

THE LEGISLATIVE ASSEMBLY OF MANITOBA
2:30 p.m., Wednesday, April 28, 1976

Opening Prayer by Mr. Speaker.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 30 students, Grade 6 standing of the Sacre Coeur School. These Students are under the direction of Mr. Jamault. This school is located in the constituency of the Honourable Member for Winnipeg Centre, the Minister of Corrections. On behalf of all the honourable members I welcome you here this afternoon.

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports; Notices of Motion; Introduction of Bills. The Honourable Minister in charge of Public Insurance Corporation.

INTRODUCTION OF BILLS

HON. BILLIE URUSKI (Minister for Manitoba Public Insurance)(St. George) introduced Bill 64, An Act to Amend the Civil Service Act.

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

ORAL QUESTIONS

MR. DONALD W. CRAIK (Leader of the Official Opposition)(Riel): Mr. Speaker, I directed questions to the Minister of Mines and Natural Resources the other day regarding the lake levels and control of Lake Winnipeg, and I think at the time there was some indication that he would provide information on the current level of the lake and whether or not the government was, through the hydro structure at Jenpeg, attempting to control the level of the lake at the present time. I wonder if he was able to determine any information.

MR. SPEAKER: The Honourable Minister of Mines.

HON. SIDNEY GREEN Q.C. (Minister of Mines, Resources and Environmental Management)(Inkster): Mr. Speaker, I got back to Winnipeg at about 12:30 today. The information may be on my desk. I'll try to remember to bring it to the honourable member tomorrow.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Speaker, it's on a rare occasion that I rise on a matter of personal privilege, particularly one that involves the Fourth Estate, the media, but I believe I have a question of personal privilege which I'd like to correct at this earliest opportunity.

I refer to a specific item that's been acknowledged to me in the report of The Tribune as of today which indicates that my opposition to a specific bill, No. 56, results from a matter of personal interest. I refer specifically to the passage that says that Harry Enns (PC)(Lakeside) said he will oppose the legislation because it may prevent a Manitoban from claiming an art treasure that could have been confiscated from his family during the Second World War or the Russian Revolution.

Mr. Speaker, the Free Press attributed my opposition to the bill more accurately, and I say this with some hesitation, I just want it on the record that it should be knowledgeable to most that the kinds of things that were confiscated from my family were such prosaic things as . . .

MR. SPEAKER: Order please. Order please. Order please. Order please. Order please. How many times do I have to ask the honourable members for order? --(Interjection)-- Well in the future it will be no times, if the honourable member is out of order he will just have to abide by the rules or else he'll have to take the consequences. I do not play games in this Chamber.

ORAL QUESTIONS

(MR. SPEAKER cont'd)

I would like to indicate to the honourable member that the explanation is not a matter of privilege and I'm sure that when the bill comes up, as he anticipates it will, he'll have an opportunity to debate the issue at that time.

Orders of the Day. The Honourable Member for Virden.

MR. MORRIS MCGREGOR (Virden): Mr. Speaker, I'd like to direct this either to the Acting First Minister or the Acting Minister of Lotteries. Will the proceeds of the new lottery known as Total Community Involvement Corporate be distributed similar to the Golden Sweepstakes through the recreational grants to the various clubs, rinks, halls and ball parks. And probably a supplementary. Will this be proportioned similar to, in other words 25 percent of the total cost, and is there a maximum?

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

HON. RENE TOUPIN (Minister of Tourism, Recreation and Cultural Affairs) (St. Boniface): Well, Mr. Speaker, in regard to the formation of the corporation that the honourable member is quoting I would, on behalf of the Minister of Health and Social Development responsible for the Lotteries Commissions Act, take the question as notice. Pertaining to payment of revenue derived from lottery the policy of the government pertaining to payment has been announced. It's based on the per capita system, not to exceed 25 percent of the capital project in question and never in any case to exceed \$20,000. So that formula stands, but the amount available by means of lottery is reduced so the per capita available by region has been reduced in consequence.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q.C. (River Heights): Mr. Speaker, my question is to the Minister of Northern Affairs. I wonder if he can indicate whether a substantial number of his staff and of the Department of Northern Affairs have attended or are in the process of attending a management seminar at Atikokan in Ontario. I wonder if you could indicate the numbers.

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. RONALD MCBRYDE (Minister of Northern Affairs) (The Pas): The answer to the question, Mr. Chairman, is, yes; I don't have the exact numbers with me today.

MR. SPIVAK: I wonder if the Minister is in a position to indicate the purpose and whether there's been any evaluation of the actual seminars that have been held.

MR. MCBRYDE: Mr. Chairman, the purpose is to improve management skills and there has been an evaluation of the program.

MR. SPIVAK: Well I wonder if the Minister is in a position to confirm that more than 70 members of his department will in fact be attending the seminars, and as well to indicate the cost involved?

MR. SPEAKER: Order for Return in respect to costs.

MR. SPIVAK: Well then I will put it another way. I wonder if the Minister can confirm that the cost for an individual in attendance would be approximately \$1,000 to the people of Manitoba - per person.

MR. MCBRYDE: Mr. Chairman, I can't confirm that or not confirm it. I'll have to get that information for the honourable member.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID BLAKE (Minnedosa): Mr. Speaker, my question is to the Honourable the Minister responsible for Renewable Resources. I wonder if he can inform the House if the government has made a decision not to allow any of the fishermen requesting to opt out of the Marketing Corporation to opt out?

MR. SPEAKER: The Honourable Minister for Renewable Resources.

HON. HARVEY BOSTROM (Minister of Renewable Resources and Transportation Services) (Rupert's Land): Mr. Speaker, we are on record as of this date in support of the concept of the Freshwater Fish Marketing Corporation; we're not necessarily happy with all of the things that they're doing, we're looking into the operation of that corporation, but all of the fishermen are in the boundary of the corporation.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, I have a question that I think normally would be

ORAL QUESTIONS

(MR. CRAIK cont'd) directed to the Minister of Labour and I presume it would then go to the Acting Minister of Labour, the Minister of Mines. It's with regard to the predictions for unemployment rates for the youth sector of the labour market nationally being predicted at a level of 20 percent for this summer. I wonder in view of these national figures whether the government has made any determination of what the unemployment rate is to be predicted for Manitoba?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, there may be predictions but I would have to get that information from the department and convey it to my honourable friend as soon as it's received.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. ROBERT G. WILSON (Wolseley): To the Attorney-General, Mr. Speaker. Could the Minister confirm that a suspected sex offender from a government funded house was released on his own undertaking, has now been re-arrested for another indecent assault at the Polo Park Shopping Centre, Mr. Clifford Rundle.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: Mr. Speaker, I could not confirm that.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. WILSON: I wonder if the Minister could confirm or comment on how many more offences does this person have to commit before he is refused bail?

MR. SPEAKER: Order please. No comment. Very briefly. The Honourable Attorney-General.

MR. PAWLEY: The honourable member is asking that I forecast a reaction from a Provincial Court Judge dealing with matters such as this. There is no way that he can expect the Attorney-General of the Province of Manitoba to anticipate when or when not an individual receives bail. It would be interference of the court process in the most extreme way.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. Then can I ask the Attorney-General if he has prepared a manual for those that anticipate sex crimes so that they can understand how many they can conduct before they are liable to prosecution by his department.

MR. SPEAKER: Hypothetical. Totally irrelevant. The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Thank you, Mr. Speaker, I'd like to direct my question to the Minister of Agriculture. Can the Minister indicate to the House if it's still his intention to bring in land use legislation and concerning foreign ownership as well? I believe that this is of some concern and would be of interest to some of the farmers in Manitoba.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): Mr. Speaker, I did answer a similar question put to me by the Member for Lakeside a day or two ago. At that time I indicated that government has not yet established a policy in that regard.

MR. PATRICK: A supplementary then. Since this session is coming to a close and I would indicate to the Minister . . . Mr. Speaker, then would I be inclined to believe from the Minister's answer that there will be no legislation coming this session?

MR. SPEAKER: The Honourable Minister.

MR. USKIW: I believe, Mr. Speaker, that that would be wrong equally.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): I direct this question to the Minister of Agriculture. I'd like to ask him if any officials of his department have been made aware of the smuggling of some 41 parrots from Canada into the United States.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, the Member for Rock Lake should know that that's

ORAL QUESTIONS

(MR. USKIW cont'd) a matter for External Affairs, unless he wants us to establish another ministry in this government.

MR. EINARSON: Mr. Speaker, I realize that it's a . . . of jurisdiction, I just wondered if the Chief of Veterinary Services in his department has been made aware of the seriousness of these parrots and the kind of disease they could leave in Manitoba. That's the point I want to make.

MR. USKIW: I really thought, Mr. Speaker, that the member wanted to know whether they had visas properly prepared, but in any event I'll have to take that question as notice.

MR. EINARSON: Mr. Speaker, I'd like to pose another question to the Minister of Agriculture that is on a similar vein but I think of equal seriousness, and I would ask him if there is any increase of the disease brucellosis in cattle in the Province of Manitoba in recent months.

MR. USKIW: Well we have had reports of incidents throughout the province. I don't know that it's any greater than it has been in the past. It has not been brought to my attention as a matter of urgency to this point of time.

MR. EINARSON: I would pose a second question in this regard, Mr. Speaker, and ask the Minister if there are any areas in the Province of Manitoba that have not been declared brucellosis free by the services of his department?

MR. USKIW: Well, Mr. Speaker, obviously I'll have to take that question as notice.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, my question is to the Minister of Mines and Natural Resources. I wonder if he can indicate who the officials were that were sent from the Province of Manitoba to hold a watching brief at the shareholders meeting called by the court Chemalloy?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: No, Mr. Speaker, I won't indicate.

MR. SPIVAK: Mr. Speaker, I wonder if the Minister would then indicate whether council was in attendance along with Mr. Parsons at the meeting representing the Province of Manitoba.

MR. GREEN: Mr. Speaker, I'm not going to play 20 questions, 16 questions or 10 questions.

MR. SPIVAK: Mr. Speaker, I wonder if the Minister would indicate whether the Province of Manitoba supports the group who are trying now to get control of Chemalloy, not headed but in which Dr. Peter Briant and Nicholas Matoscean are the principal. . .

MR. SPEAKER: Order please.

MR. SPIVAK: . . . principal people involved in the attempt at least to acquire control of the company.

MR. GREEN: Mr. Speaker, as far as I am aware, in this case where the pot is calling the kettle black and the kettle is calling the pot black, the Province of Manitoba has neither supported the pot nor the kettle, we are supporting the position of the Province of Manitoba. And I have indicated publicly on several occasions that I am not advised that we have any problems but the mine is in the Province of Manitoba, and the moment I am advised that there are problems, which I don't anticipate from my own knowledge of the Corporate Law and from the advice that I've been given, but if that turns out to be incorrect, which I don't suggest that it would be, then we are well able to look after the situation in the Province of Manitoba.

MR. SPIVAK: Yes, I wonder if the Minister can indicate whether there has been some communication in recent days between himself, between either the Chairman of the Manitoba Development Corporation or its officials, or the members of his department with Dr. Briant in connection with their various claims in connection with Chemalloy?

MR. GREEN: Mr. Speaker, I have received mail, as other members who are shareholders of companies will receive during a proxy fight, I believe I have received mail from both sides. There has been no communication between me and those persons, and I cannot say whether there has been communication between others and those persons.

ORAL QUESTIONS

(MR. GREEN cont'd) But I've outlined the position of the Province of Manitoba to my honourable friend and I really think that it would be useless to canvass further the internal affairs of an Ontario company, in this Legislative Chamber.

MR. SPIVAK: Yes, I wonder if the Minister can indicate whether conversations were held between himself and Dr. Briant after his retirement as Chairman of the Manitoba Development Corporation in connection with Chemalloy, it's affairs or the proxy fight?

MR. GREEN: Mr. Speaker, I have to say that I have talked with Dr. Briant after he ceased to be the Chairman of the Manitoba Development Corporation. During many conversations that I may have had with him, which in certain cases lasted over several days because we were in Japan, the names may have come up, the names of those corporations may have come up, but as to the affairs which are now going on between Chemalloy and between the various shareholders of Chemalloy, no.

MR. SPIVAK: I wonder if the Minister can indicate whether Dr. Briant had indicated to the government whether he had or had not shares in Chemalloy at the time that the transactions were finalized between the government and Tantalum Mines and Chemalloy.

MR. GREEN: Mr. Speaker, the only thing I know about that is what I read in the papers and the Honourable Member for Lakeside has already indicated that that could be dangerous. I read in the papers that Dr. Briant says that he bought shares in Tantalum after he ceased to be a member of the Manitoba Development Corporation, at least that is what I remember reading in the papers.

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

ORDERS OF THE DAYBILL NO. 19 - THE RENT STABILIZATION ACT.

MR. GREEN: Mr. Speaker, I would like to proceed with the report stage of the Rent Stabilization Act, Bill 19. I understand that, going from a previous precedent, that the first step is for the Speaker to receive the Report, and I guess there are amendments proposed to the House at that stage.

MR. SPEAKER: Shall the Report of the Standing Committee on Law Amendments with respect to Bill No. 19, The Rent Stabilization Act be adopted? The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, I have an amendment to propose to Bill 19. I assume that the proper technique is to move the amendment and then speak to the amendment.

So, Mr. Speaker, I move, seconded by the Honourable Member for Lakeside, that Section 40 of Bill No. 19, The Rent Stabilization Act, as amended, be struck out and the following section be substituted therefor:

40. The Lieutenant-Governor-in-Council shall suspend the operation of the Act within six months after the date on which the Anti-Inflation Act of Canada expires or is repealed.

MOTION presented.

MR. SPEAKER: The Honourable Leader of the Opposition speaking to that amendment.

MR. CRAIK: Mr. Speaker, there are a number of reasons for presenting this amendment to Bill 19. Perhaps I can go through the reasons, perhaps also in the order of their importance.

Mr. Speaker, first of all, all the provinces in Canada by virtue of joining the Federal Government in the Anti-Inflation Program launched at the federal level, have brought in some form of rent controls along with their agreement to co-operate with the Federal Government. And of course it's a very logical move to make. It's highly unfair to ask someone who is on salary or wage to have his income controlled to either 10 percent, or whatever the percentage may be, and to leave other sectors of our economic system uncontrolled if there is some practical way of controlling, and of course

BILL 19

(MR. CRAIK cont'd) there is a way of controlling the cost of habitation at least of the rental variety; that is to apply rent control.

So, Mr. Speaker, we supported this bill in principle and we will continue to support it at this stage as well because in the event that we had been government we would of course have brought in the bill ourselves. We would have brought in a bill which probably would have been somewhat different than this bill but nevertheless would have done the basic job of applying some sort of rent control. Mr. Speaker, I don't know of any party in Canada that has opposed the institution of rent control, and I don't think it's on that basis that we intended to either, but by the same token we would have brought it in because of the application of the federal program, not because it is a good bill to bring in as a basic matter of principle. The reason is of course that the history of rent control in all the other jurisdictions in which it has been applied - and that doesn't restrict itself to Canada - there has been a much longer experience with rent control in areas outside of Canada, outside of the provinces of Canada, and perhaps some of the best documented experience has been in Sweden, and of course in New York, and some of the history goes right back to documenting the experience in Austria which goes back before Sweden. The result was that in Sweden, of course, where it was brought in during war-time as a war measure, it was dropped last year after 30-odd years of struggle to, and gradual struggle to get out of rent control, they finally got out of rent control last year, because they found that it didn't do what it was designed to do, which was to in fact improve the quality of housing, the quantity of housing, or the cost of housing. None of those factors were improved by rent control. But once into it it's very difficult to get out of it, mainly because as has been stated by one of the leading Swedish economists and planners, Gunnar Myrdal, who has been a planner in - I think it's Stockholm, not for all of Sweden but for the Stockholm area for many many decades. His statement I think is quite revealing when he says that the reason that rent controls apply so long is because political systems don't, or may not have the courage to get out of them, the political courage to get out of them.

And of course, Mr. Speaker, the intent of this amendment to this motion is to provide a greater likelihood that at some point in time there is a crossroads at which a conscious decision has to be made as to whether you stay in rent control or you get out of it. I suggest through this motion we support the concept that since rent control has been brought in by this government, and by the admission of this government as a result of the Anti-Inflation Program, for the same reason that we would have brought it in, or any other province in Canada is bringing it in, is to meet those requirements, and if in fact the government, and I know there are members of the government who don't believe in the basic principle of controlling a market by this type of control, particularly when it is a market that does lend itself to a competitive aspect which rental accommodation does to a larger extent than some other commodities that we rent or we buy, that we're best off keeping out of it. Despite the fact that there are often anomalies in it that are difficult to live with, still on average it's better to stay out of it and let the natural market forces, namely a high vacancy rate, be the factor that controls the rent

. . . .
So, Mr. Speaker, the intent here is to ensure that a conscious decision at some point in time has to be made to get back into rent control or to get out of it. We suggest there is no better time than the end of the Anti-Inflation Program as now being applied by the Federal Government. So our resolution recommends that somewhere around the time of the end of the Anti-Inflation Program that the government be required to get out of rent control.

Now I think that from what I've heard the members on the government side say, at least some of them say, some of the ones that appeared to have studied this problem a little more than others, and I think the Member for St. Matthews spoke pretty clearly on this in the House, said he was opposed to the basic idea of rent control, under normal economic conditions in the country, he was opposed to it. I know the Minister of Mines and Natural Resources has voiced some concern about bringing in a control on a portion of our economic system such as this. We buy the argument that rent

BILL 19

(MR. CRAIK cont'd) control is necessary if you're going to apply control to people's income, and I don't think there's any argument across the floor on that matter. What we're trying to do here is simply remind the government that regardless of the fact that their legislation may be a little different than that used in other jurisdictions, basically it's the same thing, it's by one way or another the application of some central authority in the control of rents.

Now one of the main concerns in addition to what I've already said is that it's a very cumbersome way of actually controlling rents. It is in addition to that a detriment to new construction, and new construction is already having some difficulty, primarily because of the high interest rates and the high construction costs. The government in this bill has allowed a five year period of grace where new construction is actually immune to control, which provides some incentive for continued construction in the field. I think the government recognizes that it's going to be very difficult for them to mount a housing program that is going to fill the gap if private rental construction dries up, and all the indications are at this point is that that is exactly what's going to happen, it has already slowed down, and from the statements that were made at the committee alone and the statements that are being made and reported in the media from people in the business, it's going to grind down to a much slower pace and, if you can believe some of the statements being made, new construction in the rental field is going to be almost non-existent, non-existent with the exception of government projects - straight government built and operated accommodations. And I don't think it's possible and I think that the government realizes that it's not possible for them to entirely fill that gap.

So I think they want to leave an incentive there that provides for the economic system that has provided pretty adequately for rental accommodation in Manitoba in the past decades. No one can say at this point that from the point of view of housing supply that we have had a difficulty in Manitoba, a difficulty of any great extent. Nobody can say that on average, Mr. Speaker, and I emphasize the on average, that rents in Manitoba have been out of line with the other cost-of-living indices, in particular cases yes, but they're a minority, a very small minority of the cases. And with that history, I'm sure that the government realizes that the private sector has an extremely important role to play.

Now if they see that the rent control is in fact an anti-inflation measure and that when the end of the Anti-Inflation program federally comes to an end, that the end of rent control is also going to occur or approximately at that time, I don't think that you're going to see the same depression on the market of new construction, in the new construction market. So I suggest that in order that the five year period of grace, or exemption from rent control on new construction will help some, that a known date for the end of the program will do much much more to keep that private sector active and relieve some of the problem that the government is inviting if it alone has to provide rental accommodation when the pressure starts to grow. And we are not apparently very far away now at this point from the pressures becoming extremely great for added rental accommodation. The indications are that the vacancy rate at the present time is something less than 2 percent by CMHC calculation, although at the presentation at the board, at the committee hearings, the indications were that the rate was closer to 5 percent. At any rate it was also indicated that at the committee hearings that even if the vacancy rate at this point were 4-1/2 or 5 percent that would be used up in one year.

So the Government really doesn't have much time to even mount a program if the present vacant suites are all used up in the next year, and within a year could be into a situation where they have such a tremendous demand for rental accommodation that you get all sorts of undesirable things happening when a person wants to rent an apartment, the sort of undesirable things that no government regulation can control, money under the table, and all the other things that happen when you get into a very tight rental market.

So I say, Mr. Speaker, that without an end in sight the legislation doesn't satisfy what were stated as the intentions of the government at the time it was

BILL 19

(MR. CRAIK cont'd) introduced, that is, to meet the requirements of the . . . Anti-Inflation Program, federal; and secondly, and more importantly, the introduction of the bill, along with other factors such as the high interest money and the cost of construction, is going to so suppress new construction in the market that we're inviting severe shortages in rental accommodations within twelve months in Manitoba. I think that this clause in the bill, this amendment to the bill will provide an opportunity for at least those that are interested in building private accommodations to see some blue sky at the end of the line here and will provide a little more incentive for new construction to carry on as in the past. So Mr. Speaker, with those comments I trust that this will recommend itself to the government.

MR. SPEAKER: The Honourable Minister of Consumer, Corporate and Internal Services.

HON. IAN TURNBULL (Minister of Consumer, Corporate and Internal Services) (Osborne): Mr. Speaker, the amendment proposed by the Leader of the Conservative Party that was discussed today was of course proposed, discussed and decided upon in Law Amendments Committee. The Committee then decided that this automatic destruction of the applicability of rent controls was not to be proceeded with out of Law Amendments Committee. This side of the House, I believe, is still of the same opinion.

The provision that is in the amendment as proposed would result in, I believe, horrendous problems at such time as the bill would be automatically repealed. There is provision now for the Lieutenant Governor to suspend the operation of the Act and I think that that does in fact accomplish what the Member for Riel would like to see happen.

What he wants to see happen I understand is that if the Act seemed to be no longer of much use because of increased vacancy rates or because of declining rates of inflation, that we can suspend the bill. That power is there in the Act now.

I must emphasize again that what the provision in the Act now allows the Lieutenant Governor to do is suspend the bill in accordance with inflation and vacancy rates and to tie the suspension automatically to the removal of the controls at some other level of government, is what I think are in these problems, problems of decontrol, which in cities such as New York are as great as the problems of actually imposing the control. So because the bill now enables us to relate the operation of control to inflationary rates and vacancy rates, I think that that is adequate and that the amendment proposed by the Member for Riel, which would automatically destruct the bill would create more problems with repeal than it would solve. Therefore, Mr. Speaker, we certainly can't support the amendment.

QUESTION put on amendment and lost.

MR. CRAIK: Ayes and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members. Order please. The motion before the House is the amendment proposed by the Honourable Leader of the Opposition.

A STANDING VOTE was taken the result being as follows:

YEAS

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|----------------|-----------|
| Messrs. Banman | Jorgenson |
| Bilton | Moug |
| Blake | McGill |
| Craik | McGregor |
| Einarson | McKenzie |
| Enns | Patrick |
| Ferguson | Spivak |
| Graham | Steen |
| Henderson | Watt |
| F. Johnston | Wilson |

BILL 19

NAYS

| | |
|--------------|------------|
| Messrs. Adam | Malinowski |
| Barrow | Miller |
| Bostrom | McBryde |
| Burtniak | Osland |
| Cherniack | Pawley |
| Derewianchuk | Petursson |
| Dillen | Shafransky |
| Doern | Toupin |
| Gottfried | Turnbull |
| Green | Uruski |
| Hanuschak | Uskiw |
| Jenkins | Walding |
| Johannson | |

MR. CLERK: Yeas 20; Nays 25.

MR. SPEAKER: In my opinion the Nays have it, I declare the motion lost. The Honourable Minister of Consumer, Corporate and Internal Services.

MR. TURNBULL: Mr. Speaker, under Rule 88(7) I apparently can without notice proceed to give other amendments and there are some technical amendments that I would like to propose, and these have been distributed to members. The first is an amendment, That subsection 22(3) of Bill 19, as reprinted as amended in the Standing Committee on Law Amendments, be amended by striking out the words "and having regard only to the material filed in support of the application."

MOTION presented.

MR. SPEAKER: The Honourable Minister speaking to that amendment.

MR. TURNBULL: Yes, Mr. Speaker, there is some explanation required here. Section 22(3) is the section that enables a Rent Review Officer to make a determination when in fact there will be no hearing. As the section is now drafted, the last line, which I am deleting by this amendment, would mean that the Rent Review Officer would have to make his determination on the basis only of the information that he did receive. Now it is conceivable that the Rent Review Officer would in fact because of the obvious needs of the case, want additional information. As the section now stands, he would be prevented from getting that additional information on which to make a sensible decision. So, if the amendment is accepted, it would be in his authority to ask for additional information from those parties to the Rent Review determination. On the basis of getting that information, he could then presumably make a more informed decision. That basically is the substance of this, an explanation of this amendment.

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

MR. CRAIK: Mr. Speaker, we agree with the amendment. It was raised at Committee by the Member for Sturgeon Creek and it was queried at that time and I'm glad to see the government has made the change.

QUESTION put, MOTION carried.

MR. SPEAKER: Does the Honourable Minister have another one?

MR. TURNBULL: Yes, Mr. Speaker, I move, seconded by the Minister of Education, that Section 31 of Bill 19 as reprinted as amended in the Standing Committee on Law Amendments be amended by striking out the words "judicial district" in the fourth line thereof and substituting the words therefor "county court district."

MOTION presented.

MR. SPEAKER: The Honourable Minister.

MR. TURNBULL: Again, the members may wish a brief explanation of this amendment. The words as now in the Act "judicial district" really would apply to a rather large geographic area and it would be as it's now drafted an indefinite place, or court to which the procedure would be put, and changing it to "county court district" makes it more specific and enables the parties interested in the matter to file the

BILL 19

(MR. TURNBULL cont'd). . . . material and to work through the county court districts which just so happens is within judicial districts. There are about roughly 12 county court districts within a judicial district. So what this amendment does then is make it more clear which court the matter will be dealt with.

QUESTION put, MOTION carried.

MR. SPEAKER: No further amendments?

Shall the report of the Standing Committee be adopted in respect to Bill 19?

MOTION presented and carried and Report adopted.

MR. SPEAKER: The Honourable Minister.

MR. TURNBULL: Ayes and Nays, Mr. Speaker.

A MEMBER: Wait until third reading.

MR. SPEAKER: Call in the members.

MR. TURNBULL: Okay.

MR. SPEAKER: Hold it. The Honourable Minister.

MR. TURNBULL: Mr. Speaker, if I may then introduce the bill for third reading. Moved, and seconded by the Minister of Education that Bill 19, the Rent Stabilization Act be now read a third time.

MOTION presented.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, I rise at this occasion to make a few comments before we pass the reading of this bill. I know the Minister would like the bill to be read as quickly as possible, at least approved as quickly as possible. He has his work cut out for him, and I think there is some great expectation that if everyone supports the bill, that he was right in the very beginning and right in what he has done. But I think it has to be said, Mr. Speaker, that we are at a particularly crucial time in the economic history of this province in this country and action has been undertaken . . . --(Interjection) -- Why? Because governments spend too much money.

MR. USKIW: Mr. Speaker, on a point of order . . .

MR. SPEAKER: Order, please. Would the Honourable Minister of Agriculture state his point of order.

MR. USKIW: Mr. Speaker, I'm reminded of a ruling on third reading of a bill which has been amended on Page 44 and I'm wondering whether we're not out of order.

A MEMBER: No, no.

MR. USKIW: . . . or is my interpretation of it wrong?

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: As I was indicating, Mr. Speaker, we are at a crucial period in our economic history in this country and in the province. Action has been undertaken by the Federal Government and I think it's fair to say, because the Minister certainly said it publicly and said it in the Committee, and said it in the House, that the legislation is really complementary to the Federal Government's program. It is realistically brought before us to support the pronounced intentions of the Federal Government, and to support as well the basic thrust of the Federal Government in its fight against inflation, and is to co-operate, and to complement and to assist the totality of the program that is being waged in this country. To that extent, I think that the government has to be applauded for initiating the action that it was obligated to do if it wants to, in effect, fight inflation, and accomplish the objectives that have been set and outlined by the Prime Minister in the early part of October of last year. But having said that, we know that there are going to be a number of problems, and I don't envy the Minister, because I think he's going to recognize as I think he recognizes it already, he's going to recognize as the days progress, the reality that he has already recognized with respect to the problems that are going to arise in the Rent Review Board, dealing with the whole problem of equity with respect to people who are landlords in their dealings with their tenants. He's going to have his problems with respect to sorting that out, and I daresay, there may very well be legislation by the next session to correct some of the problems that will have occurred in their direct application.

Having said that, Mr. Speaker, there are two matters of principle that have to

BILL 19

(MR. SPIVAK cont'd)be discussed and they cannot be ignored. They have to be argued, and I do so because I think they're important in understanding fully the action that the government has undertaken. And I say this, Mr. Speaker, at a time when the government is on the other side of the House, but I believe quite honestly that if they had been on this side of the House, that their actions, Mr. Speaker, would be consistent with the kinds of arguments that have been brought forward by members on this side and by myself. Mr. Speaker, retroactive legislation is intolerable in the execution of the power that government has. Retroactive legislation essentially goes against the democratic principle that legislators are to legislate laws for people to know what the laws are and to act accordingly. To enact legislation retroactively, and to suggest that this was the law at a particular time when it was not announced as the law, is in fact, an exercise of power that is in excess of government action. Now, it has been common practice, Mr. Speaker, for governments Federal and Provincial, to announce tax changes and to indicate that when the session will be held, when parliament will meet, that legislation will be brought forth making the law that will be inactive at that time retroactive to the date of the announcement, but clearly telling everyone that this is now the law, that changes will take place, that the taxes will go up, that taxes will go down, that action will be taken and for knowledge to be disseminated to everyone within the province or the country, that this is the action that will be taken. And on that basis people have knowledge of what to do and how to handle themselves, and when the legislation comes up, although there may be disagreements in principle on the basic issue, the governments have used their majority power to legislate retroactively the legislation back to the time of the announcement. And, Mr. Speaker, there are many times in terms of emergencies and crisis, where the government or the First Minister, or the Minister charged with the responsibility, with the authority of the Cabinet, will say, we are going to change a law as of this date because of what has happened and we now tell the public that this is the course of action and they must be guided by that, we will ask for retroactive legislation.

Mr. Speaker, there was no reason to believe, and this is the important fact, Mr. Speaker, there was no reason to believe that the government was going to retroactively legislate beyond October - carry it back to October 14th. The announced intentions of the Prime Minister, the announced intentions of support of the government were for the date of the total Anti-Inflation Program. Now, there was an onus and an obligation on the part of the government to inform the people of the province if action was to be taken to a date before that, to at least be informed of what the government's intentions were. And further, Mr. Speaker, we have the basic problem, the government is trying to act fairly with respect to landlords and tenants, and it is trying to reach out and stop the gouging that has occurred in certain cases. And again, that is the right course of action. But the question, Mr. Speaker, was it possible to adhere to the general principles that governments should not enact retroactive legislation, except in those cases where it's been announced as of a particular date. Could they have worked a program successfully by dealing with the date of October 14th, which was the date of the first announcement by the Federal Government? And, Mr. Speaker, they could have. It would not be a legislation that we have, but the legislation that we have is not perfect by any means. We know what the problems are going to be. We've listened to the complaints of different people, and we know that there are situations which are going to be literally in the thousands that are different, and the administrative bureaucracy are going to have their hands full just trying to deal with this. So I suggest to you as difficult as it may have been, in principle the government should not have allowed the legislation to have gone retroactively back beyond the period of October 14th. And I . . . --(Interjection) -- Garbage? Well, I wonder if the members on the opposite side, if they were in opposition, would approve government action retroactively on the assumption, and on the basis that this was in the interest of the public. I don't think that they would sit still, or sit on their hands and simply suggest that government, because it is so wise and so knowledgeable can make that decision and can make that decision in the best interest of the people. What they would simply say is that there is an announced policy intention, announce it, and if the House is not in session, then at least bring the House in session, or announce

BILL 19

(MR. SPIVAK cont'd). . . .that when the legislation does take place, that in effect it will be retroactive to this day, so that everyone would know.

What has happened here, Mr. Speaker, is that the government in its wisdom in trying to work out a formula that would work, has committed, I think, one of the errors that occurs with power, and that is, Mr. Speaker, to allow an excess to occur in its execution of its power which realistically, Mr. Speaker, is intolerable. And in principle, Mr. Speaker, this has to be mentioned. Now I'm going to be supporting the bill because the bill has to be brought in and there's no other way in which this legislation can be dealt with. But having said that, Mr. Speaker, I register the caveat that there is no justification for government action retroactive to the date of the announcement by the Prime Minister, and further, Mr. Speaker, that the government could have controlled or created a program to accomplish its objectives within the time frame of the announcement of the Prime Minister; and further could have, Mr. Speaker, created the formula to get those that have been gouging and to, in fact, provide the opportunity for . . .

--(Interjection) --

MR. SPEAKER: Order please.

MR. SPIVAK: . . . review and with consideration and the ability for people to be able to make an equitable return based on their circumstances under the present set of conditions. So, Mr. Speaker, retroactivity is one thing which I think tarnishes the bill and the actions of the government, and the other is the amendment that was defeated in Committee which is the fact that there is no time limit on it.

Mr. Speaker, I wonder if the members opposite if they were in opposition would allow the government to enact a bill with no time limit, simply saying that we will come back to you when we think it's necessary for review of it, because we have to have control of the situation, and you as legislators can talk about this, but we don't have to come back and present a bill. Now, you know, we have opportunities within this House, within the procedures to be able to debate any series of issues, Mr. Speaker, and certainly it can be debated year by year, but the reality is, that again, a piece of legislation that is brought forward to complement the Federal Government's program, a piece of legislation that in effect is aimed to achieve a purpose, should have had a time limit on it, Mr. Speaker. Mr. Speaker, it should have had a time limit, because if . . . Mr. Speaker

-- (Interjection) --

MR. SPEAKER: Order please.

MR. SPIVAK: . . . if it's necessary for controls to be continued, the government should have the right, and would have the right to come forward and to present its arguments, and to be in a position to indicate the necessity for continued support. This bill is aimed at supporting the Federal Government's program, and it would seem to me that the time limits that had to be set had to be reasonable in terms of the people who are directly affected, both landlord and tenant, and reasonable in relation to the federal program, and flexible enough for the government to be able to do the things that are required, but certainly not, Mr. Speaker, a complete blanket endorsement which would simply allow the government to continue without having to bring back new legislation.

Mr. Speaker, this again deals with the problem of the power that exists in a government who have a majority in the Legislature or in the House of Commons and one cannot allow this Act to pass, Mr. Speaker, without commenting on this, without indicating the concerns that have to be expressed, without indicating as well, the caveat that has to be put forward for what has been introduced. Retroactivity, and the unlimited power that has been given, I think, are concerns that have to be expressed, whether it would be this piece of legislation, or other pieces of legislation. And I would say to the Honourable Member for Thompson, when he talks about how many bills that were passed, we're now dealing in the regulatory field, we are now dealing in fields which directly affect income, and it would seem to me, Mr. Speaker, that at this point we have to start considering our procedures and the actions that we should follow, and the traditions that we should follow because, Mr. Speaker, we can't change our tradition. Again the overall power of the government has can alter what has happened in the past, and certainly severe circumstances were justified, crises were justified, actions that occurred at this

BILL 19

(MR. SPIVAK cont'd)time, but one has to suggest at this point that we really have not reached that point where that kind of power or the degree of retroactivity that's been asked for here really had to be fulfilled. Rather, Mr. Speaker, it was incumbent upon the government to create the program within the framework of the tolerance of the rules that we have been governed by. Now there are exceptions, and you can justify certain exceptions, but in the true parliamentary sense, Mr. Speaker, I say to the members opposite that you've made a mistake with respect to the way in which this Act has been introduced and brought forward. There will be problems galore in its application. There will be problems galore if you were to follow the kind of position that I've indicated, but nevertheless that has nothing to do with it. There was the capacity, Mr. Speaker, to have done that within the framework of the historical traditions which have governed the way in which governments have governed themselves, and I would say, Mr. Speaker, that in this respect the government has made an error, and I would want this noted in the record, an error which they may regret as years go by.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Thank you, Mr. Speaker. I just want to make a few points before the bill is passed. I believe I was the first one on the opposition side of the House to speak on this bill when it was introduced by the Minister, and at that time, in the first instance, I raised a few issues that I thought would be of great concern to me and would be of concern to many people that are involved, not only the landlords but the tenants as well. And the issues were, the first one was the date of the legislation which I thought was wrong because it's going into an overlapping period of almost two years, or over two years when you go to June, because in fact you're going back to three months prior because you have to give three months' notice. I indicated and we tried to amend that. Of course that wasn't met to our satisfaction but I'm not getting up to oppose the bill, I will support the bill on third reading, but I'm trying to indicate to the House that some of the points that I raised when I first spoke on the bill have not been met to my satisfaction, that the government did not see or was prepared to see our ways, why it should go back to October 1st or October 14th from the AIB legislation.

The other point that I raised, that I think it was really really bad legislation where you have no appeal procedures, and that was the point that I was quite concerned about and I'm satisfied that at least the Minister was prepared to bring in some appeal procedures. I still feel that there may be too much power in one official when he may be giving a ruling, but be as it may, at least we have some appeal procedures that gives some satisfaction to the point that I raised. The point that I'm not satisfied with, Mr. Speaker, was when we have debated in Law Amendments and in here what will be allowed in the way of pass-through expenses, and from listening to the Minister at times I was satisfied that perhaps things like management fees and increased interest rates will be considered an expense and will be a pass through. Then when you, at the same time, listen to the Minister of Mines and Natural Resources again, it appeared to me that such things as increase in the interest rates would not be considered an expense, and it would not be allowed to pass through, Mr. Speaker. My concern is when you're looking at a large say 40-unit apartment, a matter of 2 percent increase in the interest rate alone may be as much as 10 to 15 percent increase, or higher increase, in the operating of that unit. So when we're limited to 10 percent, 2 points interest rate increase will be as much as 15 or 18 percent increase in the whole operation. So that is in my opinion quite a serious and may present a serious problem to quite a few people because they will not be able to meet their expenses because their cash flow is so limited, that unless they have other resources that they can be feeding this unit, they'll have to declare bankruptcy because if there isn't enough cash inflow, naturally the people will not be able to meet their obligations and make the mortgage payments. So in that respect, I did move an amendment in Law Amendments Committee, I had about five or six points, what points or what things should be considered as expenditures. And of course that was not accepted by the government, and I'm disappointed because I think some of these things are important and we don't know what will be in the government regulations at this stage. I think that we should have had some indication, because listening to different Ministers

BILL 19

(MR. PATRICK cont'd)of the government I'm not convinced and I'm not more knowledgeable now what will be considered as expenses and what will not. From one indication, I thought interest rates would be considered an increased cost, and from another Minister I couldn't get that confirmation.

So that is the three points, and the other one I did raise when, the first time I spoke on the bill in the House here, that I think that legislation should be suspended when the federal legislation goes out of existence. I think that it's an important point because I think it gives the government all the power by order-in-council. They can either suspend legislation or not and do what they wish. I think that after the suspension date, or after the bill, the legislation expires. If the government in its opinion feels that it must continue with such legislation, it can bring an amendment to the bill and should bring it to the House. I'm sure there's . . . Every year there's a session, so they can time it in such a way that they can bring it to the House so that we can have a debate by all the members in the House, the whole House here, and the government would have to convince us that it's necessary to continue the legislation. So I think it would be much better, and I think that really the government would have much more respect if they say, look, we'll bring it to this House, let's have a debate and let's have points of view in consideration why. So for that reason I can't understand why they don't put an expiry date right in the bill, and I suggested that when I first spoke on the bill right after the Minister.

So in that point I'm again disappointed that the government didn't bring in a suspension clause or an expiry clause of some type. If it had to continue then they could have brought an amendment to the bill and brought it to the House for debate. So these are the points that I wanted to bring to the House, what took place under the debates, and I feel that perhaps the bill is much better than it was before. There's still some things that we're concerned about, and one of the members says that the government hasn't given him very much, and I would agree. In fact one of the points in the bill was a 12 percent interest rate and I know a couple of the reporters asked me what do you think about that, and I said I don't believe the government really was serious about 12 percent interest charge on overcharges of rents because I think it was one of the clauses put in purposely so then the government would give in and say, "See we did agree to at least something in the bill," because surely there is nowhere you can get 12 percent return on your money. You know, you have to lock it in for five years before you can get 9½ or 10, so you know unless you're including part of that interest right in the 12 percent, you're including some kind of a penalty charge. So why not say so, that it's a penalty charge and that's the reason what it's for.

As I say, there's a few things the government gave in and allowed and brought on some amendments the appeal issue and so on, but not very much. These are the points . . . I do believe that legislation should go ahead. But the other point I'd like to make, I think that the government should really use very discretionary powers in respect to this legislation because I think that it may - as far as construction of new apartments, and new units it may do more harm than good. In fact we were told the other day by the Minister of Industry and Commerce, that our employment and manufacturing in this province has decreased by some percentage point from the year before. We know that the latest report on unemployment was 7.7 percent last Monday, employment in this province. We're told also by reports from Ottawa that the receipts in agricultural industry will be down considerably this year. These things are not going to be helpful to the government or the people in this province, and that's another consideration I think, that we have to be very careful how we handle this legislation, how it's handled by the people that are going to be in positions that will be dealing with appeal procedures and Review Officers, because I believe if they're going to take very hard, stiff positions in many cases, then it may do more harm than good. I hope that the Minister will be watching this legislation and watching the operation pretty closely.

BILL 19

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Well, Mr. Speaker, I too would like to add a few words to this bill prior to its passage at third reading. They will only be a few words. I'd like to inter-associate myself with the Member from River Heights when he indicated his concern and his repugnance about the retroactive feature of the bill. And that is, Mr. Speaker, one that has to signal, you know, a particular kind of vindictiveness on the part of this government in so doing. However, this government has resisted all reasonable attempts by the opposition and the public to have that feature reconsidered, and has rejected them. Mr. Speaker, I would like to speak on only two particular issues, and one is the difficulty that crops up and that we've seen amply demonstrated when you have the kind of universal applications of these kinds of bills forced upon the citizens of our province. The other being . . . I'll attempt later on to put a little bit of critical perspective into the bill before us.

On the question of the universal application of this kind of a bill, Mr. Speaker, it would have to be the most hard-nosed person to have sat through the hearings at the committee stage and not recognized very early on that far from being that kind of monolithic being, or corporation, or union, or association, that landlords are often lumped together. There would have to be a wide disparity in the kind of arrangements, the kind of shelter arrangements that various landlords and tenants have in this community. To that particular landlord who has very astutely kept abreast and added and increased his rents every five months or every year, this bill guarantees him a pretty fair income, 10 percent a year or just about. But to that other landlord, or to that other smaller landlord as often was the case, if we, and I think that we can believe the representations put before us in Committee, the one that was perhaps not particularly interested in the immediate return, but who looked upon his home or two that he held as an investment for the future, and may well find himself in being four and five years out of step in terms of going rates in rents, he now finds himself strapped into a lost situation, in some instances, with this kind of legislation. Mr. Speaker, all my remarks are intended to be, is to point out that this happens all too often when you pass universal broadsweeping legislation that we have so little time for consideration for the individual person that finds himself trapped into a specific situation. There is little consideration for individuals when you sweep with a universal general brush, as we're doing with the passage of this bill.

Mr. Speaker, my other comments want to direct themselves just for a few moments on the politics of the bill. Mr. Speaker, there is no secret honourable members opposite would like nothing better than to tar the opposition with the position of having fought against this bill diligently and voted against this bill diligently, but it should be put on the record of course, the proper reason why they can. Mr. Speaker, it was under the National leadership of Mr. Stanfield, that the Conservative party in 1974 introduced the concept of controls, as difficult as that concept was in our open market scheme of things to the electorate of Canada generally. I must also put on the record, Mr. Speaker, it was largely, it was largely the desertion by the thousands of New Democratic Party voters who deserted Stephen Lewis on that election campaign because they feared David Lewis, they feared the onset of these controls to be introduced by a Conservative Party which put it straight forward to the people of Canada that some measure of control was necessary, that some restraint was necessary. It's somewhat ironic that, particularly in Eastern Canada, the desertion of the NDP voters who fought through the Liberal banner and re-elected Mr. Trudeau and gave the Liberal Party of this country a majority government only to face some months later the very kind of controls that they thought they were avoiding. Mr. Speaker, it's for the fact of that record, that integrity on the part of the Conservative Party is that this party and this government has not attempted to and could in fact not make any politics out of the position that we have taken from time to time on this side of the House, in first of all trying to make this legislation better, and moving forward certain amendments that we thought were fairer, and finally, having to accede to the fact that we will support this bill and vote for this legislation at this time.

BILL 19

(MR. ENNS cont'd)

But, Mr. Speaker, there is no politics to be made on this kind of legislation by the other side for this kind of action, firstly because there are far too many people on the other side who recognize the pitfalls in this legislation, far too many people on the other side recognize that these kind of controls do not answer the problems of providing better shelter at reasonable rates for most Manitobans. In fact, intellectually they recognize that it's fraught with difficulties.

Mr. Speaker, and I want to make this one further point. The Conservative party nationally also recognized back in '74 when he introduced the subsequent controls to the Canadian scene, that it was not the answer for all. Mr. Stanfield didn't in his musing on year end speeches or New Year speeches talk about how the system had failed and how we have to move on to something else. What we were suggesting was that there was a time and a place for a pause, there was a time and a place for restraint, there was a time and a place to dampen the expectations of inflation.

The position of a controlled program, a restraint program put forward by the Conservative Party was never meant to move our society into an uncharted and a new one, as has been suggested from time to time by the Prime Minister today, by the Prime Minister of this country, that is. We suggested that it was necessary to reflect and to restrain ourselves momentarily as we readjust our position in the world economics.

Mr. Speaker, having supported that position nationally, we could hardly do less provincially. Now when the First Minister of this province indicated, against some opposition within his own group, within his own party, within his own convention, that he recognized the correctness of that course, then we had to support him, as we are supporting him in this bill.

Mr. Speaker, we do not see this answering the problems of providing reasonable shelter, adequate shelter, and sufficient shelter for Manitobans in general, we see it in the context of responsible Canadians accepting overall restraints that we have been asked to accept. It's inconceivable, Mr. Speaker, that if we're going to ask labour to accept restraints, if we're going to ask business and companies to accept restraints, then such an important item as shelter, shouldn't in any way be exempt from restraints.

Mr. Speaker, my purpose in rising is only simply to put that position forward that the Official Opposition recognizes that overall responsibility to the restraint program, which we have indicated our support for - not with every "i" dotted or every "t" crossed, I quite frankly believe, and I think that a great number of Canadians today believe, had an initial program that was put forward by Mr. Stanfield in '74, that of a freeze, not of a cumbersome, massive, bureaucratic-ridden anti-inflation board setup, but simply if there was any - Mr. Speaker, I'm not even so sure of that - but if there was any validity to the concept of this phrase that is so often tossed about that what we had to do was to kind of break the psychology of inflation, the anticipated inflation, if there was any validity to that argument, and I suspect there was, then the position put forward by the National Conservative Party in the '74 election, to me, to this day, still is much more attractive than what we are being saddled with today. But, Mr. Speaker, I'm a Canadian, I'm a Manitoban, we have accepted the law, my First Minister has accepted the law of the land, has signed contractual agreements to enter into the Anti-Inflation Program.

Mr. Speaker, it's inconceivable that a responsible opposition would not be prepared to, and indeed would not encourage that an important item such as shelter would not come under that program. What we are disappointed with, Mr. Speaker, is firstly this government has chosen in a very few specific ways to single out a group within our society and placed them with the added onerous burdens of retroactivity to this bill, when no one else is being asked to do this. That manufacturer, that implement seller, the farm, you know, implement business, what have you, that raised his prices on October 1st or July 28th, isn't being asked to be rolled back, but the landlord is. To this extent the government shows, you know, its continual willingness to encourage and to inflame the kind of class warfare nonsense that they seem to indulge in.

Mr. Speaker, we have attempted, my colleagues have attempted, and the general

BILL 19

(MR. ENNS cont'd) opposition has attempted, including the Liberal party, to make this into a better bill, into a more equitable bill, and we haven't succeeded. Having failed in that, we nonetheless have no alternative, believing as we do that we accept the overall policy of a restraint program in Canada, that we will support this bill.

QUESTION put MOTION carried.

MR. SPEAKER: The Honourable Minister of Consumer, Corporate and Internal Services.

MR. TURNBULL: Mr. Speaker, could we have the ayes and nays?

MR. SPEAKER: Call in the members. The motion before the House is the third reading of Bill 19.

A STANDING VOTE was taken, the result being as follows:

YEAS

| | |
|--------------|--------------|
| Messrs. Adam | Johnston, G. |
| Banman | Johnston, F. |
| Barrow | Jorgenson |
| Bilton | McGill |
| Blake | McKenzie |
| Bostrom | Malinowski |
| Burtiak | Miller |
| Cherniack | Moug |
| Derewianchuk | Patrick |
| Dillen | Pawley |
| Doern | Petursson |
| Einarson | Shafransky |
| Enns | Sherman |
| Ferguson | Spivak |
| Gottfried | Steen |
| Graham | Turnbull |
| Green | Uruski |
| Hanuschak | Uskiw |
| Henderson | Walding |
| Jenkins | Watt |
| Johannson | Wilson |

NAYS

None

CLERK: Yeas 42; Nays 0.

MR. SPEAKER: In my opinion the motion is carried unanimously. The Honourable House Leader.

MR. GREEN: Mr. Speaker, I would ask you to proceed with the adjourned debates on second reading.

BILL NO. 23 - THE PESTICIDES AND FERTILIZERS CONTROL ACT

MR. SPEAKER: Thank you. The proposed Bill 23, by the Honourable Minister of Agriculture. The Honourable Member for Lakeside.

MR. ENNS: Well, Mr. Speaker, it's been suggested to me that I've been living in the past by the Honourable Member for Portage la Prairie. It might well be while I catch up with the future and find out which bill I'm speaking to --(Interjection)-- No, the bill is the Pesticide Bill that the Minister of Agriculture has introduced into this session.

Mr. Speaker, other speakers have mentioned their concerns about this bill. I think they stem largely from the fact that the Minister of Agriculture did not expand in

BILL 23

(MR. ENNS Cont'd) his remarks I think sufficient to our satisfaction some of the possible implications of this bill. Mr. Speaker, the concern that the Honourable Minister obviously is trying to cover with the passage of this bill with respect to dangers and pollutant herbicides and chemicals, that are all too common in our use in our society, these are understood and appreciated. However, Mr. Speaker, the word "fertilizer" was not mentioned a great deal by the Honourable Minister at second reading, and I suppose that's the hang-up that some of us have for keeping the bill as long as we have.

We're prepared to allow this bill to move on to second reading and perhaps in more informal surroundings of the Committee and from other experts that have been available to the Minister that he can indicate to us that this will not be a bill that will needlessly hamper the individual farmer in his application of fertilizers, whether it is for himself or it is for his neighbour. There's a growing amount of co-operation that has to exist in rural Manitoba where one farmer has a particular machine and another farmer doesn't, and there's a great deal of back and forth going on, and I want the Minister to be aware of that. This includes the business of spraying, and I know that it is incumbent upon a farmer in those few critical days, and they're critical days, Mr. Speaker, which I'm not so sure that the Minister, well he should know, but I'm not so sure that all members of the government always know, that, you know, the question of when to spray or not to spray is decided by weather, the right wind conditions, the growth of the crop, you know, two or three days makes a difference of being the right time to spray or not the right time to spray.

Mr. Speaker, if because of passage of some kind of legislation somebody has to run to the Norquay Building, or even to his regional office in Portage or Brandon, to get umpteen number of permits and to have somebody come out and look at his equipment to see whether he's qualified to have that permit to spray or not, then I think that as an individual farmer, I want to be concerned about that. If, Mr. Speaker, the Minister's only talking about, is only concerned about in this legislation about the commercial operator, the operator that is in the business, if I can use that phrase, that should in fact be prepared to have his equipment stand up to examination, to passing of certain tests and qualifications, that's another matter, but I think the opposition, comprising as they do of a number of active and practicing farmers were concerned about the needless kind of delay that all too often happens after we pass a bill. We just want the Minister to be pretty straightforward with us.

I mean can my friend, the Member from Rock Lake, after passing this bill do his brother-in-law a favor and fertilize a field or two for him without a great deal of paper work? Can he attach or take his sprayer outfit and spray my 30 acres of wheat or barley because I don't have a sprayer because it doesn't make economic sense for me to buy a sprayer, I only have a few acres. But because Henry is an experienced operator and has the operation all going, has been doing it for the last 10 or 15 years and nobody has taken him to court for malpractice, can he continue to do that though? Those are the kinds of questions that we are a little bit concerned about in this bill, Mr. Minister. If you can, at Committee stage, relieve us of these concerns then I really don't think that there is a great deal of concern that the opposition has about this bill.

We're a little concerned, Mr. Speaker, and I think it was mentioned before by other speakers, that the bill to a large extent represents an existing bill, a bill that was passed some years ago.

The question might well be asked, why the new bill? Why simply not some amendments to the old bill? We're a little concerned, Mr. Speaker, because it again sets up another Board and we have so many Boards already we question the necessity of it. Now, Mr. Speaker, we have no specific concern about the bill other than these that I've raised and other speakers have raised.

We have reason I think to believe that when this government and this ministry gets hold of this kind of legislation it sometimes shrinks from the reality of the facts of life back home at the farm. While the intentions may be honourable and well I wouldn't want to see the Minister of Agriculture in the same position as the Minister of Mines and Natural Resources found himself in with respect to having to withdraw his sting from

BILL 23

(MR. ENNS cont'd) the mosquito bill and having to two years later or three years later now kind of redress that legislation and give back to the local responsibility certain responsibilities that he found too tough to handle. I wouldn't want the Minister of Agriculture to find himself establishing with this new board and with this bill a kind of nightmare of paperwork and red tape that two years from now, three years from now when put into practise farmers will rebel against and tell him to change it or to amend it.

Now if the Minister of Agriculture has intentions other than this, then I think he could have saved some time in the passage of this bill. He could have accelerated the delivery of this bill to this House by having spoken a little more clearly about the application of this bill with respect to farm applied, farm-used fertilizer. The bill includes the word "fertilizer" in its wording but in reading carefully the words that the Minister used in introducing and explaining the bill at second reading he - we don't know whether purposely or he just didn't do so - didn't refer to the word fertilizer at all during his introduction. Mr. Speaker, that really was the biggest concern that members on the opposite side have.

MR. SPEAKER: The Honourable Minister of Agriculture will be closing debate. The Honourable Minister.

MR. USKIW: Mr. Speaker, I thank the Member for Lakeside for putting forward a positive contribution towards the passage of this Act. I do have to admit, Mr. Speaker, that in the introductory remarks I didn't overplay, or I don't even know if I mentioned fertilizers at all, and I suppose it's because I have not been preoccupied with the question of how this Act will relate to the use of fertilizer and would have to admit that it is somewhat futuristic. There is no immediate plan with respect to a control mechanism or to relate to any particular problem that we are already aware of in the application of fertilizers.

But I think that it should be noted that members opposite were very quick to draw attention to this government about the problems of the Garrison Diversion, the use of fertilizers in conjunction with irrigation. They were the ones, Mr. Speaker, who suggested there should be some dramatic move on the part of this government and the Government of Canada to forestall that kind of development, and therein lies the logic of including, of including the application of fertilizer under whatever circumstances in legislation which, if the need arose, government would be able to move at that point in time. So that is, in essence, really the nature of the inclusion of fertilizers; it's a futuristic consideration and something that we may not have to apply regulations upon too stringently. On the other hand there have been many people who argued that fertilizers, if applied in the wrong way, could be almost as dangerous as pesticides and other chemicals that are used on a day-to-day basis.

It is our intent not to make it cumbersome for farmers to apply the chemicals or fertilizers through the licensing system that has been provided for in the legislation. It will be provided by way of class licences, by way of exemptions of certain categories, or by way of very simple application of the licensing system which will be defined by regulation, so that in some instances it may be, and we have not yet thought this through, but it may be that where we are not concerned about the particular classification of licence that that may be handed out at no cost at the dealership level so that when a farmer is purchasing chemicals he may sign a document which would authorize him to proceed - but again by class. The same would apply with respect to custom applicators. And here you know it's a bit of a conundrum because there are farmers who do favours for their neighbours, and sometimes for compensation, but not because they're in the business of custom application, fertilizer or pesticides, but because they simply can't resist the requests and the pressures from their neighbours to have their fields sprayed, and it's really a neighbourly arrangement which is something we would not want to interfere with. On the other hand, there are some farmers who make it quite a business to not only look after their own needs with respect to chemical application, but also in a major way, of the needs of many many farmers in two or three townships for that matter, whether it's with aerial applicators or ground applicators. If that is the case, then of

BILL 23

(MR. USKIW cont'd) of course we would have to issue a class of licence to that particular individual based on the question of utilization and exposure that the public is going to be faced with from that particular person's operations. And really, it sums up into one important point, and that is that we would want to apply these controls in a way which would make good common sense and not to make it such that it would be terribly cumbersome for people to get their licences and to comply with the regulations. I might point out, Mr. Speaker, that most of the objections that were raised from the other side in the course of the debate centered on points that were already in the legislation since 1963, especially with respect to the powers of inspection and so on. Those are not new provisions, they've been on the books for almost two - well over a decade anyway, Mr. Speaker, and I can cite from chapter and verse, but there's no point in doing that. I just make the point that they were attacking the wrong areas, if they thought they were attacking new provisions, because they were really attacking existing provisions in the Pesticides Act.

The question was raised whether other provinces have similar legislation, and I simply draw to the attention of members opposite the fact that, and maybe it should be of some embarrassment, I don't know, to this government, but really we are tailoring our Act on the Alberta legislation which was passed in 1969, and so should the members opposite feel that there is some devious motivation, perhaps by copying the legislation to a large degree from the Province of Alberta, if theirs was devious, then perhaps this might be interpreted that way, but I rather doubt it.

The question of the board, the purpose of another board, and I have no particular hang-up, but I think there has to be a mechanism for people to appeal to. It is the intent here that should there be a dispute, that the board would serve as an appeal body, and that the board would recommend to the Minister, redress or whatever, resulting from the appeal. I don't know whether it's fair to the public to rely simply on the idea that any person could appeal to the Minister. I'm not sure that that is good enough. That is really one of the purposes of the board, and of course the board would act in an advisory capacity with respect to the legislation, with respect to the regulations and so forth, and this obviously will evolve. I mean I don't think that we can be satisfied that everything that is known today about existing pesticides and fertilizers is going to be sufficient 4 or 5 years down the road, or that new things may be developed which would require the attention of the Advisory Board and the Minister, whoever he or she might be.

So, Mr. Speaker, it's with those comments that I wish to recommend the bill to the House. I want to assure members opposite again that common sense will have to prevail because we do have to be practical in the application of such legislation, and I look forward with a degree of interest to the committee stage.

MR. SPEAKER: The Honourable Member for Morris want to ask a question?

MR. JORGENSEN: I want to ask the Minister for some clarification on one section that he dealt with. He suggested that by regulation section 2(2) could be overcome, but that particular section does state very specifically that no person shall apply a fertilizer or pesticide unless he has a licence. How do you possibly amend a section like that, even cover it by a regulation, when it is so explicit in the bill itself?

MR. SPEAKER: The Honourable Minister.

MR. USKIW: Well I want to assure the Member for Morris that we also refer in the bill to different classes of licences, and it's conceivable that we may issue a class of licence which would not be a cumbersome procedure. They may be issued en masse to a dealership system, so that when a farmer is purchasing chemicals for his own use, or very limited use beyond that, that he would be issued a licence on the spot without having to go through any extensive red tape.

QUESTION put MOTION carried.

MR. SPEAKER: The Honourable House Leader. Private Members' Hour.

MR. GREEN: Well, Mr. Speaker, I believe that there is a willingness to forego Private Members' Hour. That being the case, Mr. Speaker, I would move, seconded by the Member for Gladstone, that the House do now adjourn.

MOTION presented and carried, and the House adjourned and stands adjourned until 2:30 tomorrow afternoon.