

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, January 17, 1990.

The House met at 1:30 p.m.

PRAYERS ROUTINE PROCEEDINGS TABLING OF REPORTS

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I would like to table the Supplementary Estimates for 1989-90 for the Department of Government Services.

INTRODUCTION OF BILLS BILL NO. 94—THE CONSUMER PROTECTION AMENDMENT ACT (4)

Mr. Jim Maloway (Elmwood) introduced, by leave, Bill No. 94, The Consumer Protection Amendment Act (4); Loi no 4 modifiant la Loi sur la protection du consommateur.

MOTION presented.

Mr. Maloway: I am very pleased at this time to be introducing this particular Bill. This amendment will provide for the elimination of service charges on the cashing of all Government cheques in the Province of Manitoba.

As many as 30,000 citizens of Winnipeg are currently being charged nearly 5 percent for cashing Government cheques simply because they are poor. These charges victimize a segment of the population who are denied access to regular banking services due to poverty. The firms charge between 2.9 percent and 4.9 percent on guaranteed cheques.

The rise in unemployment and growing use of food banks by children and working adults are signs that poverty is becoming more of a problem in our society. Some families on social assistance with four or more children have had to give as much as \$100 or more to these firms for cashing child tax credit cheques. Allowing firms to exploit this poverty by making profits on Government cheques must be stopped. Mr. Speaker, by ensuring that 100 percent of Government cheques go to their intended recipients, taxpayers will know their money is not being wasted on intermediaries.

* (1335)

QUESTION put, MOTION carried.

ORAL QUESTION PERIOD CFB Portage la Prairie Compensation

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, my question is to the First Minister (Mr.

Filmon). The Prime Minister and his Cabinet are meeting today at Meech, and as usual when they choose that site it seems that Manitoba ends up losing. According to information we have received the federal Cabinet is examining a plan to provide assistance to Atlantic Canada, including an aeronautical training school at CFB Summerside to replace the base, as well as other projects for Summerside to compensate for the loss of the base there. The federal Government officials and P.E.I. officials have been meeting for months to discuss compensation for the loss of this base. For months we have been asking the First Minister to meet with the Prime Minister to seek similar compensation if the Prime Minister refuses to reverse his decision to close the Portage la Prairie base. Why is Brian Mulroney listening to Joe Ghiz but not to the Premier of Manitoba?

Hon. Gary Filmon (Premier): Mr. Speaker, the Leader of the Opposition (Mrs. Carstairs) has a short memory, which sometimes can be helpful in politics because you forget things that you have said. I will remind her, I will remind her, Mr. Speaker -(interjection)- No, I do not forget things that I say and I do not forget things you say either. You will learn that.

Mr. Speaker, in August of this year I met with the Prime Minister. One of the prime items on my agenda was to work on behalf of the people of Portage la Prairie to stop the closure of Portage la Prairie. That, I was criticized for by the Leader of the Opposition. She said I should not have been talking to him about those things, about closure of the base in Portage la Prairie and our concerns about that, about economic development initiatives and opportunities for the people of Manitoba. She said we should not be talking about that, but I did talk face to face with the Prime Minister in August.

I raised the issue again at the First Ministers' Conference in November of this year. So indeed we are talking about those things, Mr. Speaker, and the people of Portage la Prairie know that, because I have met with them and I have continued to dialogue and discuss with them through the Member for Portage la Prairie (Mr. Connery) on our concerns to support their position to keep the heat on, to tell Ottawa that we want that base to remain in Portage la Prairie.

* (1340)

Premier's Meeting Agenda

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, but let us correct the record. I never criticized the Premier for raising that issue. I criticized him for not raising other issues in which we were being badly hurt by the Prime Minister of this nation. Will the Minister tell this House, in that it has been five and a half months since his last private meeting with the Prime Minister about Portage la Prairie, when he last spoke to the Prime Minister on a private basis about what is going to happen to Portage la Prairie?

Hon. Gary Filmon (Premier): Mr. Speaker, as I indicated, again the Leader of the Opposition (Mrs. Carstairs) does not listen. I spoke again to the Prime Minister in November in Ottawa in conjunction with the First Ministers' meeting and I again raised the issue of the base at Portage la Prairie. The fact of the matter is that the federal Government has set up for Portage la Prairie, as it has for Summerside, a committee of Cabinet Ministers to be dealing with those issues. We do not believe that that is good enough. We believe that we ought to continue to support the people of Portage la Prairie. That is why we have continued to support their demands to give us justification, because we do not believe there is justification. We do not believe that the federal Government had good reasons for the closure of Portage la Prairie and we continue to work with the people of Portage la Prairie to try and ensure that the federal Government looks at that base and looks at its viability again more seriously.

Compensation

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, when it comes to shutting down Manitoba, the Prime Minister always keeps his promises. So what is the fallback position of this First Minister when the Prime Minister keeps yet another promise and closes down the base at Portage la Prairie?

Hon. Gary Filmon (Premier): My fallback position will be to work with the people of Portage la Prairie, as I always have, to support the people of Portage la Prairie and to support the community of Portage la Prairie.

I might tell you that, irrespective of these decisions, we continue to work with the people of Portage la Prairie. That is why they have the Western Combine manufacturing facility there that has been announced within the past six months. That is why they have the Kent Mills for oats processing in Portage la Prairie, again an initiative within the last six months. That is why they are getting the tripartite stabilization office from this administration being put in the community of Portage la Prairie. That is why we are working with them with respect to decentralization of Government activities.

I might indicate another matter that the Leader of the Opposition (Mrs. Carstairs) and her Party are opposed to. They went to the Union of Manitoba Municipalities and said that they did not believe that Winnipeggers should be forced to move out of the City of Winnipeg if they want to work for the provincial Government and that they were opposed to the way in which we are doing decentralization. Portage la Prairie is not. We are working with them to give them jobs and economic activity.- (applause)-

CFB Summerside Aeronautical Centre

Mrs. Sharon Carstairs (Leader of the Opposition): All the clapping from them will not get one more job if the Prime Minister has his say in the Portage la Prairie situation. Mr. Speaker, what information can this Minister provide to us that this new aeronautical training

centre proposed for CFB Summerside will not take away the function that is presently being performed by CFB Portage la Prairie? -(applause)-

Hon. Gary Filmon (Premier): Mr. Speaker, all of the applause from this side was because we have already been acting in conjunction with the federal Government. That is why Portage la Prairie has the Western Combine manufacturing facility which the Member for Osborne (Mr. Alcock) does not know anything about.

Ignorance is bliss, but we know that Portage la Prairie has been given jobs because of the joint work we have been doing with them. That is why they got the Western Combine manufacturing facility. That is why they have the Kent Mills Oats processing facility going in there. That is why we continue to work to ensure that they have the tripartite stabilization plan administration in Portage la Prairie.

Those are all actions that we have been doing positively, actively, progressively for Portage la Prairie, and will do more, Mr. Speaker, working co-operatively with the community of Portage la Prairie and the federal Government, and we will continue to work on the base closure to ensure that they know that we disagree with that decision and that we are looking for opportunities to ensure that there is positive economic stimulus for Portage la Prairie.

* (1345)

Potato Processing Industry Impact Regional Support

Mrs. Sharon Carstairs (Leader of the Opposition): If we are talking about economic activities and development, the first aid package that the federal Cabinet is looking at includes a \$30 million potato processing plant at Cavendish when it has already been identified that there is an overcapacity for potato processing already in the Maritimes.

Can the First Minister tell us if he was made aware of this new initiative, and what impact that is going to have on the potato processing industry here in Manitoba?

Hon. Gary Filmon (Premier): The Leader of the Opposition raises a good point. Here you have the federal Government, Mr. Speaker, who is presumably working to assist one area of Atlantic Canada and is doing so to the detriment of an adjacent area of Atlantic Canada.

My colleague, the Honourable Frank McKenna, is very upset about this, as I am, Mr. Speaker. In fact yesterday, late last evening, I spent some considerable time on the telephone with two individuals to pursue this matter, because we were made aware of it yesterday.

I spoke with the vice-president of McCain Food Processing, and I also spoke with a federal Cabinet Minister on the matter, because we believe that is an inappropriate decision for the federal Government to take.

Firstly, from the information that we have available to us on that potato processing facility and the massive Government subsidy which is not, in my understanding, \$30 million but some \$40 million of federal funds to be put in, it violates the Free Trade Agreement. It is clearly countervailable, Mr. Speaker, and it overwhelms the current Canadian industry in potato processing. On all those counts it is a wrong-headed decision, because it will affect, negatively, all of the potato processors across this country, including those in Manitoba.

I am developing—and the reason I have that information at my disposal is that a letter will be going out later today to the Prime Minister on that matter.

Mrs. Carstairs: Mr. Speaker, it is interesting that while he talks to those in New Brunswick he has still yet to talk to the Prime Minister when the decision is being made right now at Meech Lake.

Why does this First Minister not wait till the letter goes through his ministerial secretarial staff? Why does he not pick up that phone, he is so good at using, and phone the Prime Minister and demand that this thing be re-evaluated and stopped?

Mr. Filmon: Mr. Speaker, again the Leader of the Opposition (Mrs. Carstairs) was not listening, and that is her normal habit. She likes talking more than she likes listening. That is why her caucus does not include her in the preparations and strategy for Question Period any more, because she insists on talking rather than listening.

I said to her that I spoke directly to a federal Cabinet Minister who would be at that meeting who could carry the Manitoba message and the concerns directly to the meeting.

* (1350)

Economic Growth Treasury Board Meeting

Mr. Gary Doer (Leader of the Second Opposition): Mr. Speaker, my question is to the First Minister (Mr. Filmon) as well.

The latest forecast, our very serious forecast for the economic possibilities and opportunities for Manitoba, they quite frankly contradict, to quite a great degree, the projections of the Government and the projections of the Minister of Finance (Mr. Manness) from the Conference Board.

My question to the Premier is: is he calling an emergency meeting of his Treasury Bench together to deal with the fact that Manitoba will have the lowest employment growth in western Canada according to the Scotiabank, their figures just released? In fact, Manitoba will be the only province, according to Scotiabank, that will have negative employment in 1990. Obviously, the ramifications of that for families in Manitoba requires serious and urgent action.

Hon. Gary Filmon (Premier): Mr. Speaker, if I called an emergency meeting of our Cabinet every time the

Leader of the New Democratic Party (Mr. Doer) brought information to this House we would be chasing all sorts of blind alleys.

Last week he brought up the issue of Prime Oils, saying that they were in contravention with certain by-laws and laws, and he was wrong. This week he brought up the issue of an award of a contract being taken away from a firm that did not even bid on the contract. He has made accusations about the Solvit industry situations that have been wrong and wrong and wrong over and over again.

I have to tell you, Mr. Speaker, there are many economic forecasters. The Conference Board of Canada continues to provide solid information upon which we can judge the things that are happening economically in this province, and they continue to be optimistic about Manitoba's future growth.

Manitoba Rate

Mr. Gary Doer (Leader of the Second Opposition): Mr. Speaker, I would suggest the First Minister (Mr. Filmon) check Hansard and he would find I asked the question whether there was a breach of fire code, and the Minister said there was a breach of the fire code. Just get the facts straight. I have the section in Hansard.

I will table the projections from the Scotiabank that are just out today. I also will table, from the Toronto Dominion Bank, further statistics that show that Manitoba's growth will be the lowest in western Canada, that we will suffer very major losses in economic development. These figures are not public yet. I will table these.

I would ask the Minister whether they stand by their original predictions of a 3.3 percent growth in Manitoba for 1990 or whether they now acknowledge that the Toronto Dominion Bank is right and Manitoba will be the lowest in western Canada with a 1.3 percent growth, the lowest of all four western provinces? What is he going to do about it?

Hon. Gary Filmon (Premier): Mr. Speaker, we clearly inherited a situation that was in total decay as a result of the NDP. We found ourselves with the second highest overall rate of taxation in this entire country. We found ourselves with the second highest per capita debt in this entire country. We found ourselves with an economic climate that was an absolute disaster.

In working on that we have been doing a number of things: firstly, lowering the deficit in this province to the lowest level that it has been in a decade; secondly, for the first time in 20 years, lowering the overall net debt of this province; thirdly, lowering taxes in this province, including a 2 percent reduction on personal income tax rate, including a 61 percent reduction in overall personal taxes, including a lowering of taxes on the farm community by eliminating the education tax on farm land, by systematically removing the payroll tax to help businesses.

In all those things, Mr. Speaker, we have been working to create a new and positive alternative to that which was left for us by the NDP.

Government Strategy

Mr. Gary Doer (Leader of the Second Opposition): Mr. Speaker, the population was growing 10,000 people per year, and the employment (sic) rate was usually the second lowest in Canada. Winnipeg was always the second lowest before Toronto.

My question to the First Minister (Mr. Filmon) is: does he not agree that there is an economic problem in this province? Does he not agree there are economic challenges? Does he not agree that we have some serious economic strategic decisions to make? Why does he not admit that so we can take stock and move into 1990 providing opportunities and growth for families, not just recorded announcements in this Legislature?

Hon. Gary Filmon (Premier): Mr. Speaker, in giving all of those positive changes to our environment we have attracted a number of major initiatives and investments. Boeing announced the \$30 million investment with 275 additional jobs; Hughes Aircraft announced a \$10 million—the first investment in Canada of the Hughes Aircraft Corporation for an acoustic technology; Dow Corning, an investment that will create up to 500 jobs. Then, of course, in the decade of the '90s we will have an investment of \$5.5 billion on the Conawapa plant in the transmission lines.

With respect to the allegations that he has raised here—and I know he wants to make things look as negative as possible, because that was his outlook when he was in Government and he would like to return to that, and Manitobans will have no part of it—the information that I have based on an analysis done by our Department of Finance of the outlook for 1989 to 1991, based on the survey of seven independent forecasters, Manitoba is expected to achieve on average, amongst these seven independent forecasts, 4 percent real GDP growth in 1989, which is above the Canadian projection of 2.8 percent; and in 1990 Manitoba, according to the average of these seven forecasters, is expected to have real GDP growth of—

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please; order, please. The Honourable Member for Concordia.

Mr. Doer: Thank you. I thank the—

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please. The Honourable Member for Concordia has the floor.

* (1355)

Mr. Doer: Thank you, Mr. Speaker. It is unfortunate the First Minister (Mr. Filmon) and the Department of Finance does not have the latest numbers, because the Toronto Dominion Bank is projecting the growth in Manitoba to be below the national average. The Scotiabank is projecting negative employment numbers in the forecast coming out today.

Mr. Speaker, we do not have to just battle statistics in this Chamber. You go outside of this building, the for sale signs are up, the foreclosed signs are up, people are leaving this province. We have 10,000 less full-time jobs. I think we all have a collective responsibility to admit that we have to get this Manitoba economy going.

I would ask the Premier, what specific action is his Government taking to get the economy going in Manitoba for 1990, and make these projections wrong?

Mr. Filmon: Mr. Speaker, it is interesting to find the Leader of the NDP becoming an apologist for one of the major banks now. If he had only listened to the response that I had given him, I have told him all of the things that we have done to change the very negative black climate that was left for us by the New Democrats: lowering, of course, taxation rates, lowering the deficit, working on new opportunities for economic investment and growth, and I have listed them, many, many of them.

I have not even talked about the one billion dollars of investment to be made by Repap in The Pas. I have not even talked about Wang bringing their information imaging technology here into Manitoba, a new high tech initiative. I have not talked about many of the other initiatives, including Canadian Occidental Petroleum's expansion in Brandon, and I could go on and on. If he wants to ask me another question I will give him the rest of the list.

North Portage Development Corp. Monthly Shortfall

Mr. James Carr (Fort Rouge): Mr. Speaker, the Premier (Mr. Filmon) seems to be over his flu. I have a question to the Minister of Housing (Mr. Ducharme). One of the options facing the—

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please; order, please. The Honourable Member for Fort Rouge has the floor.

Mr. Carr: Mr. Speaker, I have a question to the Minister of Housing. One of the options facing the North Portage Development Corporation is to take over operations of the housing component. Original estimates were that the monthly shortfall would be between \$30,000 and \$50,000 a month, based on a vacancy rate of 20 percent. Now we are told that the shortfall is more like \$1 million a year or over \$80,000 a month. What has changed?

Hon. Gerald Ducharme (Minister of Housing): Mr. Speaker, first of all, to get into the realm of discussing the MHRC's role in protecting the \$18.5 million, I will not. First of all, the Member has repeatedly asked questions of this Government. It is not our role to defend the position of a structure that was originally created by the federal Liberal Government under Mr. Axworthy or under the NDP Government. The particular role is to protect future losses to the taxpayers. We are not here to defend, I would suggest, or unilaterally change the position of an agreement that was put in structure by the previous administration.

Forks Development Penn-Co Construction Agreement

Mr. James Carr (Fort Rouge): Mr. Speaker, I have a supplementary question to the Minister of Urban Affairs (Mr. Ducharme). We understand that The Forks Renewal Corporation has entered into an agreement through a letter of intent with Penn-Co to take an old building and restore it into a hotel. Would the Minister summarize for us the letter of intent and make the letter of intent public?

* (1400)

Hon. Gerald Ducharme (Minister of Urban Affairs): First of all, recently there is a letter of intent with Penn-Co. It has been known for quite some time, the ideal that is within the mandate of the Core Area Agreement.

My message to them is that as long as they are restoring the existing structures that are very necessary, that is positive structure, to redo, and they are not filling in any of the green space or any of the lands and they are doing it without any taxpayers' money.

Mr. Carr: He will not let us see the letter of intent.

Crown Corporations Accountability

Mr. James Carr (Fort Rouge): With a final supplementary question to the Minister. It is becoming more and more apparent that public accountability is completely away from this process.

Will the Minister agree that the president and the chief executive officer of the North Portage Development Corporation and The Forks Renewal Corporation be asked at least once a year to appear in front of a legislative committee so that the people of Manitoba can ask the appropriate questions?

Hon. Gerald Ducharme (Minister of Urban Affairs): Mr. Speaker, it is not like a normal Crown corporation. We have three parties, three levels of Government. I cannot unilaterally change those agreements that were established before this Government took over. I have no problems in asking those particular partners if they would be willing to put it forward to a committee.

Agricultural Advisory Committee Crow Benefit

Mr. Laurie Evans (Fort Garry): My question is to the Minister of Agriculture (Mr. Findlay). The Minister's Advisory Council is currently holding a series of 11 meetings across the province where the consultant is explaining the impact of a change of the Crow benefit to the producer from the railway. While I certainly support this initiative, what is the next step after these 11 meetings have been held after February 1?

Hon. Glen Findlay (Minister of Agriculture): I certainly thank the Member for his support for the process we are in.

After the round of 11 public meetings are held, we will analyze whether there is need for any further additional public meetings and the Advisory Council will act if there are.

Secondly, there will be a question and answer insert into the Manitoba Co-operator sometime within the next two months to give an opportunity to farmers to analyze their own situation relative to those questions and answers. Then there will be a summary document put together by the Advisory Council as a result of the whole process of analysis, public meetings, and the input from the public at large.

Mr. Laurie Evans: At those meetings the bulk of the producers who were attending, and I think it would certainly be the majority, are picking up the consultant's report at the meeting. So obviously they have not had an opportunity to review it in advance.

My question is to the Minister. Will the producers have an opportunity to react to the recommendations from the Advisory Council before the Minister takes a firm stand on what Manitoba's position is on this review?

Mr. Findlay: Certainly that process is completely open-ended in terms of being able to give everybody an opportunity to express their opinion, get the information they need, and be able to address the situation as they see it.

How the Advisory Council will move in steps in the future is quite an unknown factor at this time, other than the fact we will remain open, we will give producers and their organizations a chance to make their opinions known to the Advisory Council.

We think the process is moving well in terms of a very complicated issue, letting the people know what it is, and that question and answer paper in the Co-operator will also contain sort of a form in which the producer can plug in his own particular numbers for his operation and see how the figures flow out of it. We think that we will probably have to use some of our staff time in terms of one-on-one relationships with farmers who have particular concerns and difficulties in the next few months down the road.

Mr. Laurie Evans: The federal Minister of Agriculture also has a task force looking at exactly the same thing. My question is to the Minister of Agriculture (Mr. Findlay). Will he take the lead, in attempting, at least, to get a prairie consensus on this issue before they go to meet with the federal Minister so that we have a united prairie stand on this in case we need it in order to counteract what we expect will be coming from the Province of Quebec?

Mr. Findlay: Most definitely, in terms of the reason for why we put the Advisory Council in place, so that we could be well informed on the issue in terms of the facts that relate to the case and the public opinion related to those facts so that we could take a lead position when we get involved in a national negotiation.

Yes, a task force has been struck and will be instrumental in this province in terms of putting very

valuable people on there who will be able to make the appropriate decisions. Whether we can get a western consensus remains to be seen. We are not going to throw additional public money into the process like Alberta is proposing, so right away we have quite a different opinion to start with between these two provinces.

Economic Growth Manitoba Statistics

Mr. Leonard Evans (Brandon East): I have a question for the Minister of Finance (Mr. Manness), following up along the lines of questions asked by my Leader (Mr. Doer) regarding the projections issued yesterday by the Bank of Nova Scotia predicting that the Province of Manitoba, along with the Province of P.E.I., will suffer a net reduction in the number of jobs next year. The number of people employed will actually shrink. While other provinces will be increasing, particularly in western Canada, which will have an increase of 1.5 percent, we will actually have a reduction in the number of jobs.

Has the Minister of Finance had an opportunity to review this report, or has he had any advice yet from his financial officers, from his departmental officials, on this projection, and has he any explanation for the drop that is being predicted?

Hon. Clayton Manness (Minister of Finance): The department uses the same seven independent forecasters it has for a number of years, indeed since the Member opposite sat as a Member of the Treasury Bench. Those seven independent forecasters are the Conference Board, the Royal Bank, the TD Bank, Informetrica, the Bank of Montreal, Canadian Imperial Bank of Commerce. When all of their forecasts are averaged out, as the Premier (Mr. Filmon) indicated, for 1990, what they are saying is, with respect to the Province of Manitoba, that the growth forecast will be 2.1 percent, a full .6 percent greater than the national average of 1.5 percent. Manitoba as a whole, in the mind of all of the private forecasters, nothing to do with the Government, private forecasters, are saying that Manitoba is going to be near leading the nation in economic growth in 1990.

Government Strategy

Mr. Leonard Evans (Brandon East): Interesting, Mr. Speaker, that the Minister of Finance (Mr. Manness) has downscaled his projections for economic growth for 1989, because previously he was forecasting 3.3.

The Bank of Nova Scotia, and also supported by a recent report from the Toronto Dominion Bank, indicates unemployment getting worse. The unemployment rate is projected to be 8.4 percent for Manitoba, which is a full point higher than the average for the 1980s. Also, the economic growth rate is predicted to go from 2.9 to 1.4 percent.

In light of that information, has the Minister of Finance any plans to offset what looks to me to be a very serious economic downturn? Has the Government any plans to help offset a slower economic rate of growth in 1990?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, again one is foolish when they are in Opposition to dwell specifically on one source, and that is why the numbers I am going to give to you are the average of seven independent sources, non-Government numbers.

With respect to employment, taking into account that the Repap project is not factored into this whatsoever, taking that into account, real employment growth is forecast to increase by 1.2 percent in 1990, again near or slightly over the Canadian average. Again Manitoba seems to be doing well in the minds of those who are forecasting economic activity in the Province of Manitoba for 1990.

Goods and Services Tax Seniors Boycott

Mr. Leonard Evans (Brandon East): I would like to use my last question to the Premier (Mr. Filmon). The GST will be implemented next year and will definitely hurt the economy even more. Has the Premier reconsidered his position and will he now join with the Manitoba Society of Seniors and other Manitobans and participate in the GST boycott which is scheduled for tomorrow and Friday?

Hon. Gary Filmon (Premier): Mr. Speaker, I have said over and over and over again that this Government is opposed to the GST. The Minister of Finance (Mr. Manness) and I have met with our federal counterparts, I have taken the issue to the Premiers' Conference in Quebec City in August, I have taken the issue to the First Ministers' Conference in Ottawa in November. We have steadfastly maintained our opposition to the GST. We have said that we do not believe that it is good for Canada, we do not believe it is good for the regions, we believe it is negative for small business, it is negative for tourism, and so many other ways. Those are the ways in which it should be opposed, and we are doing that at every opportunity.

Rafferty-Alameda Dam Project Government Position

* (1410)

Mr. Harold Taylor (Wolseley): Mr. Speaker, I was totally dismayed yesterday when the Minister of Environment (Mr. Cummings) said that the Rafferty-Alameda project was not a Manitoba issue. Well I think the people of southwest Manitoba will disagree with that Minister when the protection of the water quality and water quantity is considered not a Manitoba issue. Maybe this explains why the Minister has been so ineffective.

Mr. Speaker, rhetoric is cheap and results cost time and effort. What tangible results can the Minister deliver to Manitobans on Rafferty, given that secret deal will be signed within days?

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, this Government has taken a consistent position on Rafferty-Alameda. We presented the

position at Souris last summer asking for a complete environmental impact study. When we were denied that opportunity we did everything within our power at that time to make sure that the assessment on the balance of the Souris River was completed. We now have the opportunity again to make sure that the complete environmental assessment for the balance of the Souris River basin is completed. Anything short of that will not satisfy the needs of this province.

Design Changes

Mr. Harold Taylor (Wolseley): Mr. Speaker, the Saskatchewan Minister responsible for the dams has stated that irrevocable construction decisions have been made and that an environmental review panel would be a circus of the absurd. Would the Minister of Environment care to reiterate his faith in a panel that will report after the Rafferty Dam has been completed and will therefore have no possible impact on design changes?

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, the Member for Wolseley does not listen too well. I have stated what the position of this Government is, what the objectives are, in terms of having the Souris River water course properly assessed so that we can make sure that any impacts are either eliminated or mitigated. He is making the assumption, No. 1, that the papers he has are the sign of a deal which obviously is not very secret if it has been discussed publicly for about two weeks.

Secondly, Mr. Speaker, the court order has instructed the federal Environment Minister to strike a panel, or if he does not strike that panel by the end of this month, the licence for the entire project will be lifted.

Mr. Taylor: Mr. Speaker, the Minister does not realize that the licence is not lifted automatically, nor that this issue came up two weeks ago. As usual, he does not have his facts straight.

The question is, given the fact that North Dakota was able to get a significant design change only four months ago, how does this Minister square that with his failure and the failure of his Government to obtain an acceptable water quantity regime which was a goal of that Government, nor did they get a scale-down of the Rafferty project at all, nor did they get a mid-level discharge feature in the dam. What did they achieve? I say to you, nothing.

Mr. Cummings: Mr. Speaker, I am not sure if that was a question or a statement of Liberal policy.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please. Order. The Honourable Minister of the Environment.

Mr. Cummings: Mr. Speaker, we stated clearly last summer that the reissuing of the licence to the project was not what we wanted, not what we had asked for. We were given assurances, which we attempted in every way possible to make sure were carried through, that

the final assessment of the river would be completed, given that the licence had been reissued and we were going to have to deal with the effects of that licence.

We are now in a situation where we can be assured that assessment will be completed, and I think that we have a very clear direction from the judge that either the project be stopped or that the environmental assessment be completed. It has been also the position that I have taken that the environmental assessment to continue while construction is going on is abridging the normal environmental assessment process and something that we would not be satisfied with.

Gods River Airstrip Upgrading

Mr. Elijah Harper (Rupertsland): Mr. Speaker, my question is to the Minister of Highways and Transportation (Mr. Albert Driedger). The federal Government and the provincial Government came to an agreement with the Gods River band concerning the airstrip.

My question is to the Minister. Why has this Government not proceeded to upgrade the Gods River airstrip since the previous Government had allocated \$350,000 in 1988? Why has this not proceeded to upgrade the airstrip?

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I am glad the Member is asking that question. I would like to indicate to the House that twice we have reached agreements with the band and with the chief, and twice the agreement has not been signed by the band. We are still in negotiating stages at the present time again, and my staff is reviewing the requests of the band. Once we have assessed it, we will be sitting down with the band again.

Mr. Harper: Yes, my supplementary is to the same Minister. I met with the band this morning, and they have indicated to me that they are still hoping the Government will upgrade the airstrip as per the agreement. The agreement was that the airport would be upgraded and the band would turn over the airstrip to the province for a dollar. There are some maintenance costs that they were hoping the Government would pay. For the maintenance costs, the band is owed over \$200,000.00. Why has this not been paid to the band, because the Government already indicated that they are willing to pay this amount?

Mr. Albert Driedger: I repeat, again, that we had come to an agreement with the band and with the chief. There was a week in which the agreement could be signed, and that agreement was never signed by the band. Subsequently, they renewed some other requests, and we are dealing with some of those, but twice we have reached agreement, and the band has never signed the agreement.

Gods River Inquest Requested

Mr. Elijah Harper (Rupert's Island): My final question is to the Attorney General (Mr. McCrae). During the last six weeks, patients in Gods River have been finding difficulties having their patients evacuated. One person did die on Christmas Eve, a baby boy who died in Gods River. Chief Marcel Okemow wrote a letter to the Attorney General on January 12 asking for an inquest to this needless death. Would the Attorney General agree to have an inquest to this matter?

* (1420)

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I would agree to take the matter up with the Chief Medical Examiner.

Mr. Speaker: Time for Oral Questions has expired.

SPEAKER'S RULING

Mr. Speaker: I have a ruling for the House.

On October 30, immediately before Oral Questions, the Honourable Member for Churchill (Mr. Cowan) rose on an alleged matter of privilege charging that the Honourable Minister of Energy and Mines (Mr. Neufeld) had deliberately misled the House respecting a \$24 million offer of provincial aid to LynnGold.

I have reviewed most carefully the remarks of the Honourable Member for Churchill. I have also read with care the advice of other Honourable Members, for which I thank them.

In addition, I have reviewed the statements of the Honourable Minister of Energy and Mines (Mr. Neufeld) during the emergency debate on the LynnGold issue on October 26.

The Honourable Minister's remarks of October 26 did detail how a total figure of \$24 million was arrived at. He did not, however, in those remarks, or at any other time in the House, make any reference to a letter of October 4 making an offer to LynnGold. The Minister in his remarks did associate the amount of \$24 million with proposals to Cabinet.

The Honourable Member for Churchill (Mr. Cowan), when raising this matter on October 30, indicated that he was quoting from the Free Press which had stated, "Neufeld then claimed the offer was contained in an October 4 letter to Robert Buchan."

The case made by the Honourable Member for Churchill is apparently based on a statement made outside the House by the Honourable Minister and quoted in the Free Press, since the statement does not appear in the records of the House.

Beauchesne citation 31(3) states that:

"Statements made outside the House by a Member may not be used on the basis for a question of privilege."

Additionally, the Honourable Member for Churchill charged that the Honourable Minister had deliberately

misled the House. In his remarks, the Honourable Member quoted a ruling of Madam Speaker Phillips in which she stated that when raising a matter of privilege in which a Member "charges that another Member has deliberately misled the House (that Member) must support his or her charge with proof of intent." The Honourable Member for Churchill (Mr. Cowan) has failed to provide any such proof.

Therefore, for both reasons referred to, I must rule the motion of the Honourable Member for Churchill out of order as a matter of privilege.

Order, please. Order.

ORDERS OF THE DAY

Hon. James McCrae (Government House Leader): Mr. Speaker, would you call the Bills as follows, the Bills to be introduced at second reading, followed by Bills Nos. 31, 68, 69, 64, and 61. If we get that many done, maybe I could call out some more.

SECOND READINGS

BILL NO. 57—THE PENSION BENEFITS AMENDMENT ACT

Hon. Gerrie Hammond (Minister of Labour) presented Bill No. 57, The Pension Benefits Amendment Act; Loi modifiant la Loi sur les prestations de pension, for second reading, to be referred to a committee of this House.

MOTION presented.

Mrs. Hammond: Mr. Speaker, I would like to introduce, for consideration of the House, amendments to The Pension Benefits Act, designed to permit more flexibility in the treatment of pensions as a family asset.

As all Honourable Members of this House are aware, the current provisions of the Act are intended to ensure that spouses and common-law spouses, particularly women, who may have little or no pension benefits in their own right, are able to share equally in the pension benefits of their respective spouses.

We believe, Mr. Speaker, that current provisions in Manitoba are preferable to alternative procedures in other parts of Canada, due to the relative ease of administration for employers and the fact that the pension benefits are split at the same time as other family assets enabling the spouses to get on with their respective lives.

However, our Government saw a need to respond to concerns raised by separating spouses where each had to divide their pension assets even when the amounts were similar. This entailed administrative expense where there was no real net change to the pension assets of either party.

Under existing legislation, Mr. Speaker, separating spouses, including common-law spouses, have to divide their pension assets. Each spouse's share is paid into a locked RRSP for use as a retirement pension. It cannot

be paid out in any other manner. The mandatory aspect of this provision is unnecessary where both spouses have similar pension credits. For instance, if each spouse's pension has a value of \$10,000 and each is entitled to half of the other's pension, \$5,000, there is no net gain to either party.

Bill No. 57 allows separating spouses, upon mutual consent, to waive the mandatory splitting of their pension assets if the value of the assets are within 20 percent. In the absence of mutual consent, the current mandatory provisions will apply. We believe it encourages some flexibility in the division of family assets on marriage breakdown, while still ensuring that the original intent of the Act to provide pension income to separating spouses remains intact. I commend this Bill for your approval by this Assembly.

Mr. Paul Edwards (St. James): I move, seconded by the Member for Springfield (Mr. Roch), that debate be adjourned.

MOTION presented and carried.

HOUSE BUSINESS

Hon. James McCrae (Government House Leader): On a matter of House business, just in case I do not get the opportunity a little later, after Bill 61 would you call the following Bills: 56, 70, 83, 84, 59, 6 and the remainder as listed. I believe, Mr. Speaker, there would be agreement that we could waive Private Members' hour today.

Mr. Steve Ashton (Second Opposition House Leader): Yes, just on that, we for today would be quite willing to accommodate . . . Private Members' hour because there are a number of Bills we have agreed to pass through the second reading which appear on the Order Paper today. For that reason we have indicated that we will be willing, the New Democratic Party, to waive Private Members' hour today.

Mr. Speaker: Is there leave to waive Private Members' hour today? Agreed? (Agreed)

BILL NO. 77—THE CEMETERIES AMENDMENT ACT

Hon. Edward Connery (Minister of Co-operative, Consumer and Corporate Affairs) presented Bill No. 77, The Cemeteries Amendment Act; Loi modifiant la Loi sur les cimetières, for second reading, to be referred to a committee of this House.

MOTION presented.

Mr. Connery: Mr. Speaker, I am pleased to introduce for the second reading Bill No. 77, Amendments to The Cemeteries Act. Under the existing Cemeteries Act consumers are not entitled to obtain refunds for prearranged cemetery services. As well, the money received by the seller of a prearranged cemetery service is not required to be placed in trust. The proposed amendments will allow consumers to obtain a refund

for a cemetery service at any time should they decide they no longer wish to use the services. Such provisions will apply to those cemeteries licenced by the Public Utilities Board.

The proposed amendments will also require that all monies paid for a prearranged service, less an administration fee, will be held in trust until the service is either performed or a refund is requested. In order to provide greater security to the consumer, we will amend The Cemeteries Act so that interest earned will accrue to the consumer and will be refunded to the consumer if the arrangement is cancelled. A further amendment to The Cemeteries Act will prohibit the canvassing or soliciting of prearranged cemetery services in hospitals, nursing homes or senior citizens homes. This amendment is similar to existing provisions in The Prearranged Funeral Services Act.

Mr. Speaker, penalties for non-compliance with regard to this Act are to be updated and increased. As well, where necessary, provisions will be made for bonding. I believe the amendments to The Cemeteries Act we have proposed here today will be beneficial to the consumers of this province. I therefore recommend Bill 77, Amendments to The Cemeteries Act to the Honourable Members of the Legislature.

Mr. Allan Patterson (Radisson): I move, seconded by the Member for Springfield (Mr. Roch), that debate be adjourned.

MOTION presented and carried.

BILL NO. 78—THE PREARRANGED FUNERAL SERVICES AMENDMENT ACT

Hon. Edward Connery (Minister of Co-operative, Consumer and Corporate Affairs) presented Bill No. 78, The Prearranged Funeral Services Amendment Act; Loi modifiant la Loi sur les arrangements préalables de services de pompes funèbres, for second reading, to be referred to a committee of this House.

MOTION presented.

Mr. Connery: Mr. Speaker, I am pleased to introduce for second reading Bill No. 78, amendments to The Prearranged Funeral Services Act. Our amendments will complement proposed changes to The Cemeteries Act. The proposed amendments will require that all money paid for a prearranged funeral service, less an administration fee, will be held in trust until the service is either performed or a refund is requested.

Presently, The Prearranged Funeral Services Act allows for interest from the money to accrue to the funeral home. In order to provide greater security to the consumer, we will amend The Prearranged Funeral Services Act so that the interest earned will accrue to the consumer and will be refunded if the arrangement is cancelled.

Mr. Speaker, penalties for non-compliance with regard to The Prearranged Funeral Services Act will be updated and increased. As well, where necessary, provisions will

be made for bonding. I believe the amendments to The Preranged Services Act that I have proposed here today will be beneficial to the consumers of this province. Therefore, I recommend Bill No. 78, amendments to The Preranged Funeral Services Act to the Honourable Members of this Legislature.

Mr. Allan Patterson (Radisson): Mr. Speaker, I move, seconded by the Member for Fort Garry (Mr. Laurie Evans), that debate be adjourned.

MOTION presented and carried.

BILL NO. 92—THE MANITOBA ENERGY FOUNDATION REPEAL ACT

Hon. Harold Neufeld (Minister of Energy and Mines) presented Bill No. 92, The Manitoba Energy Foundation Repeal Act; Loi abrogeant la Loi sur la Fondation manitobaine de l'énergie, for second reading, to be referred to a committee of this House.

MOTION presented.

Mr. Neufeld: Mr. Speaker, I am pleased to introduce for second reading Bill No. 92, The Manitoba Energy Foundation Repeal Act. This legislation will repeal The Manitoba Energy Foundation Act, a law passed by the previous Government, an unnecessary law, a law which was opposed by both the Liberal and Progressive Conservative Opposition Parties of the day.

Mr. Speaker, I will now review the substance of The Manitoba Energy Foundation Act. I will tell Members of this legislature why we have chosen to repeal it. I will conclude with a statement of this Government's policy regarding the disposition of hydro sales revenues.

The Manitoba Energy Foundation Act came into force May 1, 1987. The stated intent of this Act was to channel 50 percent of the net revenues which might be received from firm hydro-electric power exports into a trust fund. This fund was to be used, in the words of the legislation, and I quote: To hold and invest its assets' income to the benefit of the people of Manitoba and to make expenditures and investments of all types from such assets so as to strengthen and diversify the economy of the Province of Manitoba, and to create long-term economic benefits for the people of Manitoba so as to improve their quality of life.

* (1430)

Now, before I go any further, Mr. Speaker, I want to make it very clear that neither I nor my colleagues are opposed to these stated objectives. We very much support measures which will, as the Act puts it, strengthen and diversify the economy. We stand for the creation of a long-term economic benefit for Manitoba; the Act, however, does not provide the means to achieve these objectives. Because of this, we vigorously opposed this law while in Opposition. As Government we intend to abolish it and pursue Hydro's development policies which make sense.

The Honourable Member for River Heights (Mrs. Carstairs) and the Honourable Member for Springfield

(Mr. Roch) agreed with us in 1986, and I invite them and their colleagues to do likewise in 1990.

Mr. Speaker, there are four major problems with The Manitoba Energy Foundation Act. In the first instance, by depriving Manitoba Hydro of 50 percent of the net revenues which flow from the exports of firm power, the Act cuts across Manitoba Hydro's basic mandate. The mandate is to provide Manitoba electricity consumers with reliable power at the lowest possible rates. The Act will make this objective impossible.

Secondly, it will erode our ability to attract industry, particularly energy-intensive industries, to this province. Manitoba's comparative advantage in hydro-electricity will be weakened because of the implementation of this Act's provision which will make domestic hydro rates higher than they need be.

Thirdly, the Act establishes what amounts to a hidden tax, a cash cow for Governments to milk taxpayers without having to raise their taxes. This is potentially very dangerous. No Government should have the power to raise revenues without the scrutiny and approval of the Legislature. In a similar vein, Hydro ratepayers should not have to pay for social and economic programs when they pay their utility bills. The proper way to finance Government programs is through general revenues. In this way, Government spending Estimates and programs will receive the scrutiny of all Members of the Legislature.

Fourthly, this Act potentially impairs the ability of Government to make prudent decisions regarding the course of Hydro development. Ultimately Government must approve Hydro developments. Objectivity in making decisions could be undermined by the conflict of interest raised by sharing Manitoba Hydro's export revenues.

Mr. Speaker, the previous Government argued that the Act was justified because taxpayers had subsidized Manitoba Hydro through The Energy Rate Stabilization Act. I believe taxpayers are better served through other means. There is no good reason why export sales should be the basis upon which resource rents should be achieved. A mechanism for compensating taxpayers already exists. This is the water rental fee which Manitoba Hydro already pays to the province. Water rental fees are used in this way in most other jurisdictions, and taxpayers do receive a fair return on their hydro resource. Such fees are administratively straightforward, and they can be structured to take into account Manitoba Hydro's need to improve its financial stability.

Mr. Speaker, in conclusion, as a matter of fundamental principle I believe that Manitoba Hydro's ratepayers deserve to be the first beneficiaries of hydro export sales. Through their rates they finance hydro development in Manitoba. It is only fair and just that they receive the lowest possible hydro rates in return. Our low hydro rates are affordable by those on low and fixed incomes. This Act will only serve to raise hydro rates at their expense. Our hydro rates are attractive to industry. This Act will only retard Manitoba's industrial development. Our low hydro rates mean that ratepayers have more money to spend on

other things. This creates jobs and better quality of life.

Retention of this Act, Mr. Speaker, will tie the hands of Manitoba Hydro and deprive it of financial resources, which could be used to manage an important energy resource to the benefit of Manitobans. The policy alternative I am proposing will enable Manitoba Hydro to meet its mandate, to provide Manitobans with the lowest possible power rates and to develop a renewable environmentally clean energy resource that will meet the needs of Manitobans now and into the future.

For that reason, Mr. Speaker, I urge all Members of this Legislature to support Bill 92 and repeal The Manitoba Energy Foundation Act.

Mr. John Angus (St. Norbert): I would like to speak on this Bill, if I may.

Mr. Speaker, in the unusual perhaps practice of not wanting to delay the House business and recognizing the merits of a good Bill, the repealing of this particular Act is reasonable. It allows the profits that would have gone into the heritage fund that was hopefully to have been set up to flow back into Hydro where I am sure the Public Utilities Board will keep the rates reflective of the accurate costs that have been created.

Mr. Speaker, there are a number of things that particular Minister and I disagree on. The elimination of the heritage fund in relation to the benefits that will eventually flow to Hydro as a result of the sale to the Americans, particularly in future sales, is probably a good thing. We all gave comments on it, at least those that were interested, when it was first introduced, and there has been comments in the House and around. I think it should go to the committee and be passed on for ratification. Thank you, Mr. Speaker.

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

Mr. Speaker: It has been moved by the Honourable Member for Flin Flon, seconded by the Honourable Member for Thompson, that debate be adjourned. Agreed—the Honourable Member for Inkster.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I did want to add just a few comments to this particular Bill, just to get my feelings on the record regarding The Manitoba Energy Foundation Repeal Act.

Mr. Speaker, I believe that when the Government of the Day, the then NDP—

POINT OF ORDER

Mr. Speaker: The Honourable Member for Flin Flon (Mr. Storie), on a point of order.

Mr. Storie: Just so I am clear, the Member is speaking with the leave of the House? The debate will remain adjourned in my name?

Mr. Speaker: Order, please. I put the question to the House, moved by the Honourable Member for Flin Flon

(Mr. Storie), seconded by the Honourable Member for Thompson (Mr. Ashton), that debate be adjourned. I had asked agreed, and before I got an agreed the Honourable Member for Inkster (Mr. Lamoureux) was up on his feet to speak to the Bill.

The Honourable Member for Inkster.

Mr. Storie: Mr. Speaker, on a point of order.

Mr. Speaker: The Honourable Member for Flin Flon (Mr. Storie), on a point of order.

Mr. Storie: Mr. Speaker, I may not be able to remain in the Chamber to enjoy all of the remarks of the Honourable Member. I wonder if we could deal with the adjournment motion prior to providing leave to the Member for Inkster (Mr. Lamoureux) to speak, with leave.

Mr. Speaker: With leave, can we adjourn Bill No. 92, in the name of the Honourable Member for Flin Flon (Mr. Storie), seconded by the Honourable Member for Thompson (Mr. Ashton). Is that agreed? Agreed.

Mr. Speaker: The Honourable Member for Inkster (Mr. Lamoureux), to speak to Bill No. 92.

Mr. Lamoureux: I will only put a few words on the record as my initial intentions were to do.

As I was saying, this particular heritage fund that the then NDP administration put forward, Mr. Speaker, I thought was really out of place at the time. The NDP were banking on being able to create I believe the feeling of the general public that the Hydro was going to generate huge amounts of profits in the near future. I believe that they had intentionally misled all Manitobans in the creation of this particular fund.

I took great pride in the fact at the time. We only had one Member and that being the Leader of the Liberal Party in the Chamber at the time, and she spoke very strongly against this piece of legislation. She knew what the Government's actual intentions were to do and that was to create a myth about the actual funds that are going to be generated from Manitoba Hydro.

(Mr. Neil Gaudry, Acting Speaker, in the Chair)

There is nothing wrong with having a heritage fund. I think if you are going to have a heritage fund there are many pros to having one, but that comes with time. I think all provinces would love to have a heritage fund similar to Alberta's Heritage Fund, Mr. Acting Speaker, but when that particular fund was created they had money going into it. I think that is an important aspect.

With the announcements that the Government today has made in terms of Conawapa and the sale to American customers—and if Manitoba is going to be making the millions of dollars that the Government is saying that it will—it is important that it go back to the consumers of the province. Really what Manitoba Hydro is there for is to supply the cheapest energy

prices to the consumers of Manitoba as possible. I believe that is its original mandate and that is the mandate that Winnipeg Hydro should be trying to fulfill.

That is really all I was wanting to put on the record, and on that note, I will take the Chair. Thank you.

* (1440)

DEBATE ON SECOND READINGS

BILL NO. 31—THE LABOUR RELATIONS AMENDMENT ACT

The Acting Speaker (Mr. Gaudry): Bill No. 31, standing in the name of the Honourable Member for Thompson.

Mr. Steve Ashton (Thompson): Mr. Acting Speaker, I want to indicate at the start of this debate today, as we continue into 1990 with the Session, that this is only the beginning of this debate. We have had a number of speakers thus far, but I want to indicate to the Government this is a matter of principle for us, we will be fighting this Bill with every mechanism at our disposal.

Mr. Acting Speaker, we will be using every mechanism that is possible to stop this Government from rolling back labour legislation in the Province of Manitoba. I might add that throughout this debate we know that our backs are against the wall on this one. We are 12 Members in this House, we are fighting the combined strength of the Liberal-Conservative alliance on this issue, but I believe that our isolation in this Chamber will be reflected not in an isolation in the province as a whole, but by an increasing amount of support for our position.

I believe as this debate continues, Mr. Acting Speaker, that people are going to be asking both the Conservative Government and the Liberal Opposition why they want to roll back labour legislation in this province. Why would they want to kill a mechanism that deserves a chance, a mechanism that provides an alternative to strikes, a working alternative to strikes? They will be asking an increasing number of questions to both the Conservatives, who perhaps their position would not surprise most Manitobans, because I think most Manitobans would expect that a Conservative Government would roll back labour legislation. That is unfortunate, but that is their philosophy, that is their approach to Government.

I think increasingly people are going to be asking questions of the Liberal Party, and that question will be clearly why they are at this point in time, on so many critical issues affecting the working people of this province, siding with the Conservative Government. I have said it is not just this though, it is plant closure legislation where they rejected it out of hand, improved mechanisms to assist workers in this province, and on issue after issue we are seeing that from the Liberal Party.

I believe as we proceed in this debate, Mr. Acting Speaker, that what we are going to find is that this debate symbolizes in many ways what this Legislature

is all about in this minority Government situation. It will symbolize who speaks for who in this Legislature, and I believe it will symbolize increasingly that it is the New Democratic Party that speaks for the working people of this province, not the Conservatives and not the Liberals. They are going to find out increasingly that Manitobans are going to call them to account for their actions, whether it be on this Bill or other matters.

I want to state that very clearly from the outset, because today in my speech I hope to be able to review a bit of the background of final offer selection, some of the experience with final offer selection and where I believe we should go from here, not just in terms of final offer selection but in terms of labour relations in this province.

I want to look at the facts, Mr. Acting Speaker, and I want to state clearly from the outset, however, that what we are up against is a Conservative-Liberal alliance that is not based on fact. It is not based on any interest whatsoever in terms of the working people of this province. I believe it is based on ideology. I believe it is based on their bias, which is a bias toward the big business perspective on this particular issue, and it is a bias that is shared equally by the Tories and by the Liberals, as has been stated by those who have spoken in debate thus far.

Let us look at the background in terms of final offer selection. When we brought it in in 1987—I say we, the New Democratic Party brought it in 1987—we indicated it was an innovative alternative, an option to strikes that maintained the right to strike, which I believe is fundamental to our collective bargaining process, but it maintained that right and at the same time provided an alternative.

We indicated there were a number of jurisdictions where it had been tried previously. We looked at the experience in those jurisdictions, whether it be in the United States, in New Jersey, in Massachusetts, in Wisconsin, in Oregon, in Michigan and in Canada as well in a number of locations including Ontario. We said that it provided an innovative mechanism for the resolution of collective bargaining disputes in Manitoba. We said at the time that the evidence was clear in terms of final offer selection. We said it would not stifle bargaining.

It is fundamentally different from arbitration which stifles, which freezes the bargaining process, because the incentive under traditional arbitration is for parties to put in extreme offers under the assumption that the arbitrator will bring in a decision in the middle, and therefore it is to their advantage not to negotiate an agreement but to put in the most extreme offer that they can, final offer, so the arbitrator will hopefully weight his or her decision toward their particular side of the arguments.

Final offer selection is different. Under final offer selection we said what would happen would be there would be an encouragement to bargain, because what happens is people cannot do that. They will not put in extreme positions, because the mechanism is aimed at them putting in decisions that will most closely come toward the approach of the selector in this particular case. We said that would be what would happen.

We said another thing, Mr. Acting Speaker, when we brought this in, in 1987. We said that most contracts would not go to the selector stage. We said that most contracts would continue to be resolved by the parties through negotiations, even after the mechanism had been put into place. We said that would happen.

We said further, Mr. Acting Speaker, that it would provide an option in a number of cases, through the second window for final offer selection where the parties were into a strike situation, to provide a way of resolving the dispute without a continuation of the lengthy strike situation, and we said that would happen. Fundamentally, above all else, we said that we recognized it was innovative, we recognized that it was a new mechanism in Manitoba, so we put in a sunset clause that said if this did not work, the Manitoba Legislature would not have to vote it out. It would simply reach the point after the end of the sunset clause period that this legislation would lapse.

It put the onus, Mr. Acting Speaker, on the Government of the Day, if they thought the final offer selection had worked, to bring it in, rather than have an onus in terms of taking it away. That is the background of final offer selection.

I do not want to go extensively into the arguments that were raised against it at the time, Mr. Acting Speaker, although I would encourage people to read Hansard, because the interesting thing is that the Conservative Opposition of the day, led by their then Labour Critic, the current Attorney General, the Member for Brandon West (Mr. McCrae), then their Leader, had basically two lines of attack on this Bill.

Did they get up and say this was not in the best interests of working people? Was that their prime argument in debate? No, Mr. Acting Speaker, they said this is one more move on the part of the Government, the then Government of the Day, the New Democratic Party, that was antibusiness, and there were a number of references to what they perceived to be an antibusiness agenda of the New Democratic Party Government in terms of labour relations in this province. They put final offer selection in that context.

Their second line of attack I think was most unfortunate. It was an attack on personalities. It was a suggestion that there was one union in this province that wanted this Bill, this Bill was only being brought in for that union and the Leader, Mr. Acting Speaker, and they left somehow the suggestion that this Bill would only be used by this one particular union, that it did not have the support of other unions in this province, of other working people in this province or the general public. Those were the two lines of attack that were used by the then Conservative Government.

I want to note for the record again too that in 1987 on Monday, 22nd of June, once again the Leader of the Opposition, the Liberal Leader (Mrs. Carstairs), who was then the Member for River Heights spoke, just after my speech as a matter of fact, and indicated that she was in complete support with the Conservative Opposition in opposing final offer selection. She was very clearly on the record in 1987 as being opposed to final offer selection.

* (1450)

I want to review what has happened since then. Mr. Acting Speaker, we have had a number of applications for final offer selection. It has been used. The latest figures show that 69 applications have been made for final offer selection in this province.

Of 48 of those cases that have reached agreement I think there are some interesting results. First of all, only five have gone to the selector stage, Mr. Acting Speaker. I think it is important for the Minister of Health (Mr. Orchard) to listen to this because I know he not an individual that really pays much attention to the facts on matters such as this, but it is important to recognize just how wrong their arguments were in 1987 on this Bill and what has happened since that time. The bottom line is that only five have gone to the selector stage, which is what we predicted. Of those five, three have gone in the union's favour in terms of the final selection, two to the management side. It has been balanced. With five applications, it has been split fairly evenly between management and labour.

Now what has happened is that, just as we said in 1987, when final offer selection has been invoked negotiations have continued, and if anything, have been promoted by this mechanism because it has forced the parties to sit down and negotiate knowing the consequences, the consequences being that if a resolution is not reached, it goes to the final offer selection stage, and then a final decision will be reached by the outside party. Mr. Acting Speaker, it is exactly what we said would happen in 1987.

Now I can go further, Mr. Acting Speaker, in terms of the experience with that, because I think one of the other important things that has to be stressed is that it has not been invoked by only one union. In fact a number of employers have requested the final offer selection mechanism.

If one reads through the information that is available you will see unions such as the International Union of Operating Engineers and the Manitoba Food and Commercial Workers having made applications. You will see the Labourers International Union of North America, Local 101 as having made an application, the Teamsters, Operating Engineers and Labourers Union as part of the Tel Council, the United Food and Commercial Workers International, Local 111.

If you go through the list, the Steelworkers, Local 8144—in this particular case the company, Hudson Bay Mining and Smelting, had requested final offer selection. You go through the list and you see once again, International Brotherhood of Electrical Workers, Local 435, the applicant, the Retail-Wholesale and Department Store Union, Local 467, the applicant. You will see a wide variety of unions having applied and as well a wide variety of employers having applied for this particular mechanism.

The suggestions the Conservatives made in 1987 have proven, Mr. Acting Speaker, to be absolutely refutable as we stand here in 1990, just based on the experience with final offer selection. It has been used by a wide variety of people. It has not paralyzed the collective

bargaining process. I would say that the experience has shown that in a number of cases it has prevented lengthy strikes, or lengthier strikes where strikes have been invoked. That is my analysis of what has happened.

Yesterday in Labour Estimates I asked the Government, the Minister of Labour (Mrs. Hammond), for their analysis of what has happened. Do you know what the response was? They have done no primary research whatsoever on the experiments of final offer selection.

The Minister of Labour admitted that they had made up their mind, that they were going to eliminate final offer selection. They had gathered only a few statistics on the number of applications. They had not interviewed the people who had been part of the bargaining process where final offer selection had been part of the negotiations. They did not interview the employers. They did not interview the unions. They did not interview the employees. They did not talk to anyone, Mr. Acting Speaker, to ask them what had been happening with final offer selection.

I would submit the reason is, because if they had done that they would have found that many people who have had experience with final offer selection are saying it is working in this province. They did not want that. They did not want to run a research project and determine that final offer selection was working, because they had made up their mind right from the start that was the way they were going to deal with this issue. They were going to kill it no matter what the experience was.

The Liberals on that point did agree. They agreed, and I will note the Liberal Labour Critic, although he opposes final offer selection, supports the Government on this Bill, did also question why the Government did not bring in any research, did not do any research on this particular Bill.

Mr. Acting Speaker, there are people who have been conducting research, no thanks to the Government I might add. The Minister will recall, in the Legislature earlier this Session, when I raised the fact that information that had been previously available to academics and interested outside parties in terms of analyzing final offer selection, was no longer being made available, the details of the applications.

I raised that because one of the individuals who was trying to get that information asked a very real question, what is the Government trying to hide? I think that shows once again the kind of frustration that people are having out there, because this Government does not want to listen.

You know, there has been one individual who has put the time in to analyze what has happened with final offer selection, given the limited information that has been made available by this Government, and I want to read some of the remarks, because I think they are very interesting. I am referring to some work that has been done by Hugh Grant, a professor of Economics at the University of Winnipeg, and relates to final offer selection during 1988.

I want to indicate that Professor Grant has indicated he is not particularly a supporter or proponent of final

offer selection. I want to place on the record, I know Professor Grant has had a number of reservations, but he took the time to look at the evidence, Mr. Acting Speaker. In looking at those applications, the 42 applications in 1988, in looking at what had happened, there were a number of interesting conclusions, tentative conclusions—I say tentative because the information base was limited once again—about what had happened.

What Professor Grant indicated is that, while it was impossible for any definitive conclusions, some inferences could be made in light of the issues that had been raised initially, some of the objections to final offer selection. What had actually happened, first of all he stated, and I quote: Final offer selection has proved to be flexible in permitting ongoing negotiations. He indicated that most of the applications were made during the first window, Mr. Acting Speaker, prior to any strike situation developing. What is more, several agreements were concluded, either prior to a vote being conducted or prior to the selector's decision. I pointed that out earlier. In other words, what had happened was that it was working just the way we said it would work in 1987.

Second of all, Professor Grant indicated that final offer selection acted as the safety valve for small bargaining units wishing to avoid a long strike. He analyzed that question. This had been an argument that had been made in 1987, and he indicated evidence in favour of this argument could be found in the Unicity Taxi-MFCW dispute. The decision, and also the decision in the DOM Group-MFCW dispute, and I quote: "Reinforces the fact that an arbitrated settlement is meant to reflect rather than pre-empt a relative bargaining power for the two parties." That is what happened, Mr. Acting Speaker.

In fact, his final conclusion in this brief analysis I think is also important. He stated that it might be argued that FOS Manitoba has not interfered with the collective bargaining process, has not led to any unreasonable wage gains, and at least in one instance proved beneficial to a small bargaining unit facing an employer attempting to break the union. Those are the conclusions of an objective observer, an academic, who took the time to analyze what has happened in final offer selection.

I would suggest to the Minister of Labour (Mrs. Hammond) that if she took the time and had her department take the time to analyze, with her own resources, what is happening—final offer selection—we would not be debating this Bill today, because the conclusions that any objective analysis, Mr. Acting Speaker, of final offer selection would show is exactly what this observer saw, exactly what we have been arguing in this Legislature throughout this debate, exactly what we said would happen in 1987, and that is that final offer selection is working in this province and is providing a working alternative to strikes, which brings me to the Minister of Labour and her comments.

We have seen the background of this: 1987 the Bill is brought in by an Opposition to the Conservatives, brought in on a sunset clause for a period of five years, it would be no longer in effect if it did not work, made

very clear to all those who expressed concern about it, whether it be people on the business side or a number of the trade unions. Well, the majority of trade unions indicated support for final offer selection. A number of unions indicated reservations.

We get to the point in 1990, generally 1990, Mr. Acting Speaker, where the evidence shows that final offer selection is working, but despite that, we see not only have the Conservatives not changed their position, but the Liberals as well. The Liberals like to try and say that they are somehow more sympathetic to working people than the Conservatives. They have shown the same obstinacy on this, the same refusal to look at the facts, the same refusal to recognize what has happened since 1987.

* (1500)

I want to see, when we get down to the various votes on this Bill as we will, where the Member for St. Vital (Mr. Rose), the Member for Wolseley (Mr. Taylor), the Member for Fort Garry (Mr. Laurie Evans), the Member for Selkirk (Mrs. Charles), the Member for Kildonan (Mr. Cheema), the Member for Inkster (Mr. Lamoureux), and the Member for Seven Oaks (Mr. Minenko), where they will vote. I want to see where they will vote, because I believe that they will demonstrate, if they have any credibility whatsoever with the working people in this province, they will have to vote against this Bill, Mr. Acting Speaker.

The actions of the Liberal Party on this Bill show clearly where they stand. I want to deal with what they have said in this debate because it indicates most clearly. Let us deal with the speech of the Minister of Labour (Mrs. Hammond) for a moment.

As I said before let there be no illusions about why this Bill is here. This Bill is here because of the fact that the provincial Conservatives, the Progressive Conservatives as they like to supposedly call themselves, in 1987 said this was part of the NDP's anti-business agenda. That is what they said. They said that on each and every one of the changes we brought into The Labour Relations Act. They said that when we improved protection for plant closures, Mr. Acting Speaker.

I remember when they were out there spreading this talk about the dark cloud over Manitoba that was being pushed and peddled on the people of Manitoba by the Chamber of Commerce. They were saying there was going to be doom and gloom if we had first contract legislation.

In 1989, 1990 when they are talking about the Bill, what does the Minister of Labour (Mrs. Hammond) say? I oppose the FOS since its inception because we did not see it being in the best interests of working people in this province. Mr. Acting Speaker, that is ridiculous. The Conservatives, when they brought in their opposition to FOS in 1987, did not have any concerns about the working people of this province. Their concern was for big business, and it is absolutely unacceptable for the Minister of Labour to get up now and suggest that is why they are removing final offer selection. That is nonsense and if she does not believe me, she should

read the comments of her Member, the Member for Brandon West (Mr. McCrae), and her Premier (Mr. Filmon).

If she really wants to do anything for working people she is in the wrong Party. When they were fighting this Bill, when they were fighting other mechanisms in terms of labour relations, they were clearly not concerned about the interests of working people. They barely even mentioned the concerns of working people. Their concern was with big business and it is the same today. That is why we have this Bill, Mr. Acting Speaker.

I could go through the Minister's short speech and pick it apart because it is factually incorrect. She says that she believes that final offer selection has contributed negatively to the climate in Manitoba, the labour relations. That is absolute, absolute nonsense, Mr. Acting Speaker, she has not even had the guts to do the research. She has not done any research and yet she is coming up with conclusions that are absolutely unacceptable in terms of what is happening in this province.

I hear the right-wing rump of the Tory Party howling trying to defend the indefensible statements of the Minister of Labour (Mrs. Hammond). The facts show that is not true. The facts show that this statement by the Minister of Labour is absolutely unacceptable. It is nothing more than political rhetoric that is completely unsubstantiated by facts.

An Honourable Member: Is that the right rump you were saying?

Mr. Ashton: The right-wing rump is what I said. The right-wing rump of the Conservative Party, which probably represents a majority of their caucus Members. They are howling on this because they should know the facts.

I could go through the rest, Mr. Acting Speaker, and talk about what is happening in terms of that. She talks about balance in labour relations. I want to tell you what the Conservative version of balance is, because when they were in Opposition they opposed first contract legislation. They opposed improved protection for workers affected by plant closures. They opposed many changes to The Labour Relations Act.

The history of that Party has been one of opposition to each and every change that has been brought in to protect the interests of working people. Go back to the 1970s is what they did, in terms of the many changes that were brought in by the Schreyer Government.

When they were in Opposition they argued continuously for not only rolling back legislation in terms of final offer selection, but in many other areas as well. I went through, I remember one time, the statements that the Member for Brandon West (Mr. McCrae), the then Labour Critic, had made. He was against virtually everything that the New Democratic Party had done. He was in favour of making changes to The Labour Relations Act that would have put us back 30 years in terms of labour relations in this province. He wanted to take out clauses that had been accepted by all Parties for 30 years. He was opposed to pay equity. He referred to the pay equity police.

He went after the Government, the previous NDP Government, for trying to promote pay equity. Why? Because he represented I believe the true position of the Conservatives on matters affecting working people. I say to you, Mr. Acting Speaker, that one of the reasons we are going to fight this Bill and fight it with everything, everything that we can, is because this is merely the tip of the iceberg. I do not believe that the Conservatives would be stupid enough to bring in some of the things they proposed when they were Opposition in a minority Government situation, but given a majority, watch out.

The Acting Speaker (Mr. Gaudry): Order. Order. The Honourable Minister, on a point of order.

Hon. Gerrie Hammond (Minister of Labour): On a point of order, Mr. Speaker. On the matter of pay equity, that was a unanimous vote of the House. No one on our side opposed pay equity.

The Acting Speaker (Mr. Gaudry): A dispute over the facts is not a point of order.

Mr. Ashton: That is right, Mr. Acting Speaker, and if she would check the statements of her then Labour Critic, the current Attorney General (Mr. McCrae), she would see that day in and day out he criticized the NDP for pushing ahead with pay equity. They could talk all they want, but the words of the Member for Brandon West are on the record. I will be more than happy to provide the Minister of Labour (Mrs. Hammond), who I thought would have probably heard some of those comments. She sat in the House at that point in time, but if she was not listening, I will show her the comments in black and white from Hansard that show the true position of the Conservative Party in terms of pay equity in this province.

I want to say, Mr. Acting Speaker, that I believe this is the tip of the iceberg. I will document exactly what the Conservatives said when they were in Opposition. Given the opportunity, this would not be the only amendment that we would be dealing with to The Labour Relations Act. We would not be dealing with Bill No. 31 that deals only with final offer selection, we would be seeing other major components of The Labour Relations Act being on the chopping block because of the agenda of this Government.

As I said, I do not expect that to happen in the minority Government situation, but if they had a majority, and thank God they do not have a majority, Mr. Acting Speaker, but if they had a majority we would be dealing with a lot more major rollbacks in terms of labour legislation in this province. That is the message we are taking to the people of Manitoba. We are fighting here not just for final offer selection, but we are fighting for collective bargaining as we know it. We are fighting for a fair system of labour relations in this province. We are fighting on behalf of working people against this Government's first part of their agenda in rolling back the clock to those good old days the Conservatives like to talk about.

I know some of them even have difficulty accepting the very existence of trade unions, people such as the Minister of Health (Mr. Orchard), who has difficulty dealing with anyone that has any position opposed to him, whether it be the trade unions in the case of the nurses or the doctors that he likes to call liars. Those are the people who sit in the Conservative Cabinet room, that sit in the Conservative Caucus, and are drafting up major changes in terms of the working people of this province. That is unacceptable, Mr. Acting Speaker, and that is why we will fight this Bill.

Well, I talked about the Conservatives. Let us talk about the Liberals for a moment. Let us talk about what the Liberals have said, the Labour Critic for the Liberal Party. We all know that the Liberals like to waffle a bit on some issues, on a lot of issues. I have seen in this Legislature in the short time that I have been in this Legislature that the Liberals have a choice of positions on virtually anything. They will say one thing, then they will say another.

I point to plant closure legislation, a good example. The Liberal Leader (Mrs. Carstairs) said what? The Liberal Leader, before the Conservatives rejected our Bill that we brought in to improve protection for laid off workers, said it was too draconian on business. It was absolutely unacceptable.

* (1510)

I sat here in the Legislature the last few weeks and I heard a number of Liberal Members, I remember the Member for Inkster (Mr. Lamoureux) being one of them, and people made speeches, and afterwards I said, perhaps there is something going on here, because they did not get up and say, I support the Leader of the Liberal Party's position on plant closure legislation. They said, well maybe let us look at it, maybe there is something good in it, something positive. Waffling, Mr. Speaker, flip-flopping back and forth, they do not know their position on that.

You know in this Bill, I thought we might see some of that. I thought we might see the Liberals get up, the Liberal Labour Critic get up and say, well they are a bit different from the Conservatives, try and distance themselves, try and put something on the record that would, the Member for St. Vital (Mr. Rose) could put on his election leaflets, or the other Members of the Liberal Party here tonight saying, well yes, we sort of supported the Conservatives, but we are sort of different. Where is there any difference? I just want to read you what the Liberal Labour Critic said.

Is this equivocal or not, or unequivocal? I will ask Members of the Legislature. We support the repeal of final offer selection in this province. That is what the Liberals say. Within the first two minutes, I want to read this to all the Liberal Members here. I want to ask, I will be asking this in the next month, in the next two months, he did not say, the Liberal Labour Critic did not say, I support the repeal of final offer selection in this province. He said, we support the repeal of final offer section in this province. That is the position of the Liberal Party stated within the first two minutes of debate on this, the first two minutes.

I say, we are opposed to the provincial Conservative and Liberal alliance in rolling back labour legislation in this province, and we are going to take it to every doorstep in your constituency, to the Member for St. Vital (Mr. Rose), to the constituency of St. James and every constituency that is represented by Liberal and Conservative Members, and we are going to ask, who speaks for the working people? It is not the Liberal and Conservative Parties of this province.

Some Honourable Members: Oh, oh!

The Acting Speaker (Mr. Gaudry): Order, please; order, please. The ones that want to argue, go outside. I have recognized the Honourable Member for Thompson.

Mr. Ashton: I am wondering if the Liberals are beginning to argue amongst themselves on this. I suspect that before this debate is over that what we will see is that many Liberals will be regretting the statements of the Liberal Labour Critic saying that they are categorically opposed to final offer selection.

I think we can see over the next weeks and months, and we will be here weeks and months if necessary on this Bill, we will be here a long time, because what I want to see finally and fundamentally is where not only the Conservatives stand, but where the Liberals stand when push comes to shove, when they are going to vote, whether they will vote for a rollback of labour legislation in this province or whether they will at this late hour come to their senses. There is still time for the Liberals to recognize the error of their ways. There is still time for them in the Liberal tradition of flip-flopping to flip-flop on this.

As much as I would love to be debating this for weeks and months and as much as I am prepared to - (interjection)- and the Member for Brandon East (Mr. Leonard Evans) and the Member for Churchill (Mr. Cowan) and each and every one of our Caucus Members. Save us from that today. Save us from that time and that effort. Let us work on other issues.

There is a way, and that is for the Liberal Party to get up, each and every Liberal Member, to get up and say that the Member for St. James (Mr. Edwards)—

The Acting Speaker (Mr. Gaudry): Order, please.

Mr. Ashton: —and the Leader of the Opposition (Mrs. Carstairs) do not represent their position, that they are going to stand with the New Democratic Party and the working people of this province and vote against the Conservative's effort to roll back labour relations. They can do that. I throw it out to them, Mr. Acting Speaker, take this opportunity and we will combine on this Bill and stop the Conservatives. I say that and I will continue to say that to the Liberal Party. I do not hold out my hopes after such a categorical statement. They do have a history as a Party of being on both sides of a lot of issues, and in this particular case we are going to be very interested. They will not be able to sit on the fence on this issue.- (interjection)- I have read the rest of the speech by that Member.

I will give the Member for Radisson (Mr. Patterson) credit, because in his speech he acknowledged that a number of the criticisms that were made on final offer selection were not legitimate criticisms. He described the final offer selection Bill, and these were his exact words, Mr. Acting Speaker, he called them a noble experiment.

An Honourable Member: Is this mine?

Mr. Ashton: No, it is not yours—for the Member for St. James (Mr. Edwards)—this is the Member for Radisson (Mr. Patterson). The Member for Radisson, who has had a great deal of experience in looking at labour relations and I respect his overall outlook, I think took a more reasoned approach. I would not necessarily agree with his conclusions, but he acknowledged a number of the positive features of final offer selection, something, by the way, that the Liberal Labour Critic did not.

In fact, the amazing thing was, Mr. Acting Speaker, that the most vociferous attack on final offer selection actually was not from the Conservative Minister of Labour (Mrs. Hammond) but from the Liberal Labour Critic who spoke. Hansard records three almost complete pages, I assume well in excess of 20 to 25 minutes.

I want to say that I have something else, Mr. Acting Speaker, for the Liberals in this debate. They tried, in the fall, to put up two speakers on this. They stated that they were more than anxious to get this Bill put through to committee.

An Honourable Member: Who said that?

Mr. Ashton: Who said that? The Liberals said that, Mr. Acting Speaker. They have indicated that they want this Bill to be passed through quickly to committee. I believe that is their strategy, to put up as few speakers as possible. I wonder why. I really wonder why. I think it is because they do not want to be held accountable for their position.

An Honourable Member: We have said it all and we are not going to waste the time.

Mr. Ashton: Oh, we are not going to waste the time. It is interesting that on other Bills they are up there and they are fighting all the way. On this Bill, probably one of the most controversial Bills of this Session, what are the Liberals going to do? They are going to quickly get this put through to committee. That was their position.

By the way, the Member for St. Vital (Mr. Rose) here—I want to quote exactly what his Labour Critic said when he spoke—

An Honourable Member: I have read it.

Mr. Ashton: Well you should read it again, because it says we look for speedy passage, Mr. Acting Speaker. This was after they had one speaker—speedy passage.

What I want from the Member for St. Vital (Mr. Rose) is for them to have the courage to stand up in this

House and defend their position. It is not acceptable for them to put up one or two speakers on probably the most controversial Bill of this Session and expect that it is going to be slid through, and they are going to be able to avoid being held accountable by the members of their constituencies. That is what they are doing. They are clearly, as indicated by their own statements, trying to have this Bill put through as quickly as possible. I have news for the Liberals. I do not think it is news to the Conservatives, because I think they know the debate they are in for. We will not ever put a Bill as significant as this through, and I quote the words of the Liberal Labour Critic, speedy passage.

This Bill will have complete examination. We will debate it in second reading. We will debate it using every mechanism we have. We will debate it in committee. We will debate it on third reading. We will debate it with the people of Manitoba in their workplaces. We will take our message to the people of Manitoba, and the bottom-line question that we are going to ask is, who speaks for you on issues such as this? Who speaks for the working people of this province on Bill No. 31? Who speaks for the working people of this province on The Labour Relations Act? Who speaks for the working people of this province on issue after issue throughout the Session?

It is not the Conservatives, Mr. Acting Speaker. Their position is clear. It is not the Liberals either. They have supported the Conservatives time after time after time on critical issues. The bottom line is -(interjection)- well, the Liberals talk. They want to defeat the Government on a budget that cut taxes for working people. We on that stood for the working people, something that they did not do. But here on one of the most critical issues of the Session, it is the Conservatives and the Liberals.

We have 12 Members. If we had two or 12 or 22 or 32 the fight would be the same. We will fight against the Conservative-Liberal alliance, the two old-line Parties who clearly do not stand for working people. We will be here in January, we will be here in February, we will be here in March, we will be here in April, as long as it takes to stop this Government and their ideological cousins in the Liberal Party from railroading through one of the most significant Bills of this Session, a Bill that symbolizes what the political fight in this Legislature is about in this Session.

Who speaks for who, who speaks for working people? It is the New Democratic Party. It is not the Liberals and the Conservatives. That is our message throughout this Session. That is our message until we have no opportunity left to speak.

* (1520)

Mr. Leonard Evans (Brandon East): Mr. Acting Speaker, I move, seconded by the Member for Thompson (Mr. Ashton), that debate be adjourned.

MOTION presented and carried.

BILL NO. 68—THE COURT OF APPEAL AMENDMENT ACT

The Acting Speaker (Mr. Gaudry): Bill No. 68, The Court of Appeal Amendment Act; Loi modifiant la Loi sur la Cour d'appel, standing in the name of the Honourable Member for St. James (Mr. Edwards).

Mr. Paul Edwards (St. James): Mr. Acting Speaker, it gives me pleasure today to stand and speak to Bill No. 68, which is albeit a relatively short Bill in terms of actual wording, however, I feel an important one and one that I would like to comment on briefly.

Mr. Acting Speaker, this Bill of course has the effect of expanding the duties of the Chief Justice of the Province of Manitoba and indeed dealing with where the Court of Appeal shall sit. This Bill expands I believe the ability of the Court of Appeal to sit throughout this province and hopefully the flexibility of the court as it attempts to meet its very heavy docket load in this province.

Mr. Acting Speaker, the Bill does cause me some concern in one of its sections in which it expands the role of the Chief Justice of Manitoba to assigning judicial duties. I indicate that it causes me concern, because I know that the practice of the court now is that Court of Appeal judges sit on cases as a matter of choice. I am not sure of the details of how the decision as to who sits on which case is made. As I understand it, it is relatively informal, yet judges are allowed to request to sit on certain cases and that is basically I understand how it is done.

This transfers power to the Chief Justice to appoint certain judges to sit on certain cases. It is my understanding that the Court of Appeal, or at least some members of it, have made representation to the Minister of Justice (Mr. McCrae) on this issue, and specifically with regard to indicating that they would like the system to be left as it is. It is not a major thing in my view, Mr. Acting Speaker. However, that is something which has come to my attention and causes me some concern.

As I say, I do not pretend to be an expert in how the day-to-day functions of the Court of Appeal operate in terms of which judges sit on which cases. However, I note that the Chief Justice of the Province of Manitoba is indeed a prime ministerial appointment, not an appointment of the Solicitor General, but rather the Prime Minister. There may be some concern that if that appointment, that person, is given total power for assigning judges to certain cases, there may be a perception, and I am not suggesting in any way that is born out in reality or ever has been, of bias over time if one particular judge always sits on one type of case, given that the Chief Justice is the one who makes the decision.

I raise that to the Minister's attention simply because it has come to my attention that there are representations which are going to be made, or have been made, to the effect that that power may be a problem and that the system as it stands respecting the choice of the judges has not worked poorly. I am not sure what the reason is for that additional power.

In any event, that leads me to comment on the obvious vacancy in the Manitoba Court of Appeal today, in particular of course the Chief Justice's position. We all eagerly await some news as to a new appointment. As in any situation like this, rumours abound in the community as to who will be appointed, but I have every confidence that the appointment will be made in keeping with the consultation process which we have come to expect in this type of appointment and indeed has been clearly shown to be the way of the future with respect to judicial appointments. To that end I will be seeking advice from the Minister of Justice (Mr. McCrae) as to what if any consultations he has had with his federal counterpart and indeed the Prime Minister with respect to this appointment.

It is, of course, with the greatest of respect that I pay my compliments to the retiring Chief Justice Monnin. As has been brought to the floor of this House, I have criticized statements made by him, not so much decisions, but statements made in the course of his tenure. However, I must say that his reputation as a very fine and hard-working justice in the courts of this province is without tarnish in respect of his very deep dedication to the system and as has been noted his very clear understanding of the issues which were before him, in no small part I believe due to the fact that he worked very, very hard. I must say, I never did have the pleasure, at least to date I have not had the pleasure, of appearing in front of him. However, his reputation precedes him in that regard.

Mr. Acting Speaker, the other issue that I want to touch on in respect of this Act is one which is dear to my heart. That is the issue of some form of court reporting being done in the Court of Appeal. I raised this issue over a year ago, and the Minister at that time I believe said that he would be investigating the feasibility of electronic monitoring of the Court of Appeal.

One of the major reasons for that is that the Judicial Council, which reviews inappropriate statements by judges and inappropriate comments in the course of proceedings or actions and is the only disciplining body of the federally appointed judges, needs a transcript in order to do a full review. That of course poses a problem in the Court of Appeal which is a court which does not have a record.

Mr. Acting Speaker, I suggested that there must be some form of reliable electronic monitoring or indeed a monitoring by someone who is not a fullfledged court reporter, but simply to run tape recorders, who presumably could be hired at a lesser cost than a fullfledged court reporter, which would allow us to have the recordings of what goes on in the Court of Appeal without of course producing a transcript unless that was necessary.

I think that is an improvement in the operations of the Court of Appeal whose day has come and indeed long since passed. I think it would instill a higher level of confidence in our courts generally and of course the highest court in the land, the Court of Appeal. I think it would be indeed appreciated by the Court of Appeal judges themselves, because they also are at risk if and when they are misquoted by people who happen to be

sitting in the courtroom and of course most notably reporters who then can take it to the public record. It is very important that we have some way of verifying what has been said so that those judges can defend themselves, and people who feel aggrieved can launch and see through complaints with the Judicial Council.

Mr. Acting Speaker, I look forward to this Bill coming to the committee stage, to asking some questions which I have highlighted here today, and to this Minister making good on his commitment and coming up with a plan for recording the proceedings of the Court of Appeal in this province.

In conclusion, Mr. Acting Speaker, let me say that again we look forward to a consultation process hopefully which the Prime Minister will embark upon with this Government and with people in this province with respect to the new appointment. I want to again reiterate my comments with respect to Chief Judge Monnin on his announced retirement to the extent that I have made clear certainly my appreciation and the appreciation of our Party for his service to this province. Thank you, Mr. Acting Speaker.

* (1530)

Mr. Steve Ashton (Thompson): I move, seconded by the Member for Elmwood (Mr. Maloway), that debate be adjourned.

MOTION presented and carried.

BILL NO. 69—THE LAW SOCIETY AMENDMENT ACT

The Acting Speaker (Mr. Gaudry): Bill No. 69, The Law Society Amendment Act; Loi modifiant la Loi sur la Société du barreau, standing in the name of the Honourable Member for St. James.

Mr. Paul Edwards (St. James): Mr. Acting Speaker, it gives me great pleasure to rise to speak on this Act and speak in favour of it going to committee.

Mr. Acting Speaker, this Act comes forward I presume after some serious and lengthy consultation with the Law Society and indeed perhaps, I am not sure, at the instigation of the benchers of the Law Society. It does deal with refined procedures in respect of electing benchers to the Law Society, and the boundaries of the districts in this province, which make up the Law Society, as well as some issues as to proceeding against a lawyer if in fact it is felt that the bill submitted is unreasonable, in respect of services rendered.

As well I think of importance this Bill makes clear that the president, the secretary, and the chairpersons of the discipline committee and the standards committee of the Law Society may disclose to the Minister of Justice (Mr. McCrae) any information which they feel is relevant, or to the Minister of Justice federally, to a person or persons which may be being considered for a judicial appointment. It is obviously essential that any information, which is in the hands of those persons, come forward hopefully prior to an appointment being announced.

Again that is consistent with the general move in our society to broadening the base of advice given prior to a judicial appointment. That trend was first put forward on a provincial basis by myself last I believe it was May when I recommended a judicial appointment committee for this province. That recommendation was heeded by the Minister of Justice (Mr. McCrae) and I thank him for that. He subsequently announced a judicial appointment selection committee for the Province of Manitoba, which I might add he promptly ignored in his most recent appointment to the provincial court in this province.

Be that as it may, this Bill does go into some detail as to the election procedures for benchers. Of course I will not comment on the specifics of that, I might just say that when this Bill does come to committee I will look forward to some answers from the Minister of Justice as to the consultation process with the Law Society, what concerns were put forward by them, and how they have been addressed.

In particular I will want to question the Minister on the proposed new Section 40.1, which is a fairly broad ability for benchers of the Law Society to escape prosecution for any actions which may give rise to legal action which they perform in the course of their duties. While that is no doubt in order, I do note that Subsection 40.1 is drafted in very broad terms and it will be my intention at the committee stage to get an explanation from the Minister as to what that proposed subsection would include and would not include in the real day-to-day life of a law society bencher.

The Law Society is made up of lawyers from around this province who dedicate hours and hours without remuneration to the ongoing regulation of the legal profession in Manitoba. It is always important to recognize I think that this time is spent simply for the welfare of the Manitoba public in their relationship with lawyers in this province. As much as it is very, very popular and very easy to criticize lawyers, because in fact they are not the most popular group in society, it is important to recognize that they perform services which benefit ordinary Manitobans, thousands of them, on a daily basis.

The one thing that always interests me is that people will say that lawyers are terrible people and they will rant on about how they do not particularly favour that particular group in society. The one thing that has always struck me is that they will say that and then they will say, but my lawyer, he is different. They will say that lawyers are all basically bad people, but my lawyer is different. I think that gives us some pause for thought. The fact is that sometimes the unsavoury business of an adversarial system leaves people thinking that in particular if they have felt aggrieved by a decision made by a court or the court process itself that the lawyers are to blame.

However, Mr. Acting Speaker, to the extent that I can tell you from my experience, by the time people come asking for some court action they have already long ago decided that the person they are going against is their enemy, and it is indeed the duty of the lawyer to defuse that as much as possible and to lead people to settlement if settlement is possible. However,

settlement of course is not always possible and that is why we have courts, so that people can have their day in court. Win, lose, or draw they can know that they have had a hearing in front of an impartial tribunal with the lawyer of their choice.

Mr. Acting Speaker, I also want to again indicate that the provision, which is the new proposed Section 47(9), to the extent that it allows people and makes clear that people within three months of the date of receiving a bill from a lawyer can apply to the Law Society for an assessment of the bill.

Of course that is in addition to their right through the court system to apply to a master of the Court of Queen's Bench is a good thing. This does not preclude a court action, should the Law Society's system not be favourable to the person aggrieved. What it does is it gives a low cost assessment of a bill for reasonableness, and in my experience the Law Society benchers are reasonable and take a reasonable view of bills and do in fact mark them down on a regular basis, and that is good.

* (1540)

I read the monthly bulletin of the Law Society as it comes to me every month. I can tell you that there are lawyers on a regular basis who are sanctioned quite harshly by the Law Society. Their ability to practise their profession can be taken away. They can be fined quite substantial sums of money, indeed are on a regular basis.

(Mr. Speaker in the Chair)

I think that again while one can always criticize lawyers, and it is very easy to do, because it is so popular, the fact is that the Law Society does in my view do a good job in regulating the profession. No doubt, mistakes are made as in any professional society. No doubt, society at large may feel differently on certain issues, but overall it is my submission, Mr. Speaker, that they do a valuable service.

I believe, as the present president of the Law Society said, one thing people oftentimes forget is that a lawyer can be the cheapest insurance going. By that he was speaking of course particularly about the large reimbursement fund which is in place for lawyers, and we all pay a lot of money to be a part of that as do most professionals. That money is there specifically to cover any losses occasioned by the negligence of a lawyer.

Mr. Speaker, in conclusion on this Bill, I want to express my position on the recent appointments of Q.C.s by this Minister of Justice (Mr. McCrae). I do believe that this present Minister, a non-lawyer, is certainly in love with handing out the perks to lawyers. He has handed out 24 Q.C.s in 20 months. I believe that is unheard of in this province. It is my submission that -(interjection)- I know, he is not a member of the Law Society, but by the end of his tenure, he will probably have one.

Mr. Speaker, the statement by the Minister of Urban Affairs (Mr. Ducharme) that there was a committee that was recommended, let us look at that committee. This

Minister has set up a committee to recommend appointments for Q.C.s which includes him as the chairperson and also reserves to him the right to second guess the list of that committee.

One thing that perhaps the Minister of Justice (Mr. McCrae) should have spoken to the now Judge Mr. Mercier to determine is, what is a conflict of interest? If you are sitting on a committee as the chairperson and at the same time judging the decision of that committee at a later date, you are in an inherent conflict. He did not see that, and the fact is that the process itself needs to be seen to be fair, needs to be seen to be in the best interest of society at large. No one is really sure the purpose that Q.C.s serve, but it is beyond me why the Minister would put himself in as chairman on a committee that he later reviews. Let us say this: it is absolutely an improvement on the way Q.C.s used to be appointed, and I simply leave for the record that this Minister is more in love with appointing Q.C.s than any Minister this province has ever had.

An Honourable Member: Which one do you not like?

Mr. Edwards: The Minister of Health (Mr. Orchard) says, which ones do I not like of the 24 appointments in 20 months, Mr. Speaker. The fact is that the Minister of Health and the Minister of Urban Affairs (Mr. Ducharme) chafe on and ask me to come up with individuals who would not suit the position. Perhaps they would like to do that. I would never presume to judge people who were appointed.

The fact is, the point they miss is the process. You know, one of the things that you learn is that it is not just that a process be fair or that justice is done, it is that it be seen to be done, and it is that it be seen to be fair. That is the point of having a process which inspires confidence. This process must be seen to be fair and reasonable and come up with the best appointments.

Without talking about the specific appointments themselves, the Minister of Justice (Mr. McCrae) has set up a kangaroo court. He sits as chairperson which comes up with a committee. He then pulls back, he looks at it and he judges that committee report. It is ridiculous to me that he would put himself in that conflict position, but he did.

Mr. Speaker, I simply note for the record that the Law Society has been debating this issue for many, many years, and I note from their most recent monthly bulletin that this did comply with their recommendation. I am not entirely sure that it meets with the recommendation, which was adopted, which Mr. Hill put forward some years ago. It certainly does not comply with the recommendations put forward by Mr. London years before that. However, let me conclude—

Some Honourable Members: Oh, oh!

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

Mr. Edwards: —by saying that it certainly—

Mr. Speaker: I am having great difficulty in hearing the remarks of the Honourable Member for St. James—the Honourable Member for St. James.

Mr. Edwards: Mr. Speaker, let me just reiterate if my friends, my colleagues, have not been able to hear it that I believe the system now for appointing Q.C.s is obviously an improvement. I note that it does not, however, comply with the recommendation adopted by the Law Society a number of years ago, a recommendation put forward by Mr. Hill, nor does it comply with the recommendation put forward by Mr. London a few years before that.

However, it is an improvement. I believe it is flawed to the extent that the Minister of Justice (Mr. McCrae) is serving a dual purpose as chairman of the committee and reviewer of that committee, but be that as it may, I must conclude that it is certainly an improvement. To that extent generally I look forward to further questioning and debate on this particular Bill at the committee stage. Thank you, Mr. Speaker.

Mr. Steve Ashton (Thompson): I move, seconded by the Member for Churchill (Mr. Cowan), that debate be adjourned.

MOTION presented and carried.

BILL NO. 64—THE BUSINESS PRACTICES ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Consumer and Co-operative Affairs (Mr. Connery), Bill No. 64, The Business Practices Act; Loi sur les pratiques commerciales, standing in the name of the Honourable Member for Thompson (Mr. Ashton). Stand.

Is there leave that this matter remain standing? Agreed.

The Honourable Member for Radisson.

Mr. Allan Patterson (Radisson): Mr. Speaker, I would just like to say a few words about this important piece of legislation. Overall, it is a very positive piece of legislation that we will be supporting. The objective of the Bill is to provide protection for victims of unfair business practices, to protect legitimate businesses from competitors who use deceptive or unconscionable practices to compete unfairly, to identify and prevent deceptive and unconscionable practices and to remedy consumer losses.

In the present, Mr. Speaker, there is not very much that can be done to effectively deal with unscrupulous business practices. In looking through this Act, I am reminded of one of my previous incarnations when, as I mentioned before, I worked for some 15 years for a retail establishment on Portage Avenue between Donald and Hargrave, one of the great retailing companies in Canada. As a matter of fact this Winnipeg store was the first branch store of the T. Eaton Company.

At that time some 30 years ago just as company policy one could virtually—as I read down the list of unfair business practices, these were things that as company policy Eaton management certainly could not do. I recall in particular one time in my many years in the furniture department of this particular store, the

signature who was in charge of the upholstering section, we had an ad in for a particular type of chair that was on order and coming in from an eastern supplier. Due to some holdup on the railway, the merchandise did not arrive on time for the day that the ad was placed. We of course took orders for it and the merchandise did arrive a few days later.

* (1550)

At any rate, at a meeting of the manager of the department, the buyer with the few of us that were signatures of various sections, the fellow that was in charge of this particular section where the ad was placed, we did not have the actual merchandise on the floor to sell, the boss said, boy anytime you do not have the merchandise in on time hold the ad. He said, managers have been fired in this company for not having the merchandise available for an ad on that particular day.

This is just plain ordinary good business practice, Mr. Speaker, that reputable firms and businesspeople would just naturally follow. So this Act can do no harm whatever to an ethical, conscientious businessperson in small business, medium, large or whatever. The protection that is there is certainly needed. As I noticed in looking over the Minister's comments, when he introduced the Bill he gave many examples of fly-by-night operators and senior citizens and handicapped people being taken unfair advantage of. There is no need for me to introduce a large number of similar examples or to reiterate those particular ones. We are all well aware just through the media over any relatively short period of years of the many unconscionable business practices that have been carried on and particularly perpetrated on the elderly and the infirm and so on.

I would like to just quote one recent example that I have had concerning a constituent. This particular woman was convinced by a sales rep to buy a new furnace, one of these very, very high efficiency units. Supposedly this model has many advantages. At any rate, she purchased the furnace in November of 1986 and within the first year it had broken down three times. Now in the first year of course the furnace was covered by warranty, but afterwards it still continued to break down. So this furnace could not be repaired properly. Repair bills, when it was repaired, were proving to be fairly costly.

So finally after putting up with a considerable amount of aggravation with continued repair bills, the woman decided she had to buy a new furnace, which cost her about \$2,000.00. She complained to the retail company that made the false representations and they simply shifted the responsibility to the manufacturer. The manufacturer would not take responsibility. Currently the Consumers Bureau is trying to get the retail company to agree to mediation. Now if this Business Practices Act had been in effect at that time, the woman would have had some legal recourse. Her only option currently if it cannot be satisfied through mediation is to try to pursue the matter in court which of course is difficult, time consuming and costly.

We know then, Mr. Speaker, that this proposed Act, The Business Practices Act, would apply to all goods

and services used by consumers. Now The Consumer Protection Act requires that direct sellers are to be licensed, but there are problems with the licensing requirement any many goods and services are not covered. Further this would enable the Consumers Bureau to take preventative action to stop an unfair activity before it results in a consumer incurring a loss.

It will also give the Consumers Bureau several powers to prevent and correct situations that involve unfair activities including such things as cease and desist orders, orders to freeze assets, authority to negotiate and assurance of voluntary compliance, authority to undertake civil actions on behalf of consumers when such actions are in the public interests.

Further it will provide consumers of the bureau on consumers behalf with a specific cause of civil action where losses have been occurred as a result of a deceptive or unconscionable practice. The Act also provides for substantial fines and even imprisonment. This is something that I have said before, Mr. Speaker, with which I am in full agreement that if there is going to be some kind of penalty for some forbidden act, the penalty has to be tough enough that if somebody performs the forbidden act that it will be severe enough that they will think twice before doing it again or we would hope never do it again. If fines are going to be imposed they need to be more than a simple slap on the wrist that can be written off as an insignificant business expense. They should be substantial, Mr. Speaker. There are full rights of appeal to the courts of course regarding any action taken by the bureau.

In general, Mr. Speaker, this is a positive Bill and we can give it our support. I would like to thank you for this opportunity to say a few words on it.

Mr. Speaker: As previously agreed, this matter will remain standing in the name of the Honourable Member for Thompson (Mr. Ashton).

MOTION presented and carried.

BILL NO. 61—THE CITY OF WINNIPEG AMENDMENT ACT (2)

Mr. Speaker: On the proposed motion of the Honourable Minister of Urban Affairs (Mr. Ducharme), Bill No. 61, The City of Winnipeg Amendment Act (2); Loi no. 2 modifiant la Loi sur la Ville de Winnipeg, standing in the name of the Honourable Member for Fort Rouge (Mr. Carr), the Honourable Member for Fort Rouge.

Mr. James Carr (Fort Rouge): Mr. Speaker, I am glad to join the debate on Bill 61, which is another in the long list of Bills put forward by the Minister of Urban Affairs (Mr. Ducharme) on changes to The City of Winnipeg Act. We have already dealt with a major piece of legislation that had to do with the powers of the mayor, the powers of committee and the appointments of those individuals to committees.

We have had something to say about the administrative structure of City Hall, and we have this

Bill, Bill 61, which gives the City of Winnipeg, and the councillors elected by the people of Winnipeg, the power to determine their own administrative structure. Do those duly elected councillors want a board of commissioners? Do they want to move to a city manager system? Do they want to change the way in which the city is governed, and just how much autonomy should they have? This Bill gives the City of Winnipeg and the councillors elected the power to determine without reference to the Government of Manitoba just the kind of shape they want those administrative offices to take.

We support that initiative. We believe that it is important that the political people have some say on the way the administration is going to look. There are all kinds of issues involved. The issue is the relationship between the province and the city and one of accountability. What better time for us to put a few remarks on the record about accountability and about the relationship between the province and the city at a time when there seems to be none in the operation of the North Portage Development Corporation and in the operations at The Forks.

These corporations were established a number of years ago so that politicians could appoint a board of directors, that several would come from each level of Government. The mayor and council would appoint a number. The Minister of Urban Affairs would appoint some and so would the federal Minister responsible for the City of Winnipeg. That happened for The Forks Renewal Corporation and for North Portage, but what happened during the process of implementing that structure is that because everybody was responsible nobody was responsible.

What happened was the politicians would say: if you want a question answered go talk to the bureaucrats, go talk to those people we appointed to the board, it is their problem. Even the Premier (Mr. Filmon) made reference last week to The Forks Renewal Corporation, in its wisdom made this decision or that, creating distance between the politicians who appointed them and the directors themselves. Then you have the bureaucrats who when asked a question that they do not want to answer say: ask the politicians, they are the ones who are responsible for making those decisions.

If you ask one level of Government to do something, like we have over the past two weeks, the Minister of Urban Affairs (Mr. Ducharme) says: I am only one-third partner, as much as I would like to I cannot change that because I do not have the power.

* (1600)

The politicians are pointing fingers at each other. The politicians are pointing fingers at the bureaucrats and the members of the board, and the members of the board and the bureaucrats are pointing fingers at the politicians. Meanwhile our questions go unanswered.

These are not insignificant matters, Mr. Speaker. We are talking about the expenditure of millions of dollars, not dollars spent by private corporations but dollars spent by three levels of Government. In the case of the North Portage Development Corporation and the

issue at hand we are talking about mortgages which total something over \$22 million and deals which were entered into by the representatives of these political people, presumably approved by the politicians themselves.

I do not want this Minister of Urban Affairs (Mr. Ducharme) to be left alone to take the blame for this disastrous deal, because his Government was not even in office when that deal was signed. The New Democratic Party was in office in 1985 and 1986 and 1987 -(interjection)- The Member for Churchill (Mr. Cowan) says "the glory days." If he thinks there is any glory on his Party for the deal to which I refer then he is not thinking as clearly as he usually does.-(interjection)-

He should have perhaps a private conversation, because he would not want to read about it in the newspapers with the Member for Logan (Ms. Hemphill) who was the Minister of Housing at the time that this deal was struck, a deal which leaves more unanswered questions than we have time to discuss in this House.

When are we going to get these questions answered? The Minister of Urban Affairs (Mr. Ducharme) says he cannot make any of the documents public because he is only one-third partner in the corporation. He leaves the impression that if only he could, he would. Would the Minister agree to asking the chairman and the chief executive officers of the North Portage Corporation and The Forks Renewal Corporation to come before a legislative committee? Certainly, says the Minister of Urban Affairs, it is a terrific idea. If only I could, I would.

Mr. Speaker, if the Minister of Urban Affairs wants to invite the chairman and chief executive officers of those two corporations to come in front of a legislative committee, why would they say no? Why would they say no to the opportunity of setting the record straight? Why would they say no to an opportunity to let the people of Manitoba know what their position is? It is in their interests to let all of the information become public, or is it? We will not know until all of the documents are made public, and we will not know until legislators in this House, elected by the people of Manitoba to safeguard the expenditure of public funds, are given every opportunity to question the members of that board, the chief executive officer, to determine how appropriate those decisions were made.-(interjection)-

Mr. Speaker, the Minister of Urban Affairs (Mr. Ducharme), chirping weakly from his seat, is referring to Members of the federal Cabinet who were long out of office in 1986 and in 1985 when these decisions were taken—long out of office. Is the Minister of Urban Affairs trying to see his way clear to solve the problem? Is the Minister of Urban Affairs finding a way in which the system can be improved? No, he is trying to find blame. He is looking at others to blame for his own inaction, for his own stonewalling, for his own failure as this Minister of Urban Affairs around two issues, which are of more than passing interest to the people of Winnipeg and the people of Manitoba.

We asked the Minister in the House today if he would make public the letter of intent between The Forks

Renewal Corporation and Penn-Co. What did he say? He said, no. What did he say when he was asked to make public the developer agreement with the North Portage Development Corporation and the village of Portage Place? He said, no. Will he make public the mortgage relationships between the CMHC, the MHRC and the North Portage Development Corporation? No.

Mr. Speaker, I am not casting any aspersions on the integrity of the Minister of Urban Affairs (Mr. Ducharme) or on the members of the board of those corporations, but why will they not answer our questions? We have not made one single accusation since this story broke two weeks ago tomorrow. We have only asked questions. The reason we continue to ask the questions is because we get no answers, and the reason we get no answers is because no one is politically responsible for the decisions which were taken. That is the crux of the problem.

That is why we have suggested, not only over the last two weeks when this unfortunate situation began to unravel, but for the last year and a half, that we ought not to have these arm's length corporations working independently of each other. What happens is that decisions are taken on the north side of Portage without reference to The Forks. Decisions are taken at The Forks Renewal Corporation without reference to the south side of Portage Avenue, the Exchange District, or Broadway because they have no mandate to examine downtown Winnipeg in total.

They have mandates which only deal with small sections of downtown Winnipeg, and that is why those corporations run into each other. That is why planning mistakes are made, and that is why we, in the Liberal Party, believe that the solution is to allow The Forks Corporation to dissolve, to allow the North Portage Corporation to dissolve, and to create one single downtown revitalization agency with political responsibility and political control where the Members of this Legislature can question the Minister of Urban Affairs (Mr. Ducharme) to find out what is going on in these corporations rather than to be left in the dark guessing, rather than having to read the latest investigative revelations that journalists give us every morning when we pick up the paper, rather than researchers of our own caucus or Members of the Legislature going to the Land Titles Office and doing their own research which we are left to do when we do not get answers from this Minister or from his surrogates on those boards.

Mr. Speaker, it makes sense to us that there ought to be regular appearances in front of Legislative committees. Why not? Can the Minister give us one good reason why the chairman and the chief executive officer of the North Portage Development Corporation should be excused or exempt from coming to this building to answer the questions of legislators? That first mortgage is \$18.5 million of money raised from the people of Manitoba, yet the legislators in this House cannot ask questions about how it was spent. They cannot see the documents that show the terms of the agreement. Why not? This from a Conservative Government that prides itself on prudence, on financial responsibility and on accountability. Maybe the

decisions taken were prudent. How do we know if we are unable to peruse those documents?

Mr. Speaker, we are not making radical suggestions here. The suggestion we are making is that where there are corporations that have a mandate to spend public money, then legislators who are charged with the responsibility of ensuring that those funds are well spent have the opportunity to question and to peruse. I would have thought that this would be a principle fundamental to any Conservative Government, but that is not true.

So what happens is that the Minister starts defending past mistakes, and even over the last two weeks, if the Minister is looking to share some of the blame, then he should talk about the Member for Logan (Ms. Hemphill), who was the Minister of Housing at the time that the deal was negotiated. But all we get is stonewalling. It is not only frustrating, but it is a little cynical for the Minister of Urban Affairs (Mr. Ducharme) to think that the people of Manitoba will be satisfied for very long with these kinds of answers.

I could go on, Mr. Speaker, to talk about an urban plan. I could go on to talk about the vision this Government has to deal with the problems of Winnipeg. What is the Government's plan when the Core Area renewal runs out in March of 1991, which is only a little over a year away? -(interjection)- My colleague, the Member for Wolseley (Mr. Taylor) says, the same as the ERDA's, and he is absolutely right. Is there any planning, is there any sense of what is going to replace the Core Area Initiative Program? No. We hear nothing.

* (1610)

What is the Minister of Urban Affairs' commitment to the problems on north Main Street? Does he have a plan? Will he make the problems of Main Street the centrepiece of any kind of renewal of the Core Area Agreement? Does he intend to negotiate the renewal of the Core Area Agreement? These are yet more unanswered questions, because the Minister of Urban Affairs will not turn his mind to these problems, or if he does, he does not share the results with the legislators in Manitoba and through them to the people.

We are very disappointed with the lack of energy and vision that we are getting from the Minister of Urban Affairs (Mr. Ducharme). That has been highlighted so many times over the past two weeks as we question him closely and get no answers about two corporations which are so important to the development of downtown Winnipeg.

The elements of Bill 61 deal with the relationship between the Government of Manitoba and the City of Winnipeg. This is a relationship which must now be called into question, because of the mistakes which have been made with these tripartite agencies and their lack of accountability.

We believe that the councillors of the City of Winnipeg are capable and able of establishing their own administrative structures, which is what Bill 61 allows them to do. Again, we are disappointed that the Minister ekes out, amendment by amendment, the direction he intends to take The City of Winnipeg Act. We think it

is being given to us in dribs and drabs. He is asking us to analyze and evaluate the whole puzzle while only showing us one piece at a time. We think that is strategically a mistake.

As far as the Bill goes we think it makes sense. We think the councillors of the City of Winnipeg ought to have the authority to determine their own administrative structures. I am sure that as the debate unfolds there are other Members of our Party who will wish to put their own comments on the record.

Thank you, Mr. Speaker.

Mr. Speaker: Is the House ready for the question—the Honourable Member for Churchill.

Mr. Jay Cowan (Churchill): I move, seconded by the Member for Fort Rouge (Mr. Carr), that debate be adjourned.

MOTION presented and carried.

BILL NO. 56—THE WORKERS COMPENSATION AMENDMENT ACT (2)

Mr. Speaker: On the proposed motion of the Honourable Minister responsible for The Workers Compensation Act (Mr. Connery), Bill No. 56, The Workers Compensation Amendment Act (2); Loi no 2 modifiant la Loi sur les accidents du travail, standing in the name of the Honourable Member for The Pas (Mr. Harapiak). Stand. Is there leave that this matter remain standing? Agreed.

BILL NO. 70—THE PROVINCIAL COURT AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice (Mr. McCrae), Bill No. 70, The Provincial Court Amendment Act; Loi modifiant la Loi sur la Cour provinciale, standing in the name of the Honourable Member for St. James (Mr. Edwards), the Honourable Member for St. James.

Mr. Paul Edwards (St. James): Mr. Speaker, it gives me great pleasure to rise today to speak to Bill 70, on behalf of our caucus. This is an extremely important Bill, I believe, for the administration of justice in this province.

It gave me great pleasure to see this introduced into the Legislature simply because it follows on the suggestions and recommendations made by myself back in, I believe it was, May of last year.

I am very pleased that the Minister of Justice (Mr. McCrae) saw fit to take my advice -(interjection)- yes, as my friend, the Member for Fort Rouge (Mr. Carr), says, yet another example of a positive contribution in a co-operative effort from the Opposition. However, I must say that the specifics were not heeded, however, the overall concept was.

It is very important, given in particular our recent past in this province and the problems that we have had with public perception of judges and their judicial

functions, that we deal with the confidence of Manitobans in our justice system and of course in particular our judges. In Manitoba we have the power, as provincial legislators, to appoint provincial judges. Therefore, I suggested a provincial judge appointment selection committee, which would put forward suggestions to the -(interjection)-

An Honourable Member: Unruly crowd here, Mr. Speaker.

Mr. Speaker: Order, please; order, please. The Honourable Member for St. James has the floor.

Mr. Edwards: Mr. Speaker, well, the Minister of Health (Mr. Orchard) says it is required, he has to listen. Thank heavens his colleague, the Minister of Justice (Mr. McCrae), did listen when I spoke about setting up this committee because he came forward with legislation, which puts into place the concept that I had suggested. However, as I said, the specifics he fell down a bit on, but he did get the concept right.

Now having said that, Mr. Speaker, it gives me great displeasure to have to note that the Minister of Justice, in really his first opportunity to respect his own decision to set up a committee, ignored the committee. I was shocked when he then went out and appointed a judge, ignoring the committee which he says he is committed to in this legislation, strange but true.

The appointment of Monsieur Gregoire to the provincial court to serve in St. Boniface is indeed one that is welcomed in the sense that the courts of St. Boniface had a problem. They had a backlog of cases, and they had a judge who apparently could not deal with that backlog and in particular had a conflict with respect to her husband's employment with a particular firm in St. Boniface, a large firm I might add, dealing with cases in which French-speaking litigants were involved and coming before the provincial court in St. Boniface. That judge could not hear those cases.

The Minister of Justice (Mr. McCrae) promptly responded to that immediate crisis coming to the press, even though that problem had been known for some years. I believe the Court of Appeal noted it a couple of years before it actually hit the papers in this province a couple of weeks ago. In any event, the Minister of Justice did assess the situation after it had come to public attention, and again I might say was quick to heed my advice, I thank him for that, and assess the situation with a view to appointing another judge.

However, Mr. Speaker, rather than heed his own advice and immediately call for a meeting of the judicial appointment selection committee and ask that committee to expedite its procedures, in view of the problem which was experienced in St. Boniface on a daily basis—but to do the consultation and go through the process, which is espoused by this legislation prior to appointing a provincial court judge. Make no mistake, I make no comment and obviously no criticism of the appointment made. That is not the point. The point is that the process has to be respected. If you set up a process, if you say you are committed to it, at the first available opportunity, you cannot ignore it. You have to come through on it.

I must say that this Minister in my view made a grave error in not immediately calling for a meeting of this committee and referring this problem to them, albeit asking them to deal with it on an expedited basis.

* (1620)

One of the side effects of that is that the Francophone lawyers' association, the Societe franco-manitobaine, are a little upset that they have not been consulted. Regardless of who the appointment was or is, they are simply distressed about the procedure which was invoked. Now we hear today more problems. The province is being taken to court over Orders-in-Council which have not been translated.

Mr. Speaker, the saga continues with respect to this Government's problems with the French-speaking population in Manitoba. I might say the actions of the Minister of Justice (Mr. McCrae) really add fuel to the fire in that regard, simply because the process was not respected, albeit an appointment was necessary. We are glad that there will be another judge, M. Gregoire, we look forward to him taking on his new position. Regardless of the fact that the process was ignored I am sure he will be an asset to the Bench in Manitoba.

Mr. Speaker, this committee, I believe, goes some significant way to instilling a renewed sense of confidence of Manitobans in the justice system. I again have always attempted to restrain myself—except in exceptional circumstances—in talking about individual judges. To that extent, what this Bill and this committee will do is better ensure that justice is seen to be done, and it is not just that justice is done, as I have said earlier today, it is that justice be seen to be done.

The fact is, as I have said with respect to earlier appointments, both federal and provincial, that process is critical. Regardless of the people who actually end up getting the appointments the process must be seen to bring into play the broadest perspective from society to assist in making appointments to courts, appointments which are generally very long lasting, which have profound effects on people around the province and indeed all Manitobans and all Canadians, particularly with respect to issues on the Canadian Charter of Rights and Freedoms.

We are in an era in this province, in this country, when our judicial appointments, I would submit, make possibly more difference than they ever have in this country, in particular because charter issues are being decided on a daily basis which will set precedents for future decades in this country and in this province.

I might, Mr. Speaker, take this opportunity to reiterate my compliments and my sadness at the resignation of the Chief Justice of this province. He has seen fit to resign his post. Obviously, as I have brought to the attention of this House and this Minister in the past, I did not agree with some of the statements which were occasionally made by the Chief Justice. However, I do pay heed to his service to this province, which has been well espoused by lawyers who have spoken on his resignation. He was indeed a hard worker. He was indeed a dedicated jurist in this province, and he served this province to the best of his abilities and I believe to the benefit of all Manitobans.

I might say that it was not his decisions which were attacked by myself and by others, rather it was statements which were outside really of his role as a decision maker in the courts. Certainly, to the extent of his legacy as a jurist in this province I pay my respect to the work that he has done and thank him for the years of service to this province.

Mr. Speaker, let me go on to speak about some of the other aspects of this Bill. It deals with the appointment of the Chief Judge. There is a bit of a different process put into place, aside from normal provincial court judges, with respect to the appointment of the Chief Judge.

I might also say that the Chief Judge in this province now, Judge Stefanson, has I think shown himself to be an exceptional administrator. We already knew he was an exceptional judge. He has done an excellent job. He has been extremely helpful in dealing with the court backlog, in dealing with the readministration of the court in view of expansion of the family division around this province and has been very helpful I would submit in dealing with a general overhaul of our justice system in this province.

I look forward to that continued co-operation as we head into dealing with the report of the Aboriginal Justice Inquiry. That is the most significant challenge in my view which will face the Justice Department and the Justice Minister in the future in this province. That report calls for a serious, concerted and well thought out answer, and we look forward to that report coming down.

Mr. Speaker, let me also make reference to the improvements which this Bill puts forward with respect to the remuneration of judges. Judges have to be independent. It is necessary that they be apart and separate from the political system and that is as old as our system itself. You cannot have political influence on the courts. Therefore it is felt, and I believe correctly, that it is unseemly for judges to have to come cap in hand to legislators on a regular basis asking for salary increases. It simply does not fit with the idea of neutrality.

Of course in these times of restraint it is very tempting for politicians to simply put off that problem with the justice system. They do not like to come cap in hand, so they will not come cap in hand to the door, so you can simply forget about it. This Bill goes a long way I believe toward putting into place a system whereby a compensation committee will regularly review salaries, then take that to the Government. I am sure that the Government, in good faith, having come forward with this Bill, will be obliged to deal with the salary issue of judges.

I might say that our judges, while they make a lot of money, nobody questions that judges make a lot of money on a comparative scale with the average Manitoban, but comparative to other provinces, comparative to lawyers who are practising in the bar from whence judges come, I would submit that certainly it is necessary to keep the salaries competitive to make sure that good people do want to take appointments as judges. It is very important to recognize the reality

of the marketplace in respect to lawyers to ensure that we have the highest quality people willing to serve as our decision-makers.

I simply referenced those sections generally in this Bill. I will of course be asking the Minister further questions in a more detailed fashion with respect to that compensation committee and indeed the nominating committee.

Finally, Mr. Speaker, let me reference the provisions generally on the issue of the Chief Judge, him or herself, with respect to the suspension and the revocation of an appointment as Chief Judge. Again, I do not anticipate those problems, none of us do. All of us expect our judges to act with the highest integrity and give decisions of the highest quality, and in fact that has the vast majority of the time in this province been the case. We have been blessed, I believe, by dedicated jurists in this province.

When we put into place systems which better show the public the fairness in the system, we are in no way I believe slandering judges. What we are saying is let us make sure that the good work that is done and the good people that are in those places are given their due by the public and that the integrity of the system is maintained by a process which not only is good and fair, but appears to be good and fair. That is very, very important for people who do not have an intimate relationship with the court system. It is very easy to misquote people and take quotes out of context in public court and make a splash in the press. It is as important I believe to judges that a process be in place for them to be exonerated and for them to stand up to accusations that are made, as it is for the people themselves who are complaining to have a process whereby they can have those complaints heard and acted upon. For that reason, Mr. Speaker, I certainly support the thrust of this Bill in all of its aspects.

The details will be another matter and I will be raising concerns at the committee stage, but generally I want to thank again the Minister of Justice (Mr. McCrae) for acting on a recommendation put forward by this Party, indeed a resolution that has been before this House for some time and coming forward with this important improvement for the justice system in this province. Thank you, Mr. Speaker.

* (1630)

Mr. Jay Cowan (Churchill): I move, seconded by the Member for Elmwood (Mr. Maloway), that the debate be adjourned.

Mr. Speaker: It has been moved by the Honourable Member for Churchill, seconded by the Honourable Member for Elmwood that debate be adjourned. Agreed? (Agreed)

BILL NO. 83—THE OZONE DEPLETING SUBSTANCES ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of the Environment (Mr.

Cummings), Bill No. 83, The Ozone Depleting Substances Act; Loi sur les substances appauvrissant la couche d'ozone.

Standing in the name of the Honourable Member for Thompson (Mr. Ashton)—

Mr. Jay Cowan (Churchill): I wonder if I might have leave to speak before the Member for Thompson. I know he wants to speak on this Bill, and we will be back in the Chamber shortly, but I am prepared to speak at the present time—

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please. We simply need leave to have the matter remain standing in the Honourable Member's name. Stand? Is there leave that this matter remain standing? (Agreed) The Honourable Member for Churchill.

Mr. Cowan: The reason I wanted to request leave to speak at this present time is because it is our intention to pass this Bill through second reading today, so that it can go to the committee stage. Both the Member for Thompson (Mr. Ashton) and I did want to put some comments on the record before that transpired. It may be that other Members in the House will want to—This is to answer a question from the floor, from the Minister of Highways (Mr. Albert Driedger).

This is Bill No. 83, The Ozone Depleting Substances Act. A very important Act, and I want to indicate that we are going to support this Bill as far as it goes. We believe that there may be ways to make it accomplish more of its overall objectives, to make it stronger, to make it work better. We want to take a look at the Bill in the committee stage in more detail to determine if that is the case. The Member for Thompson, at least from our caucus, will be the last speaker on this Bill. We expect that it will pass Second Reading today, address the committee where that review can take place.

Before that happens, I want to speak briefly to this Bill to ensure that there be no doubt in any one's mind of the importance of this issue, to this Legislature. To ensure that when generations future look back upon what we have done here today, they will know that we did so as a group of concerned legislators in a consensual-like manner, in agreement that something must be done. Even if we have some differences of opinion or some different approaches with respect to how we might accomplish the goal of protecting the ozone layer and by doing so, protecting this planet Earth from a very serious problem. We know that we must begin to take those steps today, that will lead us in that direction.

They will not be perfect steps. There will be other things that we could have done, perhaps even that we should have done. There will be criticisms of what we do. Some will say, we have gone too far, some will say, we have gone too little and only history will judge as to whether or not we struck the right balance. The fact is, we must take action now and for that reason we support the Government in bringing this Bill forward,

and we will work with the Government and the Opposition to attempt to make this Bill as powerful a piece of legislation as it can be.

When I was researching my speech today, Mr. Speaker, I found it difficult not to be somewhat humbled by the magnitude of the problem of the depletion of the ozone layer. The depletion of the ozone layer is a problem of such immediate proportions and immense proportions and such potential harm to this planet itself that each and every one of us must take every opportunity that we have to undo that which has been done over decades and generations, and more importantly, Mr. Speaker, to ensure that we as a society, and we as individuals, and we as inhabitants of this spaceship Earth, no longer threaten our very own existence and that of future generations.

It is bad enough that we do things from day to day that put us in some peril with respect to polluting our environment, but to knowingly continue to pollute an environment that will have an effect not so much on us but on many generations to come, on our children and grandchildren and their grandchildren, would be a tragedy of immense proportions.

During the previous speeches on this Bill many speakers had much to say about the history of chlorofluorocarbons and the effect of the environment and the potential dangers that CFCs, to use the vernacular term, the shorter term, have on the environment today and in the future.

In my comments today I will not dwell long on that which has already been said, except to say that those concerns as expressed are shared by all thinking people who care about their world and care about their future. I do want to in my comments today highlight a few of the concerns that have been expressed. As I indicated just a moment ago, I do not intend to dwell on all of them, but I think there are a few that are of such significance that each and every one of us should speak to them at every chance we have.

I want to put some new concerns on the record, at least concerns I have not found in the speeches before me, and put them in the context of what we are doing here as a Legislature today. As has been indicated by others, this legislation is intended to stop the increasing damage to the ozone layer that is a result, partly at least, of the use of chlorofluorocarbons. That ozone layer that we seek to protect has to be put in the proper context to understand how difficult the problem is and how important it is.

What we are trying to protect, what we are talking about here today, Mr. Speaker, is a thin layer of gas that extends some 15 to 35 kilometres above us today, above the earth's surface, all over the earth, except unfortunately for some growing holes in the Antarctic and the Arctic area. It is, as Members have indicated earlier, about 3 to 5 millimetres thick, a very thin layer that covers the earth and protects us from ultraviolet radiation sitting somewhere in the stratosphere.

When I read the comment about the stratosphere, I thought back, and I am certain many of my colleagues of my age share this experience with me: we used to

watch Flash Gordon and his talk about the stratosphere and how far away it seemed, and how unimportant it seemed to us as kids. It was sort of a fantasy game. As a matter of fact, I doubt if any of us even knew if there was a stratosphere or not. We thought maybe it was one of those words that were made up to amuse us and make us think about the program we were watching. Yet, today, not that many years later, Mr. Speaker, we indeed do know that there is a stratosphere and we indeed do know that stratosphere and the ozone layer in that stratosphere is under attack from us as individuals, who so many years ago watched those space fantasies, not knowing that they would have such a profound impact on us in this day and age.

There will be no Flash Gordon to come and rescue us, to protect us, to take us out of harm's way; it is going to be up to us. It is going to be up to each and every individual who plays a leadership role in this Chamber. It is going to be up to each and every individual who plays a leadership role outside of this Chamber. It is going to be up to us, not only as legislators, but as human beings who have a vested interest in this earth and its future and who care about it, not only for ourselves, but our families.

The ozone, that thin screen of protection that extends so many kilometres above the surface of the earth, has the task of filtering out all forms of incoming ultraviolet or UV radiation. More specifically, it filters out the more harmful UVB radiation. That protection that it offers is so vitally important to each and every inhabitant of this planet, if in fact we destroy that ozone layer, we are going to destroy in many ways the future of our friends and our families.

* (1640)

It is interesting that the United States Environmental Protection Agency—and I do not know if this fact has been put on the record before—suggests that over the next 90 years, as a result of the ozone layer that has taken place to date and is continuing to take place, there may be an additional 800,000 cancer deaths. Now think about that for one moment. That thin layer in the stratosphere, so far away, whose main purpose is to filter out UV and UVB radiation, is protecting us now from over 800,000 additional cancer deaths over the next 90 years.

I want to make a quick comparison with that statement, which comes from a United States Environmental Protection Agency document, to what is being said by Environment Canada. Because I do not think there should be any doubt as to the seriousness of what is happening with the ozone layer and I believe there may be some doubt and some confusion as a result of the following statement.

I am quoting, Mr. Speaker, from an Environment Canada fact sheet entitled, "The Ozone Layer" which is quite recent, 1988, September. It says: Even small changes in the ozone layer can have significant impacts. Studies show that a 1 percent depletion in ozone would result in about a 4 percent increase in non-melanoma skin cancer. Although this form of skin cancer is rarely life threatening, it can be highly unsightly. Scientists

strongly suspect that an increase would also occur in malignant melanoma, a rarer but often fatal form of skin cancer. Ultraviolet can also cause skin and eye aging and suppress the human immune system, leading to greater susceptibility to disease.

Well, they hint at the fact that there may be increased fatalities as a result of additional cancers that are a direct result of the depletion of the ozone layer, but the United States Environmental Protection Agency puts it in more concrete terms when they actually quantify the extent of additional cancer that may result, and that is 800,000 additional cancer deaths over the next 90 years.

Now 90 years, that is a long time for any of us in this Chamber and one may want to say, well, that is fine, but that is going to happen over the next 90 years. That is a long way off; it is not an urgent problem; it is not a matter that has to concern us immediately. We are doing enough with the Bill we have before us, and it is going to deal with the problem in a satisfactory way.

I want you to take that 90 years in which those additional cancer deaths are going to take place and position them next to this length of time, 100 years. Why do I know jump from 90 years to 100 years, Mr. Speaker? Well, the fact is that chlorofluorocarbons, CFCs, can remain in the atmosphere for over 100 years. Speaking here today, we are actually speaking 100 years into the future because five generations from now people will be wondering why it is we did what we did here today if we fail to take as strong an action as is required. A hundred years from today they may still not have seen the final segment or the final chapter of that which we are undertaking as a task during this legislative Session. That is a somewhat compelling thought.

Children who are born today will probably not be alive to see the finish of what we are starting in the last decade of this century. If we, through our own actions, allow CFCs to enter the atmosphere today, they may still very well be around 100 years from now. A hundred years from now we will be wreaking havoc on our environment, starting with actions that take place right now. Think about that for a moment. If we were successful in stopping chlorofluorocarbons from entering the environment today, another century would pass before the last of what we hope to do would be done.

I said earlier that one has to be somewhat humbled, or at least I was somewhat humbled when I read the research leading up to the preparation of this speech. That was one of the more significant bits of information that brought about that sense of smallness, that sense of almost despair. At the same time, a sense of hope that we are doing the right thing, we are doing what is required of us, we are not only protecting ourselves but we are protecting future generations, perhaps even into the next century.

Earlier, in quoting Environment Canada, it said a 1 percent increase in the depletion in ozone would result in a 4 percent increase in non-melanoma skin cancer. It also has an impact on agriculture; a 1 percent

depletion in ozone would result in a 1 percent reduction in crop yield. So not only are we affecting ourselves directly with respect to our own health and the potential increases in cancer, but we are also affecting ourselves indirectly if we let the ozone depletion with respect to agriculture and being able to feed growing populations.

But that 1 percent depletion ratio to a 4 percent increase in cancer is a fairly significant difference, statistical difference, which one could suggest shows that in reality a small change in one place has a much larger change somewhere else down the environmental line.

But there is another consideration. We talk about these chlorine atoms, that we are releasing into the air through CFCs, as depleting the ozone layer 100 years from now. One chlorine atom, each and every chlorine atom that goes into the air has the ability to destroy 100,000 ozone molecules. So we have for each chlorine atom that is released today 100 years from now we may have 100,000 ozone molecules destroyed, and that is going to result in the depletion of the ozone layer and is going to result, as we are told and I believe, in dangerous changes in climatic conditions, health conditions, the ability to raise crops, productive agriculture and many other, I believe, yet unknown changes that will come to pass unless we can stop what we are doing.

It may already be too late; maybe it was 100 years ago that legislators should have been addressing this issue. They did not have the information, as a matter of fact they did not have CFCs, so it would have been difficult for them to do at that time, but the fact is we are going to be paying the consequences of our actions all of our lives and a lot of the lives of five generations that follow us. That is an overwhelming situation, that is one, as I indicated earlier, leads to both hope and despair.

It is a sobering realization and I choose those words because in the State of the World Report which was put together by Lester Brown and Edward Wolf from the World Watch Institute, he uses those words as well, and I want to read them into the record because I think they are important words for all of us to consider, not because of their eloquence so much, but because of the significance of the content. I read, quoting from their foreword: We are left with the sobering realization that our generation is the first whose decisions will determine whether the earth will remain habitable. Unless ripples of public awareness build to a groundswell of support for far-reaching change we may not be able to reverse the trends that are undermining our children's future.

* (1650)

Think about that sobering realization for a moment; think about that task that has been entrusted to us, not because we asked for it, not particularly because we wanted it, but because we are victims of circumstance as much as anyone else. We happen to be born into a time and a place where we began to realize that that which we had done earlier, and that which our parents had done will have consequences far beyond what anyone could have anticipated.

The sobering realization is that we are in the state of the world in a time when those sorts of consequences may come to pass, the sobering realization is that it is our responsibility. I look directly to the Minister of Environment when I say this because having been in that position I know that which he has to do, from time to time, is not easy; I know that he has to balance, as a responsible Minister, many competing demands, many competing pressures, many different approaches, many different challenges and come forward with plans, programs, policies, legislation that ensure that we live up to our responsibility in a state where we do not have all of the facts before us, but we have enough of the facts to give us concern.

In some ways I envy him having this position now because there is a growing awareness among the general population that change has to be made, which was not there five years ago, or 10 years ago, or 20 years ago, and perhaps even was not there three or four years ago. There is an awareness because of what we are doing here today, because of what people like David Suzuki are doing outside of this building, because of what the media are doing to educate the citizenry of this globe and the problems, because people are scared about their own future. They do not have all the answers. They do not even have all the questions; none of us do.

The fear is there, nonetheless, and the fear is well founded, based on facts and figures that are coming at us in a furious pace, based on scientific reality and conjecture and extrapolation, based on in some ways story lines that are as challenging to the imagination as were those old Flash Gordon story lines. He must, within that very, very frantic environment, make decisions that are going to impact upon generations five generations from now, 100 years from now, and perhaps even longer.

So the reason I address my comments to him directly is that it can be a very lonely position that he occupies, that it can be a very lonely chair in the Cabinet room. Sometimes he will find himself at odds with his colleagues, and that is natural. That debate that takes place around those issues is an important debate, and the dialectic is an important dialectic. And the dynamic that flows in those debates is important, because one must consider jobs and environment and economic considerations and environmental concerns—they are all wedded together. But I want him to know that when he makes a decision to protect the environment, and it is a good decision, such as this Bill is a good decision, he will have our support.

I want him to know that because I want him to make more of those decisions, and I do not want him to fear coming into this Chamber, thinking that he is going to be blindsided for political reasons, because we are politicians here. From time to time we do succumb to—to use a quote from the Members opposite—petty political maneuvering, although I think in most instances the political maneuvering that goes on here is an important part of the policy development in this province, an important part of the debate, and I do not say in any way that politics is a dirty word, or what we are doing is not of one of the finest professions,

I believe it to be so. But I want him to know that when he brings forward this legislation, even if we were tempted to manipulate an issue for political concerns on a particular day, we are not going to do that because so much is at stake.

I want his colleagues to know it because I remember the debates and the discussions and I remember fighting hard. I remember winning some and losing some, and I remember people moving me along in some instances, where I was not prepared to move, and in other areas pulling me back, where perhaps in their mind I was prepared to move too fast. It is not an easy position. It is probably one of the most difficult Cabinet portfolios, and you have to have the confidence that you have support. I know I feared sometimes, some of the things we did coming into the Chamber and knowing that I was going to be attacked.

When we decided that it was wrong to aerial spray for mosquitoes in this province because of the types of concerns that were being expressed, we were attacked in this Chamber. We will not attack the present Government in the same way. When we through the Clean Environment Commission set forth a process that resulted in tighter controls on Simplot, we were attacked in this Chamber by the Conservative Opposition. We will not attack the Conservative Government in the same way, but we will attack the Conservative Government if in our opinion they do not go far enough. We will support them in going as far as they are willing to go where they believe that is the right action to be taking. We will attack them as vociferously when they do not take action which is required.

It is not always a battle. It is not always a, we are on your side or we are not on your side, sometimes we are all in this together. I think this is one of those instances. It is a Bill that is good as far as it goes. It is a Bill that is necessary and timely. It is a Bill that perhaps can be made better by the collective minds and the consensual process that unfolds under a minority Government. We believe we have a responsibility not only to support the Minister and encourage him. We think that is appropriate, but also to move him along and to move perhaps his colleagues along so that he can bring them up to where he is at the present moment if in fact there is that sort of a dynamic taking place.

(Mr. Harold Gillehammer, Acting Speaker, in the Chair)

I digressed a moment from my planned comments because I did want to ensure that our support is taken in the right context and is understood. I want to go back, however, to some of the symptoms of what is happening all about us with respect to environmental problems, because when I read the quote earlier from Mr. Worstrum, he said decisions will determine whether the earth will remain habitable. That is a very strong statement. We cannot well imagine an earth that is not habitable. We cannot in our own minds imagine a earth devoid of human life, perhaps devoid of all life forms. The fact is it can happen. The fact is it may well happen if we do not continue on with the course that is charted by this particular legislation.

What is happening all around us? Again I am quoting from the State of the World Report. Changes in the earth's physical condition, tropical forests are shrinking by 11 million hectares per year, 31 million hectares in industrial countries are being damaged apparently by air pollution or acid rain. An estimated 26 million tons of top soil on crop land are lost annually. Some 6 million new hectares of desert are being formed every year. Extensions of plant and animal species are now estimated at several thousands per year.

Within the next generation, within 20 years, one-fifth of all species may disappear from this earth. Perhaps that is the foretelling of a planet that is uninhabitable. Perhaps the weakest go first and then we are to follow as night follows day. Some 50 pesticides contaminate ground water in the States. Some 2,500 U.S. toxic waste sites need clean-up. The extent of toxic contamination worldwide is unknown and we are not immune to that, that is here. That happens here in our own province.

The mean temperature of this earth, the thermostat that controls all life on this planet, is projected to rise between 1.5 and 4.5 degrees Celsius between now and the year 2050. Think about that for a moment, and put it in the context of this Bill. CFCs, the depletion of the ozone layer, that is one of the three factors leading up to the greenhouse effect.

The greenhouse effect is going to result in an increase in the mean temperature. The thermostat is going to go awry and, as a result of that, the sea level is projected to rise between 4.7 feet and 7.1 feet by the year 2100, completely inundating some islands, destroying thousands of miles of coastline, changing maps in every country that has a coastal border. That is what is happening each and every day. That is why this step, however small it may be, is so vitally important. That is why it has our support and our encouragement.

Mr. Acting Speaker, could I ask how much time I have remaining.

The Acting Speaker (Mr. Gilleshammer): Ten minutes.

* (1700)

Mr. Cowan: Ten minutes. I asked the question because I have a lot more to say, but there are some important points that I want to make within the remaining 10 minutes and then that should allow enough time for this Bill to pass through to committee stage.

I also want to encourage the Minister of Environment (Mr. Cummings) and his colleagues to ensure that this Bill comes up quickly before the committee, that that legislative committee is called so that we can hear representations from the general public, because I believe that is an important part of the process. The penalties are important. The way in which it sets out a framework for the reduction in the use of CFCs in the province is important, but equally important is the educative value of this Bill. We are going to need all the help we can get.

I have offered on behalf of my colleagues, and I am certain on behalf of every Member in this Legislative Chamber, some help to the Minister of Environment in

the hard task that confronts him. He is going to need more than our help in this Chamber. He is going to need the help of those people whom he must face, and we all must face in the elections to come. As was indicated earlier, there is a sobering realization that is resulting in people wanting action to be taken. We have to make certain that we encourage education of those people to whom we can offer some advice and suggestions and information, to ensure that they fully understand why it is so important that we take this step and other steps that must follow.

It has been said that we are indeed all part of a spaceship Earth. It has been said so many times that I think the term, which was imaginative and very thought provoking at first, may well have become overused, may even in some instances be misused. The fact is that we are part of an interrelated global environment, and that global environment extends not only in rivers that pass through this city and on every continent, or the air which we breathe, or the ground upon which we walk, and the environmental damage that we do does not apply only to that, but it applies as well to that stratosphere, to that thin layer 15 to 35 kilometres, several millimetres thick, that protect us so very much. If in fact we destroy our environment we are most likely not going to do it in one fell swoop. It is going to be incremental damage that happens day by day, bit by bit, much of it unknowingly, most of it unwittingly but having the same impact nonetheless.

The Minister, in his fact sheet dated November 22, 1989, says the following about this legislation. He says that: The Ozone Depleting Substances Act establishes a framework in Manitoba to address the problem of destruction of the ozone layer. Indeed it is that framework about which we are debating today. He goes on to say that the passage of The Ozone Depleting Substances Act, which hopefully will take place soon, is just the first step in a process. Indeed he is correct. I am not going to conjecture as to whether it is the most important step or whether it is a major or a minor step. I think it is significant. I think it is symbolic. I think it is worthy of support, but I also believe, as the Minister has said, it is just the first step. We expect to see many more steps following this legislation. We expect to see steps that improve upon this legislation.

He says over the next few months the Department of Environment will be developing regulations. We expect those regulations to be strong. We expect not only this Act and the other environmental Acts that are on the Order Paper now to be passed but we expect more Acts to come forward. We expect the Government to enforce The Environmental Act that the New Democratic Party passed toward the end of its term, to enforce it strongly, stringently and to the fullest extent. Not only are we judging the Government on the legislation they bring forward and the rhetoric they bring forward, but we are judging them on how they use the tools which are available to them to protect the environment today, tomorrow and for future generations. That task is so very important.

We must all remain vigilant in ensuring we understand the environmental consequences of our actions. We must all become teachers to ensure that which we have

come to know, that which we have learned is taught to others, shared with others so that they will understand why what we do here is so important. We must all become students so that we learn from each other, because we each have knowledge and we are each woven together in this web of our environment. We each must help each other.

Today, in speaking to this Bill, I am speaking beyond the actual legislation, Bill No. 83, the ozone depleting Act. I am speaking to the consequences of environmental pollution and the need to take positive action in many different arenas.

I want to close my comments, with my time running short, with another couple of quotes from a book called *The Earth Report, The Essential Guide to Global Ecological Issues*. In that they discuss a theory called *Man in Gaya*. It says the *Gaya* hypothesis sees the evolution of the species of living organizations so closely coupled with the evolution of their physical and chemical environment that together they constitute a single and indivisible evolutionary process. Deplete the ozone layer, destroy the planet. Pollute the rivers, destroy the planet. Spread pesticides around, destroy the planet. Put air pollution in the air, destroy the planet. Destroy the planet, destroy each and every one of us.

It may be that the actions we take today will not result in that destruction a hundred years from now, but we will be as responsible for them as if they happened when we walk out of this Chamber. That is a sobering realization; that is a humbling thought.

Let me read what someone, who said it better than I could ever say it, said a long time ago, 1854—

An Honourable Member: A long time ago.

Mr. Cowan: Well, think about it. It is a long time ago, but CFCs that were in the environment in 1854 were still in the environment when I was born and when most of the people in this room were born and having the effect a hundred years later.

* (1710)

It was said by Chief Seattle, and he said it to the United States Government. He said it when his people were being betrayed by misuse of the land which they had first inhabited. I think if we do become students, the best teachers that we could find would be the Native people, the aboriginal people, because of the harmony in which they lived with the land, because of the ability for them to understand the consequences of their action. It is somewhat ironic that we go back over a hundred years to find out from Chief Seattle and many others, he was not alone among his people in saying this, what we should have known all along and what we are just coming now to realize.

He said, and I quote, "If men spit upon the ground, they spit upon themselves. We know that the earth does not belong to man. Man belongs to the earth. Man did not weave the web of life. He is merely a strand in it. Whatever he does to the web, he does to himself." Destroy the environment, destroy ourselves. Spit on the ground through pollution, through pesticides that are unregulated, do that and we spit on ourselves.

David Worstrum in the same book says, and I think again it is one of those sobering realizations that we should keep in mind as we debate and pass this through the Legislature, "Never before in our history has the organic world around us been in so much trouble. We are creating an environment of gashes, wounds, disorganization and death." Slash the earth, slash ourselves. Wound the earth, wound ourselves. Wound the ozone layer, wound ourselves. Create havoc within the environment, create havoc within our society.

That is why, Mr. Acting Speaker, this Bill is so very important to all of us. That is why we are supporting it, not so much for the consequences of this particular Bill, but to give a very clear message to the people of this province, to the Government, to the Minister. We will support strong environmental action that ensures that, as Chief Seattle said, we do not spit upon ourselves by spitting upon the land upon which we walk.

Mr. Steve Ashton (Thompson): I would like to speak on this Bill that was standing in my name previously, and just indicate in a few brief words that we want to see this Bill passed through the Legislature. I think the Member for Churchill (Mr. Cowan) very eloquently stated why this Bill is important.

It is a Bill that is important not so much in and as itself although there are some items in it which will deal with the deterioration of our ozone layer. It is similar in intent to a Bill that we had introduced in the last Session of the Legislature. I think it is more, as the Member for Churchill pointed out, the fact that we have to have a greater recognition amongst people in our society of the consequences of what has been happening, what we have taken for granted. Even the most basic functions have led in this particular case through the release of CFCs into the atmosphere to a serious situation developing.

It is a situation that we do have some control over at this point in time, but if we do not use the power that we do have, we could be in a very serious situation. I believe the Member for Churchill (Mr. Cowan) identified that very eloquently, that we really do not control the earth. We are part of the earth and we have a responsibility to not just our current generation but to other generations to not leave it in the kind of state that we have been leaving it in, in recent years.

My fear is that, when it comes to the environmental problems we are faced with, it is an increasing problem we are faced with because of the technology, because of that almost arrogance we have had in recent years that we can somehow change the world and control the world. We can do wonders, we can hold back rivers, we can tear down mountains, we can cut entire forests, and yet we have not been able to realize that for everything we do, for every action there is a reaction, for every time we interfere in the delicate balance of the environment, we threaten that balance. I think that is the bottom line with this particular Bill.

In essence we are taking a stand in our own area, in the Province of Manitoba. I do not believe in Manitoba alone obviously we can single-handedly make the difference. I think it is a cumulative problem that can

only be dealt with if each of us as individuals, not just as residents of Manitoba, the million residents of Manitoba, each of us as individuals takes our own responsibility seriously in this area.

I can see time and time again where I think each and every Member of this Legislature, just to take this as a sample group, and the staff here today of Manitobans, if they were really to think about what they do in their day-to-day lives, I think each and every one of us would be sometimes very surprised at the extent to which we—even those of us who would consider ourselves environmentally conscious—proceed in a manner which is quite the opposite, whether it be in terms of the amount of waste that we produce, the fact that we do not look at recycling in terms of the products, using products that contain CFCs.

You know, Mr. Acting Speaker, it is not a matter of simply finding coffee cups that are CFC-free. It is not simply a matter of using aerosols that are CFC-free, but that is a step that we can all take, and I think each and every one of us really should subject ourselves to an environmental test.

I read an interesting document recently. It asked 20 questions of most people, I think, which would be questions that each and every one of us could have answered. It was interesting. I went through the list myself, and it was amazing when, after I completed this test in terms of the 20 questions about what I do in my own daily life, I was embarrassed by the extent to which things that I had not even thought of were not good for the environment, were having a serious impact on the environment. I mean, yes, I avoid using materials which have CFCs; yes, I walk whenever I can; yes, I do various different activities.

This is CFC-free, by the way. It is, yes. It is free. Just for the Member for St. Norbert (Mr. Angus), the cup I am holding in my hand is CFC-free. See, once again, sometimes we get wrapped up in the misapprehension that something has CFCs that does not, or vice versa. It is the symbols that we have grasped at, I believe, the coffee cups, and it is positive, as I have said, but sometimes a concentration on the symbols can avoid a more serious situation that can exist.

We in Canada are one of the most wasteful societies on earth. We have been fortunate to a certain extent that we have one of the largest land masses, but we are one of the most wasteful societies on a per capita basis, so we clearly need to deal with that.

If you look at the way we have treated the environment in Canada, we have treated it as a large expense. We have taken the attitude that somehow what we do will be absorbed by the environment around us. That no longer is the case. What we do, has consequences. It is cumulative effects that take place, and that is what is happening in terms of acid rain, Mr. Acting Speaker, the cumulative impact. The ironic part is, it may not even impact in your own area.

In my own area around Thompson for example, there is not the significant problem with acid rain that you find in southern Ontario. That may sound ironic but the reason for that is because the rock base buffers

the effect of the acid rain. That is not to say that we can turn our back on the fact that the cumulative impact of SO₂ emissions is hurting other areas of this country, in particular southern Ontario. It is hurting areas in the United States and that is the kind of overall perspective that we have to take. We cannot just take the attitude that has been expressed as being represented by the statement "not in my backyard." We have to go beyond being environmentalists in our own backyard and recognize our backyard is really—this country as a whole and the Earth as a whole.

* (1720)

There is that tendency, I believe, amongst a lot of people, there is an increased environmental awareness, but to a certain extent it has not been translated beyond the very personalized level that it is at. I think a lot of people feel the threat, the worsening environment personally and are reacting in a more limited sense.

I would suggest that everybody do a personal audit of their own lifestyle if they really want to be environmentally conscious and I will recommend this particular series of questions that I did go through, and as I said, the results bothered me to a certain extent. I would have thought, going through it, that I would have been more environmentally conscious than it turned out, not in terms of my statements or my ideals, but in terms of day-to-day life.

That is what we are trying to do, I think, in the next period, is as quickly as possible, because of the urgency of the situation, translate our ideals into a reality in terms of day-to-day lives. The bottom line is, we have to each as individuals, accept that.

I believe that is really what this Bill will do more than anything else. If it has any impact, it will not be the Government having impact, it will have an impact through people, through individuals taking action and saying we can no longer afford these type of risks.

That is why, by the way, we are anxious to see this Bill passed through. Prior to the Christmas break we had agreed to the passage of a number of the Bills requested by the Government, virtually all the Bills that are requested, and we had asked that this be put on the Order Paper, that it be debated. We had asked that it be passed through to second reading, that is what we are going to be doing today.

It is not even out of a partisan sense, I believe. It is out of the fact that we consider whatever we can do in the Legislature, in the environment, to be a priority. It is one of the areas that we, I believe, have room for common ground in this Legislature, certainly on this. There may be some environmental issues that we do have disagreements with on the Government. I know there are.

In terms of this particular Bill, this particular concern, we are quite anxious to accommodate the Government. I would indicate too that we have other environmental Bills. We once again have requested that they be passed. I have indicated that in writing to the Government House Leader (Mr. McCrae). I want to stress again that we are not only willing to co-operate

on these Bills, but we are willing to expedite them through the Legislature. That is important to stress, Mr. Acting Speaker, because I know this week there has been a lot of discussion back and forth about being co-operative and not being co-operative. I think the commitment of the Opposition Parties to getting this passed through certainly in this case I know from our Party, having requested this be passed, I think on one of the most important issues facing us, one that we can get some common ground, shows, Mr. Acting Speaker, the true spirit of co-operation that I think can be achieved.

I realize it does not exist always, but here we are in a minority Government situation, and we have Bills that are going to be supported by all three Parties. We can debate who deserves credit for them at another time. That is really not the most important factor. The important factor is this Bill on the ozone layer is an important Bill. We wish to see it passed through second reading today.

I would like to publicly ask, through the Minister of Environment (Mr. Cummings) to the Government House Leader (Mr. McCrae), that this Bill be put through to committee as soon as possible. I realize it is probably not possible to call the committee tomorrow, Thursday being a normal committee day, but I would suggest that if the Minister of the Environment wants to deal with this Bill, the appropriate day to do it would be on Tuesday. We would be more than willing to accommodate this and any other Bills that we have already put through at second reading, or other Bills that may go through second reading on Friday.

We are still working on that list by the way, Mr. Acting Speaker. Out of the 10 Bills that we had agreed to pass before Christmas, we were not able to get them all through because there was not sufficient time to debate them. I want to stress that we are still committed to passing those Bills through. Not every Bill will receive the same treatment. I think the debate on Bill 31 earlier today is indicative of the fact that on certain matters of principle that we will fight and fight long and hard that on Bills such as this we see absolutely no reason why this and other Bills should not go through. I would really appreciate if the Minister of the Environment could raise that with the Government House Leader. I will be raising it directly as House Leader. I want to say publicly though that we look forward to this Bill going to committee as early as Tuesday.

In concluding once again, it is an important area. We will co-operate completely in terms of the environmental Bills before us. I look forward to the Minister's closing remarks and seeing this Bill through second reading next week and hopefully through third reading as well. Thank you.

The Acting Speaker (Mr. Gilleshammer): The Honourable Minister of the Environment. The Honourable Minister will be closing debate.

Hon. Glen Cummings (Minister of Environment): Mr. Acting Speaker, I will keep my remarks reasonably brief, but I want to put a few comments on the record regarding The Ozone Depleting Substances Act, comments of a general nature.

First of all, I want to say that—and I say this not in any disrespectful way but simply in searching for an adjective to describe the comments that the Member for Churchill (Mr. Cowan) put forward regarding this Bill and his concerns about the environment. I suppose one could say that he certainly waxed eloquent, and he almost waxed evangelical in the approach and the ideas that he put forward, in relation to the environment.

To a large extent I am going to say, and I want to put on the record, that the comments that he made about a small effort, but nevertheless a meaningful effort, are correct. In putting forward this Bill, we all have to recognize that what we are doing is giving ourselves a mechanism whereby we can regulate the release of ozone depleting substances into the environment in this province and that is all we can do.

Nevertheless a series of small accomplishments can eventually have an impact. It also I think clearly states that we as Manitobans do have a responsibility that we are prepared to accept. We have a stewardship that we have to acknowledge and be prepared to accept responsibility for what we do today so that future generations can look back to our stewardship of this country and this planet, if you will, and say that, yes, what we did may not have been enough, but at least we made the first feeble efforts at dealing in a responsible manner with environmental concerns.

I guess I come from a generation, Mr. Acting Speaker, that grew up with the term conservation being what society chose to refer to in efforts that were made to deal with the environment. The environment that I grew up in of course was largely a rural environment. Conservation was a broadly accepted basis upon which our enterprise, agriculture as a whole, communities at large and the manner in which they looked at dealing with the environment. We looked at conserving, we thought of conservation in terms of saving resources, be they renewable or non-renewable, so that future generations would have the opportunity to benefit from them as well as ourselves.

I think today we have to take one look further, one step further probably, in terms of how we think of conservation, how we think of our relationship to environment and that is thinking of it in terms of sustainable development, because we have achieved a very high standard of living in this country, on this continent and that standard of living extracts a certain price from the environment.

What we are talking about here is dealing with substances that are very beneficial if used properly. Obviously, they are not beneficial when released into the atmosphere. We need to remember that simply elimination or regulation in controlling and restricting the release into the atmosphere is only the first step that we have needed to be taken in dealing with this type of a problem.

There has to be a reasoned approach and to that extent I guess we would concede that we have, I think all Parties would concede that we have, a mechanism within The Environment Act whereby regulations are developed by consultation. That does two things, No. 1, it does as it says, it consults, but it also means that

the users, the regulators and the producers are all involved in the discussion which can only be beneficial in and of itself. It then leads to a better understanding of the problem and ultimately I believe a better conclusion to the problem.

One of the things that I have always maintained in relationship to environmental regulation and environmental enhancement is that we too often forget that there is a benefit more than just to the environment that can ensue from a proper approach. One of the things that I hope will happen in that relationship is the development of recapturing equipment. A technology that I hope will grow along with the development of regulations and the restriction of ozone depleting substances from release into the atmosphere.

Some of that equipment is available today, not necessarily in a price range that is easily attainable for people who are not using large volumes of this material, but I understand that equipment is also rapidly becoming more available and at a more affordable price.

I just close by adding a couple of more thoughts on that point, Mr. Acting Speaker. One of them is that we have already received information from major auto manufacturers who have dealers in this province, that they are moving rapidly to make CFC, in other words refrigerant reclamation and capture equipment, available where they service automobiles at their largest centres. We have seen more than just a simple response. We have received a very positive response when we pass that information on to other users of refrigerant and that they are also moving quickly to make recapturing equipment available.

* (1730)

So to that point, Mr. Acting Speaker, I am pleased to see this Bill move to committee. I am encouraged by the comments that I hear from the Members opposite and the recognition of the fact that we all need to work together to deal with these types of questions, these types of issues.

I wanted to put on the record that, not only are Members in the legislature showing some co-operation when it comes to this kind of an issue but industry, in other words, the users and the producers of these types of products are also moving at a considerable pace in order to deal with it as well. I think that bodes well for the development of regulations under this Bill, and eventual control of what is happening in this province and presumably setting an example for what we hope will happen across the rest of the country.

QUESTION put, MOTION carried.

BILL NO. 84—THE WASTE REDUCTION AND PREVENTION AND CONSEQUENTIAL AMENDMENTS ACT

The Acting Speaker (Mr. Gilleshammer): On the proposed motion of the Honourable Minister of Environment (Mr. Cummings), Resolution No. 84, The Waste Reduction and Prevention and Consequential

Amendments Act; Loi sur la réduction du volume et de la production des déchets et modifications corrélatives, standing in the name of the Honourable Member for Dauphin (Mr. Plohman). Stand.

BILL NO. 59—THE PUBLIC SCHOOLS AMENDMENT ACT

The Acting Speaker (Mr. Gilleshammer): On the proposed motion of the Honourable Minister of Education (Mr. Derkach), Resolution No. 59, The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques, standing in the name of the Honourable Member for Seven Oaks (Mr. Minenko). Stand.

BILL NO. 6—THE LAW REFORM COMMISSION ACT

The Acting Speaker (Mr. Gilleshammer): On the proposed motion of the Honourable Attorney General (Mr. McCrae), Resolution No. 6, The Law Reform Commission Act; Loi sur la Commission de réforme du droit, standing in the name of the Honourable Member for Thompson (Mr. Ashton). Stand.

Is there leave to have it remain standing in the Honourable Member's name? Leave.

BILL NO. 8—THE ENDANGERED SPECIES ACT

The Acting Speaker (Mr. Gilleshammer): On the proposed motion of the Honourable Minister of Natural Resources (Mr. Enns), The Endangered Species Act; Loi sur les espèces en voie de disparition, standing in the name of the Honourable Member for The Pas (Mr. Harapiak). Stand.

Is there leave to have it remain standing in the Honourable Member for The Pas. Leave.

BILL NO. 9—THE FOREST AMENDMENT ACT

The Acting Speaker (Mr. Gilleshammer): On the proposed motion of the Honourable Minister of Natural Resources (Mr. Enns), Resolution No. 9, The Forest Amendment Act; Loi modifiant la Loi sur les forêts, standing in the name of the Honourable Member for Brandon East (Mr. Leonard Evans).

Is there leave to have it remain standing? Leave.

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

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

Is there leave to have it remain standing? Leave.

**BILL NO. 35—THE WILDLIFE
AMENDMENT ACT**

The Acting Speaker (Mr. Gilleshammer): On the proposed motion of the Honourable Minister of Natural Resources (Mr. Enns), Resolution No. 35, The Wildlife Amendment Act; (Loi modifiant la Loi sur la conservation de la faune), standing in the name of the Honourable Member for Wolseley (Mr. Taylor). Stand.

(Mr. Speaker in the Chair)

Is there leave that this matter remain standing in the name of the Honourable Member for Wolseley (Mr. Taylor). Leave. Agreed.

**BILL NO. 39—THE HUMAN
TISSUE AMENDMENT ACT**

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice (Mr. McCrae), Resolution 39, The Human Tissue Amendment Act; Loi modifiant la Loi sur les tissus humains, standing in the name of the Honourable Member for Springfield (Mr. Roch). Stand.

Is there leave that this matter remain standing? Leave. Agreed.

**BILL NO. 40—THE LAND
SURVEYORS AMENDMENT ACT**

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice and Attorney General (Mr. McCrae), Bill No. 40, The Land Surveyors Amendment Act; Loi modifiant la Loi sur les arpenteurs-géomètres, standing in the name of the Honourable Member for The Pas (Mr. Harapiak). Stand. Is there leave that this matter remain standing? Agreed.

**BILL NO. 47—THE DEPENDANTS
RELIEF ACT**

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice and Attorney General (Mr. McCrae), Bill No. 47, The Dependants Relief Act; Loi sur l'aide aux personnes à charge, standing in the name of the Honourable Member for St. James (Mr. Edwards). Stand.

Is there leave that this matter remain standing? Agreed.

**BILL NO. 48—THE INTESTATE
SUCCESSION AND CONSEQUENTIAL
AMENDMENTS ACT**

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice and Attorney General (Mr. McCrae), Bill No. 48, The Intestate Succession and Consequential Amendments Act; Loi sur les successions ab intestat et modifiant diverses dispositions législatives, standing in the name of the Honourable Member for Seven Oaks (Mr. Minenko). Stand.

Is there leave that this matter remain standing? Agreed.

**BILL NO. 49—THE DOWER
AMENDMENT ACT**

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice and Attorney General (Mr. McCrae), Bill No. 49, The Dower Amendment Act; Loi modifiant la Loi sur le douaire, standing in the name of the Honourable Member for St. James (Mr. Edwards). Stand.

Is there leave that this matter remain standing? Agreed.

**BILL NO. 50—THE WILLS
AMENDMENT ACT**

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice and Attorney General (Mr. McCrae), Bill No. 50, The Wills Amendment Act; Loi modifiant la Loi sur les testaments, standing in the name of the Honourable Member for St. James (Mr. Edwards). Stand.

Is there leave that this matter remain standing? Agreed.

**BILL NO. 51—THE MARITAL
PROPERTY AMENDMENT ACT**

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice and Attorney General (Mr. McCrae), Bill No. 51, The Marital Property Amendment Act; Loi modifiant la Loi sur les biens matrimoniaux, standing in the name of the Honourable Member for St. James (Mr. Edwards). Stand.

Is there leave that this matter remain standing? Agreed. The Honourable Acting Government House Leader.

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, I believe there is a willingness on the part of all Members, if one of the Opposition Members has a Bill that they wish to identify that they are prepared to speak on, they will stand up and give us that number. We are prepared to give leave for them to speak on it and allow you to call it.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, if the Government would be willing to call Bill No. 65, we would be prepared to speak on it.

Mr. Speaker: Is that agreed? The Honourable Member for Thompson.

Mr. Steve Ashton (Thompson): Yes. We are also willing to speak to the consumer Bill that was not called earlier today. Bill No. 64, I believe, has not been called.

**BILL NO. 64—THE BUSINESS
PRACTICES ACT**

Mr. Speaker: Seeing as how 64 is there before 65. On Bill No. 64 there has already been leave granted that this matter remain standing in the name of the

Honourable Member for Thompson. Is there leave that the Honourable Member for Thompson could address Bill No. 64? Agreed.

Mr. Steve Ashton (Thompson): Mr. Speaker, this is another one of the Bills that we have indicated we were willing to pass through to committee. We are willing to pass Bills 63 and 64. So I would ask that we deal with Bill No. 63 as well, if necessary. For those who perhaps are not aware or who missed my comments earlier, prior to Christmas we had indicated that we were willing to pass a number of Bills. We just passed one of those Bills through, the environment Bill. We are also willing, and there has been agreement, to pass these two important consumer Bills through to committee.

In the one case we are dealing with a Bill that reflects a Bill that we have had before this House. In another case we will be bringing in amendments to the Bill that is before the House at the current time. What I would do is urge that we deal with both 63 and 64. We can deal with them today, if necessary. We still have time left. I believe they are important issues. That is why, by the way, Mr. Speaker, before Christmas we had responded, and I will repeat again, in the context of this Bill, that we were willing to pass through 10 Bills. The Conservatives rejected having a vote on the Bill that we had sponsored, which would have provided greater protection for workers impacted by a plant closure.

* (1740)

There was agreement to pass through nine Bills, nine of the 10 that we had requested, including the environmental Bills and including the consumer Bills. This is one of the Bills that we have indicated we are willing to pass through to committee. What I would like to do is basically indicate we will be raising this in committee and we are quite pleased right now to pass this through to committee. I would ask once again that if we can pass it through today we could deal with it in the committee perhaps early next week if necessary. If there is time, after perhaps dealing with 65, I think we could probably revert back to 63 and come to the same resolution, if necessary, or at least perhaps given the time we may deal with it on Friday. We could deal with this Bill by passing it through to committee, Mr. Speaker.

QUESTION put, MOTION carried.

Mr. Speaker: I would like at this time make mention of the fact that as per the remarks of the Honourable Member for Thompson it is the Government that calls the order of the Bills.

BILL NO. 65—THE FATALITY INQUIRIES ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice (Mr. McCrae), Bill No. 65, The Fatality Inquiries Act; Loi sur les enquêtes médico-légales, standing in the name of the Honourable Member for Seven Oaks (Mr. Minenko). The Honourable Member for Seven Oaks.

Mr. Mark Minenko (Seven Oaks): Mr. Speaker, it is indeed an opportunity to bring to the attention of all Honourable Members the nature of the legislation that we have before us. Earlier in this Session, the Minister of Justice (Mr. McCrae) introduced this rather large piece of legislation which introduced many new provisions in how inquiries into fatalities will be dealt with in the future. We all heard that the Minister of Justice, in introducing this legislation, advised that the present legislation, which is somewhat shorter than what we have before us today, was passed in 1975.

I think we can all agree that over the last 15 years or so there have been many changes in how people view various matters dealing with fatal injuries and how people view investigations of fatal injuries. We have seen recently in the Aboriginal Inquiry, an inquiry with respect to the handling by police of the Harper situation, that there is indeed a greater need of care in reviewing matters of this sort if there is indeed an inquiry. Indeed, there has been an increased complexity of the matter before us.

We have, for example in the last few years, through advances in science, an increased transplantation system where more and more people are receiving various organs from other people who have donated them.

Again, the changes in science have far more quickly come into place than the psychological aspects involved with those issues. I was recently reading and considering statements made by various scientists that it takes in many situations too often, too long a period of time for politicians and the laws of provinces and the way people view things and how they consider things to catch up to new scientific developments.

I think this is a very serious aspect for us to consider. One of the aspects in here, Mr. Speaker, that I am indeed heartened by the comments of the Minister of Justice (Mr. McCrae) when he first introduced this legislation was that the Act will prohibit an expression of opinion as to who was at fault, who was culpable in the death. I think this is an important aspect to it.

The Minister of Justice further goes on and says that the purpose of the investigation and inquiry is to determine the facts and not to assign the blame. I think, Mr. Speaker, this is a very important aspect to this legislation. It is important in order for us to review a particular situation, review an incident, review an accident and be able to learn from that incident and accident and look to ways that perhaps we should change the way a procedure is done, the way we should look at changing how people are placed so they do not result in accidents and incidents.

Mr. Speaker, just recently, as a member of the Canadian Armed Forces Medical Services, of which I am a safety officer, we spent this past weekend going through another safety officer's course to upgrade some people who are already qualified safety officers and to perhaps qualify many of the new people who have entered the field in the military services.

One of the most important things that our instructors stressed to us, Mr. Speaker, was that when you as a

safety officer are investigating a situation or if there is a summary inquiry to be held, you as a safety officer have a responsibility not to find fault with a particular individual and not to be going up to people who are involved in an accident or incident saying, you are at fault, that is why I am investigating. They stressed that it is important that anyone as an investigator of a situation, be it fatal or not, be placed in a role where they are doing exactly what the Minister says the purpose of this legislation is, to determine the facts so that we can learn from them.

This, Mr. Speaker, I think is an incredibly important aspect of this whole legislation among the many other provisions that the Minister of Justice has introduced. So often, and certainly in the practice of law what I have learned is that you have to be in a position to be able to ask the questions you need to ask in order to find out what really happened, to be able to determine what advice you are going to give to your client.

In the same way a safety officer investigating an incident in the workplace, or someone perhaps from the Department of Labour—again, looking at various issues and matters that we have heard most recently about matters that have been brought to their attention, it is important to find out what the facts were, to be able to talk to people instead of pointing an accusatory finger saying, well, what did you see, what did you smell, what did you hear, what did you feel, was the door hot or not.

Things like this, Mr. Speaker, are very important because only when we have the facts, can we learn from them and be able to deal with situations like that in the future, so we do not have a need for any more safety investigations in the future, so we do not need to have any more fatality inquiries.

I think for that reason alone I would certainly ask all Honourable Members to review this legislation and consider it carefully.

Another important aspect to the legislation we see before us is the whole issue of requiring the reviews and investigations upon the death of children. This again is an important aspect to the legislation we have before us. I think what we have seen is that society has started to view things, initially perhaps through the increased use of Child and Family Service agencies throughout the province in the investigation of various aspects of family life and what a standard should be. Often inquiries would be of great assistance to us in order to find out what the facts were. How can the situation be changed? How can we provide better service to our families and to our children?

Mr. Speaker, when we look to these sections throughout this legislation, we see that what the Government has done, based on the recommendations of the Chief Medical Examiner, is a comprehensive series of proposals for overhauling this piece of legislation. Among many of the issues was certainly cordoning off this scene of death and the extension that may be available to people in order to do that. I think we have often found—and certainly there were some questions during the Harper inquiry as to whether there was sufficient investigation.

* (1750)

Again the whole issue is, what are the procedures that we have to follow in order to thoroughly find out what the facts were? Sometimes, and certainly in Manitoba in the wintertime, perhaps the medical examiner or the investigator will require that further extension of the cordoning off period. Many times, as we all know, whenever we have lost something in the snow, it certainly may take some time before we actually find some of these things.

Often, when one is investigating a fatality, we have to look in all the cracks and crannies to be able to find out what these facts were. Again, Mr. Speaker, the importance of this cannot be overemphasized because there is so much in today's world—and again I, when reading in this legislation once again and reviewing the comments of the Minister of Justice (Mr. McCrae) in preparation for speaking today, I still have to reflect on the comments made to us this weekend where we are trying as investigators to find out all the facts that need to be found out to be able to change the circumstances, to be able to adjust our procedures so that further investigations need not take place.

When the Minister of Justice (Mr. McCrae) emphasized when he mentioned the extended role of nurses as investigators that may well provide—instead of having police officers as investigators it allows someone who has a different perspective on what happened to be evaluating the situation. I think it needs to be emphasized that it would appear from the legislation that one of the underlying principles of this Bill is that the proceedings should not be held in a spirit of a courtroom, should not be adversarial, should not have quasi-criminal aspects to it.

We are finding out as society changes and reflects some of the scientific advantages of our development, research and development in this province and throughout North America and the world, that we can often deal with, if we have all the specific facts in place, that we can perhaps make those adjustments that are necessary. There is more and more fine tuning happening all the time in order to allow the investigator to do exactly that.

I think perhaps, touching on again the issue of Child and Family Services, I would certainly during the committee stage like to ask the Minister responsible for the legislation, how much contact he may have had with the Child and Family Services agencies or to them through the Minister responsible for Family Services in this province, because it deals with that aspect and I would certainly hope that the Minister of Justice's (Mr. McCrae) efforts to deal with the issue of a deceased child has been tied in to what the CFSs are doing. I think it is important that this aspect be developed so that there are indeed no more unfortunate incidents happening in the future. As we know sometimes mistakes can be made and it is often because of these mistakes that inquiries happen.

Well, Mr. Speaker, in an inquiry it is important that the person investigating come in with a very open mind, that they have not necessarily predetermined what they will be looking for, that they will be coming into a

situation that they are truly there as fact finders. That they are there to view the various aspects, talk to the people who may have been involved, find out who saw what, when they saw it, because one of the things, Mr. Speaker, that we know is, that very often people who have noticed an incident, watched an incident, may not necessarily come forward too readily.

Oftentimes we see ads in the papers asking for a witness of this type of accident, a witness of that type of accident. It is quite remarkable, Mr. Speaker, that using that simple technique lawyers often get a different perspective on what happened at an accident. Oftentimes people who may not feel they have really too much to contribute to the situation, when asked directly will often be able to give a different perspective they saw from a slightly different angle. It is almost like the instant replays that we often see on television. They see it from a different angle and add just a little different twist to what some one else saw.

This Bill, I believe, would certainly look to encourage that sort of attitude in our Manitoban public, because that is what is important in order to be able to ultimately determine the reasons for a particular accident or incident.

We believe also that to pursue this further, and perhaps ask the Chief Examiner, his office, as to how they see this Bill would improve their operations, from

day-to-day operations. As we know it is based on their recommendations, and certainly I expect over any 15-year period of time, there would have to be improvements.

Again, as I mentioned Mr. Speaker, that oftentimes developments and science and technology have made available to people like the Chief Examiner's office instruments and measures that they would not have been able to consider before. I would certainly be interested in hearing the comments of the Chief Examiner on these issues and how it is practically going to be able to assist them in doing their job.

I believe, we, on all sides of the House would certainly very much support the Chief Examiner's office being able to do their job better, more efficiently in order to be able to change if possible the circumstances leading to a particular incident. I think if we all work towards that objective through legislation like we have before us, that could be accomplished.

Mr. Speaker: Order, please. When this matter is again before the House, the Honourable Member will have 22 minutes remaining.

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