



Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

*Published under the
authority of
The Honourable D. James Walding
Speaker*



MG-8048

VOL. XXXI No. 57 - 10:00 a.m., FRIDAY, 29 APRIL, 1983.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	NDP
DOLIN, Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virten	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 29 April, 1983.

Time — 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions
. . . Reading and Receiving Petitions . . .

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for River East.

MR. P. EYLER: Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the Member for Radisson that the report of the committee be received.

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, I'd like to make a statement. Here are the copies.

Mr. Speaker, I'm pleased to announce that a pipeline to transport crude oil from the oil fields around Waskada to the pumping station on the International Pipeline at Cromer, Manitoba may be built and operating in 1984. Manitoba is fortunate in experiencing the current "mini oil boom" in the Waskada area and interest is now being directed to the feasibility of constructing a crude oil pipeline transport system.

Such pipeline construction is regarded as a logical extension of oilfield development. It will result in the efficient transport of crude oil, replacing the present system of trucking and thereby reducing the risk of environmental damage and permitting the continuing flow of oil (and revenue) even during the period of road bans. Of course, this will also ease pressure on the roads and highways in the area which have been taking a pounding these past few years.

Because the pipeline will be entirely within Manitoba, its construction and operation will be controlled by The Manitoba Pipeline Act. My department has already received one application from a pipeline company interested in constructing and operating such a pipeline, and an application and approval process has been developed by my department which will lead to the most suitable and best qualified applicant being awarded a construction permit. The process has been designed to allow for any interested parties to make application. I'm informing the public in general of this today, and we will be contacting people in the industry who might be interested to ensure everyone has the

fullest potential to apply. Furthermore, the process will address economic and environmental concerns and issues arising from this kind of resource development project. Interest groups including oil producers, landowners, the general public, crude oil transporters, other applicants and certain government departments will be given the opportunity to intervene through a hearing process that will be conducted by the Oil and Natural Gas Conservation Board.

I have been informed by the board that in order to select a suitable applicant by this process, the decision to award a permit could not be made until the late fall of 1983. Furthermore, an additional three months might be required by the pipeline company before actual construction could commence.

By following this process, I believe that the best applicant will be selected for the project and that the interests of all parties will be best protected. In addition, the time needed to more fully evaluate the potential of the still developing Waskada Oil Fields will be provided.

In conclusion, I believe that in announcing this step now we are pursuing the orderly development of the Waskada Oil Field for the benefit of all Manitobans.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I certainly welcome this announcement that the private sector may be proceeding to develop this pipeline to transport the oil from the Waskada field. This development that has taken place in the oil field at Waskada is an excellent example of how government can encourage economic activity in the area of resource development. The oil exploration in the Waskada field has come about as a consequence of government establishing a proper climate for investment and did not involve the investment of one nickel of the taxpayers' money in bringing about that development. We now have seen it bear fruit and we welcome the announcement that the private sector may now be generating further economic activity with the construction of this pipeline, and that the government will be playing the proper role of government in assuring that the pipeline is constructed in such a way as to minimize environmental damage and that satisfactory control regulations are in place.

This is an excellent example of the private sector playing their role and the government playing their role and we're pleased to have this announcement this morning and we hope that the "may," which the Minister uses in the introduction of his statement will become a "will" before much time is passed.

MR. SPEAKER: The Honourable Minister of Education.

HON. M. HEMPHILL: Mr. Speaker, I ask leave to table the Annual Report of the Public Schools Finance Board, Province of Manitoba, for the year ending December 31, 1982.

MR. SPEAKER: Notices of Motion . . .

INTRODUCTION OF BILLS

HON. R. PENNER introduced Bill No. 66, An Act to amend The Child Welfare Act; and Bill No. 67, The Family Division of The Court of Queen's Bench Act; Loi sur la division de la famille de la cour du banc de la Reine.

HON. R. PENNER, on behalf of Hon. L. Evans, introduced Bill No. 68, The Change of Name Act; Loi sur le changement de nom.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before Oral Questions, may I direct the attention of honourable members to the gallery where we have 40 students of Grade 9 standing from the Ken Seaford Junior High School under the direction of Mr. Zuk. This school is in the constituency of the Honourable Minister of Labour.

There are 29 students of Grade 9 standing from the McKenzie Junior High School under the direction of Mr. McCallum. This school is in the constituency of the Honourable Minister of Government Services.

On behalf of all of the members, I welcome you here this morning.

ORAL QUESTIONS

Jobs Fund - Capital

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, my question is for the First Minister. Yesterday, the First Minister distributed a bill in the House, Bill 42, The Jobs Fund Act which provides a mechanism whereby non-budgetary capital can be transferred into the Jobs Fund and could be expended on budgetary items thereby diminishing the meaningfulness of a deficit figure for the Provincial Government. I would like to ask the First Minister for his assurance that any funds which are borrowed under The Loan Act and transferred to the Jobs Fund will be specifically identified for self-sustaining purposes.

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, this relates to a bill distributed in the House, a bill that will be discussed and debated next week and at that time we'll deal with the details of same.

The Loan Act - Loan Insulation Program

MR. B. RANSOM: Mr. Speaker, a supplementary question to the First Minister then. The Loan Act which has already been passed by the Legislature, contained a provision for \$20 million for the Loan Insulation Program under the Jobs Fund. What was the purpose of having that item go into the Jobs Fund when it is identified as being for Home Insulation Loan Program?

HON. H. PAWLEY: Mr. Speaker, so as to deal with the employment aspects. We'll be dealing with that during the discussion of the bill itself.

MR. B. RANSOM: A final supplementary to the First Minister then, Mr. Speaker. What will be accomplished under the Insulation Loan Program through the Jobs Fund which would not have been accomplished through administering that amount of money through the housing department?

HON. H. PAWLEY: Mr. Speaker, it's just a matter of identifying the additional monies that have been allocated to the program and those monies have been allocated through the Jobs Fund.

MR. B. RANSOM: Mr. Speaker, could I ask the First Minister, could that money not have been identified and loaned and borrowed and expended through the Department of Housing?

HON. H. PAWLEY: Mr. Speaker, there was \$5 million that had been allocated to the program earlier, we are now allocating \$20 million to the program. Those additional monies are being allocated through the Jobs Fund Bill.

Law Students - articling

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

MR. G. MERCIER: Mr. Speaker, my question is to the Attorney-General, can he confirm that five law graduates who received a commitment to article with the judges under a program that was started last year, who received a commitment to those articling positions last fall, have now been advised that those jobs are not available because of a lack of funding by the Attorney-General's Department.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Yes, Mr. Speaker, in October of 1982, Mr. Justice Huband of the Court of Appeal, who is the federally appointed judge administering the program whereby article students article with federally appointed judges and that program had been conducted for its first year in 1981-82, wrote asking for authority to continue the program. I replied that I couldn't guarantee that there would be funds, there would be a possibility, but that they were free to interview. That was important because in November all of the interviews for articling positions take place at the same time in the same way. The letter was quite clear that there was only a possibility that the funds would be available. During the course of the Estimates process it became clear that the funds would not be available from my department or from any other department of government.

The program was clearly a program of legal education, one, primarily the responsibility of the Law Society - and I undertook the work with the Law Society to see whether or not the Law Society would be in a position to fund - and efforts of that kind were made; to this date are regrettably not carried to fruition.

Unfortunately, it may have been the case that Judge Huband, in interviewing the students, did not make it as clear as he ought to have, that there was no commitment that they were being selected and would be appointed if funds were available, so that there was the impression created apparently in the minds of some or all of the five students, that indeed once interviewed and told that they had been selected that it was the equivalent of being given an article position. That has now been clarified with Judge Huband and he has written to me apologizing for having created an impression that he did not have the authority to create.

Nevertheless, we're now looking at it positively in the sense of still seeing whether it's possible to continue the program. I was in conversation with the Federal Minister of Justice, in whose field it ought properly to lie, because these are students articling with federally appointed judges, and it may be that funds will be found, some from the Federal Government, some from my department, some from the Law Society. It is my hope that we can still salvage that program for one more year on a trial basis.

MR. G. MERCIER: Mr. Speaker, in view of the fact that, certainly, some of these law graduates were led to believe that these articling positions would be available to them beginning June the 1st, and passed up opportunities with other firms where they could have had articling jobs, and they are now left in the position where they don't; in view of the fact that the Minister of Labour has a program whereby she is apparently approving paying young people, and people, to cut grass in the City of Winnipeg for some \$1,700 to \$1,800 a month; and these articling students would only receive approximately \$600 a month, would he undertake to attempt to use his influence with the Minister of Labour, in order to use some of those funds to perhaps live up to the commitment that certainly the law graduates felt was made to them, perhaps mistakenly?

HON. R. PENNER: Yes, I thank the honourable member for that suggestion. In fact, I have anticipated him, have been working with the Minister of Labour and Employment Services and we've explored the potential of each one of the employment funds that are presently available. Regrettably it doesn't fit into any of them as presently constructed. It certainly doesn't fit into a summer employment program because it is not a summer employment program. The students article for a whole year, so you must find a program which funds at that particular rate for a whole year. It did not appear that there was such a fund that would be available.

It certainly doesn't fit into the NEED fund and it doesn't fit into any of the other temporary employment funds. I just want to assure the House and those students that efforts are still continuing in order to salvage the program. It is regrettable that there was some breakdown in communication and that an erroneous impression was left with them that once interviewed and selected that they had a job. No one wants to in a sense leave them out to dry. They are the cream of the crop in many ways and efforts will continue to get them placed.

MR. G. MERCIER: Mr. Speaker, one final question. Perhaps I could ask the Attorney-General if he arranged

to allow the students to cut grass for three months at the wage rates offered by the Minister of Labour, the total sum earned would be equal to the total sum they would earn as articling students over the 11 to 12 month period and he wouldn't have to pay them.

HON. R. PENNER: Yes, it's clear that the Member for St. Norbert's understanding of mathematics is better than his understanding of how articling students must article from the beginning of June. They must have those 12 months articulated to the date of their call. They cannot article, which must be with either a judge in this case or with a law firm, and cut grass. In the old days when the Honourable Member for St. Norbert, the First Minister, the Leader of the Opposition, myself and others articulated, we could cut grass, we could sell books, we could go to the Land Titles Office and see how to make some extra money, to do all of those things in the good old wonderful days but it can't be done now.

Deer Lodge Hospital - takeover

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, my question is to the Honourable First Minister and I would ask him whether he can confirm that the union representing nurses and other professional workers at Deer Lodge Hospital has expressed alarm over a statement by the First Minister to the effect that employee layoffs at Deer Lodge will be based on merit and not just seniority.

HON. H. PAWLEY: Mr. Speaker, I take this opportunity to respond to this question because I have received a copy of a letter from the union addressed to the Winnipeg Free Press and I would like to quote from that letter because it will assist, indeed, in responding to the question from the Member for Fort Garry and I'll table a copy of this letter, Mr. Speaker.

"At no time did any Conservative MP MLA support our position. Now Bud Sherman is on a seniority bandwagon. Thank you but no thanks, Mr. Sherman. All you've done is make the patients uneasy, the staff uneasy. We have some problems with staffing and it's a normal procedure. Grievances have been filed and will be dealt with in that way." Union representing the nurses and others at the Deer Lodge Hospital.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

A MEMBER: You'd better table the letter from your union, now.

MR. L. SHERMAN: Mr. Speaker, I'm very glad the First Minister has put that letter on the record because my response to that letter will appear in the Free Press presumably at the same time as Mr. Maruca's letter will appear. I have replied to that letter and I have pointed that Mr. Maruca seems to be quite defensive about the subject. I have pointed out that I've received innumerable letters and phone calls from staff members

at Deer Lodge who are deeply troubled and concerned about the staffing pattern changeover there.

I repeat my question to the First Minister which he has not answered and that is, can he confirm that the union representing nurses and other professional workers at the hospital have expressed alarm over the Premier's statement? Can he confirm that the spokesmen for the Professional Institute of the Public Service of Canada have expressed the alarm that professional nurses and pharmacists, dietitians and social workers have also expressed that alarm and concern with the First Minister's statement and his apparent misunderstanding of the whole morale problem that is at issue here and that has not been resolved by Mr. Maruca or his colleagues?

HON. H. PAWLEY: As I indicated last week we're working with the Minister of Labour in order to attempt to ensure that there is greater fairness, greater equity.

What indeed Mr. Maruca is indicating, is that they have attempted to make some changes. They have not had any co-operation from Conservative MLAs or MPs in attempting to make those changes. I think the question is whether the Member for Fort Garry will use his good graces, Mr. Speaker, in attempting to obtain the assistance of his colleagues at the national level in making the kind of changes that the union representatives at Deer Lodge would like to see undertaken.

MR. L. SHERMAN: Mr. Speaker, in case it's escaped the First Minister's notice and attention that Deer Lodge was taken over by the province on April 1, it is no longer a federal matter. The problem has arisen since April 1 and the provincial takeover. I have responded to Mr. Maruca's letter. The Premier can read my response in the Free Press. It addresses the evasive argument that Mr. Maruca raises. The reason I have raised these questions in the House, Sir, is because many staff members, patients, and relatives at Deer Lodge have been in touch with me expressing their deep concerns by phone and by letter.

I repeat my question to the First Minister, since there were years of forethought, effort and attempt that went into the changeover of the administration from federal to provincial jurisdiction at Deer Lodge, did the First Minister and did that government do any pre-planning to organize the staffing pattern changeovers in an orderly way so that there would not be this anxiety, this upheaval and this morale problem? What pre-planning, what organization, what task force was set up by this government in the past year to pave the way for and anticipate and organize an orderly staffing changeover at Deer Lodge? I suggest none was done, Sir.

HON. H. PAWLEY: Well, Mr. Speaker, if the honourable member wants to accept that as the answer he appears to wish to answer his own question. Obviously the honourable member is just a little sensitive in view of the legitimate concerns expressed by the union representing the employees at Deer Lodge.

Mr. Speaker, what we are dealing with is an agreement that was arrived at and was in existence for a number of years between the management and between the

members of the employees at the Deer Lodge; agreement that existed during Liberal administrations federally, Conservative administrations; agreement that apparently existed during the time that the Honourable Member for Fort Garry had served as a Member of Parliament at the federal level.

Now, Mr. Speaker, we are interested, as a Provincial Government, assuming responsibility and during a time, indeed, in which there may be some transition pertaining to the representation of the employees, changes pertaining to the management insofar as Deer Lodge, at looking at the existing situation with the Minister of Labour's guidance to ascertain whether or not there can be greater equity. The employees at Deer Lodge obviously understand and know what is going on in that respect much more than does the Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, in view of the letters and phone calls that I have received and to which I'm prepared to make reference in the resumption of the Estimates debate when the Minister of Health returns, in view of the expressed concern and morale problems of those personnel at and related to Deer Lodge Hospital, can the First Minister answer my question, Sir, as to whether any pre-planning . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

MR. L. SHERMAN: . . . as to whether any pre-planning and organization was done to prepare for this changeover? The First Minister suggests that I have answered the question. I'm asking him to give me a better answer than the one I have provided, which is a suggestion that no pre-planning was done.

HON. H. PAWLEY: In respect to the Honourable Member for Fort Garry's reference to concern at Deer Lodge, I think the union representing the employees described that situation best when they indicated that the Member for Fort Garry has contributed to creating an uneasy and a restless situation at Deer Lodge. The employees, through their democratic union at Deer Lodge to make that point very, very well, Mr. Speaker, in their letter dated April 26th of this year.

Mr. Speaker, it is for the very reason, clearly, that procedures under respective Liberal and Conservative Governments at the federal level in Ottawa have been less than fair in regard to their agreements with the employees at Deer Lodge that the Minister of Labour has been instructed to ascertain now, what can a New Democratic Party do now that it is assuming responsibility at Deer Lodge?

MR. L. SHERMAN: One final supplementary, Mr. Speaker, with the reminder to the First Minister that he took that hospital over on April 1st and he had a year to plan for that takeover. My final supplementary, Mr. Speaker, is why is there such a morale problem among staff, patients and relatives at Deer Lodge Hospital?

HON. H. PAWLEY: I had indicated in attempting to be fair that in any move there will be uncertainty; there

will be uneasiness. The union itself Mr. Speaker, and I only comment on what the union has indicated is that it's the Member for Fort Garry that has caused the patients to be uneasy and the staff to be uneasy. I would think rather than the Member for Fort Garry being mainly responsible, it's as a result of a process of transition that is taking place. Certainly the Honourable Member for Fort Garry does not appear to have deal with this matter in a constructive way according to the representatives of the employees at Deer Lodge.

CPR - taxes

MR. SPEAKER: The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, I would like to direct a question to the Minister of Urban Affairs. He gave the CPR a deadline of May 1st in which to respond to a request by the province to pay its full share of property taxes in the City of Winnipeg. Have they responded to date?

MR. SPEAKER: The Honourable Minister of Cultural Affairs.

HON. E. KOSTYRA: Thank you, Mr. Speaker, as I indicated previously there was a meeting with the Vice-President for the Prairie Region of the CPR and Mayor Norrie and myself last February 7th to discuss the resolution that was adopted by the Manitoba Legislature, by this Assembly last Session.

Since that time, each of the parties have appointed negotiators and those negotiators have met on two occasions to discuss the proposed amendment, and unfortunately the negotiators were also scheduled to meet last Friday, but because of some other commitments the meeting had to be canceled and they're expecting to meet within the short while and be reporting back to their principals. At this point discussions are continuing.

MR. R. DOERN: Mr. Speaker, if the terms of the resolution are not agreed to by the CPR, namely to pay their 100 percent share of taxes, is the Minister prepared to introduce legislation this Session to repeal that old agreement whereby the CPR has received millions in tax concessions and a \$500,000 discount this year?

HON. E. KOSTYRA: Mr. Speaker, as I indicated in response to the member's question, discussions are continuing with the CPR and the City of Winnipeg. I would expect to receive a report as a result of those negotiations and discuss that with my colleagues of Cabinet once those discussions have been concluded.

Enterprise Manitoba Agreement - design funds

MR. SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you, Mr. Speaker, my question is for the Honourable Minister of Economic

Development and it follows on a question which I placed with her privately. I thank her for the note which she sent in response. I understand a similar question was asked in the House by my colleague from Turtle Mountain to do with the termination of a portion of the Canada-Manitoba Enterprise Agreement that called for design assistance funds to be paid to local manufacturers. The Minister has indicated that this was one of the federal portions and it was a federal decision to terminate this.

So my question to the Minister is, has she protested the cancellation of this program since I understand it was a successful and popular one, and does she intend to pursue it with the Federal Government to see whether or not it can be reinstated?

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. M. SMITH: Well, Mr. Speaker, we are in constant negotiation with the Federal Government on what is to be the replacement of the Enterprise Manitoba Agreement.

With regard to this design assistance, the member opposite is quite right. It was a popular program. We did the administrative work and the Federal Government provided the funding. We are promoting the Design Assistance Program in whatever form the replacement of Enterprise Manitoba takes. In the interim, we're providing as much consulting service we possibly can through our Design Institute to enable firms to know how they can go about getting better design assistance and letting them know what firms are available to assist them directly. We don't have direct funding support, but that planning and consultative approach does in fact assist them a great deal.

MR. G. FILMON: Mr. Speaker, in view of the fact that manufacturing is one of the most important job-creating activities in the province, and in view of the fact as I understand it, there are at least 18 qualified applications currently in this office, will the Minister consider taking this over as part of the provincially-funded portion of the Enterprise Manitoba Agreement?

HON. M. SMITH: Mr. Speaker, there is a little inaccuracy. The Design Assistance Program offered by the Federal Government wasn't, strictly speaking, within the joint agreement. It was in another type of agreement that we had with them. We would like to provide as many services as we can to promote manufacturing in business, but as the member opposite knows, there's only so much money around and we have to set priorities the best way we can. We cannot, in midstream, increase the Budget allocation for a particular program to a very marked degree, but if there is any flexibility and I know that this program is popular and a necessary component, we'll see if there is some internal flexibility that we can find.

MR. G. FILMON: Mr. Speaker, I'm well aware of the financial limitations of the government, but in view of the fact that through the Jobs Fund there are millions being spent on make-work, short-term jobs in this province, why would the Minister not consider applying

some funds to enable local manufacturers to be competitive on a national-international basis where they have long-term, full employment jobs at stake?

HON. M. SMITH: Well, Mr. Speaker, I think there are a lot of assumptions being made in that comment. There is a bottomless pit, if you like, of things that can and should be done. What we have to do is prioritize the programs and allocate the best way we can. We think at the moment that providing the consulting activity to the firms has a financial value and it does get them halfway down the road to defining their design needs and choosing the most efficient, possible way of meeting them. However, I will keep that concern in mind and, believe me, we always are doing an ongoing review of programs that are in demand and effective, and we'll be as flexible as the budget system permits us to be.

Abortion Clinic - Dr. Morgentaler

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

MR. G. MERCIER: Mr. Speaker, I have a question for the Attorney-General. In view of an announcement this morning by Dr. Morgentaler that he intends to open his clinic next Thursday, May 5th, will the Attorney-General assure this House that criminal charges will be laid immediately? In view of Dr. Morgentaler's statements that he intends to perform illegal abortions, will criminal charges be laid immediately and will the Attorney-General take the necessary steps to shut down the abortion clinic until those charges are dealt with?

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: I have asked senior officials in my department to prepare a memorandum for me on what would be the normal and usual course in dealing with a problem of this kind. It's somewhat more complex than the member suggests in his question. If, as I expected to be the case, Dr. Morgentaler or anyone else announces an intention to do something, that for good or for ill is not yet a criminal offence. It would amount to a criminal offence in some circumstances - I'm talking now generally - if whatever was done by a person amounted in law, under Section 24 of the Criminal Code, to an attempt to commit an offence. The announcement of an intention to do something does not, in law, constitute an attempt.

A number of preparatory steps have been taken. Those preparatory steps may or may not amount to an attempt. The law dealing with attempt in the field of abortion suggests indeed that the preparations have to go much further than that before you could possibly have enough evidence to assume that there was at least on the surface a criminal offence or possibly a criminal offence, so that I am asking and have asked and expect to receive by today a review by the Director of Prosecutions and the Deputy Attorney-General as to what would be the normal course.

I have suggested, and I believe this to be the case, that the normal course is this, that once that clinic in fact opens, and we must remember that Dr. Morgentaler has made similar announcements with similar dates

over a period of time, but once that front door is open and there are others than tradespersons going in, complaints no doubt will be made and the likelihood is that the police would have an obligation - and this is a police function - to investigate and they will immediately turn over the results of their investigation to a Crown attorney, likely the Director of Prosecutions who, in the normal course, would make a decision as to whether or not there is enough evidence to swear out an information alleging a criminal offence.

So as I have said right from the beginning, the normal course will be followed. There will be no favours given in this area, no special dispensation. The normal course of the law will be followed. The police function, which is the responsibility of the police, will be followed. The responsibility which I have as the Attorney-General will be followed. If there is a charge, there will be no stay of prosecutions. That has been clear right from the beginning, and any suggestion made by anyone in or out of this House that there is any way in which that will be altered is one that must be rejected out of hand. And any suggestion, such as made by the Leader of the Opposition, that somehow or other I would prostitute the course of justice is utterly contemptible.

MR. G. MERCIER: Mr. Speaker, I don't believe that this is particularly a normal or usual situation. Would the Attorney-General assure the House that in view of the statements by Dr. Morgentaler that he intends to challenge the provisions of the Criminal Code and perform illegal abortions, will the Attorney-General assure this House and the people of Manitoba that as soon as criminal charges are laid, the abortion clinic will be shut down and there will be no further activity there by Dr. Morgentaler until the charges are dealt with?

HON. R. PENNER: There is no provision in the Criminal Code for the equivalent of a civil injunction. That has to be clear. If in fact charges are laid, presumably, someone is either arrested or a summons issued. If someone is arrested, there may be then a situation in which a Provincial Court Judge of the Criminal Division has to deal with an application for what is called Judicial Interim Release; we used to call it bail. At that time it is possible for a judge to impose conditions relative to Judicial Interim Release, but that is entirely for a judge and it would be utterly improper for me to even suggest a course of action for a judge and it must be left up to the judicial branch of government, and the executive branch of government must not interfere with the judicial branch of government.

MR. G. MERCIER: Mr. Speaker, will the Attorney-General assure this House that he will instruct the Director of Prosecutions and his prosecutorial staff to take every possible step to ensure that once criminal charges are laid, there will be no further illegal activity undertaken by Dr. Morgentaler in the way of illegal abortions being performed at the abortion clinic while those charges are being dealt with?

HON. R. PENNER: The Director of Prosecutions also knows what his function is as a Director of Prosecutions and it is not, again, to act the role of a self-appointed

police person. When a charge has been laid with respect to an ongoing operation, whether it be this one or any ongoing operation, then whether or not that operation continues cannot be predetermined. There have been situations in which, for example, there have been allegations that a commercial bingo was contrary to the law. I just use that as an example. Until that was determined by a judge, it would not necessarily be the case that that commercial bingo would have to close down.

As I said, whether or not the clinic on Corydon closes down if a charge is laid, as I suspect it would be, that will be something that ultimately a judge will have to determine.

CL-215 water bombers

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. M. SMITH: Yes, Mr. Speaker. I took a question as notice a few days ago as to whether or not there had been activity in the department to see whether firms in the aerospace industry had made any approaches to Canadair to get any offset contracts if the water bomber contract is in fact let to them. Mr. Speaker, the department immediately contacted the firms in the aerospace sector and yesterday, in fact, met with two firms who have indicated interests in securing contracts if, in fact, they become available. To date, we have no confirmation that Canadair in fact will be operating and producing those water bombers, but I feel confident that everything is being done to assist local aerospace companies to get their fair share.

Mr. Speaker, regrettably CAE, which was the company that the initial question was asked about, has been in a declining position for several years and it already made a decision to close down to sell off their equipment and lay off people. In fact, some of their smaller scale firms are already planning to operate in those premises. This type of an offset contract, as far as our information is, would not have been sufficient to sufficiently reverse the position of CAE.

Legal Counsel Opinion - re Deputy Attorney-General

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Yes, I undertook yesterday on the request of the Member for St. Norbert, and the request having been made previously by him to the First Minister, to file with the House the legal opinion of the Deputy Attorney-General in the defamation abuse of process claim that has been the subject of discussion in this House. I will file that opinion. I will file with it, because it accompanies it, a copy of the Order-in-Council.

I would just like to note, incidentally, that the opinion suggested that the plaintiff, or the person in making a claim never became a plaintiff, might obtain an amount of at least \$6,000.00. The settlement that was made was \$5,000, of which \$1,500 was costs.

Decline in big game population

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, my question is to the Minister of Natural Resources. I believe that during the past few weeks the Minister of Natural Resources has received a petition with perhaps thousands of signatures by people who are concerned at the decline in big game populations in parts of the province.

People signing that petition believed that this is primarily coming about as a result of animals being killed by people who have Treaty Indian status. Has the Minister of Natural Resources responded to that petition yet?

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Yes, Mr. Speaker, I will confirm that there have been a large number of letters, individual letters and people indicating by way of petition their concern about the state of wildlife in Manitoba. Certainly, we are concerned about that. I have endeavoured to respond to each individual who has signed a petition or has sent me a letter indicating our concern in respect to protection of wildlife and our course of action to continue to pursue a dialogue with Treaty Indian people, particularly in respect to some concerns we have in respect to some aspects of Treaty Indian hunting, which we feel could be improved upon; particularly that technique of night hunting. Certainly, we are concerned about safety aspects; we are concerned about the numbers of animals, and we think that consultation with Treaty Indian people will be the best course of action to follow.

Hog Assurance Income Plan

MR. B. RANSOM: Mr. Speaker, in the absence of the Minister of Agriculture, I will direct the question to the First Minister. The Minister of Agriculture has received a letter, a petition, from about 20 hog producers in the Somerset area expressing concern about the open-ended nature of the Hog Assurance Income Plan.

The people who have written to the Minister have not received a response yet and are concerned because the plan is coming into operation on May 1st. They are prepared to live outside of the plan as it is, but their concern is that in a year or two the government may change the rules of the plan and sweeten the pot as it were.

The question to the First Minister would be: Will he give his assurance that should the government make the terms more favourable in this income assurance plan sometime in the future, that those people who have opted out of the program will then be able to get in without penalty?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, so that I can deal with the question and the concerns that have been raised in a fair manner, I would take the question as notice on behalf of the Minister of Agriculture.

MR. SPEAKER: The time for Oral Questions having expired, Orders of the Day.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, would you please call the adjourned debates on second readings in the following order: Bills No. 12, 3, 18, 14, and 54.

ADJOURNED DEBATES SECOND READING - PUBLIC BILLS BILL NO. 12 - THE WATER RIGHTS ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Natural Resources, Bill No. 12, standing in the name of the Honourable Member for Morris.

MR. C. MANNESS: Thank you, Mr. Speaker. I'm already being interrupted by some of my people.

I'd like to put some comments on the record regarding The Water Rights Act, Bill No. 12. First of all, I'd like to begin by saying I don't deny that some legislation is required in the controlled usage of Manitoba water. That's water, of course, flowing in rivers and streams, and water flowing under the ground. So I'm not surprised that this bill has come forward and certainly it is not totally unwelcome.

My first introduction, Mr. Speaker, to rights of individuals who are given some opportunity to irrigate lands was a particular section of land immediately south of Portage la Prairie. I can tell you, Mr. Speaker, this particular section had had tile drainage incorporated into it. It was irrigated on a more or less frequent basis from the Assiniboine River. Some individuals in the area felt that because of the tile drainage, this particular parcel of land, the water from which was flowing throughout the year, was the cause to some of the problems associated with wells in the area. I guess that's my first introduction to this whole area and I suppose it was at that point I realized that some effort had to be made to bring in legislation regarding water as it exists under the surface of the ground.

I suppose, however, though, in reading this bill my first question would be; does this bill really adequately address the problems that we understand may exist now and those, of course, that we can't really see at this point but which may be forthcoming.

My colleague, the Member for Emerson, dwelled upon a number of points. I won't do anything more than review them, but I think he made some very sound points about a number of particular factors, as related. He indicates that one of his main concerns is the powers that were granted to the Minister throughout the bill. I think that's a legitimate criticism. What that says, Mr. Speaker, is that to date we really don't know a number of things that are occurring so, therefore, to make sure that the Government of the Day always has control we'll give the Minister discretionary power in every aspect of this particular concern.

It says that to date we really don't know what happens under the ground. It says that the proper mechanics

of tying the underground resource to the above-ground, on-the-surface property-right situation is such that we really don't understand how to relate one to the other. I think the broad ministerial discretion that's offered in this bill says that we really don't know how the supply under the ground, how are we to measure it and, indeed, how it is restored. It says that we don't know how to really include in this type of new legislation the rights of the municipality and, indeed, the rights of the landowners. I think one could go on and on, if you wanted, to build that particular argument. So, of course, what we do is we give all the discretionary power to the Minister to be able to address any eventuality as it may come forth.

Well, the Member for Emerson also went on to question the transfer of the water licence and, of course, this brings up a whole area of concern. Certainly, as members coming from rural areas who have enterprises within them, where the profit of that particular enterprise is directly associated with quota or licence, we become concerned as to the power that the Minister can choose to use or not to use as far as the transfer of these water licences.

Of course, we fully realize the impact the quota has on supply-managed agricultural goods and we also know what the potential for profit versus non-profit of a liquor licence granted to a hotel operator. We also know that highway transfer rights, what power of opportunity is conferred upon the individual that is able to obtain these particular licences or quotas. I suppose it's not an awful lot different than mineral rights that accrue to some individuals.

So, of course, the value is the right to produce and to operate and we could quickly see where that right or licence to have access to the natural resource of water is one that can give value to a particular piece of property or, of course, it can be one that when removed will strip that same value away. The Member for Emerson made the point quite well, when he says the Minister has too much discretionary say, that at this point at least there's too much arbitrariness in the manner in which the Minister has control over the transfer of water licences.

I know it's written into the bill that regulations will determine the proper sequence of events to follow on the transfer but that always leaves to the power of the Cabinet just maybe a little too much in that regard.

The Member for Emerson also makes reference to the interprovincial considerations and how we will deal with water-related concerns that flow over boundaries. He makes the point that there's the establishment of yet another politically appointed board and I've made comments on that many times, Mr. Speaker, and I don't need to make them again.

I'd like to review the bill and some of the Minister's comments. The Minister indicated in the News Service release that - I don't know if it was the second reading of the bill or not - he said he had the right to order any non-licensee to cease using or diverting water, and I'm questioning whether today there are individuals to his knowledge, to the government's knowledge, who are using water that they otherwise were not entitled to be using. I would hope somewhere in his remarks that he would indicate in talking about this area, whether he's specifically aiming this not only to those in the future who may want to run around the regulations,

but indeed, are there particular cases today where individuals are using water to which they have no right? If there are, are they farmers, for instance, who are irrigating specifically?

Mr. Speaker, there are detailed sections dealing with this area and I'm a little bit curious as to whether it's for problems associated with those today who may have put up diversions and I think the future Act indicates that there may be diversions and there may be other particular instances where people are using water that they should not. Who is being affected today, specifically, is the question. And if no one is being affected today, and these powers are being built in for those who break the Act tomorrow, I find that interesting to a sense that the first part of the whole bill is directed toward enforcement, and one in reading it, almost assumes immediately that there are lawbreakers out there and that this particular part of the Act was being developed for that certain section of our community right from the beginning. I think that says a lot about some of the legislation that comes down because I find it interesting that the whole introductory, or the whole first part of the bill seems to deal specifically with enforcement.

Well, moving on to the expiry of licences in quoting from a news release, it says, "The Act would allow the transfer of licences only from one property owner to another of the same property if the Minister consents." I think we have to do something more in this Act other than leave it to regulation for better definition as to the particular power the Minister has in that regard.

I think somewhere in the Act has to be built a time frame for which licences must be laid down. I really believe there have to be some substantial foundations placed as to either a length of the licence or as to the notice given to expiring of the licence. I don't think it's fair to leave it all to regulation. There is not enough being said. I would hope that somewhere after we go through committee and we've had a chance to hear from others, the Minister would deem it wise to bring in some type of amendment to lay some aspect of licences into the Act, some term of time, some period.

INTRODUCTION OF GUESTS

MR. SPEAKER: Order please. I might interrupt the member for a moment to direct the attention of the House to the gallery where we have 25 students of Grade 6 standing from the West Park School under the direction of Mr. Ken Doell. This school is in the constituency of the Honourable Member for Rhineland.

On behalf of all the members, I welcome you here this morning.

The Honourable Member for Morris.

BILL NO. 2 THE LAW ENFORCEMENT REVIEW ACT (cont'd)

MR. C. MANNES: Mr. Speaker, the reason I think some attempt must be made to define a time period in regard to licences that must be laid in the Act is that the value of a piece of land which has a particular licence can be severely affected if that licence is, first of all, not granted for a significant period of time, or

probably even of greater concern if that licence is taken away without proper notice. This whole area is very weak at this point in time and some considerable thought has to be given to it.

Certainly the permits authorizing preliminary work that will lead to a final granting of a licence, that area is quite supportive. Considerable care should be taken in offering permits, so as to remove as much of the uncertainty as possible beyond the date of the licence and unquestionably the attempt within the bill to grant some preliminary type of work licence is acceptable. I suppose it's the arbitrary nature of being able to remove the licence further down the period that concerns me at this particular time.

But moving on, the cancellation of licence upon the loss of priority is almost as potentially hazardous as the whole area of transfer of licences. Imagine again a property with considerable value and the major part of that value having been established because of the irrigation right that may go with that particular piece of property and then all of a sudden that right being removed without sufficient time or notice by the government.

Now, people who have the economic right must be given more than a short period of time. I think they must be given several years to prepare for the the changes that will affect those rights. There is a section in the bill that makes reference to the loss of priority and you can understand that there could be situations whereby a community, for instance, will want a greater source of the natural flowing water, indeed ground water, and its priority has to be taken over the priority of a single individual, but I think a considerable time period has to be given to the affected individual.

Arbitration in itself and compensation as is spelled out in the bill I don't believe is the proper method to use. I don't think we should automatically fall back upon the approach of sitting across the table and attempting by virtue of adversarial argument of reaching our conclusions even though I fully understand and see where it's written into the Act.

Well, what have we introduced in the bill? I shouldn't say "we" - what has the government introduced into the bill? They've addressed problems associated with the granting of licences, the loss of priority, arbitration procedures, enforcement, appeal, offence, penalty, control of interprovincial boundaries and compensation. Yet, I have a feeling in this whole area, it is so unsure as to the development path of this resource area that it umbrellas all the sections with ministerial power throughout. I can understand that, but I'm wondering if it wouldn't be wise if there was some sunset clause built into this particular bill.

Maybe this whole area should be reviewed in seven or eight years and almost forced upon the Government of the Day to attempt to bring into account all the latest technology, all the latest research and bring it all into existence. It's on that basis that I think some of our concerns, that the Minister has very arbitrary powers almost in every page, would be alleviated to some degree if we knew that there would be a major rethinking of this whole process some years down the road when we have a better understanding of exactly what's happening.

Mr. Speaker, in closing, I say I support the intent. However, I think some commitment must be made within

the bill to recognize that the whole Act must be reviewed in due course.

Thank you.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I move, seconded by the Honourable Member for Roblin, that debate on this matter be adjourned.

MOTION presented and carried.

BILL NO. 3 - THE FARM LANDS OWNERSHIP ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Agriculture, Bill No. 3, standing in the name of the Honourable Member for Roblin-Russell.

MR. W. McKENZIE: Thank you, Mr. Speaker. Mr. Speaker, I have a number of questions to put on the record to the Minister regarding this bill, Bill No. 3, The Farm Lands Ownership Act, which is of course the second-time-around-type of legislation, as we had a similar bill before us last year and the Minister saw fit to withdraw it. Mr. Speaker, in its present form, I have grave doubts of supporting this bill unless wide-ranging amendments are forthcoming. In the halls, from day to day, we hear of possible amendments that the Minister is preparing or offering, and I wouldn't mind if he would show us a draft copy and maybe alleviate some of our concerns regarding this piece of legislation that is before us.

For the most part, Mr. Speaker, there are farmers, farm groups that feel that restrictions on ownership of farmland in Manitoba are needed, but the majority of people that I talk to want no interference on the part of government, especially legislation such as we have before us in Bill 3. The form of a government-appointed board that would have the final say as to what Canadians can or what Canadians cannot own land in this province, I think is one that I take great issue with, Mr. Speaker.

Mr. Speaker, we on the opposition benches agree with the majority of opinions that have been raised on this legislation by the Farm Bureau, a well-known farm organization which represents a significant number of farmers in our province who say, and urge me to point out like other members, that if we tightened up the present legislation that's on the statutes of this province but not so much that Canadians would be restricted in their right to own Manitoba agricultural Crown land, we could do everything that is required and that's needed at this particular time.

Mr. Speaker, it's the concerns of other groups, the Winnipeg Chamber of Commerce who have put their name on the record as their opposition to this legislation that certainly deserves the attention of the Minister of Agriculture and the government. The Winnipeg Chamber certainly have brought out some points that this committee and the Legislature certainly must recognize, in that they express that Canadians and landed immigrants should have the right to own Manitoba farmland regardless of occupation.

Others, Mr. Speaker, who have expressed their anxieties includes this young lady, Dawn Harris, who has written many articles about her concerns and anxieties regarding this legislation, and certainly brings up some valid points of just how bad the legislation is.

Mr. Speaker, I support the concerns that were raised in the debate by my colleague, the Member for Lakeside, who put facts and figures in the record to prove that the Minister of Agriculture, in introducing this bill and in the wide-ranging propaganda that was spread across this province, did not in fact tell the truth as to what actually was going on because, Mr. Speaker, I, through the offices of municipalities in Roblin-Russell constituency, find, like in the Municipality of Grandview, 99.98 percent of the farmland is owned by Manitobans; the R.M. of Gilbert Plains, 97 percent; and other municipalities in my jurisdiction - the R.M. of Rosburn, 97.18 percent; the R.M. of Russell, 92.79 percent of the land is owned by Manitobans.

Mr. Speaker, I listened with keen interest to the comments of my colleague, the Member for Morris, who took strong issue with the Minister of Agriculture's statistics and background material related to this particular bill and brought in, of course, the Dr. Daryl Kraft Study figures which, when we get down to the root of it, find out that Dr. Kraft actually wasn't relating that type of study or his statistics to a subject matter such as this basically at all.

Mr. Speaker, as I stand here today, I would like to ask the Minister of Agriculture, why has the New Democratic Party and this government decided to lock the farm community by the terms of this bill into such restrictions as we see? I wonder, as I look across to their caucus, how many farmers or people that understand the farming issue actually had any input into this bill. I know the Member for The Pas maybe had some input into it, maybe the Minister of Agriculture, and possibly the Minister of Highways. But beyond that, I can't understand why any of the NDP consistently think, because they withdrew the bill last year, that we still need this kind of legislation. I think the farm community has enough problems today without having to face this type of legislation, Mr. Speaker. I wonder why the NDP or why the government feels that the farming community needs such stringent restrictions placed on our No. 1 industry in this province at this particular time.

Why don't we apply the same type of legislation to the professional societies in our province? Why not? Why not put it, say, to the business community? Let's put the restrictions on the business community, the same as we are applying to the farm community, or what about the teaching fraternity, or what about, as somebody said the other day, Cabinet Ministers, or put the restrictions on the Honourable Member for Elmwood in the same light as we are restricting the farm community with this type of legislation, or the fishing industry, or the operating industry? Why is the New Democratic Party and this government so intent on putting the muzzle and the yoke of restriction on the farm community as we are seeing with Bill 3 today?

Mr. Speaker, I've come somewhat concerned with this bill because my colleague, the Member for St. Norbert, introduced a resolution into the House in the early days of the Session dealing with the right to own

property in this province. Of course, the First Minister or the Government House Leader rose in his place on a certain day, Mr. Speaker, and said, we can't discuss that matter now because the government is bringing in their position on the right to own property in this country and in this province. Mr. Speaker, we're still waiting for it, and I think it would be very important if we could have that position on the table before we proceed further with this bill, because we're walking around with — (Interjection) — well, the First Minister says, we're going to bring it, but in the meantime I think it's very important to have this position laid on the table so that we can deal with this bill in a more meaningful way than we're dealing with it now, to find out actually, does the New Democratic Party believe that we have the right to own property at all, or should it all be owned by the state? That has to be considered when we're dealing with this legislation.

Mr. Speaker, one only has to refer to the recent conference that was held in Ottawa dealing with aboriginal rights, and in the framework of that Constitution - the First Minister was there - the rights of aboriginal people would be recognized as collective and individual rights and the matter was discussed at some length, and a position paper was put forth, and a definition was put forth. It was finally agreed, I think, by those in attendance, Mr. Speaker, that the rights of aboriginal people across this country, which includes our province, includes the right to land entitlements as modified and secured by treaties, agreements, and now it's just the treaties, etc., etc., Well, I wonder, Mr. Speaker, how do your aboriginal people who are going to be dealt with in this legislation, those that are taking an active role in the farming community off the reserves, are they going to be restricted the same as the rest of the farming community?

A MEMBER: They will be.

MR. W. MCKENZIE: Well, Mr. Speaker, I wonder and I'm sure that the Minister will address himself to that facet of it.

Mr. Speaker, as I said earlier, I'm sincerely concerned about this type of legislation being imposed on the farm community at this time, because the farming community has enough problems to deal with, depressed markets, escalating costs of energy, fertilizers, bankruptcies, and the list goes on and on. The Honourable Hazen Argue has come out with a release in the last few days telling the farm community that they've got to cut back. They've got to cut back on their acreage. They're being cut back on their acreage; they're being restricted by this legislation; they got problems galore. I think, Mr. Speaker, again, that the Minister would be wise to just take the bill that's already in place and put the necessary amendments in and let's set it aside as he did last year.

The other thing, of course, the other facet, Mr. Speaker, that came out in the discussions and the debates, is what this bill will do to the prices of farmland in this province. Most consensus that I speak to and most reports that I've read on the subject matter tell us that this bill will, in fact, depress the prices of land in this province. It'll deflate the prices, due to the decision that this government is intent on, to proceed

with this bill. I'd like the Minister of Agriculture, when he responds to the bill, to tell us what figures and facts he's got that will guarantee that land prices, as a result of this legislation, will even be stable or, in fact, will escalate. I think, Mr. Speaker, that it will be the extreme opposite and he is the one that will be the cause of it, if he proceeds with this bill in its present form. I, personally, Mr. Speaker, don't advocate unrestricted ownership of Manitoba farmlands and, as I said earlier, I join the sentiments of a great number of people who feel that the present Act should be retained and followed and amended along the guidelines, as has been supported by the Farm Bureau.

The other thing, Mr. Speaker, in this legislation is the restrictions, and I know Socialists like to regulate and put the boots to any group that they can, to try and get it under the great web of big government, highly regulated and with large bureaucracy in a centralized system. This type of legislation, Mr. Speaker, will place harsh, harsh restrictions on the ownership of farmland in Manitoba. In my opinion, Mr. Speaker, it's a very, very feeble effort to correct a problem that's steadily declining in importance, because land values are dropping today and will continue to drop across this country, unless government does a lot more for the farming industry than we're getting out of this bill, Mr. Speaker.

I, also, Mr. Speaker, think that the Minister, in this legislation, should table the regulations that are supposed to be tied with the bill, because I just can't see how we can possibly deal further with the restrictions in this bill without the regulations being placed before us.

I had three or four young farmers, especially, who asked me how are they going to manage in these difficult times, Mr. Speaker, when they likely have to go off-farm and seek employment to keep the family farm or their own farms operating, so they seek employment elsewhere to save the farm. Do they have to sell out, or when they decide to leave this province and go and seek employment and maybe come back three or four years from now, and take the farm over again? Mr. Speaker, I don't know and that's why we are so hung up with the need for the regulations and many young people are wondering today just how far the Minister and the government intend to go.

I don't, as I said, Mr. Speaker, support unrestricted foreign ownership or foreign speculation of farmland in our province, but on the other hand, foreign speculation that can be controlled by tightening up the present Act today, that is, I think fair and has done certain good things for the agricultural industry in this province. We certainly can't overlook the need for benefits that flow and spin-off as a result of an infusion of capital monies into the farming industry from people that come in from other jurisdictions. I think our history in this province has proved, Mr. Speaker, that people who have come from foreign lands and offshore countries to this province and to Canada, have proved beyond all doubt that their expertise, their techniques and their ability to deal with the agricultural sector of our economy is one of the pillars of our society. It certainly has provided this province with what was a very stable industry until the last few years, especially when the crops and the conditions in the marketplace have put such a burden on the financial ability of farmers to show a profit.

The availability of rented land, Mr. Speaker, for young farmers in Manitoba is an extremely important thing that we should have to address ourselves to when we're discussing this bill. To the young energetic farmers, Mr. Speaker, who want to start farming in this province and can't raise enough capital, or can't maybe get access to sufficient equipment - than that's a start. Is there anything wrong with a farmer who sat up in the gallery here the other day, who's renting farm machinery and renting land? Is there anything wrong with him proceeding, Mr. Speaker, and make a living? And I ask the Minister of Agriculture, when he responds to this bill, what Bill 3 will do for these young, energetic farmers who want to pursue a farming career by the use of rented land or rented machinery. I'm also opposed to this legislation, Mr. Speaker, because of its discrimination against corporate farms.

The corporate structure in farming is one that has escalated in our province, especially I'd say over the last 10 years, mainly in a lot of cases due to the tax laws of our country. I wonder what does the New Democratic Party hold against and what is wrong with a father, son, a mother and daughters, a family corporation. There's many, as I say, farming corporations in our province today who, through a corporate structure, own farmland. But under this bill, Mr. Speaker, those family corporate groups are going to face all kinds of problems that I don't think should be placed on their shoulders.

Mr. Speaker, what if one son decides to leave the family group and move into another jurisdiction, or what if two of them, in fact, happen to move out? Do they have to sell their assets in the corporate, or what if the family, they can't sell the land, or what if they want to keep it or they need it as a viable unit? All those things, Mr. Speaker, need to be addressed in this legislation.

The other thing, of course Mr. Speaker, is, I become concerned when we attack shareholders in a farming corporation, who are all citizens of this province, by this type of legislation and make it extremely difficult for them to operate. In fact, if they can operate at all, without the big hand of government moving in and saying, well, you can't do this, you can't do that, you can't go there. I don't think that the industry, agriculture, can survive in a lot of cases, at least the corporate groups, unless these sections of this bill are widely amended.

What about the co-operative type of farms, Mr. Speaker? What type of co-operative farm, say four or five farmers decide to go together and farm a co-operative, a farming co-operative. That particular matter, Mr. Speaker, needs to be addressed in this legislation. Or in fact are they included, can I ask the Minister, in the bill that's before us?

Another section of the bill that I strongly oppose, Mr. Speaker, is the divestiture clauses which requires any landowner, except retiring farmers, to sell out before they leave the province.

Can you believe, Mr. Speaker, that any government except a bunch of socialists would have the courage or the audacity to apply a forced sale - I think is the correct word - on a farmer because he hasn't farmed for 10 years in this province? I don't know of any political group, Mr. Speaker, that have the audacity or the nerve to put that type of thing into legislation, which tells a

farmer in this province that unless you stay here and farm for 10 years, we are going to put in legislation the right to put a forced sale on you - a forced sale, Mr. Speaker, something as vicious as a bankruptcy type of operation. Can you imagine, Mr. Speaker, legislation forcing a Manitoban, who inherits some farmland, to then have to turn around and sell it by this legislation.

Divestiture legislation such as we see in this Bill 3, Mr. Speaker, will not only be a slap in the face to these people that are caught in that web, it'll force no doubt beyond any shadow of doubt a further drop in the price of farmland in Manitoba, and that will be to the detriment of our No. 1 industry in this province, agriculture, Mr. Speaker.

As I said earlier, Mr. Speaker, the farming community in this province have enough problems today without introducing this type of legislation. What about the farmers that are wanting to retire and sell out, who have through a life of hard work built up their assets for their retirement ages and their only equity is land? Has that been addressed in this bill so that when the farmer decides that he wants to retire and spend some of his later years in life in a leisure sort of manner? Why do we have to bring legislation in to impose restrictions on that who has been one of the pillars of our society, Mr. Speaker, the persons who have made agriculture our No. 1 industry in this province?

Mr. Speaker, the socialist theory, the NDP theory is that he should have the big hand of government come down on top of him and tell him when he can sell his land and who he can sell it to. Mr. Speaker, I don't think that's fair. I don't think that should be a matter of this Legislature at all. I think anybody that's worked hard all his life as a farmer, and they all work hard, he certainly should have no problems with government. Maybe pay his taxes and all that, but he certainly shouldn't have us in hear passing legislation which is going to depress the land prices and make it difficult to retire.

Mr. Speaker, what about farmers, and there's several members in this legislature, myself who have farmers that are farming along the Manitoba-Saskatchewan border and have land in both jurisdictions? They have land in Manitoba and they have land in Saskatchewan. These have been successful and they've had no problems over the years that I'm aware of Mr. Speaker. By this legislation, as I understand it, Mr. Speaker, that's out, that's a no no for a Manitoba farmer to have part of his land in Manitoba and part in Saskatchewan. Or what about our neighbors in Saskatchewan who want to own land in Manitoba, Mr. Speaker?

Mr. Speaker, I don't think we need laws that forbid that type of co-operation and across the border types of farming. But, of course Mr. Speaker, this government don't see it that way, because our gas laws prohibit people from this province from going across to Saskatchewan and buying their fuel. That's what the socialists believe, that because the gas is cheaper in Saskatchewan, we, the farmers, over in this province should not be allowed to go over into Saskatchewan and buy their fuel. So, Mr. Speaker, I hope that the Minister will address himself to that problem when he returns.

Mr. Speaker, the powers of the board, the powers that are extended to this farm ownership bill have caused considerable concern to me and to a lot of

people that I've discussed this bill with. Who are the people that are going to fill these positions, Mr. Speaker? Are they going to be there for life? Are they going to be elected people? Are they going to be appointed people? Who are these people that the Minister is proposing in this bill? Are they going to be people that own farmland, Mr. Speaker, or are they going to be non-farmers? When was the matter addressed to these people, or when will it be addressed to them as to what they think about the right to own farmland in this province, Mr. Speaker? Or is he going to pick just political friends - maybe people that the Farmers Union would put up, men and women from that group, or is he going to give us some insight to what type of a board, because imagine the powers that are being granted to that board in this bill, Mr. Speaker.

Of course, as I mentioned earlier in my remarks, the resolution of my colleague, the Member for St. Norbert, which is still sitting on the Order Paper has certainly got to be addressed either in his form or in the Premier's proposed resolution, I think, before we proceed with this bill.

I also wonder, Mr. Speaker, why were we by this bill placing restrictions on Canadian citizens, people that live outside the boundaries of Manitoba. Why does the NDP party, or why does this Minister of Agriculture think it's a sin or a violation for a person in Quebec or a person from Newfoundland or a person from British Columbia to come into this province and buy farmland? Why do we by this legislation, Mr. Speaker, have to put restrictions on that type of a transaction? What will this board decide, Mr. Speaker, if somebody from Newfoundland comes and wants to buy farmland, or somebody from Alberta? How is this board going to address this gentleman or this lady who come here and want to invest monies? Take the example of this lady, Dawn Harris, who has raised that subject matter in many of her letters. Mr. Speaker, I'm still not satisfied with the definitions in this bill as to who can and who cannot own farmland.

Mr. Speaker, can I ask the Minister of Agriculture or this board, how are they going to deal with the farm bankruptcies, the escalating numbers of farm bankruptcies we have seen before us in this province right today? What is this board or this Minister going to do more than they've done? They have done basically nothing up to now. Are they going to deal with farms that are, in this legislation, facing those kinds of problems, Mr. Speaker, or are they not; or how are they going to deal with it? Will this Farm Lands Ownership Board that's mentioned in this bill, will they defend, Mr. Speaker, and will they assure all the people of this province and all Canadians in the farm community of equal rights and the right to acquire farmland? Have we got it guaranteed? Because I know the New Democratic Party are very very tender on the right to own property. I'd like to see the Minister of Agriculture or the First Minister again address that subject before we proceed much farther with this bill.

Mr. Speaker, I wonder who is going to decide, in this legislation, who actually is a farmer. The Minister says he is going to set up a board. Is it the Minister of Agriculture? Is it the Cabinet? Is it the government? What is a farmer? How many days must a man reside out on a farmyard or in a farm before he's considered a farmer? Is it a week? Is it two weeks, three weeks,

six weeks? — (Interjection) — He's got to be born. I know he's got to be born, but he's got to be born before he can work, Mr. Speaker. That regulation, especially if the Minister of Agriculture isn't going to table any of the other regulations, I think I insist that that one should be tabled.

Mr. Speaker, again I am concerned about the powers that are granted to the board. I am concerned about this bill, of young people like this Dawn F. Harris who has raised many concerns about this type of legislation being brought into our province at this time. I am most concerned about this bill, Mr. Speaker, in its present form; I cannot support it. I hope that the Minister of Agriculture, before we proceed much further, will give us the regulations and let us have a look at what he is intending in the regulatory section of this Act. I also hope, Mr. Speaker, that he will give us an idea of these wide-ranging amendments that must be brought forth at the earliest possible date before we can give this legislation any consideration that it deserves.

So with those few comments, Mr. Speaker, I look forward to the Minister's comments and regulations and a general consensus or a broad consensus of the proposed amendments that he's intending to bring forth on this legislation. Otherwise, I cannot support it, Mr. Speaker.

MR. DEPUTY SPEAKER, Mr. P. Eyles: The Member for Swan River.

MR. D. GOURLAY: Mr. Speaker, I move, seconded by the Member for Niakwa, that debate be adjourned.

MOTION presented and carried.

BILL NO. 18 - THE CONFLICT OF INTEREST ACT

MR. DEPUTY SPEAKER: Bill No. 18, on the proposed motion of the Honourable Attorney-General, standing in the name of the Member for Morris.

MR. C. MANNES: Thank you, Mr. Speaker. I would like to have a second to collect a couple thoughts, if I could.

Mr. Speaker, the Attorney-General, when he introduced this bill, says the basic purpose of the bill is to set out the allowable limits of pecuniary relationships between on the one hand MLAs or Ministers of the Crown, and on the other hand, the Government of Manitoba. He says, by requiring the Ministers and members to disclose their interests in matters arising during the course of official business. He further says that the bill creates a disclosure requirement, which will reinforce public trust, but which will avoid the inflexibilities of the current legislation.

Mr. Speaker, I don't necessarily accept that particular viewpoint of the Attorney-General. First of all, I say that I think the bill has been incorrectly named. I think it should not be called a Conflict of Interest Act; I believe it should be called a Financial Disclosure Act, and in my view, there is a difference. Conflict of interest is a misnomer in my viewpoint, and surely there are many examples of conflict other than those that deal with monetary gain. I can think of a couple which I know

move into the political world, but I still believe that the result of making political decisions also confers political gain.

A couple of examples, of course, might be: What about the granting of a position to a political acquaintance, a friend, and other for monetary gain? Certainly, there is tremendous potential for conflict, but we choose not to address it and rightfully so, I suppose. Of course, what about spending decisions made obviously not in the best interests of the citizens, and I am saying such as a support of a Marxist convention, but which serve the interests of a marginal few? I ask: Is that not a conflict? Because the examples I use are political decisions, they are not addressed, but they are conflicts just as surely as are the pecuniary and financial consideration. That's why I say that this bill should be renamed as The Financial Disclosure Act.

The Attorney-General says that this bill will reinforce public trust and, again, I don't necessarily agree with that. The cleaning up of the existing provisions, the Attorney-General, in introducing the bill, made comment to some of those areas, and certainly is supportable. I think he says that where an MLA or Cabinet Minister or one of his or her dependants - and that will be defined as someone living at home - has a pecuniary interest or liability in the matter which comes before the Assembly or Cabinet or committee, the member or the Minister is required to disclose the interest or liability and withdraw from the meeting without voting or influencing the matter in any way. Well, I think it cleans up some of the exceptions that were granted previously.

The second aspect of the bill is the area that I find offensive and I find it offensive in the extreme. I think the Member for Fort Garry, yesterday, covered this in fair detail and I will not reiterate to a large degree many of the comments that he made.

I would like to, in my own mind, determine what a statement of assets and interests involved in companies or in any business interest - I'm wondering what the preparation of that type of statement really does - and I'm having some difficulty in my own mind, Mr. Speaker, trying to decide whether that makes us better politicians that will bring forward a better type of person to represent the broad group of Manitobans. Does it even force us to do something which I believe all elected people do right at this particular time; and that is, disclose their interest?

I'm wondering what we're really after. Certainly, if it's to reinforce the public trust, then the best way to reinforce the public trust is not to allow anyone into this Chamber who has an asset outside his own home. That's what disturbs me, because I don't believe for one minute that legislation causing myself or any member in this House to list interests is going to bring forward, first of all, any better public servant; and secondly, is going to create as an impression, a public impression, that the public trust is being better served.

Well, more specifically, I'm a farmer. I'm wondering how the Attorney-General wants me to disclose my land base. Does he ask me to do it on a legal description or does he ask me to do it on an acreage basis? I suppose I'm offended if he does it in any way, because how do you differentiate between that and between indicating that you're a shareholder in Canadian Pacific Railways. I see some great differences on an individual,

depending on the type of outside interests and assets that he holds.

Well, we move into the area of spouse and dependants, and the bill says that anybody who lives within the home is going to also have their total assets disclosed. I really wonder why my son, if he's 30 years old and if he chooses to live with me, I have to disclose his assets if I come into this House. I really wonder, if the government is trying to track down all the various interests that I may have and close dependencies upon other businesses, why they wouldn't be more concerned with my business partner who doesn't live in my home. Indeed, would it not be better that he be required to put forward a statement of all his assets? I'm not advocating that; but I'm just saying how ridiculous it is that you define as the dependancies all those that live within your home and are required to file on their behalf a statement. Well, why do we need this detailed section? I think, to be a little political, Mr. Speaker, the reason is simply to embarrass all those who have accomplished something in life and have turned some of that into some material wealth.

HON. R. PENNER: You said you've only got them on that side of the House? That's idiotic.

MR. C. MANNES: Well, they're on both sides of the House, Mr. Speaker. The Attorney-General says it's idiotic. I never made the claim that the legislation was directed specifically at this side of the House; I can say to any members. But I believe that there is a strong feeling, certainly amongst the backbenchers within the members opposite, that indeed wealth is something you despise; indeed, the fruits of hard work are something you despise also. I know there are members opposite, Mr. Speaker, who dislike the fact that there are other members in this House who have an outside occupation. I know that for a fact; I've heard some of them say so.

Of course, one of the best ways to ensure that only a full-time politician comes into this House whose only source of income is to bring forward an Act something like this, because indeed that's what it'll guarantee. It'll guarantee that only those who do not have large interests in outside concerns would come forward. I believe it just fits in entirely to the concept and the dislike and the utter disdain that members opposite hold for profit.

Well, the section requiring full disclosure is again simply brought forward, I think, to embarrass and discourage people that own assets other than their homes to come into politics; and it begs the question: Who will have access to this statement that's to be filed with the Clerk? To date, I haven't been able to determine, at least, who will have full access to that statement and on what basis will it be called forward. I'm wondering what penalty falls upon someone who makes the charge - false, I might add - that I am a shareholder, for instance, of CPR, and in the Crow rate debate, I favour the position that the railways should be paid more.

Let's develop that scenario a little bit, Mr. Speaker. What would I have had to do as a member of this House in just having gone through two years now of debating resolutions on that particular area, having gone

out in committee into rural Manitoba in seven different locations and having posed a number of questions and, of course, I can tell you, Mr. Speaker, although you were not able to be in attendance at those meetings, that the CPR was front and centre in almost all the questions that came forward.

Where would I be, or indeed any member of this House be, if I owned a share in the Canadian Pacific Railway? Would I be able to pose the questions that I did, framed in many cases as one who supported the change of the Crow and in many cases supported the railway's receiving a higher return for the hauling of grain? Where would my conflict lie? Would simply disclosing it be enough, or indeed the fact that I was lobbying for the betterment of that particular railway in the sense of rates, would that be deemed a conflict serious enough that I would be expelled from representing the constituency of Morris? I think these are very real questions and ones that the members opposite, who have brought forward the bill, have maybe not really fully considered.

What happens in the case if someone makes the charge that I own shares in XYZ Corporation, and it is made public? What are the mechanics involved for going to the Clerk and saying I want to see that statement of listing, that listing of assets, because I believe that member is involved in that corporation and he is speaking in debate or, even worse, he is in Cabinet and he is making decisions related to that? What are the mechanics involved in going to the Clerk? What happens if the individual member is not a shareholder of the XYZ Corporation and this is found out two months afterwards, after, of course, the press has picked it up and the media? What is the penalty against the other member who has brought forward the charge? Because, indeed, we all know that once a charge is made and proven false it is almost impossible, after the retraction, to totally remove that stigma. That is a reality of life, and I am wondering what penalty comes down on the person who made the false charge. I'm wondering if any consideration has been given to this whole area at all.

Where will the legislation lead? I think that first, in due course, the legislation, particularly if this government has its way, will lead to the point where only former civil servants, teachers and union leaders will represent Manitobans. I beg the question as to what is wrong with verbal disclosure enforced with stronger reprisals if somebody does not offer voluntarily those disclosures at the time when a conflict does arise. You know, it works at the school board level; it works at the municipal level; I think it presently works at this level. I'm wondering what is wrong with that system, because I believe that the government thinks that it doesn't work here and it is brought into this House, then surely they have to believe that it doesn't work at those other elected positions. If the government honestly believes that verbal disclosure doesn't work here, then they have to believe it doesn't work at the school board level; that it doesn't work at the municipal level; that it doesn't work at the church board level; that it doesn't work at the co-op board level or at the recreation community club level. Because at each one of those levels you have decisions regarding the spending of money and conceivably some of the spending of that money could be directed into

corporations or to a company in which that board member, that elected representative has an interest.

I am saying that if it doesn't work here, and if the government believes it doesn't work here, then they have to believe that disclosure doesn't work at the other levels. If they believe that, it is only a matter of time that the same rules that are adopted within this House will in time find themselves being forced upon all elected groups. If the government opposite, if that doesn't raise before them a warning flag, then I am even more concerned, Mr. Speaker, because I can tell you that in the rural areas, if you are going to ask somebody to represent his group of people on a school board, or her group of people on the local recreation board, the prerequisite of doing that it so disclose on some statement all your assets and all your financial interests, you're just not going to have the people come forward.

I would like the Attorney-General, in debate later on, to address that specific concern, because to me it is very real and it has some tremendous negative impact down the line. The premise underlying all of it says that people, if they can take advantage of a situation, will, and that this legislation has to be brought in to prevent it.

Well, Mr. Speaker, I don't have that much more to say about the particular bill. There are sections of it, I suppose, that could recommend itself to the support of the members assembled here, but I think it's important that there be a significant focus on that major section that deals with the disclosure of assets by way of statement form and their proper filing. Hopefully, the Attorney-General will make comment as to some of our concerns.

Thank you.

MR. SPEAKER, Hon. J. Walding: Are you ready for the question? The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, I move, seconded by the Member for Turtle Mountain, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: On the proposed motion of the . . .

MR. B. RANSOM: A point of order, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Turtle Mountain on a point of order.

MR. B. RANSOM: Perhaps, Mr. Speaker, if I could suggest that we just go to Bill 54 and later be able to return to 14.

MR. SPEAKER: 54?

MR. B. RANSOM: Yes.

BILL NO. 54 - THE PAYMENT OF WAGES ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 54, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Thank you, Mr. Speaker. Bill 54, An Act to amend The Payment of Wages Act, of course, is a bill introduced by the Minister of Labour, which would significantly amend amendments made to The Payment of Wages Act in 1980, a bill which I had introduced at that time as Attorney-General, Mr. Speaker. There was an extensive and lengthy debate which took place not only in 1980, but in 1979 and I'll refer later on to amendments which were introduced in 1979.

But the first point that I wish to make, and I believe it is a very important point, Mr. Speaker, because when I introduced amendments to The Payment of Wages Act in both 1979 and then 1980, allegations were made by members opposite, by members of the NDP Party that we were more concerned with the position of banks and lending institutions and mortgage companies than we were in the interests of the workers, of workers who were unpaid, who hadn't received their wages from firms which had gone bankrupt or into receivership or simply folded.

Mr. Speaker, I want to point out for the record that when we were in government, we introduced the Payment of Wages Fund, a fund which is probably unique in Canada. As far as I am aware, Mr. Speaker, it is the only such fund in Canada which pays workers for unpaid wages up to a maximum of \$1,200, and it is very significant for those workers. In the first six months of its operation, in 1981, while we were in government when it was introduced, it paid out some \$50,000.00. But under the New Democratic Party, as unemployment has risen dramatically since they have been in office and economic conditions in the province have worsened, Mr. Speaker, the Provincial Government has seen fit this year to include in its Budget some \$700,000 to pay unpaid workers. Last year, it paid out nearly \$400,000 to workers for unpaid wages.

So, Mr. Speaker, members of the Conservative Party, I believe, can be proud of the action taken by our Minister of Labour, the then Member for Thompson, in establishing this Fund and providing some immediate and direct relief to workers whose wages, unfortunately, have gone unpaid. We commend the government for carrying on our program, Mr. Speaker, to help workers who find themselves in this difficult and unfortunate position.

So, Mr. Speaker, as I speak to this bill, I start off on this premise, that it is the Conservative Party while in government that established this important Payment of Wages Fund for workers, so the Conservative Party clearly had the interest of workers in this situation at heart. The suggestions that members have made and may very well make during the course of this debate that we are more concerned with lending institutions, etc., is simply wrong in fact, Mr. Speaker, and the evidence of our concern is the Payment of Wages Fund.

Now Mr. Speaker, if I may for a moment turn to a history of this piece of legislation for the benefit of members opposite who were not in the House at the time - in 1979, I introduced amendments to The Payment of Wages Act to provide for priority for documents filed in the Land Titles Office and under The Personal Property Registry Act to give them priority according to the time of filing. During debate in Law Amendments Committee, I changed the effective date of the amendments coming into effect. It was proposed

that they would come into effect upon Royal Assent. I changed that in order that they might come into effect upon proclamation and indicated to the committee members and members opposite that, before proclaiming those amendments, I would refer the matter to the Law Reform Commission and obtain some recommendations from them.

Mr. Speaker, we received a report from the Law Reform Commission in August of 1979. The Law Reform Commission dealt with it very expeditiously and I commend their report to the Attorney-General for review, Mr. Speaker. I think he and I are of the same view that the Law Reform Commission is a very competent organization and usually makes very well-reasoned recommendations. They recommended that the amendments that I had proposed and had passed be immediately proclaimed and that at the next Session there be further amendments to further improve the legislation which we had introduced.

Mr. Speaker, out of a concern for the Department of Labour, for the Minister of Labour and out of further representations, despite the recommendations of the Law Reform Commission, we did not proclaim those amendments. We introduced, in 1980, amendments that did not go as far as the Law Reform Commission report, in that we proposed - and eventually they became law - amendments which would give priority to prior registered mortgages and prior purchase money, security interests under The Personal Property Registry Act, Mr. Speaker. That is the history of the legislation. Subsequently, as I have indicated, we introduced the Payment of Wages Fund, a fund which directly pays unpaid workers. The legislation that we passed in 1980 did not go as far as the recommendations of the Law Reform Commission.

Mr. Speaker, what we have before us is a return once again, to the legislation previously in force. I want to refer, Mr. Speaker, as I referred, I believe, in the previous debate, to a copy of a memorandum from Mr. Tallin, Legislative Counsel, dated March 20, 1974, to the then Honourable Russ Pauley, Minister of Labour, prior to his introduction of the amendments to The Payment of Wages Act in 1975, which we subsequently amended in 1980. This memorandum is still relevant, because the government and the Minister of Labour are attempting to do the same sort of thing in the bill before us.

Mr. Tallin pointed out that the lien to be created as priority over all other liens and rights, notwithstanding any other Act. This would defeat long-established systems of securing debt, including systems presently relied upon by employees to secure their wage claims. He attached a list of statutes which would be affected by the creation of this new lien, which would have overriding priority. And he pointed out that many of these acts already provide protection for employees to collect wages, and he offered a number of examples, Mr. Speaker, and I'll refer to a few because they're significant.

1. He said, Mr. A is an employer. He owns land on which a home was being built. The builder puts a mechanic's lien - which would now be called a builder's lien - on the house to secure his contract price, including his employees' wages. The builder's employees are also entitled to put a direct lien on the house for their wages, although they do not have a direct contract with Mr.

A., the owner. The mechanic's lien, therefore, creates a security against the house on which workers have expended work to cover their wages. If the employees of Mr. A, who have not expended any work on the house, apply to the Labour Board and get an order for wages, the order will take priority over the mechanic's lien of the people who have worked to give the house value. Mr. Speaker, there is an obvious conflict in what the bill is providing.

In the same way, Mr. Speaker, Mr. Tallin went on to note that the lien created by The Payment of Wages Act would take priority over a garage keeper's lien, which is a lien filed by a garage keeper for the value of the work that he has performed on an automobile. It would take priority over a lien filed under The Repair Shops Act for watchmakers or other repairs done in a repair shop. It would take priority, as just another example, of a thresher's lien for unpaid wages, and the examples go on and on. Mr. Tallin asked, in one instance, are the priorities of deserted wives and abandoned children to be downgraded in favour of the priority of the lien for wages? Members opposite, I suggest to them, should ask themselves that question and consider the answer very carefully with respect to this piece of legislation.

Mr. Speaker, the government then, I take it the Minister of Labour, Mr. Paulty, ignored the questions and the advice of Mr. Tallin and introduced his amendments to The Payment of Wages Act in 1975. I suggest to the Honourable Attorney-General that he review with Mr. Tallin the concerns that he expressed in 1974 to the Minister of Labour at that time, because I would suggest to him that many of his concerns are just as relevant to this bill as they were in 1974.

This similar legislation, Mr. Speaker, has been the subject of a number of court cases. There is a court case in the Province of British Columbia in the court of appeal, in which the learned judge cited a number of examples, to which I'll refer later, and then he went on to say these words, "If the Legislative Assembly intends to produce, by statute, results that are so brutal and piratical, it has the power to do so; but the courts will hold that it was its intention only if the language of the statute compels that interpretation." Mr. Speaker, it was the same sort of legislation in which a lien overrode all prior existing encumbrances and priorities that were established for years and years in the system of law in the Province of British Columbia.

Mr. Speaker, in the Law Reform Commission Report, there is an example that was cited - and this is the Law Reform Commission Report of Manitoba cited an example on Page 2. It said, "A borrows a sum of money from B, a lending institution, on the security of a mortgage on land owned by A. Thereafter A becomes indebted to his employee, C, D and E for wages, and in respect of those wages, a lien is claimed; the land is sold, and the proceeds are less than the sum of the wages claimed and the monies outstanding under the mortgage. The entire proceeds go to pay C, D and E. There is nothing left for B. We see this as a simple case of taking from B to pay C, D and E. The interest in the land is confiscated and given to C, D and E, and this, notwithstanding that B has nothing to do whatever with the relations of A with his employees. B is a completely innocent third party, yet he is despoiled of his money. The same problems, which confront major

lending institutions under these provisions, also exist for purchasers and small private lenders, many of whom we can properly assume, are wage earners in their own right."

Mr. Speaker, I suggest to members opposite that they will hear at Law Amendments Committee many examples of situations where small individuals, workers' rights are not protected by this kind of legislation and they will suffer consequences.

Mr. Speaker, to bring home the point, I would ask, how would any person in this province, who has sacrificed to buy a home, like to have to pay an unregistered claim by an unpaid wage earner who is deemed by a statute to have a lien against his home?

Mr. Speaker, all lenders are not financial institutions. An individual who sells his home and who takes a mortgage back from a purchaser, is affected the same way as is a big corporation in the business of lending money, Mr. Speaker. What we had attempted to do in the legislation currently on the books, was to minimize the evils of the previous amendments, and to the greatest extent possible, protect the benefits by dealing particularly with mortgages and with purchase money security interest.

There are steps, Mr. Speaker, under the existing legislation, whereby employees can take action to protect their position. You can certainly bring it to the attention of the Labour Standards Division as soon as possible, and a document can be filed in the Land Titles Office, giving them priority for unpaid wages up to that date. The Minister of Labour has the power to require an employee to furnish her with a bond to ensure that employers can and will pay wages. That, Mr. Speaker, I think is a very far reaching power that is in the hands of the Minister of Labour.

There are requirements in the legislation that workers must be paid at least as often as semi-monthly, and if wages are not paid within five days after the end of such a period, a lien can be filed immediately and certainly any employee in that situation should wait no longer than that to make sure that they are paid, and the maximum exposure that they should face and a responsible employee, is half a month's wages.

So, Mr. Speaker, the legislation that is in existence does go a long way to protect as far as possible the rights of unpaid workers, and the suggestions that the legislation was done in the interests of lending institutions and banks, etc., and not in the interests of unpaid workers is not correct because the Payment of Wages Fund has been established, which has provided significant benefits to unpaid workers in Manitoba since we instituted it in 1981.

Mr. Speaker, what are the consequences of passing this type of legislation which does away with - as Mr. Tallin had stated - the long existing systems of securing debt in Manitoba?

Well, Mr. Speaker, I suggest that there are some significant effects on interest rates, on investment, on lending in Manitoba. With this kind of legislation in effect, lenders have to be somewhat reluctant to make full advances under mortgage loans because they have no method of protecting those advances. Up until the passage of this bill they know that if they are registered in priority to any other encumbrances, they have a first charge. With this type of legislation in existence they are never sure, Mr. Speaker, that that is the case. So,

it can have a very negative effect, I suggest, on commercial development in the province. It can have a negative effect on interest rates or tougher terms on borrowers and what does all of this affect, Mr. Speaker? It is likely to affect jobs and costs to the people of Manitoba.

Mr. Speaker, there is now in existence, with the Payment of Wages Fund, a fund that protects the interests of workers, a fund that we established and that we are proud of on this side. But, the government, for some reason, wants to go back to that system that they developed in 1975 and I can assure them it is going to have an impact on commercial development, on investment, on interest rates, on borrowing terms and ultimately and indirectly, probably on the number of jobs, Mr. Speaker.

When we have situation in Manitoba with unemployment involving at least 54,000 officially recorded statistics, and the rate of unemployment among young people where one in four young persons are unable to find jobs this summer, Mr. Speaker, everything that this government is doing should be directed towards solving this problem of unemployment. The workers are presently being looked after under the Jobs Fund, Mr. Speaker.

In a time of unemployment, particularly such as we have, why are they attempting to adversely affect investment in Manitoba, interest rates in Manitoba, borrowing terms in Manitoba, when those 54,000 unemployed people in Manitoba need jobs? Why are we going to a unique piece of legislation because it is unique, Mr. Speaker, because I believe the Province of British Columbia changed their legislation because of their same concern, Mr. Speaker, the same concern that we expressed in 1980 and that will be expressed to the Law Amendments Committee. I believe giving this type of priority over registered securities or loans is unique in the country now. We'll probably be the only province in Canada with this kind of legislation and we need investment, we need development and we need jobs.

Workers are being looked after now under the Payment of Wages Fund, but the government chooses for whatever reason they have, to bring forward this legislation and I suggest to directly or indirectly affect the number of jobs that are going to be created in the Province of Manitoba, to jeopardize loans that will be made in the Province of Manitoba - that's jeopardize available jobs.

Mr. Speaker, the First Minister has said during the past five or six months that we must have a war on unemployment, and I agree; you can't have a society, you can't have a province where you have over 54,000 unemployed people in the Province of Manitoba and the state of unemployment among young people in the summer. Why, Mr. Speaker, if there is this war on unemployment, why would the government do anything to jeopardize development and construction jobs in any type of commercial activity that might possibly take place in Manitoba?

Mr. Speaker, I suggest, without question, in these economic times, with unemployment such a severe problem, that the government should not proceed with this bill. They're going to hear, Mr. Speaker, a great number of representations at Law Amendments Committee I'm sure, and we on this side will clearly

take the position that this bill should not be passed. Frankly, it's not in the interests of workers, Mr. Speaker. It overrides the claims of many workers under existing statutes that I've noted and it will adversely affect construction and development and lending for projects in Manitoba which would create jobs for workers in Manitoba.

There are many other ways of perhaps attempting to deal with this problem, Mr. Speaker, but this is certainly the worst way of dealing with this particular problem. We are not adverse to any improvements in the type of actions that might be taken against directors for unpaid wages. We can support, Mr. Speaker, changes in that regard, but the principle of this legislation is wrong. It is, I believe, not in effect anywhere else in Canada and should not be put into effect in the Province of Manitoba.

If the Premier really believed, Mr. Speaker, that this government was embarked on a war on unemployment, he would withdraw this bill. But, Mr. Speaker, we have a First Minister who is Chairman of the Jobs Fund Committee of Cabinet who doesn't know how much money has been allocated to specific projects some two months after the Jobs Fund has been announced. He hasn't appointed the committee that they said they would appoint some two months ago to provide obtained advice from employee and employer representatives on the usage of the Jobs Fund. So I suppose how can we expect him to recognize the dangers that are inherent in the bill that the Minister of Labour has introduced into this House.

Again, Mr. Speaker, before concluding I want to make it perfectly clear that we quite easily, and with all good conscience, take this position on this bill because we established the Payment of Wages Fund which looked after unpaid wages for employees while we were in office, and under this government, where unemployment has increased so significantly, and the economy has worsened these unpaid workers, the workers whose wages that are unpaid are being looked after in record numbers, in record amounts up to \$700,000 that is coming in your budget, because of the fund that we had established, which is a unique fund, but it's unique in order to assist workers who find themselves in this unfortunate position, Mr. Speaker.

Again we support improved methods of collections against directors, etc. We support action in that regard, but the whole principle of this bill is wrong. We take that position, Mr. Speaker, knowing that we made a decision and took action to protect employees for unpaid wages.

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Mr. Speaker, I move, seconded by the Member for Concordia, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The time being 12:30, Private Members' Hour.

The Honourable Government House Leader.

Friday, 29 April, 1983

HON. R. PENNER: Yes, Mr. Speaker. There is an agreement that we will not be proceeding with Private Members' hour. Therefore, I would move, seconded by the Minister for Municipal Affairs, that this House do now adjourn.

MOTION presented and carried and the House accordingly adjourned and stands adjourned until 2:00 p.m. (Monday).