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**Fourth Session — Thirty-First Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**

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29 Elizabeth II

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Speaker*



**VOL. XXVIII No. 101 - 10:00 a.m., WEDNESDAY, 9 JULY, 1980**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty - First Legislature**

**Members, Constituencies and Political Affiliation**

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Name	Constituency	Party
<b>ADAM, A. R. (Pete)</b>	Ste. Rose	NDP
<b>ANDERSON, Bob</b>	Springfield	PC
<b>BANMAN, Hon. Robert (Bob)</b>	La Verendrye	PC
<b>BARROW, Tom</b>	Flin Flon	NDP
<b>BLAKE, David</b>	Minnedosa	PC
<b>BOSTROM, Harvey</b>	Rupertsland	NDP
<b>BOYCE, J. R. (Bud)</b>	Winnipeg Centre	NDP
<b>BROWN, Arnold</b>	Rhineland	PC
<b>CHERNIACK, Q.C., Saul</b>	St. Johns	NDP
<b>CORRIN, Brian</b>	Wellington	NDP
<b>COSENS, Hon. Keith A.</b>	Gimli	PC
<b>COWAN, Jay</b>	Churchill	NDP
<b>CRAIK, Hon. Donald W.</b>	Riel	PC
<b>DESJARDINS, Laurent L.</b>	St. Boniface	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOMINO, Len</b>	St. Matthews	PC
<b>DOWNEY, Hon. Jim</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>EINARSON, Henry J.</b>	Rock Lake	PC
<b>ENNS, Hon. Harry J.</b>	Lakeside	PC
<b>EVANS, Leonard S.</b>	Brandon East	NDP
<b>FERGUSON, James R.</b>	Gladstone	PC
<b>FILMON, Gary</b>	River Heights	PC
<b>FOX, Peter</b>	Kildonan	NDP
<b>GALBRAITH, Jim</b>	Dauphin	PC
<b>GOURLAY, Hon. Doug</b>	Swan River	PC
<b>GRAHAM, Hon. Harry E.</b>	Birtle-Russell	PC
<b>GREEN, Q.C., Sidney</b>	Inkster	Ind
<b>HANUSCHAK, Ben</b>	Burrows	NDP
<b>HYDE, Lloyd G.</b>	Portage la Prairie	PC
<b>JENKINS, William</b>	Logan	NDP
<b>JOHNSTON, Hon. J. Frank</b>	Sturgeon Creek	PC
<b>JORGENSEN, Hon. Warner H.</b>	Morris	PC
<b>KOVNATS, Abe</b>	Radisson	PC
<b>LYON, Hon. Sterling R.</b>	Charleswood	PC
<b>MacMASTER, Hon. Ken</b>	Thompson	PC
<b>MALINOWSKI, Donald</b>	Point Douglas	NDP
<b>McBRYDE, Ronald</b>	The Pas	NDP
<b>McGILL, Hon. Edward</b>	Brandon West	PC
<b>McGREGOR, Morris</b>	Virden	PC
<b>McKENZIE, J. Wally</b>	Roblin	PC
<b>MERCIER, Q.C., Hon. Gerald W. J.</b>	Osborne	PC
<b>MILLER, Saul A.</b>	Seven Oaks	NDP
<b>MINAKER, Hon. George</b>	St. James	PC
<b>ORCHARD, Hon. Donald</b>	Pembina	PC
<b>PARASIUK, Wilson</b>	Transcona	NDP
<b>PAWLEY, Q.C., Howard</b>	Selkirk	NDP
<b>PRICE, Hon. Norma</b>	Assiniboia	PC
<b>RANSOM, Hon. Brian</b>	Souris-Killarney	PC
<b>SCHROEDER, Vic</b>	Rossmere	NDP
<b>SHERMAN, Hon. L. R. (Bud)</b>	Fort Garry	PC
<b>STEEN, Warren</b>	Crescentwood	PC
<b>URUSKI, Billie</b>	St. George	NDP
<b>USKIW, Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, D. James</b>	St. Vital	NDP
<b>WESTBURY, June</b>	Fort Rouge	Lib
<b>WILSON, Robert G.</b>	Wolseley	PC

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**Wednesday, 9 July, 1980**

Time — 10:00 a.m.

**OPENING PRAYER by Mr. Speaker.**

**MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell):** Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . .

**INTRODUCTION OF BILLS**

**MR. J. WALLY MCKENZIE (Roblin)** introduced Bill No. 111, An Act to amend The Architects Act.

**ORAL QUESTIONS**

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

**MR. HOWARD PAWLEY (Selkirk):** Mr. Speaker, my question is to the Minister of Consumer Affairs. On Monday of this week the Minister of Consumer Affairs tabled two reports on rent decontrol in Manitoba and the introduction to the first report states that it was based upon the rental information pertaining to all units where an exemption order was applied for and issued. In the second introduction, it indicates in the second report that the report is based upon "Stratified random sample, selected from all the decontrol applications received by the board." My question to the Minister is whether he can indicate whether the second report showing decontrol in Winnipeg for 1979 is based upon decontrol applications, as was the case in the first report?

**MR. SPEAKER:** The Honourable Minister of Consumer and Corporate Affairs.

**HON. WARNER H. JORGENSEN (Morris):** Mr. Speaker, my assumption, and I'll have to check that out, was that both reports were based on the same criteria.

**MR. PAWLEY:** Mr. Speaker, I note that the Attorney-General is not present. I'm wondering, to the First Minister, in view of the report that the Kasser case has been dismissed in Austria, whether the First Minister is in a position to give us a report?

**MR. SPEAKER:** The Honourable First Minister.

**HON. STERLING R. LYON (Charleswood):** Mr. Speaker, I do have information from the Law Officers of the Crown that was to be transmitted to the Attorney-General, who is in Montreal attending the Constitutional Conferences. The information is to this effect: That we have been advised of the appeal launched by Dr. Wilhelm Steidl, the Public Prosecutor of Innsbruck, Austria, against the termination of the preliminary investigation against Dr. Alexander Kasser, has been dismissed by the

Superior County Court of Innsbruck. In effect, the charges laid by the Austrian Ministry of Justice against Kasser have been dismissed. While the Austrian charges were based on crimes alleged to have been committed in Manitoba, the decision of the Austrian courts does not affect the criminal charges laid against Mr. Kasser in Canada. Those charges remain outstanding. A special prosecuting counsel, appointed by the government, will be reviewing the court decision with counsel at Innsbruck to determine whether there is any chance of reviving the Austrian charges. That's all the information that has been conveyed by the law officers, Mr. Speaker.

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

**MR. PAWLEY:** I wonder, Mr. Speaker, the First Minister may not have access to this information at this moment, but in view of the dismissal of the criminal charges in Austria, can the First Minister advise whether or not at this stage there has been any additional grounds, additional avenues or opportunities to obtain extradition of Kasser to Manitoba to face the criminal charges referred to in Canada, or is the possibility of such extradition as far away as previously?

**MR. LYON:** Mr. Speaker, I think I had better take that for notice, because I am not fully informed on that aspect of the matter by any means at all. My understanding, however, is that the extradition with respect to the presence of the accused in Austria is not possible because of citizenship disqualification. However, if the accused were found outside of Austria in a participating country, that is, a country that has an Extradition Treaty with Canada, my understanding is that the accused could be extradited but that, of course, is hypothetical. I will take the specific question as notice, Mr. Speaker.

**MR. PAWLEY:** To the Minister of Health, in view also of the absence of the Attorney-General, can the Minister of Health advise whether or not a date has been established for the Robins' inquest, the fatality case of the patient at the Selkirk Mental Hospital?

**MR. SPEAKER:** The Honourable Minister of Health.

**HON. L.R. (Bud) SHERMAN (Fort Garry):** I can't so advise the Honourable Leader of the Opposition, Mr. Speaker. I'll have to take that as notice and try to get back to him later today.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. SIDNEY GREEN:** Mr. Speaker, I'd like to direct a question to the First Minister relative to the legal proceedings involving Churchill Forest Industries. Has the Crown and right of the province received the amount that was agreed upon in settlement, mainly approximately 9 million, has that

money been received by the people of the province of Manitoba as at this time?

**MR. SPEAKER:** The Honourable First Minister.

**MR. LYON:** Mr. Speaker, I'll be happy to take that question as notice and get the information for my honourable friend.

**MR. SPEAKER:** The Honourable Member for St. George.

**MR. BILLIE URUSKI:** Thank you, Mr. Speaker. I direct this question to the Minister of Agriculture, and ask him whether this morning, in view of the fact that he — I don't know for what reason — took off from the House last evening during the debate on Supplementary Estimates, is he in a position this morning to enunciate government policy with respect to the allocation of hay lands within the province of Manitoba dealing with the three issues that were raised, one ten days ago and several of them at the beginning of this week?

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**MR. DOWNEY:** Mr. Speaker, the policy, as we have indicated, is that the hay will be allocated through the municipal authority. That process is taking place. I think that is the policy that we announced to start with and it hasn't changed.

**MR. URUSKI:** Thank you, Mr. Speaker. Then, Mr. Speaker, what is the criteria that the province follows after they have issued the permits to the municipal authority?

**MR. DOWNEY:** Mr. Speaker, the municipal authorities are supposed to distribute that hay fairly and equitably amongst the farmers who are in need of it in their jurisdictions.

**MR. SPEAKER:** The Honourable Member for St. George with a final supplementary.

**MR. URUSKI:** Thank you, Mr. Speaker. Could the Minister indicate, in the case of Red Deer Lake, whether the Minister has investigated and can he assure himself and members of this House that the lands in that case have been distributed fairly and equitably?

**MR. DOWNEY:** Mr. Speaker, as I indicated yesterday, I would check into it, and I have instructed that take place, that the hay be distributed in that particular area fairly and equitably.

**MR. SPEAKER:** The Honourable Member for Rock Lake.

**MR. HENRY EINARSON:** Mr. Speaker, I direct this question to the Minister of Agriculture. I would like to ask the Minister if he could inform the House as to whether or not there have been any meetings held between the Canadian Pacific Railway and the Canadian National Railway insofar as negotiating interchange services as it pertains to movement of grain; in this case, particularly to Churchill?

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**MR. DOWNEY:** Yes, there have, Mr. Speaker.,

**MR. EINARSON:** A supplementary question, Mr. Speaker. I wonder if the Minister of Agriculture could inform the House as to whether or not his department has had any involvement in these negotiations and could the Minister inform the House as to what the particulars may be at this point?

**MR. DOWNEY:** Mr. Speaker, as far as participating in negotiations, there have been no direct involvement in the negotiations but there has been a request, firstly, again, Mr. Speaker, from the day that we had our meeting in Winnipeg, with the Premier calling the meeting. There was a support for the Port of Churchill and requesting anything that could be done to support that use of that Port; followed up, Mr. Speaker, by a request at the June 3rd meeting in Victoria between the federal and provincial governments, the western provinces, to have a CN-CP interchange that would facilitate the movement of grain into Churchill; followed by a telex from the province yesterday, Mr. Speaker, again requesting the same kind of an agreement so that we could in fact move the amount of grain into Churchill that would be required.

Plus, Mr. Speaker, it has been a continual consultation as far as we are concerned, to the public; information to the public that we wanted to see Churchill fully utilized, and, Mr. Speaker, I am pleased that this morning I am informed that there is an interchange agreement in place and that in fact we will see the CP-CN cars being interchanged as to move more grain into the Port of Churchill. That announcement was made by the Grain Transportation Co-ordinator, Mr. Speaker.

**MR. EINARSON:** Mr. Speaker, I would like to ask a supplementary question in this matter, as far as the movement of grain is concerned. Could the Minister of Agriculture indicate to us in a little more elaborate form as to just what is the situation and what part is his department taking in encouraging the federal government, those responsible for getting grain moved to the Port of Churchill?

**MR. DOWNEY:** Mr. Speaker, I believe there are other things that have to be done and I will be forwarding a communication to the Canadian Wheat Board, requesting that they make sure there are sufficient boxcars sitting on CN lines and CP lines, so that they can in fact fill them to move to Churchill when the boats are there. It's matter of having the box cars in place at the loading ports or at the elevators, so that they can move that grain to the Port of Churchill. Now, if the honourable members opposite don't want to help us in supporting Churchill and hear what's happening, it's quite understandable, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Ste. Rose.

**MR. A. R. (Pete) ADAM:** Thank you very much, Mr. Speaker. I wonder if the Minister can give us the

amount of grain that leaves Manitoba, and how many blocs of grain in Manitoba go to the Port of Churchill?

**MR. DOWNEY:** Well, Mr. Speaker, I thought a member who represented the agricultural community, particularly a northern one, would have that information. There is very little, Mr. Speaker, of the grain that goes to Churchill, comes out of Manitoba, namely, out of the Dauphin, Swan River, The Pas area, those are the basic regions that ship into Churchill, but the majority of grain comes out of northern Saskatchewan, and some out of Alberta, that is why we've had the strong support from all the western provinces on the full utilization of Churchill, Mr. Speaker.

**MR. ADAM:** Could the Minister confirm that grain moving out of Manitoba to Churchill represents only slightly more than 1 percent of the total production of Manitoba?

**MR. SPEAKER:** Order please. Question period is not one of confirmation, it's one to seek information. Does the honourable member care to rephrase his question?

**MR. ADAM:** I'll rephrase my question, Mr. Speaker. Could the Minister advise us how much grain from Manitoba really goes to the Port of Churchill?

**MR. DOWNEY:** Mr. Speaker, I would like to answer it this way. As far as I'm concerned, the history of it has been, not near enough, and every effort we're putting into it will make a lot more go through the Port of Churchill.

**MR. ADAM:** On the matter of the supply of hay, I wonder how long it will take the Minister to provide the information that we are seeking in regard to the allocation of hay in the Red Deer Lake area? How long will it be before we can have the information?

**MR. SPEAKER:** Order please. That question has already been asked this morning.

**MR. ADAM:** Mr. Speaker, the Minister undertook to provide information, and he said he would provide it today, in his reply to the member for St. George. I'm asking how long will it be before he will be able to provide that information? He's already had three or four days.

**MR. DOWNEY:** Mr. Speaker, I already answered that question. I said I would look into it and see that the hay was divided equitably and fairly amongst the farmers in that particular region, and I put that instruction through.

**MR. SPEAKER:** The Honourable Member for Churchill.

**MR. COWAN:** Mr. Speaker, my question is to the Minister of Agriculture. It's enlightening to see how agitated they get on the subject of the Port of Churchill. It shows that they do indeed have a lot to live down, and we do encourage them in their efforts. I would ask the Minister, in regard to the interchange agreement that has been reached in principle and is

not yet in place, if he would read the communique in full, can the Minister indicate what action his government will be taking in regard to the fact that that interchange agreement is for this shipping season only? Will the provincial government in fact be pressing for a permanent interchange between CP and CN in regard to shipping grain to Churchill?

**MR. DOWNEY:** Mr. Speaker, I am pleased to say that in the three years that we've been in office, almost three years, that it has shown a lot more progress in supporting the Churchill port than in the eight years that we saw our NDP opposition do anything for them.

**MR. COWAN:** Perhaps my question went over the Minister's head. I asked him what his government is doing in regard to ensuring that this interchange agreement that is in principle, will be implemented, and also will be implemented on a permanent basis rather than for one shipping season only. Are they going to make the sorts of representations that are necessary in order to ensure that happens?

**MR. DOWNEY:** Mr. Speaker, some of the things we've done — the Member for Rock Lake, I believe, is on the Hudson's Bay Route Association, which is support for the Port of Churchill. I would also like to add, Mr. Speaker, we will be continuing to request a support for the continuation of that CN-CP interchange and, Mr. Speaker, as I said earlier, I am pleased that we've seen the start of it take place right at this particular point. And a lot of the credit, Mr. Speaker, goes to Dr. Horner, who has been working very hard for the Port of Churchill.

**MR. SPEAKER:** The Honourable Member for Churchill with a final supplementary.

**MR. COWAN:** Mr. Speaker, my final supplementary is to the Minister of Agriculture. In view of the fact that the Member for Rock Lake is on the board, and I happen to be a member of the Hudson's Bay Route Association myself and know how that Association works, I would ask the Minister of Agriculture why it is necessary that the Member for Rock Lake used the vehicle of the question period to solicit information from the Minister, which should be available to him as a member of the board.

**MR. SPEAKER:** The Honourable First Minister.

**MR. LYON:** Mr. Speaker, I would like to interject and answer that question in terms that should be understandable to all members of the House. In this parliament and in every other parliament of this kind, it is the freedom and the right and the obligation from time to time of every member of the Legislature, to utilize the question period to question the Treasury Bench. This is not a monopoly of the opposition, and the sooner some of my honourable friends come to realize what some of the privileges of parliament are, the better we'll be performing here.

**MR. SPEAKER:** The Honourable Member for Kildonan.

**MR. PETER FOX:** Mr. Speaker, I would concur in what the Honourable First Minister has said, but let me also indicate that if a member is aware, and his Minister is aware of the same topic, then we are utilizing the procedures of this House wrongly.

**MR. SPEAKER:** The Honourable Member for Minnedosa.

**MR. DAVID BLAKE:** Mr. Speaker, my question is directed to the Honourable Minister of Cultural Affairs. In view of the recent involvement of her department in the operation of the Winnipeg Symphony Orchestra, I wonder if she would consider renaming it The Manitoba Symphony Orchestra.

**MR. SPEAKER:** The Honourable Minister of Cultural Affairs.

**HON. NORMA L. PRICE (Assiniboia):** I think that what my colleague is suggesting has great merit, because it is for the benefit of all Manitobans. I have already been in contact with some of the others that call themselves the Winnipeg Folk Festival, etc., and I have been speaking to them about re-changing their names also. I'll talk to them about it.

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. LEONARD S. EVANS:** Thank you, Mr. Speaker. I'd like to ask the Minister of Agriculture if he could check his files and verify that since 1973, the three western provinces have supported . . .

**MR. SPEAKER:** Order, order please. One of the questions of verification sort of lay on the borderline of whether or not they are acceptable. Would the honourable member proceed?

**MR. EVANS:** Mr. Speaker, would the Honourable Minister confirm that the province of Manitoba has received the support and firm co-operation of the other three western provinces since 1973 in the support of Churchill in the matter of interchange of rail cars between the CN and CP, and also their support in establishing the Port Churchill Development Board which the Honourable Member for Rock Lake is presently privileged to be a member thereof?

**MR. DOWNEY:** Mr. Speaker, in checking the files of the Department of Agriculture, I haven't been able to find anything to do with transportation. In fact, in a lot of cases, I haven't even been able to find the files that were left by the last Minister.

**MR. SPEAKER:** Order please, order please. This question period is, we recognize speakers when they stand up, and I would hope that all members would afford the courtesy to those that are recognized by the Chair.

The Honourable Member for Brandon East.

**MR. EVANS:** Thank you, Mr. Speaker. I appreciate your assistance in that, and I can understand why the Minister would not find much material, because this was handled by the transportation section which

is in the Department of Economic Development, and he know that.

I'd like to ask a question of the Minister of Government Services, Mr. Speaker, with respect to the move now that the province is about to take, giving more power to the Utilities Board and moving into the area of cable television throughout the province, would the Minister advise the House where we stand now on the matter of extending cable system service throughout rural Manitoba? There has been some progress, but could the Minister advise whether there's any significant progress now being made in extending this type of service throughout all of rural Manitoba?

**MR. SPEAKER:** The Honourable Minister of Government Services.

**HON. HARRY J. ENNS (Lakeside):** Mr. Speaker, the questioner raises a very extensive question — all of Manitoba. All of Manitoba is a very large area. I think of immediate concern is the providing of service to those 24 rural communities that have applied for and have received licensure from CRTC for the provision of cable signals to their communities. There has been some difficulty, Mr. Speaker, experienced by MTS in acquiring some of the equipment. With the tremendous expansion that has been taking place, not just here, but particularly in North America, there's been a very serious shortage of silica chips, for instance, which is a major component in the delivery system that he is referring to. But I can indicate to the honourable member that all regulatory hurdles are overcome and that service to many of these communities should be coming onstream very shortly.

**MR. EVANS:** Thank you, Mr. Speaker. I thank the Minister for that information and ask him another question regarding cable systems. Inasmuch as there seems to be some economic difficulty now presenting itself in the further extension of cable service to additional WesMan communities related to, I believe some disagreement with ACOM, that is the Association of Cable Operators in Manitoba, would the Minister use his good offices to facilitate this particular matter so that the cable system in western Manitoba can indeed be extended to these other communities, because at the present time my understanding, Mr. Speaker, is that there is no possibility of additional extension until some agreement is arrived at with Videon and Greater Winnipeg Cablevision.

**MR. ENNS:** Mr. Speaker, now the Honourable Member for Brandon East is touching on a matter that I hope to be dealing with very shortly in this House. I believe it's the intention of the Government House Leader to call Bill 107, which is before the members this morning, and it would be my hope that in the introduction of that bill and the discussion to follow from that bill, that that particular question that the Honourable Member for Brandon East poses this morning, will provide, Mr. Speaker, the kind of direction, the kind of indication of government policy that will resolve the matters that the honourable member refers to. They are serious matters. They have been in abeyance for some period of time. It's

our hope that we will be finding the resolution to them.

**MR. SPEAKER:** The Honourable Member for The Pas.

**MR. RONALD McBRYDE:** Mr. Speaker, my question is to the Minister of Agriculture. I wonder if the Minister could give me some reassurance in terms of the allocation of hay in the Saskeram area, in light of the allegations that non-farmers are receiving considerable benefit from the Red Deer Lake area, I wonder if he could assure me that the farmers with equipment in The Pas area will be receiving the benefits from that Saskeram area.

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**MR. DOWNEY:** Mr. Speaker, seeing that the Saskeram jurisdiction falls within the Minister of Natural Resources, I'll have him answer that question.

**MR. McBRYDE:** Mr. Speaker, the Minister of Agriculture is the one before that answered questions in terms of the allocation of hay, but I'll check with the Minister of Resources, since the Minister of Agriculture doesn't seem to be doing a good job in terms of fair and equitable allocation of hay. I wonder if the Minister of Resources can tell us what system will be in place to allocate the hay in the Saskeram area and whether it be a fair and equitable system.

**MR. SPEAKER:** The Honourable Minister of Natural Resources.

**HON. BRIAN RANSOM (Souris-Killarney):** Yes, Mr. Speaker, I can confirm that it will be a fair and equitable system and that it will be handled with the assistance of the municipal authorities. I would gather that one of the main criteria will be the need for hay and not necessarily just the fact that a person owns equipment.

**MR. SPEAKER:** The Honourable Member for The Pas with a final supplementary.

**MR. McBRYDE:** Mr. Speaker, I wonder if the Minister could then clarify through what municipalities will it be handled. Will it be out through the LGD which covers that area? Will it be held through the town council of The Pas? Or will it be the same people from the Swan River area that made the allocations in Red Deer area?

**MR. RANSOM:** There will be several municipalities involved, Mr. Speaker, as I understand it, that as municipalities have a need on behalf of their farmers to have an allocation of hay in that area, they will make that known to the government and every effort will be made to allocate a block, or a number of blocks, to that municipality and they will then be responsible for the fair and equitable distribution of it.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet.

**MR. SAMUEL USKIW:** Mr. Speaker, I would like to know whether the Minister of Agriculture has any further information with respect to hay allocations in the Netley Marsh area, a question posed to him two or three times in the last week or 10 days.

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**MR. DOWNEY:** Mr. Speaker, if it's a question of an individual who, on a hay draw, received a permit or received the right to go in and cut, I understand that in one particular case, that that hay had already been leased out on a hay permit and that there had been some error in reallocating it on a draw basis and it was a matter of correcting the situation; that it had been on the lease previously to reallocating it, and that is now straightened out.

**MR. USKIW:** Mr. Speaker, could the Minister indicate then what criteria is employed and who is responsible for the allocation in the Netley Marsh area?

**MR. DOWNEY:** Mr. Speaker, I'm sure that we have had staffs of both the Department of Natural Resources and the Department of Agriculture working overtime to try and accommodate the people who are in a distressed situation, and it could have been an overlooked matter. I am still trying to get more information, but at this point it is my understanding that there had been some incorrect allocation made because of the fact there had already been a permit on the particular piece of property, if that's what he's referring to.

**MR. USKIW:** Mr. Speaker, the Minister has not answered the question. The question is, what is the criteria? How is one eligible? What form of application does one use? The Minister hasn't answered any of those questions, Mr. Speaker, and each day we are getting phone calls from people interested in those allocations and not getting the answers.

**MR. SPEAKER:** Order. Order please. One of the problems that we have in the Legislature is that every member has the right to ask a question. It is not obligatory that an answer be received. The honourable member has asked a question; does the Honourable Minister of Agriculture care to respond?

**MR. DOWNEY:** Mr. Speaker, the requests for Crown land have been normally put through the Department of Agriculture Ag Reps, and if unable to get satisfaction, then they should be brought to the attention of the Crown Lands Branch who are responsible for the allocation of the different Crown lands.

**MR. USKIW:** Mr. Speaker, we're now getting two different interpretations of policy from two different Ministers. I would like to ask the Minister of Resources then, on what basis he can assure us, without indicating an agreement between the province and the municipalities who are administering the program, on what basis can he then assure us that there will be equitable treatment

of the applicants in the respective areas where it involves Crown land?

**MR. SPEAKER:** The Honourable Minister of Natural Resources.

**MR. RANSOM:** I think, Mr. Speaker, the assurance that there will be equitable treatment can only be given on the basis that we assume that reasonable people respond in reasonable ways, and we regard that the municipal officials, where they're involved, as being reasonable people and will understand the requirements of the farmers in their areas. Now there's no question that there will be some difficulties, because we are dealing with a situation that is unique to this season — we hope it's only to this season — we are allocating lands that normally are not allocated for haying and grazing.

There have been some problems where individuals may have held an annual haying permit, for example, and someone now wants to graze that area, and although there is no guarantee that goes with an annual permit, there is the feeling that if someone has had a permit for one year that they really should have first priority the next. There have been some problems with that sort of situation, Mr. Speaker, and I expect there will be more problems. We simply are attempting to work them out in a reasonable and equitable fashion.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet with a fifth question.

**MR. USKIW:** Mr. Speaker, could the Minister or Ministers table an agreement as between the province and the municipalities who are administering the program, so that we can ascertain whether or not there is indeed a means of equitable treatment of all applicants for hay supplies that are available throughout the province?

**MR. SPEAKER:** The Honourable Minister of Natural Resources.

**MR. RANSOM:** Mr. Speaker, I'm sure that the Minister of Agriculture will be responding to those questions in more detail, that the members have placed. But we have to point out, that on the one hand the honourable members opposite have been pressing for action and have been condemning the government for not acting promptly enough, and now they want to interject additional red tape into the fashion in which things are handled.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet with a sixth question.

**MR. USKIW:** Mr. Speaker, can the Minister of Resources and the Minister of Agriculture assure us that there are no third parties involved, i.e. people who do not have livestock to feed, in the allocations that are being made at the present time?

**MR. RANSOM:** Mr. Speaker, the Minister of Agriculture has undertaken to investigate the situation that has been brought to his attention. All I can say is that it's certainly not the intention of the government that any third parties would be involved in such a way as to be able to profit from the

allocation of hay lands to them and be able to take advantage of farmers who required hay. The object of the exercise in making land available, was to make it available to the people who needed the hay. Now in some cases, there may be others involved because of special reasons, but that is the primary intention of the efforts that we have undertaken.

**MR. URUSKI:** Thank you, Mr. Speaker. Could I ask the Minister of Natural Resources whether he is prepared to intervene, in cases where it can be clearly shown that the allocation of hay lands was not to farmers who required the hay, who are not in the area, as well as, Mr. Speaker, interfere where his own department officials were over-ruled by the Department of Agriculture in terms of them allocating, or attempting to allocate hay lands on the basis of draw. Is he prepared to intervene in those cases, if it can be shown to him, that that is the case?

**MR. RANSOM:** The question is hypothetical, Mr. Speaker; it remains to be seen whether those kinds of situations exist. The Honourable Minister of Agriculture has undertaken to investigate the alleged situation and see whether in fact those circumstances prevail, and if they do, then we will have to look at the possibility of taking some action.

**MR. URUSKI:** Mr. Speaker, another question to the Minister of Natural Resources. I brought it to the Minister of Agriculture's attention about the situation in Gypsumville, where it has been shown that your department was over-ruled, after having put up notices, in terms of allocating land on the basis of draw by the Minister of Agriculture's staff, who allocated the land to one individual, while there was a number of applications in that area for land by other people, waiting for the draw, but the draw was never held. Is he prepared to intervene in that case?

**MR. RANSOM:** Mr. Speaker, I hesitate to — in fact I don't accept necessarily the circumstances that the member outlines. But what might have happened in a situation such as that, is that there was a change from the traditional on-going method of the allocation of leases and permits, which normally is administered through my department, and that because of the drought situation and the necessity of acting quickly, we have changed the system that has been followed and have put more of the responsibility with the Department of Agriculture, so that they can use the mechanism that's available through the ag reps, to identify the needs and to make the lands available. Now the Honourable Member for St. George has in fact been lobbying on the part of individuals wanting to get access to Wildlife Management lands for leases for grazing, Mr. Speaker, and under those situations he wasn't advocating that it be done on a draw basis.

**MR. URUSKI:** Mr. Speaker, on a point of privilege. The Minister suggests, Mr. Speaker, that when a constituent writes to a member requesting assistance in terms of getting land from Crown Lands on a lease basis that was adjacent to Wildlife Management areas, the Minister suggests that there is something unduly out of character, that a member

did not write the Minister responsible to the department . . .

**MR. SPEAKER:** Order please. Order please. I have listened to the comments of the Honourable Minister of Natural Resources and I find that the honourable member does not have a point of privilege.

The Honourable Member for St. George.

**MR. URUSKI:** Mr. Speaker, I have a question for the Minister of Municipal Affairs. Is the Minister of Municipal Affairs prepared to intervene in terms of the contracts that have been let in the Red Deer Lake area by the RM of Minitonas, where the contracts were let to people who have neither cattle and they have had to lease equipment in terms of the cutting of hay?

**MR. SPEAKER:** The Honourable Minister of Municipal Affairs.

**HON. DOUG GOURLAY (Swan River):** Mr. Speaker, I would be pleased to look into any problems that were brought to my attention by the farmers from that area. To date, I have not received any complaints specifically about the allocation.

**MR. SPEAKER:** The Honourable Member for Elmwood.

**MR. RUSSELL DOERN:** Mr. Speaker, I would like to address a question to the Minister for Cultural Affairs concerning the Winnipeg Symphony Orchestra. I realize that this may be a chicken and egg situation, but I would like to know in a formal sense whether the symphony has declared bankruptcy or whether they have been placed into receivership?

**MR. SPEAKER:** The Honourable Minister for Cultural Affairs.

**HON. NORMA L. PRICE (Assiniboia):** Neither, Mr. Speaker.

**MR. DOERN:** Can the Minister indicate whether it is the intention of the government to pay a certain percentage of the debts owing, the 700,000, as to whether they're going to pay a figure of 10 cents on the dollar or a percentage on the dollar, or whether the government is going to, in fact, pay the complete 700,000 owing?

**MRS. PRICE:** At this point, Mr. Speaker, the board of trustees has been given full power to take over the symphony, the staffing, the management, the debt; until they come back to me with concrete proposals of what they need in order to make it a viable institution, there isn't any moneys forthcoming. I did tell them yesterday, and very strongly, that they have the support of my colleagues, so if and when they do come back to us with any concrete figures, we will be ready to talk business with them.

**MR. SPEAKER:** The Honourable Member for Elmwood with a final supplementary.

**MR. DOERN:** Mr. Speaker, I'd like to ask the Minister whether the interim board has been given a

fixed term in office, or whether she has any idea when a regular elected board will once again resume the responsibility for the symphony.

**MRS. PRICE:** Mr. Speaker, they haven't been given any fixed length of time in order to do this turnaround, but they have said that it's quite possible in a three-to-six-months' basis. I might add that all this work is being done without any remuneration at all.

**MR. SPEAKER:** The Honourable Member for Elmwood with a final supplementary.

**MR. DOERN:** Mr. Speaker, I would also ask the Minister whether she will be meeting regularly with the board of trustees, or whether liaison will be through the Manitoba Arts Council or someone designated specifically to liaison with that temporary board?

**MRS. PRICE:** No, Mr. Speaker, I won't be meeting regularly with them, but the secretary of the trustees is James Carr, who I think is well known to the Member for Elmwood; he is a member from my department and he will be my liaison.

**MR. SPEAKER:** Order please. The time for question period having expired, the Honourable Member for Gladstone.

## COMMITTEE CHANGES

**MR. JAMES R. FERGUSON:** Thank you, Mr. Speaker. I have a couple of changes on Privileges and Election Committee, Mr. Galbraith for Mr. Brown, and Mr. McGill for Mr. Steen.

**MR. SPEAKER:** Are those changes agreeable? (Agreed)

The Honourable Government House Leader.

**MR. JORGENSEN:** Mr. Speaker, pursuant to the changes that were made by the Member for Gladstone on the Privileges and Elections Committee, I would like to announce that the Privileges and Elections Committee will be meeting tonight, to deal with the Public School Bills that are before them.

This morning, I'll be calling . . .

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. EVANS:** Mr. Speaker, I wonder if the Honourable Minister could repeat his statement. It simply couldn't be heard on this side unfortunately.

**MR. JORGENSEN:** Yes, Mr. Speaker. The Privileges and Elections Committee will be meeting tonight to deal with Public Schools bills that's been referred to them.

I will be calling bills this morning and the House will be meeting this afternoon to continue consideration of business on the Order Paper.

I would like for you to call right now, Mr. Speaker, second reading of Bill No. 107, standing in the name of the Minister of Government Services.

## SECOND READING GOVERNMENT BILLS

**BILL NO. 107 - AN ACT TO AMEND  
THE PUBLIC UTILITIES BOARD ACT  
AND THE MANITOBA TELEPHONE ACT**

**MR. SPEAKER:** Bill No. 107 — The Minister of Government Services.

**HON. HARRY J. ENNS (Lakeside)** presented Bill 107, An Act to amend The Public Utilities Board Act and The Manitoba Telephone Act, for second reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Minister of Government Services.

**MR. ENNS:** Mr. Speaker, the subject matter before us on Bill 107 is such that requires a little more formal introduction and I would like to read from some prepared notes, Mr. Speaker.

Mr. Speaker, our world is changing more rapidly than ever before and nowhere is that pace of change greater than in communications. We are in the midst of what can only be called an explosion in communications technology and before the end of this decade we're all going to be affected in extraordinary ways. Indeed, it is not too strong to say that the whole field of communications is experiencing its own mini-industrial revolution. While the affects of the communications revolution and the way we live will not be as great as were the effects of the industrial revolution in the 18th century, they will be highly significant. It's safe to say that there will be more growth in our standard and quality of life in the next decade from the changes in communications than from anything else, save perhaps, the developments in energy, medicine, and food technology.

That communications technology is exploding, Mr. Speaker, is evident from even the most casual reading of the popular press. Scarcely a day goes by that there is not reference to coaxial cables, fiberoptics, satellite receiving stations, micro processors, semi-conductors, silicon chips, or mini-computers, and much more is on the drawing board. It has got to the point in fact where vocabulary has trouble keeping up with the pace of change and where long-term technological forecasting is measured in one or two years. In truth, what's around the technological corner two years from now, is just about anybody's guess.

Just how is the world going to change? Well, it's difficult to give precise, when and or by means, but there are a number of things that are coming. Our meters in our homes will most likely be read automatically in the very near future. Energy usage in the home could be monitored and optimized. Burglar and fire alarm systems will be widely available. People will shop over their televisions in the comfort of their homes and interact with sales people in the stores. Newspapers of the future will appear on television screens. It will be possible to take educational courses over the television, interact with your instructor and take exams. Through the television screen, there would be access to all kinds of information and entertainment packages and

these would enable one to do everything from calling up one's favourite recipe to checking on who won the Grey Cup Game 12 years ago, to playing a game of chess with a computer, to watching a first-run theatre movie. Mail could be, and is, Mr. Speaker, being delivered electronically over the television. Finally, the day is not all that far off when we'll transfer money through computers on a major scale; and when that happens, the end of paper money will not be far behind. These, of course, are only examples, and the list is by no means exhausted.

The astonishing thing, Mr. Speaker, in all of this is that the technology exists now to do most of these things. In truth, the technology is changing far faster than anyone anticipated. To illustrate how these kinds of changes will affect our standard of living, let me take one of the examples and develop it in a bit of a detail. If newspapers do become available in a form other than on paper, this will mean enormous savings in energy and scarce wood pulp. What's saved in one place can be used somewhere else. Not only that, but as the technology of turning out a newspaper changes, all kinds of human resources will be freed to do other things in the economy. We will, of course however, be on guard against how quickly these kinds of changes occur and to assure that people are not dislocated. In short, Mr. Speaker, the potential of evolving communications technology is staggering and with this bill the government is taking an important step in the direction of assuring that the benefits that are there will accrue to Manitobans in a timely cost-effective and organized way.

What we're doing, Mr. Speaker, is placing the electronic highway, over which most of these services will be offered in the near future, under the exclusive jurisdiction of the Public Utilities Board. As well, but not through the bill, Mr. Speaker, the Manitoba Telephone Systems will exercise its option to become the sole owner of that highway. The highway I'm referring to, of course, is the coaxial cable system that links many homes in Manitoba and particularly in Winnipeg. Manitoba Telephone Systems, in short, will be the common carrier for services offered over the coaxial cable, just as the government is the kind of common carrier for the services offered over the highway road system. Manitoba Telephone Systems will become, therefore, the owner of the entire coaxial cable system within the province, with the exception of those small pockets owned by private operators where no option to purchase exists. In taking this step we wish to maintain the low cost - high quality telephone service in Manitoba and are confirming Manitoba Telephone Systems in its historic role as the common carrier for all communications in Manitoba, and indeed, for all the people in Manitoba.

Indeed, Mr. Speaker, who in the world has more cost-effective and high quality telephone service than we have in Manitoba and have enjoyed over these past many years. While Manitoba Telephone Systems will be the owner of the electronic highway and the common carrier, it will not have jurisdiction over who and what goes over the highway and at what price. That will be in the hands of the Public Utilities Board. And all communications entrepreneurs in the province are invited and certainly encouraged to apply to use the highway. We want people to think of

the electronic highway in the same way, as I said before, as they think of the road system, and we hope that they will develop all kinds of ingenious uses that will benefit Manitobans. The intention, Mr. Speaker, very definitely is that where at all possible private operators will offer these services.

This government remains convinced that private entrepreneurs, subject to the discipline of the marketplace, should develop, and can develop, Manitoba's productive facilities and Manitoba Telephone Systems will offer products only when it is in the clear public interest.

We have carefully examined the electronic highway ownership question over the past 18 months and I want to assure members the decision was not an easy one, and to have concluded that the interests of Manitobans are best served if the highway is owned publicly and the private operators are invited and encouraged to use it.

I should note, Mr. Speaker, that in assuming ownership of the electronic highway in Manitoba, Manitoba Telephone Systems is simply exercising an option, an option it has had since 1967, in an agreement signed by the two Winnipeg cable companies and MTS. It is expected that the cable operators will continue to provide service and maintenance at the same high level that Winnipeggers are enjoying. Further, there will be no job loss as a result of adjustments necessitated because of this bill. In fact, it is the government's hope and desire that more jobs will be created.

We recognize, Mr. Speaker, that the Public Utilities Board, as it is now constituted, is not equipped to deal with the regulatory burden that we're placing on it. Towards this end I will be asking my colleague, the Minister responsible for the Public Utilities Board, the Minister of Corporate and Consumer Affairs, to increase the size and to appoint to the Public Utilities Board individuals with expertise in the matters of telecommunications.

Some comments of what will be expected of the Public Utilities Board are appropriate. To it will fall the task of pricing channel space for potential users; making sure that technical specifications and system development are in the best interests of the province; allocating licences to provide the various services and serving as a general appeal body should there be disputes between the common carrier and the private communications entrepreneurs. Theirs will be an enormously complex and difficult job, yet we are confident that the Public Utilities Board, appropriately staffed, is fully capable of regulating the development of these kinds of communications agencies in the best interests of Manitobans.

I should note, Mr. Speaker, that the bill refers to both programming and non-programming services. As you well know, Mr. Speaker, programming is currently a federal matter and the intent is to proclaim the programming part of the bill only if, and when, there is a jurisdictional transfer to the provinces. We make no presumptions in this matter at all. As far as non-programming is concerned, of course, there is now provincial jurisdiction under the Manitoba-Canada agreement.

Mr. Speaker, this simply acknowledges the ongoing subject matter that is before the First Ministers. It likely will be before the Ministers in

September in the constitutional talks and there is every indication from other provinces and, indeed, from the federal government that a substantial transfer of jurisdiction that is currently held by CRTC in Ottawa; not necessarily, and I'm not make references to the broadcasting aspect of it, which I believe and the position of this province is - that it should continue to be in the hands of a national agency such as CRTC, but in fact a lot of the hardware decisions, relative to the delivery of cable, will most likely come to provincial jurisdictions. What this bill anticipates that may happen, we're indicating that if it shouldn't happen, of course, we would not proclaim that portion of the bill.

This bill also contains a section that anticipates terminal attachments. We recognize that this is a matter of increasing concern to the telecommunications industry and is being studied by both the CRTC agency and the Public Utilities Board of Alberta. While a section covering terminal attachment is included in the bill, I want to make it very clear that again this is a permissive section, it will not be proclaimed until the studies have been carried out in Manitoba to satisfy ourselves that flow of MTS revenues are not unduly affected by this action.

But, Mr. Speaker, again if I can digress from my notes for a moment, having attended a recent telecommunications carriers' convention in Vancouver just a short week or two ago, there seems to be an inevitability that some degree of interconnections will take place, is desirable that it ought to take place, for maximized utilization of the technology that now abounds us in Canada in this whole field. The concern that we have to have and wish to underline on this occasion is that the kind of interconnection that would be possible under this section would not be injurious to the system in a physical way and would not be injurious to the system in the financial way that would reflect on the system's ability to continue to provide basic telephone services.

It is the policy of this government that Manitobans continue to enjoy low cost — high quality, basic telephone service. This is a policy to which we are deeply committed and we will not permit anything that is within our control to cause it to be violated. Mr. Speaker, this bill represents for Manitobans a giant step into the communications world of the future. It will enable Manitobans to receive new communication services as they become available. At the same time, it assures that the market in communications services developments develops in an orderly way and in a manner that Manitobans will find comfortable.

Moreover, it should in time enhance Manitoba Telephone System's revenues and enable it to continue to offer low cost — high quality, basic telephone service throughout the province. In fact, Mr. Speaker, we might even see the day when revenues from these additional and new services enable Manitoba Telephone System to significantly lower the cost of the basic telephone service that is being provided today.

Finally, Mr. Speaker, by placing ownership of the electronic highway in one place, we will have a catalyst for industrial development in the communications field in Manitoba. Communications

manufacturing is, after all, ideally suited to Manitoba given our stable and skilled workforce, in-place infrastructure and the demonstrated capacity of our university and colleges to turn out capable people and high quality research.

Mr. Speaker, in conclusion, allow me to remind honourable members or draw to the honourable members' attention — I believe most members received the brochure exploring the wired city in the last day or two from MTS. It's a brochure that essentially describes some of the experimental work that MTS is carrying out at Headingley and at Elie, but it is pertinent to the subject matter of this bill in terms of dealing with the kind of future that the wired city of the future will be like and the kind of regulatory agency, the regulatory powers that the government of the day will have to have to ensure its orderly development.

Mr. Speaker, again, let me doubly underline — I did so during the introduction of the bill, but just so that there is no unnecessary debate about that subject matter — we are not presuming to take on some of the jurisdiction that is currently in Ottawa's hands through their CRTC agency. I refer specifically that section in the bill that refers to programming and non-programming. The word, programming, will not be proclaimed. It is there in anticipation that some changes could be made. We truly don't make a presumption in that case at all, but I would hope that all members would regard that as anticipatory, in the event that a substantial transfer of a jurisdiction should take place, that we, in fact, would be in a position to respond to that and have an agency ready to handle that, rather than have to wait for amendments to the bill.

Mr. Speaker, I'm given to believe, particularly in my discussion with the Honourable Francis Fox, a couple of Sundays ago in Vancouver, that some of these jurisdictional changes are as imminent as a matter of five or six months, I refer specifically to the up and coming September constitutional discussions of the First Ministers. There seems to be some feeling that there will be, in the area of communications, a transfer of jurisdiction to the provinces in this field and I believe, Mr. Speaker, on the good advice of legislative counsel, Mr. Ray Tallin, it was prudent that we allow for that in the bill at this time.

The other matter that I again draw to honourable members' attention is a serious question, that is the question of terminal attachments. The Manitoba Telephone System is, of course, and has every right to be, very much concerned that its revenue base remain intact. However, Mr. Speaker, I am equally optimistic and that optimism is shared as well by outside consultants and senior management at MTS, that my securing for Manitoba Telephone System a revenue of all the new services of any user of the electronic highway, of having placed the Manitoba Telephone System in the position of owning that highway completely and therefore being able to charge whatever it is, 25 cents, for automatic meter reading perhaps, if that's a service that some citizens of Manitoba decide to take advantage of in the future, MTS will receive some revenue for providing the means of doing that.

MTS will receive some revenue for providing the means when pay television becomes more prevalent

in our province. MTS will be given a source of revenue when fire alarm and burglar alarm systems become more available in different parts of our province. So, Mr. Speaker, the significance of putting Manitoba Telephone System in a position to be part of the action, if you like, of all the new and as yet unconceived delivery of programs, we feel confident will put MTS in that kind of position.

We also feel confident, Mr. Speaker, that under that favourite position as sole owner of the highway, that it should also be considered appropriate to consider — and that's what we are doing — the terminal attachment question as to whether or not it is necessary that MTS, as is currently their policy, to be the sole owner of every telephone, of every terminal attachment, and that I'm not to say what new and exotic pieces of equipment entrepreneurs are developing, not just here in Manitoba, but in other parts of the country, indeed in other parts of the world, that Manitobans might wish to avail themselves of.

I indicate once again, though, that we are more than aware of the seriousness of that clause. It will not be proclaimed until we have had the opportunity of monitoring and studying two current studies that are currently under way in this very question, one involving the question in Ontario where the Bell Telephone System is having hearings about this matter in front of their regulatory CRTC agency; and the other one in Alberta, whose Public Utilities Board is involved in a very substantive study at this present moment.

Indeed, Mr. Speaker, it would be my current feeling, that among the first tasks that I would assign the enlarged and strengthened Public Utilities Board to examine this very question, to ask the Public Utilities Board to study the Manitoba scene and the possible consequences of allowing terminal attachments, and to make some recommendations to us prior to any action, any proclamation of that section.

Mr. Speaker, the bill is important. I apologize to members of the House in the sense that it's the kind of a bill that perhaps should have been introduced earlier. My reasons for not being able to introduce it earlier are such that the types of negotiations that were involved, the types of study and intensive work that had to be considered, just did not make that possible.

The bill in itself, Mr. Speaker, is not complex. The bill and the structure of the bill are just two parts. In essence, all it does is assign to the PUB by definition — and the definitions are lifted out of the Canada-Manitoba Agreement — the fact that they are now required to look at these telecommunications matters, and that's all that Part 1 of the bill is about. It simply gives the PUB the authority to look at the telecommunications matters; to adjudicate on the applications for services on the highway and so forth.

The same adjustments and the same amendments are made in Part 2 of the bill to The Manitoba Telephone Act. The significance, really, is in the intent in which way we intend to use the Public Utilities Board, and the fact that in Part 2 of the bill, the application for the services, the rulings of the services, will not be between the individual entrepreneur on the street with the Manitoba

Telephone System, but rather he will be making his application to the Public Utilities Board.

We believe that sets it in a public forum that will ensure an orderly development, a fair and equitable treatment of any who have services to offer, in a forum that is open to public scrutiny, a forum that can demand and I hope would demand a degree of standards, preconditions to be met to assure the degree of consumer protection that all of us would want to see when new services are being offered to our consumers. That, Mr. Speaker, is in essence the intent of Bill No. 107, and I commend it to the House.

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. EVANS:** Mr. Speaker, I wonder if the Honourable Minister could answer two or three specific questions.

**MR. SPEAKER:** Only if they pertain to the clarification of statements he has already made.

**MR. EVANS:** Yes. Thank you, Mr. Speaker. The Honourable Minister referred to the possibility of transfer of jurisdiction from Ottawa to the province. Could the Minister advise whether included in that jurisdiction is the possibility of the authority to set rates? At the moment CRTC sets the rates that Videon or Greater Winnipeg Cablevision can charge or WestMan Media Club can charge their customers. Will that rate-setting authority be included in the transfer of jurisdiction?

**MR. ENNS:** Mr. Speaker, again let me make it very clear that I do not wish to presume or be presumptive about any speculation on my part of what kind of jurisdiction may be transferred. But to answer the honourable member's question as honestly as I can, yes, I believe that is precisely the kind of transfer power that is being contemplated, as distinct from the broadcasting power of the National Agency that would govern such things as content, Canadian, the desirability of a particular kind of content. But, yes, the answer to that question is yes.

**MR. EVANS:** Thank you. A second question — the Minister referred, Mr. Speaker, to the MTS acting as the highway for communications and selling services, I believe, to the private operators, therefore my question is related to that role that he sees the MTS playing. What about the acquisition of the large receiver, I believe, which is presently owned by, I guess Videon and Greater Winnipeg Cablevision, to receive the signals from south of the border for subsequent transmission through the MTS and the cable systems that we have in Winnipeg and Brandon? Does he envisage the MTS eventually acquiring ownership of that receiving capacity?

**MR. ENNS:** Mr. Speaker, the honourable member is referring to what we call the head-end at the station, which is at Tolstoi, Manitoba. Mr. Speaker, that is not considered to be part of the electronic highway I referred to in my comments.

**MR. EVANS:** Thank you. Just one more, Mr. Speaker. The Honourable Minister referred to the Canada-Manitoba Agreement. My question is, is this the same agreement that was signed by the province of Manitoba, I believe — I stand to be corrected — but I believe around 1976, '77. Is this the same agreement that the Honourable Minister refers to?

**MR. ENNS:** Mr. Speaker, the answer is yes.

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

**MR. WALDING:** Mr. Speaker, I wonder if I might ask the Minister a question, a clarification of his remarks. Mr. Speaker, inasmuch as Part 2 deals very much with interconnection, and this House passed an interconnection bill some three years ago but did not proclaim it. Can the Minister explain why that interconnection bill is repealed and . . .

**MR. SPEAKER:** Order please. That question is out of order. The Minister made no reference at all to that bill in his comments.

The Honourable Member for St. Vital.

**MR. WALDING:** Mr. Speaker, can the Minister explain why other provisions having to do with interconnection are not being continued at this time?

**MR. ENNS:** Mr. Speaker, I refer the honourable member to the last section of the bill. I appreciate, you know, the numbers are different, Mr. Speaker, I did not refer specifically to Bill No. 57, which I believe is the bill that the Honourable Member for St. Vital is referring to. That bill is being repealed. The operable sections that that bill contained, that were of concern to MTS, are contained in Bill No. 107, that safeguards the system from attachments that are injurious to the system not being allowed to be connected, some provision of a procedure that allows the system to disconnect and discontinue telephone service if indeed such illegal connections persist. They are contained within Bill No. 107, and Clause 22 of this bill, An Act to amend The Telephone Act, being Chapter 45 of the Statutes of Manitoba is repealed, in effect, is repealing the bill that the honourable member is making reference to, Bill No. 57.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. GREEN:** I don't know whether the Member for Ste. Rose was rising for the purpose of asking a question.

Well Mr. Speaker, I'd like to contribute, if I can, some remarks to this bill. I note that the Minister of Public Works has now gone on record for the second time as endorsing in extravagant terms, which I think I would probably be a little hesitant to use, the efficiency, the effectiveness of public ownership. He did endorse, Mr. Speaker, without equivocation, the fact that the Manitoba Public Insurance Corporation, I believe he said, is the most efficient underwriting of automobile insurance that he is aware of. I have always hesitated, Mr. Speaker, because I thought that I couldn't claim more effectiveness for our

system than I could for the Saskatchewan. I think our system is better than the B.C. system, without any doubt.

Mr. Speaker, I think the Member for Minnedosa says that the Saskatchewan system lost 25 million. Given the nature of the industry that we are in, it is quite correct, as Mr. Dutton said once, that this is a cash flow situation, it is not a loss, because it is merely put onto the premiums and will result in it being dealt with in the following year, which is quite normal for insurance.

Now, the Member for Lakeside, the Minister of Public Works, has said — Government Services, excuse me — and I am trying to recall his remarks as accurately as I can at the risk of being prosecuted for an election offence, that nowhere is there a more efficient system of telephone than in the province of Manitoba. I think he said nowhere, which includes every other system including the Bell System and the other private systems that do exist.

I am not certain that I could make that remark if I was in his position, but I note, Mr. Speaker, that the Minister speaks with some pride, which I share, of the tremendous effectiveness that we the public, through our elected representatives, have been able to achieve by running our own affairs, and not relying on some so-called private geniuses to do. I believe, Mr. Speaker, that is the most significant contribution that we can make in public affairs for the people of our province to be able to achieve that degree of effectiveness and to demonstrate the lie of the suggestion that the public is inefficient and cannot handle its own affairs.

Mr. Speaker, I know that I will be grating some of the members to use this occasion to engage in what are obviously philosophical differences between the parties, because I should deal with the specifics of the bill and I intend to do so.

I want to indicate to the Minister that I regard it as rather fortuitous that he used the example of highways as being the comparison which he would make to the use of the networks or the electronic needs of transportation. I say it is fortuitous because the Minister was the Minister of Highways and had to deal with regulation and regulatory boards and he indicated, Mr. Speaker, and I tell him this merely because I don't anticipate that the same problems cannot occur, that it was not the cause as Minister of Highways that the highways were made available to everybody and the public saw to it that every private person, using his ingenuity, using his effort, and blazing new trails, or blazing new winter roads, blazing into the north . . . —(Interjection)— that is correct, I am sorry the present Minister is not here — was given full rein by the Board to make the kind of contribution that he would like to make and which the Minister, I think, would like to see made.

I, therefore, ask the Minister to make sure that there is not a slip between the cup and the lip with regard to what he has said, that if he is intent that the highways will be publicly owned, but that there will be the widest opportunity for individuals to use those highways without discrimination or without being put to unnecessary onuses by other people who may have gained a position of privilege for one reason or another, that he be certain that there is no accidental movement in that direction. Because I am certain, Mr. Speaker, that what has occurred with the

Motor Transport Board is entirely accidental, that no Legislature of any stripe, no legislator of any stripe, dreamed in his most horrendous nightmare that the Board would be used and would use existing legislation in such a way as it has been used with respect to a case which the member is aware of and which is presently before the courts and which I don't intend to argue here. I merely wish the Minister to make sure that what he said in his remarks is reflected not only in the legislation, but in what the Board will do by virtue of the powers that are granted to it.

I, Mr. Speaker, am not versed sufficiently in this area to be able to take any strong position with what the Minister is saying, I believe that his desire to have the public own the highways, the communications highways, is one which I am in sympathy with and which I support. I will also want to see to it that there is no inside track if we keep the analogy going, that there is no inside track to be gained with regard to the use of these highways, and that all citizens of Manitoba will have an equal opportunity to be dealing with same. I don't know how many highways there are or how many people can use the same highway. I don't know whether you can carry the analogy ad infinitum.

The other feature of the Minister's remarks which I do wish to discuss relates to the attachment of facilities to the telephone system. Mr. Speaker, this is a subject which was discussed in the latter years of the New Democratic Party administration and I will confess to the Minister that I had, and still have, difficulties with the notion that the telephone system is entitled to enter a private person's home or business after they install the system and, without causing any damage to the system by establishing some other terminal facility on that system. I tell the Minister that I have difficulty penalizing somebody because they utilize the system in a particular way. Well, Mr. Speaker, what the Minister is saying is that you cannot attach anything, a terminal facility, to a telephone without the consent of the telephone system, or they will charge you a fee for the attachment, and they will remove your telephone if you do not pay that fee. —(Interjection— Now, Mr. Speaker, the Minister says he won't do it until he proclaims it, and there is some existing legislation, I guess, that has to do with a facility which may damage the telephone, which I have no argument with. But the facility is put into the Minister of Finance's home without incurring cost to anybody else; he decides to use that telephone every minute of the day and makes an unlimited number of phone calls, and therefore is making much use of the facility than, let us say, somebody else who doesn't use the phone at all but who sometimes is called, maybe sometimes once a day, maybe not once a week, it's possible. You both pay the same fee, which I think is right, because it's the installation of the facility and its availability to you which is the cost to the system. The extra calls, if they are not long distance calls, can't even be marginally figured out as to how much it cost, so there is no charge for calls.

Now, the Minister is using that phone, let us say, every day. Some people get on the phone and they sell magazines. They use the phone the entire day, which is their privilege, I'm not arguing with that. Let's say that the Minister doesn't use the phone the

entire day but attaches to it a facility that says, when I phone him, this is Don Craik speaking. I am presently not in my home but if you care to leave a message, please leave a message after you hear the sound of the beep, and I will return your call. The first person will not be charged, but the second person will be charged and there is no change to the cost to the system. The Minister is right, he doesn't know or his imagination cannot contemplate, nor can yours or mine, as to the number and kind of terminal facilities. But for the life of me, Mr. Speaker, and I will admit not having a great conviction on this point, I can't see what difference it makes at the moment. It is true that some people will get more value out of their telephone than others. Some people may attach to their telephone a television monitor which will enable them not only to talk to the other person but to see the other person. How does that affect the Manitoba Telephone System? Some people may attach to their telephone a television monitor which is able to pick up the signal of what the other person is saying and have one the other way, perhaps, so that they can see each other when they are talking, so that they can demonstrate things to each other, so that they can give a correspondence demonstration course by telephone. Is that not what the Minister is speaking about? I'm trying to get his attention. Is the Minister referring to the fact that he and I could converse by telephone and that if we had appropriate monitors which televised each other, that I could give him a demonstration course by telephone, which he could see what I was doing.

Now, I've merely thrown out some examples. That is, I gather, what he is talking about. But the telephone and the charge for the system will not increase. What the system is saying, as I understand, is that we have set up, at considerable expense, a tremendous facility and if you're going to get much better use out of that facility, then it's fair that you pay so that the other people get an advantage. I believe that's what they're saying because that's what they said to me when I was in government, Mr. Speaker, and I can tell you that I never bought it 100 percent. I don't think I bought it 50 percent. I am worried because I do not see the particular point of it. The Minister says he won't do it until he proclaims it. Why not, since this is an issue on which there could be considerable argument and which we should be dealing with the examples and dealing with the justification, why does the Minister not adopt the other procedure? Don't slide it in because when you say you won't do it until you proclaim it, what you're doing is, to some extent, softening the debate. People on this side will say well, it's not going to happen until it's proclaimed, and then the decision as to whether it happens and the debate as to whether it happens takes place in Cabinet rather than in the Legislative Assembly. It's not a vital point, I gather, and if it is, it should be made to appear more vital, in other words, the vitality of it should be reflected in Legislative debate.

So I say to the Minister, and I note that the bill doesn't say that different parts will not come into effect upon proclamation, it says the Act comes into force on a day fixed by proclamation, you can't remember the legality as to whether you can proclaim part of the Act. Usually there is a section of

the bill that says that different sections can be proclaimed at different times. But in any event I'm not going to quibble with that. The Minister has told us that he won't proclaim those sections, whatever legal requirement he has to have in order to make sure that he can do part of the Act and not the entire Act, I leave to him, and I don't want to deal with it. But why not, with regard to those sections which deal with the terminal facilities, since they do constitute a subject which can be certainly argued on both sides, and since they do involve subjective things, you are not going to charge a person who makes better use of the system by the number of calls. Why do you charge a person for making better use of a system by attaching to it a terminal facility which in no way, affects the telephone. Now, if there is damage to the telephone, if it involves installations which are electrical, I agree that nobody should do those except the Manitoba Telephone System; we should not have other people fooling around with our facilities. But if they don't, Mr. Speaker, and I gather that there are some that don't, then I am not certain that the Minister should be passing a law on the basis that he won't proclaim it. I think it might be better to meet the subject head on when he wishes to pass the law.

**MR. SPEAKER:** The Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, I beg to move, seconded by the Honourable Member for Elmwood, that debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. JORGENSEN:** Mr. Speaker, will you call Bill 106 please, and then Bill 47.

## ADJOURNED DEBATE — SECOND READING

### BILL 106 - THE SUPPLEMENTARY APPROPRIATION ACT, 1980 (2)

**MR. SPEAKER:** Bill No. 106, An Act for Granting to Her Majesty certain further sums of money for the public service of the province for the fiscal year ending the 31st day of March, 1981 (2), standing in the name of the Honourable Member for Kildonan.

**MR. FOX:** Mr. Speaker, I understand, and I hope I get the assurance from the Honourable Minister, that this is the Supplementary Supply in respect to firefighting moneys. The opposition is prepared to clear this, we are going to debate the Supply on the Main Supply, on the Capital Supply, and the other Supplementary Supply.

**QUESTION put, MOTION carried.**

**MR. JORGENSEN:** I wonder, by leave, if we could go into committee and complete the stages of this particular bill? If that is agreed, Mr. Speaker, I move, seconded by the Minister of Finance, that Mr. Speaker do now leave the Chair and the House

resolve itself into a Committee of the Whole to consider and report the bills referred for third reading.

**MOTION presented and carried.** and the House resolved itself into a Committee of the Whole House with the Honourable Member for Virden in the Chair.

### COMMITTEE OF THE WHOLE

**MR. CHAIRMAN, Morris McGregor (Virden):** The bill before the Committee is Bill 106. What is your wish? Clause by clause? Page by page? Page by page.

Page 1—pass; Page 2—pass; Preamble—pass; Title—pass; Bill be reported.

Committee rise. Call in the Speaker.

### COMMITTEE REPORT

**MR. CHAIRMAN:** Mr. Speaker, Committee of the Whole has passed Bill 106, without amendment, and has asked me to report same.

### IN SESSION

**MR. SPEAKER:** The Honourable Member for Virden.

**MR. MCGREGOR:** Mr. Speaker, I move, seconded by the Member for Dauphin, that report of Committee be received.

**MOTION presented and carried.**

### THIRD READING — GOVERNMENT BILLS

#### BILL NO. 106 - SUPPLEMENTARY APPROPRIATION ACT (2)

**MR. JORGENSEN** presented, by leave, Bill No. 106, An Act for Granting to Her Majesty certain further sums of money for the public service of the Province for the fiscal year ending the 31st day of March, 1981 (2) for third reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Minister of Finance.

**MR. CRAIK:** Mr. Speaker, we had some opportunity to discuss the details of this bill yesterday and I want to thank the members of the House for expediting it at this time. As the Opposition House Leader has indicated, there are other opportunities to allow a wide-ranging debate and examination of the supply, because we still have Sub-Supply No. 1 and the Main Supply Bill and Capital Supply that are in the House, but there was some urgency with this one from the Forestry vote here of 5 million being required for extension of authority in forest fire operations now. We have reached the extent of the authority available this week and this will be required for next week's operation. As the members know, the cash flow takes place quite rapidly in this, particularly when payment for services is done in the field for personnel in many cases and there is no holdup. It's

an instant payment for service. We must ensure that we have the supply there available.

**MR. SPEAKER:** The Honourable Member for Kildonan.

**MR. FOX:** Mr. Speaker, we have no desire to delay this bill and we have agreed to let it pass, but all I wish to indicate is that this subject may also be part of the debate when we get into Total Supply.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. JORGENSEN:** Call Bill No. 47, Mr. Speaker. Mr. Speaker, perhaps I should outline to you the remaining items that I believe the opposition have indicated they are prepared to proceed with, Bills No. 47, 79, 80, 84 and 97.

### ADJOURNED DEBATES ON SECOND READING

#### BILL NO. 47 AN ACT TO AMEND THE LAND ACQUISITION ACT

**MR. SPEAKER:** The Honourable Member for Logan.

**MR. JENKINS:** Thank you, Mr. Speaker, I adjourned this debate on behalf of the Honourable Member for Elmwood.

**MR. DOERN:** Thank you, Mr. Speaker, and thank you colleagues, for your support, and thank you, members of the government, for your support.

Mr. Speaker, there are two bills that I want to deal with, and the first one I don't have too many remarks or objections, the second one I want to raise some substantial points. In 47, I note that the government is now recommending, and the Minister of Government Services in particular, is recommending that all purchases of government land be brought under The Land Acquisition Act and under the Land Value Appraisal Commission, and this of course specifically refers to Hydro and Telephones and other Crown agencies, including MHRC, so we do not have any objection to that, in fact it's a good idea. An fact it was simply a matter of time before our administration would have probably presented a bill along similar lines.

I did want to ask the Minister however, when he's closing debate, if he could indicate whether the mechanism of the Land Value Appraisal Commission is open to the municipalities, if the city of Winnipeg wanted its land purchases vetted through the LVAC, they could go to the Commission and ask for that privilege and also have to pay for it, and similarly with other municipalities.

Mr. Speaker, I also note that the Minister praised the efforts of the Land Value Appraisal Commission and the Chairman, Professor Cam Harvey, and I note with some pleasure that he was the Chairman that was appointed some four or five years ago when I was the Minister at that time.

I would also like to ask the Minister whether he is satisfied with the kind of awards that have been made in recent times, because one of the important questions in regard to the appointment of any board is whether there is balance on that board, because I suppose one of the risks of any board member is the question of whether or not he wants to be seen as the champion of the public purse, or whether he wants to be seen as the friend of the applicants. And popularity costs money, because if various board members want to be popular with citizens who are having their land purchased or expropriated, then the way to do it is to give them a higher award. So I hope that the Minister can assure us that there is a balance on this board between those who are concerned with the rights and the financial remuneration of citizens and also a number of people who are particularly interested in the public purse to see that too much money is not, in fact, being given away.

Most of the other changes are, in fact, of a housekeeping nature, something on metric conversion and a reduction in the quorum to enable the board members to meet more easily when they are out of town to hear submissions, and we have no objections to these particular suggestions.

**QUESTION put, MOTION carried.**

**BILL NO. 79  
AN ACT TO AMEND  
THE EXPROPRIATION ACT**

**MR. DEPUTY SPEAKER:** The Honourable Opposition House Leader.

**MR. FOX:** Yes, Mr. Speaker, this bill was adjourned on behalf of the Honourable Member for Elmwood.

**MR. SPEAKER:** The Honourable Member for Elmwood.

**MR. DOERN:** Mr. Speaker, this bill is more significant, and I would like to begin by saying that I assume the least the opposition can ask for is the presence of the Minister. I hope you track him down. I did ask some questions on the last bill, and he wasn't present to answer them. I assume I'm going to get some answers on them, and I would hope that in making some points on this bill that the Minister would, in fact, close the debate rather than it being closed in his absence.

Mr. Speaker, Bill 79 is an Act to amend The Expropriation Act and I want to say right from the beginning that although expropriation is a dirty word to some members of the public, I believe in fact it is a necessary procedure, and to be expropriated in some instances is a bad thing for certain people because they may wish to continue to live in a particular home or farm or whatever, in other cases they may want to continue to hold ownership of a particular piece of property. Nevertheless, for other people it is in fact a windfall in that they may own some property or they may live in a residence which in fact is of simply general interest to them, and to be expropriated may be the opportunity of a lifetime in that they may suddenly find that they are able to

obtain a good price for some land or some property that otherwise they would have had some difficulty perhaps in selling.

I want to also say that first of all, when a decision is made by the government to expropriate land for a particular project, I assume that this is carefully thought out, but once that decision has been taken, then in most cases the government has the right to proceed on the basis that it is for the general good. And as I said, I assume that that is first of all carefully considered, but once carefully considered then the government I believe has a right to proceed on the basis of the welfare of the majority of people. And I say that I would like to give a couple of examples here where I think there has been abuse on the part of a group of citizens, and I can think, in the largest instance, of the case of the so-called question of railway relocation, and in particular of the Sherbrook-McGregor overpass.

We have had, for a considerable period of time, government positions taken by the city of Winnipeg and by the province of Manitoba that for the benefit of the citizens of Winnipeg in particular and of the citizens in the north end of Winnipeg and West Kildonan and the Maples and so on, that it would be for their benefit to construct an overpass over the central rail yards. And I support that position, Mr. Speaker. I supported that position 14 years ago and I see no reason to change today. But for a number of reasons, a view that that is not in the best interests of the people on the other side of the bridge usually, there has been in fact, a conflict and a debate as to what is in the best interests of people in the area.

And so you have a peculiar situation where you have, I suppose, the welfare of thousands and thousands of people, maybe 100,000 or more on one side of the bridge being blocked by the welfare, perhaps of dozens of people, or hundreds of people on the other side. In the direct sense, I suppose, there would be several dozen homes affected. As to whether one could argue that the entire neighbourhood or the entire other side of the bridge is adversely affected, I leave that case up to them. But I simply point out that one must look at the overall picture and when one studies this particular illustration, I think you can see that it is in fact a decision that is best first of all taken to construct an overpass because of the fact that it may be decades or longer before the railway would in fact relocate.

But there is another point here, Mr. Speaker, and that is when there in fact, has been a delay caused by one or more people in holding up such a project, then there is a price tag attached to that. And it's simply not a case of, we will have a debate that will go on indefinitely and there's no concern in terms of time. In this particular case, time does in fact cost money, or equal money, and we know for a fact that the delay of that particular project will in fact cost the public purse and the individual taxpayers another two or three million dollars, so I think that has to be taken into account.

There has to be the rights of the majority and the rights of the minority; the two must both be observed. It cannot be the case that the majority simply crushes the individual or the minority, but it can also not be the case that an individual or a small group can frustrate the general good and welfare of

society for an indefinite period, because some people, Mr. Speaker, will not take no for an answer. Some people will simply continue to sustain a position forever. So if you need unanimity, if you need all yeas every time, then I think that you will be paralyzed and frustrated in terms of your individual efforts. I know that the Minister when he spoke said that he was concerned about the word "expropriation", that it has a darker connotation, but I have to say to him that when he has made his best judgment then he has to, in fact, proceed by that particular route on occasion.

Sometimes he will be, of course, subject to demonstrations, sometimes organized demonstrations, often with a pecuniary interest. I can think of one instance where I was subjected to weeks and weeks and weeks and weeks of pictures of people who were being expropriated in the Logan Avenue area, and these people were on the hotline shows night and day, and on television shows, and on radio shows, and in my judgment this was all orchestrated by their lawyer. Their lawyer was representing these people. Their lawyer wanted a settlement that would make them some money and make him some money, and he was telling them how to do it. To me it was a very transparent instance and, of course, there will always be more of the same.

Mr. Speaker, I want to say to the Minister as well that I just said a few minutes ago that I was disappointed that he wasn't here for the last bill. But I also have to tell him that I asked him on three occasions for copies of his notes in the last few days. I still do not have them, and I have to remind him that he has an obligation to provide the opposition with copies of his notes, maybe as a courtesy, but if the Ministers of the government benches are going to supply the press gallery with copies of their notes, as has been done, and supply one copy or no copies to the opposition, then I think that their sense of priorities is slightly out of whack.

On some of the other points in the bill, Mr. Speaker, there seems to be an improvement in a number of instances where they are going to allow more negotiations to take place between someone who is presumed to be expropriated and the government, that they are going to extend that period up until the actual trial date, where a landowner is not satisfied with a particular offer. They also appear, and this is where I want to ask a question of the Minister, there is an old practice of offering 75 percent of an offer immediately. In other words, if an offer is made say for 100,000, then if a person generally agrees or is interested in settling, it sounds as if they can have 75 percent immediately, but could in fact still bargain for more money.

What I wanted to ask the Minister there again was whether — of course, we know that the person may ask for more money and that would be their particular interest, to continue the procedure to obtain more funding, but is it also possible that they could receive less in the process? That is what I wanted to ask the Minister. When you get the 75 percent and you are owed approximately 25 percent, is it in fact an approximation and you may wind up not only with 30 or 40 or 50 percent, but you might also wind up with 10 or 15 or 20 percent? That is something perhaps the Minister could clarify.

I also note that they are going to make some changes in regard to the number of years that a person can file a claim. I gather that this has been a problem, that it has been open-ended and that in some cases there have been claims that have been outstanding for seven, eight and nine years. As the Minister indicated, this seems to be an eternity, and therefore he is now going to limit that to a two-plus-two year maximum. I assume that is something that is necessary.

Mr. Speaker, the final point that I wanted to discuss with the Minister is a very interesting one and I gather that this was brought to a head by the construction — I think it was last summer — on Broadway, concerning the closing of Broadway and the allegations by local merchants that they were being hurt by the street closing. I wouldn't argue for a split second, Mr. Speaker, that they weren't. I think when those merchants said they were being adversely affected, I think that they were undoubtedly speaking the truth, and that we wouldn't need an election commission or a truth detector to see whether or not that was in fact so. When you close a street and people have to go through all sorts of elaborate detours or have a hard time getting there, then undoubtedly there is going to be a lesser amount of traffic.

I know it is true, because rather than drive anywhere down there I avoid the area like everybody else. Even to walk down Broadway was a difficult job in that there were curbs being constructed, there was gravel and sand all over the place, there was machinery. For an older person, I assume it would have been very difficult indeed. —(Interjection)— Well, I wasn't going to say somebody over fifty, because, Mr. Speaker, one time in Cabinet someone said that — I believe it was our Leader in fact. I shouldn't quote him here. — I believe that our Leader one time in Cabinet, the present Leader, referred to somebody in a debate and said, well, he was an older chap, he was 50 years old, and the Member for St. Boniface leaped up and demanded to know why he would categorize somebody in that age level as being older. The Leader of the Official Opposition and I, we are now starting to creep forward into the mid-forties and the Member for St. Boniface is creeping into the mid-fifties perhaps. These are all examples, Mr. Speaker, of creeping socialism and the fact that each year we get a little older.

Mr. Speaker, the point here is that it is unquestionably true that in the short run that businessmen are adversely affected. The Minister made an interesting point. He said that in the long run these particular activities, this construction, would be for the benefit of those same people, and therefore they should take the long-run point of view. I tend to agree, the problem, of course, being that one can get killed in the short run, the problem being that the same merchants, some of them might have gone under, and let's say, there were instances where some particular firms claimed that they were in fact made bankrupt by those particular actions.

That is a problem that I think the Minister hasn't in fact tackled and I don't know what the answer is. He has to, I think, give us his view on an instance where, like the Broadway example, somebody, say, who had just started up a business or maybe was in a shaky

position, went under due to a prolonged period of construction, and therefore maybe the other merchants who were better established or maybe had more local traffic, were able to survive. I would like to hear his particular views on that.

I would also have to, I think, tell the Minister a story about the long run, which I personally believe in —(Interjection)— No, this isn't the one about the bull, this is the one about the horse, Mr. Speaker, about taking the long-range point of view. I think this was a favorite story of Bernard Baruch, if that is how you pronounce his name, the famed financier and personality and celebrity. It seemed after a while people forget why he was important, they just knew he was important, and they asked his opinion on various things. He claimed that was the basis of his success, that he took the long-range or run point of view.

And he told as an example, the story of a man who was sentenced to death, who then said to the king, if you will give me some time I will teach your horse how to fly, and when I teach your horse how to fly, then you can let me go. That is the bargain, I will teach him how to fly and you will let me go rather than put me to death. So people said to him, well, you know, how on earth can you make this promise, this is obviously madness and it cannot happen. The reply was, well, first of all, in that period of time where I am attempting or pretending to teach the horse to fly, the king may die and I may obtain my freedom in that manner. Or in taking this time to undertake this project I may die, and therefore I won't meet an untimely end. Last but not least, I may in fact teach the horse how to fly. This was the illustration given on taking the long-range point of view —(Interjection)— You want to know what happened. Mr. Speaker, I will reveal this in my next speech. I want to maintain some suspense here.

Mr. Speaker, the Minister also gave an example. He said he was inspired to take this particular position because of the problems he had, he had a bridge that he tried to get replaced in his riding. The bridge happened to be some 70 or 80 years old, but he couldn't get it through the NDP administration. However, he did get it through his administration. —(Interjection)— Not as yet, oh. It is still coming; so is Christmas.

Mr. Speaker, the Minister is nervous about this, because he knows when they do in fact replace the bridge they will have to — no, they may not have to close the other — but he did in fact seem to be concerned, he said that there were some instances where people had to drive 20 or 30 miles while the bridge is being replaced, presumably where it was being built on the same spot. He will have to deal with that, he will have to explain to the farmers in the area how he is getting them a new bridge and they shouldn't complain about taking a detour. As I said, that is good logic, but in the case of businessmen and bankruptcies, it is good logic, but it is also the kiss of death.

I simply say, Mr. Speaker, in conclusion, that — well, I am going to conclude shortly. I am simply saying that I think that the Minister really would in fact have to consider either adverse effects on business or individuals in the short run, or he will have to consider undue delays in construction, because the Act right now apparently is not clear

about the responsibility here of levels of government. The Minister said that as the Act now stands, it is not clear whether the loss should be compensable. He wants to make it clear that it shall not be.

I simply say to him, what about in a period of time where, let's say, the businessmen in the area were told that there would be a two to three-month construction period, and it stretched to six, seven, or even eight months of construction, or even if it was spread over a couple of years, maybe in the case of paving they only did one part of it one year and had to continue it the following year.

I know that any Minister of Public Works or Government Services deals all the time — his department deals all the time with the problems of construction, and the contractors and architects are very good at explaining why change orders are necessary; why they have to bring in supplementary changes that cost more money; why they have shortages of equipment; why they cannot obtain their materials; how a railway strike or trucking strike or some other labour dispute held them up; how soil samples turned out to be different than anticipated; always after they have the contract. Always after they have been awarded the contract do they suddenly see these problems which were unforeseen and unanticipated before.

There are people who seem to specialize in change orders and there are construction projects which have dozens and sometimes hundreds of change orders costing hundreds of thousands or millions of dollars to rectify.

I think immediately of the Holiday Inn in Kenora which they were planning to build for a million dollars or so and they ran into some problems in terms of the —(Interjection)— Dick Hatfield had similar problems?

**A MEMBER:** We never had any problems like that.

**MR. DOERN:** We didn't have too many problems like that, they had problems like that, Red River Community College and so on, and —(Interjection)— they have other problems, right.

I am simply saying that the change orders are things always to be watched, but I am talking here now of the second part, Mr. Speaker, not the extra amount in terms of the project, and not the delay of the project because again anyone in the construction business knows it usually takes longer and costs more. Those are almost rules. And when you come in with a project that is on target, especially in terms of the cost or less than you . . .

**A MEMBER:** Then you get suspicious.

**MR. DOERN:** I don't get suspicious, then I rejoice. I had one particular experience like that, that was the Woodsworth Building where the bids came in less than had been projected, so that was a happy occasion.

I think those are the points I wanted to make on the bill, Mr. Speaker, I would be interested in hearing the Minister's remarks.

**MR. SPEAKER:** The Honourable Minister will be closing debate. The Honourable Minister of Government Services.

**MR. ENNS:** Thank you, Mr. Speaker. Allow me to apologize to the honourable member for not being present when he also dealt with Bill 47 this morning, I was momentarily called out of the House. I was pleased, however, to have the honourable member deal with the bills and to deal particularly with Bill 79, The Expropriation Act. Both of them are not bringing major changes to the manner and way in which governments acquire and expropriate land from time to time, but however, I believe, are changes that improve the system.

I want to apologize to the honourable member for not having provided him with additional speaking notes on these bills, but I do want him to take me at my word and if not that, then to accost my executive assistant James McEachern the next time he sees him in the hall and determine from him whether or not he did not several weeks ago when I introduced these bills at second reading, the first instance, deliver to the caucus rooms of the New Democratic Party and to the Liberal Party some of my speaking notes. Now if he didn't, then I have trouble with my executive assistant, but he assured me just as late as yesterday when the Honourable Member for Elmwood asked me about the matter, and it was certainly my intent to provide it.

Mr. Speaker, the opportunity for dealing with the bills in detail of course is there when we will have them before Law Amendments and hopefully I will have some staff there. I know the Honourable Member for St. Johns in his initial remarks to the bill was concerned about the exclusion of the amount which the bill provides for that anything other than 5,000 and less is exempted from the Land Value Appraisal Commission's involvement. He wanted to have some idea of the number of occasions that that happened or how large or how great that exemption was. I'll have that information for the Honourable Member for St. Johns at the time we deal with it in front of Law Amendments.

The Honourable Member for Elmwood raises the heart points of damage or injury caused by the nature of public works, usually the construction of roads or highways, and the fact that the bill makes it clear that the liability has to be borne by the merchant, by the person that's living on the side of the road that's being fixed. I made the comment and upon reflection on it, you know, I have some second thoughts about it. Yes, in some instances certainly the improvement which may cause a temporary disruption to business practise in the long term is and can be a real improvement and benefit to his capabilities of carrying on business. However, Mr. Speaker, that isn't always the case, as I'm sure the members will agree with me. Sometimes a major improvement can take away forever the advantages of a particular location as sometimes is the case when you are making a major relocation of a highway or building, as we sometimes build the new super highways with very limited access, that do not provide for access by a service station operator or a store or a small service facility, eating shop, access to the highway, and he sits there watching the hundreds of cars stream by with none of them being able to stop in for that hamburger or for that cup of coffee that he specifically built his place of business to attract.

So there are these problems. However, I suspect that that is part of the pitfalls of the marketplace just as the entrepreneurs out there seek out those desirable places that they believe are attractive and conducive to good business, will pay very often — not being forced to pay but will volunteer privately to pay and raise land prices to exorbitant heights for a desirable corner, desirable properties, where they believe in their judgment, good trade, good business, can be done.

Mr. Speaker, that's the options that we have in a free and open society to do that but also then to suffer sometimes from time to time the consequences where public will has decided to alter or change some of the physical circumstances that perhaps were part of the capability of them carrying out business.

Mr. Speaker, the Honourable Member for Elmwood also referred to one particular question that is clarified in the bill, that is that the practice of offering 75 percent of payment of the offer that is being made by the expropriating authority. Although the present act without the amendments doesn't precisely spell it out that way, but the general practice, the practise of the men in the field has been that if a person accepts 75 percent of an offer that that very often has been so interpreted in cases certainly by staff people, as being indicative of acceptance of that offer.

In other words to use the honourable member's example, if the expropriating authority has offered somebody 100,000 for a piece of property for an overpass and he accepts 75,000 of it, that kind of establishes in the minds of the people that he is dealing with, that he has accepted the 100,000 as a fair and reasonable offer.

What this spells out a little more clearly and specifically is that the 75 percent does not prejudice the final offer, and the member is quite right, it could be higher or lower. What it simply does is that it does not prejudice the offer and it also thereby enables, even if the person recognizes, and very often this is the case, the person recognizes that the land in question has to be given over to the public domain for whatever reasons the expropriating authority requires it, and the issue of giving up the land is not the question. He may want to enter into a protracted battle in terms of what he thinks is a fair price, but also in the meantime would like to have some of those funds available to him. This enables us to pay 75 percent of a offer, if you like, without prejudicing the final outcome and it is so treated by the amendment that we are now putting in the act by future deliberations, decisions, that the Land Value Appraisal Commission may make in issuing a certificate of value or indeed any other court or agency that has to adjudicate on the matter. While I would expect in the normal things that it would usually be higher rather than lower, the possibility is there of it being lower. Thank you.

**QUESTION put MOTION carried.**

**BILL NO. 80 — AN ACT TO AMEND  
THE PAYMENT OF WAGES ACT  
AND THE REAL PROPERTY ACT**

**MR. SPEAKER:** Bill No. 80, standing in the name of the Honourable Member for Churchill. The Honourable Member for Churchill.

**MR. COWAN:** Thank you, Mr. Speaker, just so I am aware of how much time I have left, perhaps you could indicate the time allotment.

**MR. SPEAKER:** The Honourable Member has used 20 minutes.

**MR. COWAN:** So I have 20 minutes left. I don't believe I'll use all of it, Mr. Speaker, but I do want to make a couple of points that I had not been able to make in the first 20 minutes of my presentation. I want to start off in a rather unusual way for myself, and that is I'd like to quote a Liberal. Now it's a practice that I'm not usually part of and one which I don't want to make a common practice, but I believe in this particular instance it is important to put on the record this particular statement that was made in 1975 in this House by the Member for Assiniboia, at the time. I am anxious to hear what the present member, the lone Liberal in the House, the Member for Fort Rouge has to say in regard to this bill; whether or not she concurs with the sentiments of her predecessor or one of her colleagues that went before her in this particular House.

The quote that was made at that time is, "So we really did have problems and there was no recourse for the wage earner." I'm speaking now or I am quoting this member's participation in the debate on the original Payment of Wages Act. He went on to say, there is no recourse for the wage earner, no recourse to collect and the most important principle in this bill, and I believe that perhaps the most important principle that the Minister would accomplish with this one principle in the bill is to have wages have prior claims to any other lien holders be it secured lien holders which is registered mortgages and other lien holders and in this case you are making, the way I understand the bill, making wages prior claim to anyone else.

I think this is the biggest principle in the bill because that will solve, I would say, almost all the problems and the majority of the problems that we have just by this one principle in the bill, by making wages have prior call on any other lien holders, I'd say is a very important principle and a good one, and the Member for Assiniboia goes on to say that they would be supporting the legislation because of that reason.

I believe that in a convoluted way, and I didn't realize it until I started to read it out loud, that member did point out the most important principle of The Payment of Wages Act, and that is the principle which is being discarded, being taken away by the amendments to the Payment of Wages Act, so what they are in fact doing is emasculating the — (Interjection)— they are emasculating a good act, yes, and they are doing it in a very comprehensive way with what appears to be some very minor amendments and we must bear that in mind.

Earlier the other day when I spoke to this subject, I talked about the number of bankruptcies and I didn't have the exact figures before me. I've had time in the meanwhile to procure the exact figures and would like to put them on the record. I believe this is

another important aspect of the timing of these amendments, and that is that bankruptcies are on the increase, that the economy is on the skids, and we are going to see more and more instances where employees are going to suffer lost wages due to bankruptcies, due to businesses being forced to fold up and not being able to pay the wages that are due to their employees. And if the Act remained the same as it is now, they would — the employees that is — would have recourse to payment through the legislation, through the Employment Standards Branch. But as it is changed, they will not have that same recourse.

But let us look at the exact figures. In 1978, and these are from Statistics Canada, Mr. Speaker, in 1978, there were 657 bankruptcies. In 1979 there were 799 bankruptcies, so we see that the bankruptcies over that one year had increased by 22 percent. Now that's a general, broad indictment of the way the government is handling the economy, but it is also an indication that this bill is coming in at the wrong time. It is coming in when there are going to be more and more bankruptcies, and it is going to impact more and more people.

I'd like to just also put on the record the figures for April, because those are the latest available figures, and I think they point out the situation even better. In April of 1978, there were 50 bankruptcies. In April of 1979, there were 46, which was a small drop. But in April of 1980, there were 76, up by a whopping 65 percent, in April of this year. So we see in fact that the bankruptcy trend, which is prevalent in the year 1978-79, the comparison between those two years, seems to be even accelerated when we deal with the latest figures. And I think you'll note that those figures will increase more and more, thereby putting more and more wage earners in a tenuous position in putting them in a position where they could use the protection of this Act and they will not have the protection of the Act. That's a point that I try to make with the bankruptcy figures. There are a number of other ways that that point could be made, but I think that is probably the simplest way to make it.

Also, when speaking the other day to this bill, I suggested that the friends of the Minister had whispered in his ear the suggestions for this bill, and we talked a bit about the banks and we talked a bit about the creditors. —(Interjection)— To the Attorney-General. I was asked which Minister, and I'm just clarifying, that was to the Attorney-General.

I have to note that in going through my file on this particular subject matter, I came across an article from the Manitoba Bar Newsletter dated April 1979, which shows to me, and I'd like to put it on the record to make it clear to others, that it was not only the banks that were whispering in the Minister's ear, but it was also his lawyer friends. And this is signed by the Chairman of the Real Property subsection of the, I would imagine it would probably be the Law Society or the Canadian Bar Association, both of them are sponsors of the Manitoba Bar Newsletter.

But what that particular person says, and I quote, and he's talking to Section 7 of the Payment of Wages Act, and that's the section that this bill seeks to amend, and he says, "While this section has been largely ignored to date, it obviously can have substantial effects upon the security position of

lenders. The problem this creates for the profession has been under study by the Real Property subsection of the Bar Association. Amendments have been proposed to the provincial government to re-establish precedents for registered charges affecting both real and personal property, unless there has been prior registration of the lien itself. Such amendments have been urged for the present sitting of the Legislature, but it may or may not occur."

And of course, those of us who were paying attention to The Statute Law Amendments Act of last year noted that those amendments, in fact, were brought forward by that vehicle, were discussed in Law Amendments Committee, at which point the Minister indicated that they would not be proclaimed, they would not proceed with them until such a time as the Law Reform Commission had an opportunity to examine the entire situation and come back with some findings. And what we see in that regard is this particular bill, Bill No. 80, an Act to amend the Payment of Wages Act and the Real Property Act, that we have before us now. What it does is, it takes away the priority of the wage earner over the person who lent money through a mortgage for real property or through a security interest plan. It places those two lenders before the wage earner, and we believe that to be wrong. We believe the original principle of the original bill to be correct, and this is one reason, among many, why we believe that to be the situation.

No. 1 is, the wage earner goes into a job expecting a fair day's wages for a fair day's work. Nothing more, nothing less. That is the contract implicit or explicit that they make with their employee when they enter into employment. They do not put up any sort of capital and try to collect interest off of it because they believe there might be a risk involved in their collecting their wages. They expect those wages. Those wages are due to them and should come to them and should accrue to them automatically.

The mortgage lender, on the other hand, or the person who is selling equipment on time, is involved in what is called a risk capital venture. They are speculating, of course, the Member for Kildonan says, and they are saying that we believe that you can make a go of this business and we are going to get our initial investment, our capital back, plus the interest. Now, the reason that is always given for collecting interest is that there is a risk involved, that certain businesses go under, and they don't in fact get their original capital back. And they don't get their interest back. And that is why they can charge the rates of interest that we see being charged today, which are obviously exorbitant, and I think it's agreed by both sides of the House, are a major problem in the economy, although not the only problem, but at least a significant problem.

They charge those interests because they are taking a risk. And if they are going to take a risk, and if they want to collect those interests, and I don't want to make a general statement about that entire system, but if they want to do that, if those are the rules under which they wish to play, then let them take the risk. Let them not have priority over the wage earner, because the wage earner doesn't want to take the risk, they're not making interests on their wages, they just want, again, a fair day's pay

for a fair day's work. And therefore, in my opinion, and in the opinion of many, they should be allowed the opportunity to have first priority.

They won't always get all their money back, by the way. They will, in fact, sometimes lose money, but they will not lose money out to a different group. They will lose money among themselves collectively, and wage earners are willing to take that sort of a risk because they've always been known to support each other in any way that they can. But the fact is, they are not in the business of taking a risk, they are in the business of working for wages and therefore should not be called upon to take that risk at the benefit of the people who are in the lending business and they know very well that they are lending risk capital, and therefore should be willing to suffer the consequences if a bankruptcy should occur.

That's a very basic point and very germane to the argument, the philosophical argument I might add, of whether or not these amendments should go through and whether or not the wage earner should come before the mortgage owner and the lender. I believe it's something that we have to direct our attention to when looking at any sort of legislation of this particular nature.

I will try to finish off in the few moments that are left me, Mr. Speaker, because I just have one point to make, and that is — I'm sorry, Mr. Speaker, I have two points to make very quickly. One is we have to pay attention to the fact that this reduces the time period for the employee to make a complaint. But the other is, even at the right time, a time when we did not have high bankruptcy rates, when we did not have increasing economic difficulties, this would be the wrong bill. The fact is that with that economic difficulty, with the economic environment today, with the high bankruptcy rate, this is the wrong bill at the wrong time, and that further complicates and compounds the error of the government's way and we will be forced to vote against this particular bill.

**MR. SPEAKER:** The Honourable Member for Kildonan.

**MR. FOX:** I move, seconded by the Honourable Member for Brandon East, that debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** Order please. The Honourable Member for Logan.

## COMMITTEE CHANGES

**MR. JENKINS:** Mr. Speaker, I would like to make some committee changes. On Law Amendments, the Honourable Member for The Pas in place of the Honourable Member for Elmwood; the Honourable Member for Ste. Rose in place of the Honourable Member for Rossmere; the Honourable Member for Flin Flon in place of the Honourable Member for St. Boniface.

**MR. SPEAKER:** The Honourable Member for Gladstone.

**MR. FERGUSON:** Yes, Mr. Speaker, I have a change too. On the Privileges and Elections Committee, Mr. Steen for Mr. Kovnats.

**MR. SPEAKER:** Are those changes agreeable?  
(Agreed)

The hour being 12:30 p.m., the House is accordingly adjourned and stands adjourned until 2:00 p.m.