having stolen cattle or having defaced brands, individuals who sometimes repeat these offences with little concern it seems. In the past year there have been several rather substantial sentences handed out by our courts in respect to this matter; the maximum sentence permissible under the Criminal Code is five years, but there have been sentences this past year of, I believe, Mr. Speaker, of two years to individuals caught in the act of cattle rustling.

I should emphasize that the main responsibility in connection with cattle rustling, sentencing and penalties imposed rests with the Federal Government, due to the fact it is a Criminal Code matter. And the provision of the Criminal Code that relates to cattle rustling is Section 298, subsection 1 of the Criminal Code which states, "Everyone who without the consent of the owner (a) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates purchases or sells cattle that are found astray; or (b) fraudulently, in whole or in part, obliterates, alters or defaces a brand or mark on cattle or makes a false or counterfeit brand or mark on cattle is guilty of indictable offence and is liable to imprisonment for five years." That is the operative section of the Criminal Code that relates to this horrendous form of offence which cattlemen often find themselves confronted with in their daily operations in ranching.

The bill before us provides for a number of new sections dealing with cattle rustling. The bill provides for the confiscation of any vehicle used by any person in the commission of any criminal offence relating to cattle rustling including the theft of cattle or swine, possession of stolen cattle, swine, under Section 312 of the Criminal Code; or for fraudulently taking cattle or defacing a brand under Section 298 of the Criminal Code. So there's confiscation of vehicles or equipment that are used by those who engage in the Act of committing a criminal offence under the provisions of the code.

Members of this House will recognize the fact that for many years there have been provisions in the Wildlife Act dealing with offenders that are caught nightlighting, in which vehicles, guns, etc. are confiscated by the state of those that are convicted of offences in respect to nightlighting. Surely, Mr. Speaker, when one considers that this has been an offence which has justified the confiscation of equipment, one could not help but ask the question, why not the same in respect to those that stoop so low as to steal another man's livelihood, his cattle, which are often left in such a way that it's very difficult to control and one has to depend a great deal on trust of those in the area.

The bill also allows for payment of money recovered from the sale of confiscated

## BILL 87

(MR. PAWLEY cont'd) . . . . vehicles to be paid to the innocent victims of cattle rustling. There are other amendments in this bill dealing with amendments to The Animal Husbandry Act specifically in respect to Part 4 of the Act. This Act has been amended to involve the Humane Society in the investigation of matters respecting injured animals with a view to the prevention of cruelty to animals. The amendments bring the Manitoba practise into line with the present practise in Saskatchewan and Alberta.

There are a number of other amendments dealing with Part 4 of the Act, but they are amendments that in the main are not even consistent with present provisions or in fact are of a technical nature.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, the only real question that I have in my mind in respect to this legislation is, why did it take so long for the government to introduce it? This bill, or one very similar to it - I haven't checked as to the details - was introduced during the course of the last session. It wasn't proceeded with because the government wanted to call an election, and I have no criticism to offer of that, so the bill died on the Order Paper. One would presume that since the bill died on the Order Paper and was printed during the course of the last session, that it could have been introduced during the early stages of this session without waiting for the dying moments to introduce a rash of bills. This is certainly one of them that could have been introduced much earlier in the session. It's not going to receive any opposition, because the Member for Birtle-Russell who introduced this subject several years ago has been urging upon the government that they take some action to deal with those people who have been in the habit of stealing livestock. The Minister attempted to give credit to the Member for Ste. Rose who in my knowledge of the situation has contributed nothing to the progression of this legislation. If he had indeed any influence at all he would have urged the government to introduce this legislation much sooner in this session.

What the legislation does, as the Minister has explained, is simply bring into line the provisions of this Act with the provisions of other Acts, in which the tools of the trade - and in this case it could even be helicopters because I understand the rustlers - they may be called that in this age - are now so refined in their techniques that they swoop down in helicopters, slaughter steers and move out; it will enable the government to confiscate those tools of the trade, as well as automobiles and whatever other paraphernalia that the rustlers use in stealing livestock. We have no objection to the legislation, in fact we welcome it, and we say it should have been on the statute books long ago. Now one taking a casual glance at the bill would not guess for a moment that the purpose of that bill is to deal with rustlers, since it is an amendment to the Animal Husbandry Act. A casual observer to the gallery would perhaps think: Well this is another one of those government ventures into affairs that do not concern them, that they are now attempting to find husbands for animals.

However, we welcome the legislation and we can only ask the government, why did it take so long? Why did you have to wait till the dying stages of this session before this bill - which had been prepared, and we know this is a bill that had been prepared last session - could have been introduced at the early part of this session and could have been law by this time. The Minister may want to answer that question, and I'd be interested in knowing just the reasons why legislation that has been prepared - and we know that this one was, and I'm sure that there are other bills that are brought before this House right now that have been prepared long ago and could have been introduced and could have been dealt with in a much better way than is now being the case. The government has a habit of waiting until the dying moments of the session before they bring in legislation. And we were assured before we moved into speed-up that all the legislation that was left over was just of a housekeeping nature. There wasn't anything significant. My God, what have they brought in since then? A blueprint for the takeover of the entire Manitoba economy. That is of a housekeeping nature? Well maybe in their interpretation it is of a housekeeping nature because their intention is to take over the complete House in this province. Well, Sir, we've had recent examples of the interpretation that honourable gentlemen opposite place on the things that they say, and I can assure them that from now on - if indeed we ever have - cannot accept them at their word; that every time they introduce a big piece of legislation or a bill into this House, one has to look for the hidden reasons behind, it is either being done or not being done. Because being candid with this Legislature is something - and with the people of this province - is something that the government is not in the habit of doing.

## BILL 87

(MR. JORGENSEN cont'd)

Having said that, Sir, we will let this bill proceed for examination in committee because it is one that the Member for Birtle-Russell and other members on this side of the House have long advocated. And I hope that hidden in the terms of this legislation - or in other pieces of legislation under the Attorney-General's department - is not a clause or a provision that the first steer being rustled by anyone in this province, is not on the house - that offenders against this Act and those who would commit crimes, whether it be a first offence or whatever, be dealt with severely because they're tampering and interfering with the livelihood of other people. People who think that they can get away with such crimes should be dealt with and dealt with severely, as this legislation purports to do. We trust that the Minister's department - notwithstanding the fact that much of the legislation dealing with rustling comes under the Criminal Code, that insofar as his responsibilities are concerned, the Minister will take the kind of action and deal with those people the way that cattlemen would like to see them dealt with. And I can assure him that unless action is taken to deal with them in a manner that they should be dealt with, there's always the possibility that people will start taking the law into their own hands, because they will stand for this nonsense just so long and then comes the revolution, and if the government are not prepared to deal with them, then the cattlemen are prepared to deal with them themselves.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before the Attorney-General closes debate, let me draw the attention of the honourable members to the gallery where we have 30 students of Grade 5 standing of the Ruth Hooker School under the direction of Mrs. McKay. This school is located in the constituency of the Honourable Member for Selkirk, the Honourable Attorney-General. On behalf of all the honourable members I welcome you here today.

BILL NO. 87 Cont'd.

MR. SPEAKER: Is the Honourable House Leader wishing to speak on this bill? The Honourable Attorney-General shall be closing debate. The Honourable Attorney-General.

MR. PAWLEY: Mr. Speaker, I could not help but reflect as I listened to the Honourable Member from Morris, uh huh, there is a motorist again with his horn stuck, he keeps tooting and tooting and tooting and never ceases to toot. It reminds me of the same type of situation. I could not help think as the Honourable Member from Morris, because he had nothing to criticize insofar as the legislation was concerned, he said it was good legislation. As to the question, why wasn't it introduced before, a long time ago? I ask the Honourable Member for Morris, why this legislation had not been introduced during eleven years of Conservative administration and its government? Eleven years of Conservative administration, when their members represented constituencies in Manitoba that represented ranching areas in Manitoba, where were they during eleven years of Conservative administration? Where were they?

Furthermore, Mr. Speaker, I couldn't help, I could help not but reflect . . .

MR. SPEAKER: Order please.

MR. PAWLEY: I could not help but reflect, Mr. Speaker, if that was the case and the Honourable Member from Morris represented the Federal constituency of Provencher for - how many years? - five, six years - and because this is primarily a federal matter involving the Criminal Code of Canada, did the Honourable Member from Morris ever make representations to the former Prime Minister of Canada on this matter? Now he is high and mighty in this House and says, "Why didn't the NDP government do something in respect to this legislation earlier this session?" Where were they for eleven years, where was he for six years when he sat in the Federal House of Commons?

MR. SPEAKER: Possibly the Chair should give everybody another five minutes so they can all vent their steam and then we'll carry on. How's that? Is it the pleasure of the House to pass the motion?

MOTION carried.

BILL NO. 84

MR. GREEN: Mr. Speaker, apparently there is a willingness to go back to Bill 84, if that's acceptable.

MR. SPEAKER: Very well. The Honourable Leader of the Opposition. Bill 84.

## BILL 84

MR. SPIVAK: Mr. Speaker, this Act is an omnibus act dealing with the, well a variety of different statutes, correcting by way of housekeeping in many cases, specific provisions in the Act in which either anomalies or corrections have been found to be required, simply as a result of the application of the Act and perusal, I guess, by the Legislative Counsel or by someone in a particular department in trying to carry out the Act's responsibilities, and I think, Mr. Speaker, the best way to deal with this matter, and having had the opportunity of examining it and examining the sections, is to allow it to go to Law Amendments on the assumption that we'll have an opportunity to have specific questions answered with particular clauses, but I would like to mention a few points.

The Honourable Attorney-General forwarded us notes in connection with this and there are a couple of matters that should be highlighted at this time as an indication of the need for some explanation. One is the fact that the Billiard and Pool Rooms Act has been repealed and, as far as I can see, the reason for the Act in the first place was to prevent minors from entering a billiard and pool room, and I take it then that the government's position is that now - and it is really a matter of policy at this point rather than a matter of housekeeping, legislative housekeeping, that minors should be allowed to be present in such an establishment. And I think, Mr. Speaker, that that, which is a declaration of position as far as the government, should be expressed directly by the Minister and I think would be important in understanding the reasons for the change.

The second thing, Mr. Speaker, has to do with the Denturist Act, and it in one sense brings back the debate that's occurred in this House for some time, over many sessions, between the dental mechanics and the dental profession. There are two clauses, Mr. Speaker, in this Act, dealing with the question of the Dental Mechanics Act. One appears to be essentially housekeeping, the other deals with the elimination of the provisional requirements placed in the Act at the time, provisional requirements for licensing, for provisional licensing, so as to license those who had been practising as denturists at the time, or as dental mechanics at the time.

But, Mr. Speaker, the amendment highlights one feature that I think is open to question at that time, and that, Sir, is the ability of the Minister who, under the regulations, is to issue the new licence, the provisional licence now being eliminated, when one wants to apply, assuming one complies with the regulations which would allow one to be licensed. The question is, does he have that as a matter of right or is it really a ministerial discretion as to whether he does or does not get the licence? I think the intention of the government is that if he meets the requirements and pays the prescribed fee, he's entitled to be licensed, yet the section as it's stated, Mr. Speaker, would simply mean that the Minister may, upon request, issue the licence, and the question at that point is whether the discretion should be given to the Minister or whether it should be a matter of right. And I think the problem of ministerial discretion in so many bills is identified in this particular amendment, and would hope that when we get to Law Amendments on this, that there'll be some understanding, because I think the phraseology or the wording, the legal wording, can be altered in such a way that the ministerial discretion is not left, Mr. Speaker, with the Minister, but that a person who complies with the regulations as set by the government for licensing would be in a position to receive it unless there was some extraordinary situation which would justify an action of the government withholding it.

The other section, Sir, that I think will require consideration - and here, Mr. Speaker, I must refer to the particular section because there is no particular principle in the bill, each section really involves almost a new principle - without naming the section, it deals with the requirements, Sir, and I would like to read it if I may and I think I comply with the rules by doing this, "that where a Local Government District, for the purpose of borrowing money or assuming debt under authority granted under clause j(1) or j(2), is required to obtain the authorization or approval of the Municipal Board, the Lieutenant-Governor-in-Council may exempt the Local Government District from the requirement of obtaining that authorization or approval, and, where the exemption is granted, any bylaw passed by the Local Government District in exercising the authority granted under the clauses I refer to, is not invalid by reason of the lack of authorization or the approval of the Municipal Board, and the validity of the bylaw shall not be questioned in any suit, action or proceeding in any court for lack of authorization or approval of the Municipal Act."

Now I think, Mr. Speaker, that there is an exception here that has to be explained. This

## BILL 84

(MR. SPIVAK cont'd) . . . . is not entirely housekeeping, realistically, and I would think that the reasons for this have to be understood and the power given to the Cabinet has to be determined as to whether this is an additional power or this is a concurrent power with other authority they have in connection with matters that will be similar, and the justification for this position has to be established.

Having said that, Mr. Speaker, I would then indicate that it would be our intention to allow this to go to Law Amendments and to be in a position to deal there with a clause-by-clause analysis of this, so that the housekeeping matters can be settled immediately and those matters which are more substantive than housekeeping can be dealt with, and contributions can be made on our part to seeing that the bill is correct in all respects and reflects all points of view.

MR. SPEAKER: Before the Honourable Attorney-General closes debate, the Honourable Leader of the Liberal Party can have the floor in one moment.

INTRODUCTION OF GUESTS

MR. SPEAKER: I would like to indicate to the honourable members that we have in the gallery some 38 members of the Fargo Campfire Girls as our guests, under the direction of Mrs. Roberts. On behalf of all the honourable members, we welcome you here this morning.

BILL 84 Cont'd.

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

MR. I. H. ASPER (Leader of the Liberal Party) (Wolseley): Mr. Speaker, I don't propose to take any great length of time to say to the government that we will support Bill 84, move it into Committee where we might have a few moments to ask questions as to interpretation, but, Mr. Speaker, as has been said so often these past few days in this Chamber, it is unfortunate in the extreme that a bill like 84 would come before us so late in the session, that kind of a bill which requires you to go back to the Statute and compare it with other sections, because it's remedial legislation in most cases. So, while in a very cursory way we've been able to do that and obtain very, very sketchy advice that Bill 84 doesn't do anything to the law that would cause any offence on this side of the House, nevertheless we are at a disadvantage, and because it's the Attorney-General who produces the bill, the chief law officer who should be required to see to the best law-making devices, we can't help but use this occasion to remind him that he has some obligation to the law, to see that law is better considered than we are able to consider, not only 84 but the other bills that are before us. And I remember starting this session with a proposed resolution and referring to it just the other day, that I would again commend to him for consideration that no bill ought to be permitted for second reading debate until that bill has (a) been published; (b) had public distribution through media, publication in the newspapers; and (c) been given 14 days outside of emergencies - outside of emergency laws - but at least 14 days for consideration; and (d) as is done now so much in Ottawa, a briefing by objective law officers of the province to the members of the House so that we can have the opinion of, say, the legal draftsmen, that these bills do in fact do what we think they're going to do, and what areas of difficulty might come up, and so on.

Given that, Mr. Speaker, I think we could save an awful lot of the rush to the wire, as we seem to be in at this time in the House. But, Mr. Speaker, there will be other occasions on which we can debate this issue of better law-making devices. For now we are content to see it go to committee.

MR. SPEAKER: The Honourable Attorney-General will be closing debate.

MR. PAWLEY: Mr. Speaker, I don't think there's too much that really can be said. I think that which needs to be said in respect to this bill can be better stated at committee stage.

QUESTION put on second reading. MOTION carried.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Speaker, unless some member would like to go back to the second readings of any of the bills this morning, and then if not they will probably be expected or would expect to speak this afternoon, then I think, Mr. Speaker, we could go to concurrences. The Minister of Mines is temporarily absent but we could probably deal with Municipal Affairs.

CONCURRENCE - MUNICIPAL AFFAIRS

MR. SPEAKER: Resolved that there be granted to Her Majesty a sum not exceeding \$22,882,900 from Municipal Affairs, Resolutions 90 to 96 separately and collectively. Pass? The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, just as a matter of information, the only two departments for concurrence are Municipal Affairs, and Mines and Natural Resources. Is that correct?

MR. SPEAKER: That's correct. Municipal Affairs - passed?

MR. CHERNIACK: Well then, Mr. Speaker, you've passed the Municipal.

MR. SPEAKER: I've passed Municipal Affairs. Resolved that there be granted to Her Majesty a sum not exceeding \$28,204,000 for Mines, Resources and Environmental Management. Resolutions 83 to 89 separately and collectively. The Honourable Leader of the Liberal Party.

CONCURRENCE - DEPARTMENT OF MINES

MR. ASPER: Mr. Speaker, although the subject of mines and mine taxes has dominated our discussion this Session on this department, I suppose this is the only time we'll have to remind ourselves and to remind government that the department is much broader than just mines, involving environment and natural resources other than mines.

Mr. Speaker, I'm sorry the Mines Minister isn't in the room. Mr. Speaker, the only reason I'm sorry that he isn't in the room, because I know he's an avid reader of Hansard and would have read my comments in any event, I did want him to be present when I said that he has saved us very considerable anguish by his statement this morning of the withdrawal of Bill 82, or the decision not to proceed with Bill 82 at this time, giving all of us, including his officials and members opposite, enough time to really consider what is a very innovative, a very challenging and potentially influential kind of legislation which may establish precedents, not only in Manitoba of course, but right across Canada; and I commend the Minister for having done that. Because he's been able to take that step, it makes it very much easier for the opposition, certainly the Liberal Party, to support his other mining legislation, his mining bill, because there's no one in this Chamber, I'm sure, no one in this province, no one in this country, except a very small minority perhaps, who have not adopted the view that the public is entitled to a larger share of the fruits of our natural resources, and it isn't a question of what, it's a question of how. It's a very difficult and thorny issue because government must achieve that objective if it is to keep its trust to the people, but it must achieve it in a manner which doesn't in effect kill the goose that lays the golden egg, or in effect retard growth.

Bill 77, which the Minister has introduced during his statement really earlier in the session, does that. It gives him revenue. I still regret the discretionary power to reduce the tax, and as a matter of fact it may very well be that the Minister will make an amendment to limit the kind of discretion and we'll discuss that perhaps when we get further into Committee of the Whole on Bill 77, but in any event, Mr. Speaker, the aspect of the Minister's department that hasn't really had much look this session, is the environmental side. We have made no progress in the environmental protection area this session of any major consequence. I recognize that there has been a Clean Environment Bill but basically we have not changed, we have not advanced, we have not improved the quality of our citizens' rights to enjoy the environment in a much more tangible way than in a very modest bill in the Clean Environment Act changes.

Now, I regard natural resources, Mr. Speaker, of which this Minister's department is the shepherd, as including the greatest natural resource Canada has. That's land. That's free movement of people over property, the right to enjoyment of property, recreational property, farming property. And you will recall, Mr. Speaker, that for the past three years - although it doesn't specifically come under the Minister's department and yet it does not "not" come under his department - we have said in the Liberal Party that the time has come to take recognition of that great natural resource, our land, and protect it. Protect it for the people to whom we owe a responsibility, the people of Manitoba, the people of Canada. Because, Mr. Speaker, there is not yet an international world, there is not one world government, and there is no internationalism, and land is the soul, the sinews of a nation. Without it, you have lost control over your own destiny. And when you look into history you see those nations that have permitted non-residents to dominate their land holdings, have suffered extremely adverse circumstances, whether it's in the productivity of land, whether it's in the use of land; in fact, Mr. Speaker, there have been in the 19th century and in the 18th century revolutions in Europe

## CONCURRENCE

MR. ASPER cont'd) . . . . over the subject of absentee land owners.

And so for some three years, Mr. Speaker, the Liberal Party has said to this Chamber: Bring in legislation before it's too late to protect Canadian - not all our property, not all our land, but protect our massive expanses of land, the land that we are trustees of for future generations, the farmland, the wilderness, and the recreational land. Bring in legislation to protect it from undue, not absolute, but undue acquisition by non-Canadians. If we don't do that, Mr. Speaker, as I have said many times in this Chamber our children will buy recreational summer lots from non-resident Americans at tens of thousands of dollars when they should be paying hundreds of dollars. And that will happen, as has happened in other jurisdictions.

The one birthright we have, the one reason that has made Canada so attractive to the world, is our land, that's our birthright. I believe frankly, Mr. Speaker, that it should be the right of every person born in this country to free land because we have so much free land. It should be an automatic right. But if we can't do that, Mr. Speaker, and we do a little of that in our recreational areas, we do give nominal leases on land, which is a great accomplishment, a great accomplishment for a nation to be able to do, to be able to say you will have a hundred feet of frontage by 200 feet of depth for your own privacy on a lake in Manitoba at a cost of 35 or 40 or 50 dollars a year, that is the hallmark of greatness in a nation, one of the great badges of a great country that we can do that.

I want to be able to continue to do that. I don't want to find some French investment company, or some Spanish investment company, or some American investment company, as is going on in rural Manitoba - West German investment company buying thousands of acres of our land. Since I last spoke on this a year ago in this House, there have been thousands of acres of Manitoba land acquired by non-Canadians at staggering prices, at prices that we Canadians can't afford to pay.

Well, Mr. Speaker, I look to the Minister of Mines and Natural Resources -- excuse me, I hear a question. --(Interjection)-- Yes, Canadians sold that land. Yes, Mr. Speaker, Canadians sold the land. That has never stopped us from saying, Canadian can't sell shares in television stations and radio stations to Americans, or English or French. We have said that the limits of what a country can permit to be owned outside of the country must be defined. And we err on the side of generosity but we do say that we ask this government, and have asked the government, to bring in this kind of legislation.

Now the Mines Minister has denounced the legislation. He has repudiated it at every turn, and so finally when the rest of this country began to do something, Nova Scotia, Ontario, New Brunswick, Prince Edward Island, even NDP-held Saskatchewan, and I don't adopt the techniques necessarily that each has used, but everyone has focused on the problem where we have our resources being threatened by acquisition and being made unavailable to our people. Well then in spite of the Minister's denunciation he, or his government, has allowed as how a committee should be appointed to deal with it over the next session.

Now that's progress. Mr. Speaker, that is lamentably slow progress, because during that year that we are going to look at it knowing that the Mines Minister, the Environmental Minister, the Natural Resources Minister, who is the shepherd of that part of our life, is opposed to it, is opposed to these kind of restrictions, we can't be too optimistic that there will ever be these restrictions, and even if there are they will come a year and a half from now, approximately. That being the case, Mr. Speaker, there will be thousands of acres, perhaps miles, of Manitoba, during this eighteen months, acquired by non-Canadians which we will some day have to buy back, or expropriate, just as we are buying back companies, just as we are buying back ocean-front property in Prince Edward Island, and hunting lands in the marshlands. So I can't allow the estimates of the Mines Minister to pass without noting the great regret felt by the Liberal Party that nothing again has been done to protect the greatest natural resource we have, our land.

Our second natural resource, which is under his department, is the environment. Mr. Speaker, earlier in this session, but unfortunately undebated in this session, the Liberal Party said, the time has come for government to enact an environmental bill of rights, a real environmental bill of rights. Now we have the Clean Environment Commission, and we have other - some effective - but we do not have a citizen's environmental bill of rights. Now what we suggested very simply in the proposed resolution, that we commend it to the Minister to



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(MR. ASPER cont'd) . . . . consider between now and the next session.

We believe that there are two major gaps in our environmental law. Number 1 - that the only time, or in the main the only time we take action in environmental issues is after the event has occurred and the damage is done. Now there are certain statutory requirements under our present law that allow government to examine in advance of an event occurring, its environmental impact. But, Mr. Speaker, it is too narrow, and it is not effective enough. What we believe is a much broader kind of environmental right goes like this:

No. 1 - Before any action is taken which has any impact on environment, and I use environment in the broadest terms, noise, the air you breathe, the sounds you hear, the things you see with your eyes, that is your environment. Before any body whether it's government, and especially governmental, talks about, or begins to implement, an event, an action which has environmental impact on citizens, they must first come to the Environment Commission, or to an environmental body of some sort, and show impact studies. First. We've never done that, Mr. Speaker, and we never really know the impact, the full environmental impact of an event until after it's happened. And so we say as a conditioned precedent to action there should be an environmental impact study by law required, because every act that affects the environment affects the rights of citizens, the right of enjoyment. So we ask that that be brought into the law.

The kind of environmental impact study we think we're entitled to have before something is done, should give primary and secondary environmental impact, an independent assessment of possible adverse environmental impact, a definition of how long it will take for the realization of short-term adverse effects and the long-term adverse effects, so that one can make a genuine evaluation, and of course, Mr. Speaker, those should be done at public hearing so that the affected citizenry will know in advance and be able to comment.

Mr. Speaker, I heard the most insane idea, that may become a fact. I heard that there are those who believe that they will take out the CNR tracks and remove the rail yards from Winnipeg, and turn that gorgeous riverbank property into a freeway. Mr. Speaker, Mr. Speaker, there is talk of the City of Winnipeg using the land that is freed-up from the CNR track for a freeway from Fort Garry into the heart of Winnipeg. I don't know that that's city policy; I hear people talking about it. Mr. Speaker, our chance to make Winnipeg the Paris of North America lies in our riverbanks and our open rivers. Mr. Speaker, if any body has the right to do that, to destroy that option, without environmental impact studies being presented, and the right to debate, by people who don't even live in Winnipeg, then we fail in our responsibility to recognize that environment is not something that is 300 yards away but it is your whole province.

And so if we were to have an environmental bill of rights those kind of events, whether they happen or not, would not be permitted to happen before ample notice, public hearings, - and the people of Churchill have a stake in the environment in Winnipeg, and have to have the right to comment.

Secondly, Mr. Speaker, we suggested that a new right be created for Manitoba citizens: The right to take someone to court if that person is about to do something which will affect the environment, class action. Mr. Speaker, we have had events occur in this province where no one could stop it, no one could question it, because there was no right in law. For example, if the Government of Manitoba wanted to take a lake that is wholly situate within Crown land and destroy it, or flood it, the citizen living in Headingley, Manitoba, has no right to question that action in the courts, to say you are endangering my environment, you are changing the ecological balance that I am entitled to enjoy as a citizen of this province, and therefore I take you to court under the environmental bill of rights - as is happening in California, as is happening in Seattle, as is happening in more enlightened jurisdictions - I claim the right as a citizen of Manitoba to have the environment in Manitoba protected and not just have the right if you flood my property to sue for damages. And I don't want to raise the South Indian Lake issue, but I must in passing point out, that there became no legal ability to be able to go to court and say to this government, we say stop it because you are endangering, you are changing ecological and life balance values in this province. An environmental bill of rights would have given that kind of protection to the ordinary citizen, the right to question.

Finally, Mr. Speaker, I have to comment that in the protection of the natural resources of this province the Minister has failed, his department has failed to adequately protect the rights of certain people in this province whose environment and whose natural resources are

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(MR. ASPER cont'd) . . . . being destroyed. I'm speaking of the non-treaty Indians of Northern Manitoba, as well as the treaty Indians who are affected by the Nelson River development and the Churchill River diversion. Mr. Speaker, people of the Conservative administration of 1969 said to the people of South Indian Lake, we are going to affect you. We know you are not treaty Indians, and we know you haven't got money; we know you may want to challenge us in the courts; we know you may want to sue us to prevent the issue from being perpetrated, and so we will fund you, we will make funds available to you so that you will have the same rights as financially wealthy citizens would have to fight city hall. And a trust fund was established, and I believe \$100,000 was put into that fund. Well when the government came in, the NDP Government, my understanding is that fund was frozen, and I understand that all expenses of the South Indian Lake community, which have been in the tens of thousand of dollars, in resisting in question this particular issue, the environmental issue, have been not paid by government any longer, but not paid at all.

Mr. Speaker, it is not adequate for the Government of Manitoba to say we will supply legal aid, we will supply all the sinews of war to the man who wants to sue for divorce, or who wants to defend himself against a criminal charge, but we will provide no aid to those who want to question what we are doing. And that is morally corrupt, Mr. Speaker. The people of South Indian Lake, for example, have carried a quarrel with this government for several years and had to - whatever they spent, spend it out of their own pockets, or owe for it. And, Mr. Speaker, that is part of an environmental bill of rights, that no citizen should be denied the right to question a government action which impairs his environment, and at the same time be denied the financial capacity to do so. So legal aid has to be extended to those who seek to question on class action, whether it's a freeway, whether it's a zoning variation, whether it's a flooding proposition, whether it's a noise situation, whether it's a factory emitting offensive odours, but the average citizen, Mr. Speaker, does not have the financial capacity, and government does not always stand up for that citizen, or doesn't deem it necessary. So the government becomes the decider of whether that citizen will have the right to enforce his rights, or to attempt to enforce his rights, and that is wrong.

We would ask the Minister during the period between sessions to give serious consideration to the advancing the right in the environment area, the right to citizens, and at the same time to take into account when he formulates his final position on the public's proper share of revenue from mining, that he take into account that he must not impair the industry's capacity to pay the highest industrial wages in Manitoba. Mr. Speaker, that's something that I don't think we ever consider too frequently, that the financial capacity of the mining communities to pay the highest industrial composite wages, and they are very much higher than manufacturing, is because they have the money. To the extent that we the people, or government, reduces that money, their capacity to pay those wages may also be impaired. So we ask the Minister to take that into account as a factor in setting his formula.

We also ask him to take into account the fact that we are breaking our frontiers still, our northern frontier, and that whatever we, the public or the state, takes from the industry, some incentive must be left, whether it's through the tax system, or whether it's in grants, or a new approach to the financing of frontier busting, to continue to build recreation facilities, to build the hospitals, to open the towns, and to contribute the tens of millions, if not the hundreds of millions, that have been pumped into northern development by the industry without compensation from the government.

Mr. Speaker, I remember and I commend to the Minister his own employee's quote when he considered what he's finally going to do with the Mining Principal Mineral Royalties Act. When we were in Committee Mr. Koffman, the President and Chief Executive Officer of the Mineral Resources Corporation, in response to a question from me said: "British Columbia is losing exploration - I hope I'm not doing him an injustice, I'm not quoting him, I'm paraphrasing him - he said: British Columbia is losing exploration because of the volumetric or the flexible tax system that's been brought in. --(Interjection)-- Well it was volumetric. --(Interjection)-- No, I recognize it's not so volumetric. But the point is that British Columbia has passed, or was in the process of passing tax legislation which a Government of Manitoba employee said was causing a slow-down in exploration and an exodus from British Columbia. And then he confirmed to me that Saskatchewan - it was too late even though Saskatchewan now sought to repeal its heavy oil royalty tax - it was too late, the oil rigs had all but pulled

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(MR. ASPER cont'd) . . . . out of Saskatchewan. Then I asked him, what will happen if we change the system in Manitoba along the same lines? And he said, if we don't change it, we will be the beneficiaries of the exodus of exploration companies from those provinces, they'll come here. We're benefiting. If we change it to mirror what they do, we too will lose them. As a matter of fact he spoke in very colourful language as to what would happen - and I wouldn't repeat the language in the Chamber - but he was very very vivid in his description of the adverse effects that would be suffered in Manitoba should we follow the same route.

So in the period between sessions, I would urge the Minister to redouble his efforts to find the fair quantum of tax, but more than redouble his efforts to find a method of getting that tax in a manner which does not destroy the system; does not destroy the incentive; does not arrogate the government's powers that shouldn't be with government but that should remain in the Legislature; and does not destroy the simplicity and the certainty of the tax system by a negotiable tax system. Mr. Speaker, they do that in the banana republics, they do that in South America. They allow you to pay your tax in kind, in Spain, and in some of the South American countries where the producers come to government - as Bill 82 provided - and said, here's what we've produced, I've produced 150 bushels, your share is 10 bushels, here's your ten bushels. Mr. Speaker, the Pharaohs did that in ancient Egypt. Surely we're not going to have a throwback to that kind of thing, the kind of barter system of taxation where the producer comes and pays his tax in kind by giving some of his production. Artists do that in Mexico, that's the law of Mexico. You paint ten pictures a year, the government says the tax rate is 20 percent, here's two pictures. Now, Mr. Speaker, that's pretty primitive stuff.

Now finally, Mr. Speaker, on that same subject I would appeal to the Minister in considering what he's going to do with that approach to revenue sharing between the industry and the public, that he remember that taxation should not have the power to tell the taxpayer what he will produce, and he should not be taxed on what the government thinks he should have produced. The government should not tax him on what they think he should have made as the Act allowed, or potentially allowed because of its wide discretion. Mr. Speaker, I think it did. If that were the case, then who's next, Mr. Speaker? Will we now come to the farmers and say, "You have an acre of land, the average production this summer was 40 bushels of wheat per acre, 50 bushels," - whatever it may be - "You only produced 30, that's because you're not efficient, and so what we'll do is we'll tax you as though you had produced 50 and that's what you're going to pay." Or, Mr. Speaker, if that's an exaggeration as to what can happen in that kind of taxation - and by the way it is not a legal exaggeration - the Minister can only say to us, "But we wouldn't do that" - and that's not good enough.

Well, Mr. Speaker, I commend honourable members to read the regulations, the power to make regulations in Bill 82. Now that's obviously some of the things we're trying to cure. And I don't fault the Minister, I fault the draftsmen, and I commend and compliment the government for having seen that it had to be restructured. What I'm urging the Minister to do is when he does his restructuring, that he take into account these principles; that he not have a system of taxation which once established as a precedent allows government to go to the next industry, to the tree producing industry, to the vegetable growing industry, to the manufacturing industry and say, "We will not permit you to take up space unless you produce efficiently and we're going to tax you on the basis of what we think you should do." So, Mr. Speaker, there are some very serious principles involved in this Minister's area. I expect next year the session will be a very lively one because of the kinds of things that the Minister has indicated he must do. I would encourage him to make it even livelier by doing some of the things we feel should be done and are long overdue, particularly in land control, through non-residents and environmental protection. Thank you, Mr. Speaker.

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

MR. GEORGE MINAKER (St. James): Thank you, Mr. Speaker. I would like to make a few comments while we're dealing with the Mines, Resources and Environmental Management Concurrences. I would like to make a few comments with regards to the MDC. I know that the Provincial Auditor the other night in one of the committee meetings indicated that there should be a different method of accounting proceedings for this particular department, and I was glad to hear him say or indicate that the day of reckoning had to come pretty soon. And, Mr. Speaker, I would hope that the Minister would set the financial limits of the MDC that we have requested this year, and hope that they would review their present policy of handing out

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(MR. MINAKER cont'd) . . . . money to the different government-owned organizations or those that they have equity in. I believe now as the year goes by, that we are now approaching losses of somewhere in the order of \$57 million in the past five years, if Mr. Parson's comments in one of our meetings was correct; that he said the estimated loss for this year ending March 31st would be somewhere in the order of \$17 million, so that we add up the other \$40 million or \$41 million for the previous years' losses, we're looking at some \$57 million in losses - and I would presume that a good number of those loans, 80 percent of them, are demand loans from the government. I would hope that the Minister would take some of the advice of the Provincial Auditor or his comments seriously and realize that a different accounting procedure has to be implemented; and also that the day of reckoning has to come where these accounts are settled and put into proper respect, and regardless of whether it becomes an in and out entry on the book it is still a loss that the people of Manitoba will have to pay for. And I would hope that they will set a limit, and try and encourage some private investment into industries rather than the government deciding that this industry looks good, we'll pump \$25 million in and hope that we will work it out.

Mr. Speaker, with regards to Saunders Aircraft we hope - and we sincerely hope that this will be a successful venture, because we're on the path of no return now. We have committed ourselves, the government has committed the people of Manitoba to some \$25 million of investments into this particular industry and company in a very highly competitive field, and we hope that this will become a success - but I would hope too that at some point in time that a decision is made; if we realize that a mistake is made somewhere along the line, that the government will make that decision and decide that we've made a mistake, let's get out or change over to some other type of industry.

Mr. Speaker, I would also like to comment that in the past few years it would appear that when the government took over the administration of this province that they tried the shotgun approach in the MDC; that they thought well, you know, if we throw out enough money to enough companies that some of them have to survive and make a success, and we can't help but show that we are okay if we do have some that are successes - and it appeared that that seemed to fail. So now they have gone to putting out money or handing out loans to a select few numbers of companies. In particular I'm thinking of companies like Misawa Homes and Saunders and Flyer Industries, that they have limited their \$40 million in loans - or the major portion of the \$40 million in loans - to a few numbers of companies and are hoping that by concentrating their efforts on a few companies that they will be able to make some success in it. And I would hope that because they are taking this approach, that when it is evident that a company cannot succeed and will not succeed that they will make a decision, a proper one; that let's face the facts and make a decision whether to get out and hopefully get what we can out of it for the people of Manitoba - or at least start to train people in that company into a different type of industry that might be compatible to what they were involved in, rather than continually sink money in, money in, because one cannot be embarrassed of making a mistake.

Mr. Speaker, I would like to make a few comments with regards to the mining industry and the different bills that have come before the House this session relating to the mining industry. I would like to compliment the government for making a decision to review the proposed bill dealing with the mining taxes and to take a closer look at what they are proposing to implement, because our initial reaction to that particular bill was one that what they were proposing to do would be very impractical, not only from a policing point of view of the government but also from the ability of the companies involved to try and provide them with the information that they would be requesting - or to come up with realistic evaluations of the minerals produced by a mine and their costs. So I am very happy that the government has decided at this time to take another look at what they are proposing and to hopefully make amendments to their proposed Act that they had before us.

I would comment, Mr. Speaker, that the government's attitude in this particular field has added fuel to the fire to discourage private investment in our province. I feel it's important that if we wish to develop our north, that we need that private investment in our north and in our mines, and I concur with the principle that the people of Manitoba should get their proper share of the mineral resources. We have no argument with this principle at all - that we believe that the resources in our province, with the development of them; that the

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(MR. MINAKER cont'd) . . . people of Manitoba should share in the resources, in the wealth that is attained from them. But one of our concerns is that, how far does one go to discourage private investment? Because I believe, Mr. Speaker, that even the Province of Manitoba cannot develop the industry in the north on its own, it needs the cooperation of the private entrepreneur and the encouragement of the private entrepreneur; because there has been an awful lot of research, an awful lot of expertise has gone into the mining field, and not just expertise that is Canadian in nature but also the expertise of foreign countries. I think if we look at the oil industry, that when there was the oil boom in Alberta and Saskatchewan, that there was a capital inflow into those provinces, but also there was an inflow of expertise in that particular field and knowledge that takes time and many years, many dollars to develop. So that it's not just a simple thing of going into the north, staking a claim and saying that we can run a mine because we're the government, we have the money and we have an endless supply. It's not just a simple matter of buying that expertise and I suggest, Mr. Speaker, that where there is encouragement for private investment and development and there is a potential of profit - and there has to always be that potential of profit - that you will get a flow of capital and you will get a flow of expertise with it. And I suggest, Mr. Speaker, that when the time comes where you are imposing such a tax or burden onto a group of individuals who may wish to develop a certain resource that they say it's not worth it, then I suggest, Mr. Speaker, that you have gone too far because then there is only one alternative left and that is government development, government mining.

As the Honourable Minister is fully aware of, that we are opposed to this type of approach to development of any industry or particular mine, etc. because we feel that if there is a monopoly going on then legislate to change the monopoly and let the individuals develop and produce because they are the most efficient and they are the most able. I suggest, Mr. Speaker, that this can be done and the individuals, the citizens of Manitoba, can still get their fair share and I'm sure that some arrangement can be arrived at. But if the main objective of the government is to get that first little brick in there of the social movement in the mining field, that they can take over completely, then we are opposed. But if it's the intent to have a fair share for the citizens of Manitoba of any development of resources, but also to encourage the development by private entrepreneur, then this we have no objection to. But at the present time there is such a feeling - not only in the mining industry, but in general in industry in Manitoba - in the commerce of Manitoba - that there is a fear of coming here and investing in our country because of the very fear of the legislation that has come forward from this government; that they want to control everything and they want to eventually take over everything, and it is unfortunate that this feeling is there but it is there, whether the government will admit it or not. And I'm glad at least that the government has made the decision at this time to have another look because of the complicated taxes proposed in the bill and to consider and to have a closer look at it before proceeding with the second reading.

I might add, Mr. Speaker, that the bill that was before us at that time proposed in my opinion to have the mines operate as a utility, to have all the liabilities of a utility, but they didn't really give them the same attitude as they have utilities. At least in a utility there is recognition that some profit is forthcoming to the person who is operating the utility, because they can at least come back for an increase in rates. But in the legislation that was before us, that has been withdrawn, there did not seem to be any vehicle where the mining people could come forward if they were not making a profit and to say, could we not have a change in tax or some vehicle that we can at least make a profit?

Mr. Speaker, I would like to comment with regards to the Garrison project, that the government has taken the approach that as long as the International Boundaries Water Treaty is not broken, we are not opposed to this project: As long as the waters entering Manitoba are unchanged, that we're not afraid to see you proceed. That's your business. Well I agree that it's the U. S.'s business to do what they want in their own country but I am concerned, Mr. Speaker, that we are putting all our eggs in the one basket. I know the people that opposed the Columbia River project, the environmentalists, will say that that treaty did not help them in BC because most of the flooding and damming and so forth took place in Canada and they feel many of the people in opposition to the Columbia River project feel at this time that that particular treaty didn't help them. And I would hope that - I would ask that the

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(MR. MINAKER cont'd) . . . government immediately or as soon as possible, that they would have put money into their budget for a proper impact study done by a consultant or experts that will be working for Manitoba and looking at the impact that will occur in Manitoba should this proceed. If we believe what we read in the papers, there's an indication that they are getting additional moneys for the Garrison project in the States at this time and I understand will go before the Senate later on this week or early next week, so that it would appear that there is no stopping this project at the present time.

I would also hope that the government when they look at this impact study or their consultants look at it, that they get some assurance that waters will be available from the Missouri River tributaries to dilute the salts that are anticipated that will be forthcoming from this particular project. And why I say that is, that most of the figures that have been used with regard to total dissolved solids to date have been sort of a yearly average figure, or I believe averaged over a 20-year average. When some people who are fairly knowledgeable in the field anticipate that the total dissolved solids could during a part of the season reach as high as somewhere in the order of 2260 millilitres per milligram - I believe the average level of water coming in at the present time is somewhere in the order of 1000 - so that in order to dilute this, if this occurs, Mr. Speaker, in order to dilute it down to a level that it presently is at, you would require somewhere in the order of 224, 000 acre feet of water. Now what they are saying is that you could take 224, 000 acres of land or 350 square miles of land and flood it with one foot of water, that's the amount of water that would be required to be diverted from the Missouri River project into the Red River system and the Souris River system in order to dilute it down to a level that it's presently at

And, Mr. Speaker, I question whether the Souris River would be capable of handling these flows, because they could exceed I think in the order of 40 percent above what the present level of the river is capable of carrying.

In addition to that, there will be effects on the water supplies for Portage la Prairie and the industries that we are aware of that are in Portage, like the Campbell Soups. And also it will affect the fish life in not only Lake Winnipeg but also Lake Manitoba by the Portage diversion. And this is one of the concerns that the environmentalists have, is that the Missouri River fauna can for the first time since the glacier days be able to get into our water system and they have no idea what effect will happen when these 3, 000 plus foreign fauna starts to multiply and grow in our river systems. It could well be that they could overtake many of our species that are presently being utilized by our people in the fishing industry. Further, it could adversely affect the present federal program that they have for study of wildlife in the Portage la Prairie delta region, because this water will also make its way into the delta area through the Portage diversion ditch. So that there are these so many unanswered questions relating to this particular project, that it's important that the government hires or makes sure that a proper impact study is carried out in Manitoba from Manitoba's point of view of what will happen if this proceeds.

Then the question comes up while we are talking about total dissolved solids in the water that we will have from the leaching effect of the land, but further to that is the nutrients that will appear in the water - they can, will probably create a problem that is really unknown at this time. And to try and to take the approach that well, as long as we have a guarantee that the water is the same as it was before the project, I suggest, Mr. Speaker, that that might be economically impossible. Because I believe under present costs for treating water, particularly from the nutrient point of view, that present day cost estimates are somewhere in the order of \$3.40 per thousand gallons; and if we were to try and treat the water that we talked about, before this 224, 000 acre feet of water, you could be looking at an annual cost initially of \$15 million per year to try and improve the water. Or after the initial peak occurs some 20 years later when you start to settle out at an average, that you could average out to somewhere in the order of \$7 1/2 million per year just for water treatment costs. So that there are these - there are so many questions unanswered at this time regarding this particular project and its effect on Manitoba, that I would ask the government to proceed with an impact study, a proper study, of what will happen to Manitoba - and to work with the Federal Government in providing this study take place, because I think it is a very important project in terms of what long term effects it will have on Manitoba and effects that may not be able to be corrected once it has occurred. And after the diversion has occurred and we start to

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(MR. MINAKER cont'd). . . monitor the water, then as my colleague the Honourable Member from Riel indicated I think earlier in one of the debates, it's a little bit like being pregnant, after you've found out you're pregnant it doesn't matter whether you monitor or not. Mr. Speaker, I would hope that the Minister will have his department immediately look into this particular project.

Mr. Speaker, I'd also like to comment with regards to the flooding of South Indian Lake. Mr. Speaker, I concur to some degree with the Honourable Leader of the Liberal Party when he said that the individual's rights should be protected when it comes to flooding of lakes and so forth, but I would not go that far to say that when there is one individual affected or a few individuals affected that you stop the project. I think the government has a responsibility when it is looking at the flooding of a lake for energy reasons or whatever, that it looks at the over-all effect and benefit that it might have on the people of Manitoba - and then as a good government will, it will make a decision that it believes is correct; that it will be more beneficial possibly for the people of Manitoba to flood South Indian Lake, and I support the idea that South Indian Lake should and will be flooded. But I however support the idea that when individuals that are immediately affected by the flooding of any such lake, that they should have proper funds made available to them, they should be properly notified and they should be properly compensated.

I suggest, Mr. Speaker, that if for political reasons the government makes a decision to change its plans or change the co-ordination of development, and other lakes are flooded either higher or are all of a sudden flooded, that it is the responsibility of the government to properly notify those people who will now be affected who may not have been affected before, and to make available to them the proper legal services so that they are individually protected and also that they are properly compensated. And I'd say that if that is the case, then in the case of South Indian Lake, that the decision to flood it was a correct one, because I believe that the majority of Manitobans are going to benefit by this; and if the individuals that were directly affected are properly compensated, then that is the decision of the government and I would say a good one. And to take the attitude "No, don't flood" because there are a few people who are affected, then I would suggest that is the wrong approach - but if we do compensate those involved, and they are properly notified, and properly and legally protected by the government through funds, then I suggest that the decision is a correct one. With those comments, Mr. Speaker, I would like to thank the House for their time.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): Well, Mr. Speaker, I have a few comments for the Honourable Minister and for the members of the Legislature. I would first of all like to congratulate the Minister and the Government for the joint program that he's gone into with the Federal Government to share some of the losses of the farm people from the wild fowl in the fall. I am quite familiar with some of the programs that have been tried over the years and I'm satisfied, and some of the experts that I have been in touch with are satisfied with the concept of the lure crops being planted in the area near where the waterfowl are resting and where they come for food. It's certainly one that encourages me, and many of the people from my constituency have asked me to thank the Honourable Minister for his move in this direction to share with the Federal Government on the program; I understand it's possibly close to a million dollars. So it's going to be interesting to watch the development of this. This is a natural habitat in our province, especially for the ducks, and this year with the amount of water that we have in the potholes around the province and the later seeding period for the farmers, there should be I imagine a fairly large duck population, so it may be an interesting year to see the experiment unveiled.

The only other thing that basically I would like to comment briefly on of course is the water problems that historically come - and I don't know if Roblin constituency is worse than the others, but we have a tremendous time controlling the beaver population. I'm sure the Honourable Minister is familiar with some of the letters that I've wrote, and the department are certainly doing everything they can, but the beavers can sure raise Cain with a farmer in a very few hours. I do not have the answers --(Interjection)-- well the bears are no problem any more, they are under control, and while there's still lots of bears they don't bother the farm people any more.

The other one of course is the drainage system of the watershed in the area around the

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(MR. McKENZIE cont'd). . . Duck Mountains. I hope the Minister will continue to use the money that's at his disposal and the department to continue to pursue this drainage program to get the water from the watershed area of the Duck Mountains over to the lake.

With those few remarks, I congratulate the Minister for what he has done for my constituency and I look forward to the lure crop next fall and see how the ducks . . .

MR. SPEAKER: The Honourable Member from Morris.

MR. JORGENSEN: Mr. Speaker, I don't want to cover the entire department, but there is one matter that I have raised with the Minister on a previous occasion, and I would like to raise it with him once more because I think in the light of the developments this spring, the circumstances relating to this particular problem is one that I think should be reviewed again. I'm talking, Sir, about a subdivision just south of the Assiniboine River and north of No. 1 Highway. The gentleman has many offers from construction people to subdivide this area, it's an ideal location for homes and for a development. The water control people apparently have in their possession some films which depict some heavy flooding in that area, and as a consequence of that they have advised the Municipal Board not to grant this person the right to have this area subdivided. It means to him a considerable amount of money - he is reaching the age of retirement, he would like to dispose of it, and naturally like all of us would like to dispose of that property at the highest possible price that he can get for it. And I think that is a reasonable assumption on his part.

But, Sir, the water control people have used these pictures which, as I understand it, were taken after a heavy rainfall rather than a flood - there is no indication that those pictures showed that the water is there as a result of backing up from the river but rather that water that was making its way towards the river after heavy rainfalls. Now just to make sure that the argument was as complete as we could possibly make it, I asked Mr. Precourt to make sure that he had a number of photographs taken this spring. Now if that area was ever going to flood, it was going to be this year; there's no question that the levels of the Assiniboine River and the levels of water throughout this province in most of the rivers was such that if there was going to be a flood in any particular area, it would have occurred at that time. But since the advent of the Portage diversion, and the construction of the Shellmouth Dam, waters now can be successfully diverted from the Assiniboine so that they can be accommodated within the banks and the dikes of the Assiniboine River. The danger of ice jams are minimal as a result of that diversion and the photographs that were taken by Mr. Precourt this spring indicated that the river levels were something around four to five feet below flood stage, and one can assume that with the amount of water that was available to come down this spring, if there ever was going to be a flood it would have occurred this spring. But as I said, and I'm not sure the Minister heard me say this, the pictures that Mr. Precourt has in his possession now indicate that the water was more than four to five feet below the flood levels, and there was no point along that area where there was any even remote danger of flooding. In fact Mr. Precourt tells me that that farm has been in their possession for 98 years, and on no occasion has it been flooded as a result of the back-up of the Assiniboine River. I'm sure that the photographs that the water control people seem to rely on so heavily will show that that water is not as a result of back-up from the river but as a result of heavy precipitation and the general movement of water towards the river, which can occur under any circumstances.

Now let me point out, Sir, and let me say that the legislation that was passed a few years ago by the Minister which required a person applying for a permit to build in any of the flood prone areas in this province and was approved by this House, and indeed approved by members on this side of the House. If I recall I spoke on the legislation and I agreed with it. I think that there has to be in areas that are flood prone some measure of control. Because it just doesn't make sense for the government to be granting permits, or for people to be building in flood prone areas knowing that they're flood prone, or even if they don't know that they're flood prone, then making the mistake of purchasing land and building in those areas, and then when a flood occurs government has to assume the responsibility of reimbursing him for damage. I think a far simpler way, and a far better way, is that a licence be applied for and that those homes be built, and I don't think there is that much difficulty in building - raising the level of a home three or four feet instead of digging the basement down you just start on the top and then fill in. And a number of the homes that have been built in the area, or the district of the Red River Valley, which is prone to flooding, have been so raised.



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(MR. JORGENSON cont'd)

But I note also, Sir, that there are still some that are being built in there that are below flood levels, and many of them that were under construction this spring were indeed endangered and had to be diked. So I'm not sure just how well the Minister's legislation is working, if these people still are able to build at levels that place them in the danger of the path of rising waters. I wonder if the Minister could explain if there is some weakness in the legislation that enables this to still happen. Because it seems to me that the flood fighting efforts that we put so much into during the rising waters could be considerably eased if homes in those areas were raised, at least to the point where they were out of danger - and for some reason or other the 1950 flood levels are used as a sort of a bench mark; everyone seems to assume that 1950 is about the highest flood level we'll ever get. I don't quite believe that, but at least it's a reasonably safe assumption that it will occur - I think the predictions are once every 35 years, or something like that. Well it's been longer than that actually, taking into consideration the three floods that occurred above that level during the last century.

But to get back to the situation in your Municipality of Cartier I would hope that the Minister would undertake to have another look at the situation. It seems to me that the evidence now as a result of the experience this spring would prove quite conclusively that the danger of flooding, along at least that section of the Assiniboine River, is such that the fears of the Water Control people will not be realized, and that even the flooding every 100 years, which is what they base their judgment on, will not occur as long as the Portage Diversion, the Shellmouth Diversion, or the Shellmouth Dam, are in operation. There's no question, Sir, that the operation of those flood control measures this spring, including of course the ring dikes along the various towns along the Red River Valley, and the Red River Floodway, operated in such a way that the maximum amount of protection has now been achieved as a result of these precautionary measures.

It seems to me that the Municipal Board, and also the Water Control people, could have a second look at this situation and hopefully come to the same conclusion that I have come to. I don't profess to be an engineer, Sir, but some people who have lived in that area all their lives perhaps have as much engineering expertise insofar as this matter is concerned as some of the professionals that we hire to do the studies. When one considers the size of culverts that are put in along many of our drainageways, hopefully for the purpose of moving water, I sometimes think that some of those engineers have a greater expectation of the amount of water that can flow through a 24-inch culvert than a good many people who live in the area. And the advice and the suggestions made by the people living in those areas, unfortunately is often overlooked. Those people who have to live with those water problems year after year seem to me to have a fairly good idea of what needs to be done, and I wish that the engineers of that department would operate in closer contact with those people to ensure that maximum benefit can be achieved, maximum protection from flooding can be realized. I hope the Minister will give this matter his consideration once again.

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, when we are dealing with the concurrences here I want to take the opportunity to make a few remarks on some of the aspects of the Minister's responsibility.

First of all, Mr. Speaker, I think that the events of the last year, whether they're Manitoba events or Canadian events, in the field of natural resources, primarily in the petroleum industry, oil and gas business, has brought about a whole new approach and awareness on the part of Canadians with regards to their natural resources, and I think probably a lot more deep thinking is going on about how those resources should be cared for, for the future generations. We're at a time now when the experiences of the natural gas business and the oil business have to be put into perspective with the mineral business as well.

We had a situation five years ago, Mr. Speaker, where Canada was complaining because the United States had embargoes against oil and gas, and Canada was in the position at that time of wanting to sell more oil and more gas to the United States; and we had a position perhaps about two years ago where Canada then was really complaining only about oil, because they suddenly realized that their gas supplies were going to be already required for Canadian uses at some time in the foreseeable future; and now we have a position, Mr. Speaker, just

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(MR. CRAIK cont'd). . . presently where it's a question of the tables being completely reversed, and of course the foreign interests are wanting to purchase more oil and gas than Canada wants to sell. So we've come to the realization that a complete about face in the short period of time of five years.

So we have to ask ourselves, Mr. Speaker, if there is any similar things likely to happen in the extractive resources that lie in the areas of responsibility of Manitoba, and within Manitoba's geographical boundaries, and of course we have to look at nickel and copper and zinc, and the other metals that are produced in Manitoba and say to ourselves, can we in any way predict whether this same sort of a thing is going to happen as has happened in the oil business? Well, Mr. Speaker, it would appear perhaps that the mineral business is slightly different because even though Canada is a very large producer of copper and nickel in relative terms to world production, it's perhaps not all that big in the eyes of many. But it is a fact that despite whether we are large or not in terms of over-all world production, it's still extremely important that we set policies that make sure first of all that we don't deplete the resource at too large a rate; and secondly, that we do look after the low grade ores to make sure that they are depleted at an equitable rate along with high grade ores.

So, Mr. Speaker, there is no argument I don't think on all sides of this question, and on either side of the House, about the responsibility government has on behalf of the people for seeing that natural resources that are of an extractive nature are harvested, or removed from the ground on a basis that is consistent with the best interests of future generations. Of course that leaves a great latitude for establishing policy, Mr. Speaker, but it is the responsibility of every political party, particularly in view of the experience of the last two or three years in the oil and gas industry to become more than aware of the requirement to make sure that we care for the public responsibility in the area of extracting our mineral resources as well.

So, Mr. Speaker, I'm saying in a rather probably indirect fashion, could say probably more directly that we don't dispute at all, in fact we support the position generally that the government is taking to try and establish - we support the policy of trying to establish clear guidelines to insure that the public interest, which is the natural resources of Manitoba, are harvested or taken, the extractive resources are taken out at a rate and at a quality level that is consistent with good planning.

So, Mr. Speaker, had the bill that was going to come before the House reached the House, and presumably it will another year perhaps in a different form, there won't be a question, Mr. Speaker, as regards policy. There will be no argument, Mr. Speaker, about whether or not there is a responsibility there to husband properly the resources of the province. Mr. Speaker, I suspect that where we might get into some differences of opinion is how best that can be done, and we may get in -- I think we all have a great deal to learn yet about the process, the right and correct process for doing that.

Mr. Speaker, having done that, I think that generally the position on the other side of the question is the profit levels that brings in another picture. That is being dealt with partially at this present time in Bill 77. So, Mr. Speaker, simply, I want to say at this time again is that never before in the history has it been more important that we at least attempt to now start working out a proper policy that protects for future generations the extractive rate and quality of the depletable resources of Manitoba.

Mr. Speaker, my main item I wanted to speak on today on the Minister's estimates is with regard to the Garrison project that has been discussed at some length in the House by the different people that have made contributions in this debate, and earlier in the session as well. Mr. Speaker, the events continue to unfold in this drama, I suppose you could call it, because there's such a large number of ingredients go into it, but it becomes clearer and clearer it seems that we seem to be headed for a determined position by all aspects of responsible bodies in the United States, we seem to be headed, or determining a position, they appear to be determining a position that says, this project is going to go ahead as far as they're concerned. We had . . .

MR. GREEN: I wonder if the honourable member will give me leave to just interrupt him for a second because he did ask for a report, which has now come to my office, but it's been labelled by the Federal Government as "restricted". Now I don't think that there is really a reason for that label and I'm going to try to have it lifted. But I want him

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(MR. GREEN cont'd)... to know that I do have the report. Much of it has been made public in the things that the honourable member has read in the newspapers, but I do want to let him know that I've got it. I've got it with the label "restricted", and I'm trying to get the label lifted.

MR. CRAIK: Well, Mr. Speaker, we'll look forward to getting the report and having a look at it.

I mentioned that there's a number of things that seem to keep unfolding in the story of this project, and the most recent one, I think, which was yesterday, indicates that the Congress has approved additional funds, and that the Senate is likely to approve, even up the funds, and that Senator Milton Young of North Dakota, who is the staunchest supporter of the project, is also the most influential Republican member of the Senate Appropriations Committee. So from a political point of view, Mr. Speaker, it appears that very likely there is going to be a very strong push in North Dakota for the project to go ahead. And in spite of the warnings of the offices in the United States the government Accounting Office, the General Accounting Office, which indicates that the cost-benefit studies are out, and that the cost-benefit studies even with the complete project are bad, Mr. Speaker; in spite of all of these things it appears that this project - we'd have to conclude at this time really that the project is going ahead.

One of the most important concerns I think that probably has got overlooked in Manitoba, is not strictly the environmental concern from the point of view of the pollution of the waters of the Souris for the existing establishments along those rivers, or for the implications it might have for Lake Winnipeg, but, Mr. Speaker, one of the important options that Manitoba would have in the future is being threatened with being cut off, and that is our own irrigation requirements in the Province of Manitoba. And if the project goes ahead, Mr. Speaker, we don't at the present time I think have any commitments under way that would use the Assiniboine waters for any large irrigation purposes, but it is clearly a possibility that in the future that it might be much more economic to use the waters of the Assiniboine River for irrigation in the Morden-Winkler area. Mr. Speaker at the present time the Assiniboine waters are much more chemically suited for irrigation purposes than the waters of the Pembina, Mr. Speaker, and if large quantities are required, then it will also be much more economic to divert waters, channel waters, from the Assiniboine along the escarpment and into the Winkler-Morden area, than it would be to use the Pembina waters.

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