

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, 3 July, 1985.

Time — 2:00 p.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 St. Johns, that the Report of the Committee be received.

**MOTION presented and carried.**

### MINISTERIAL STATEMENTS AND TABLING OF REPORTS

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

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

I wish to table the Annual Catalogue of Grants Available to Municipalities for 1985; copies are available for members.

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** Mr. Speaker, I beg leave to table the Annual Report of the Manitoba Police Commission for 1984.

**MR. SPEAKER:** Notices of Motion . . . Introduction of Bills . . .

### ORAL QUESTIONS

#### Deer Lodge Hospital - strike

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

**MR. G. FILMON:** Thank you, Mr. Speaker.

My question is for the Minister of Health with respect to the work stoppage at Deer Lodge. The question to the Minister is, as a result of the labour dispute that's occurring, have any services to patients been reduced or cut?

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

**HON. L. DESJARDINS:** Mr. Speaker, I guess you'd have to have a definition of "reduce". There is no doubt

that when there's a strike there's some inconvenience to patients, but they're well treated. As I mentioned, there's a standards officer visiting every single day and the reports are that everything is going well.

**MR. G. FILMON:** Is the Minister satisfied that there is no danger to the patients involved, that they are at no risk and that there's nothing that isn't being done that shouldn't be done . . .

**MR. SPEAKER:** Order please, order please. The honourable member is seeking an opinion. If he wishes information, would he so frame his question?

The Honourable Leader of the Opposition.

**MR. G. FILMON:** Can the Minister assure us that there is no risk to the patients involved and that they are not being denied any services that they should be receiving?

**HON. L. DESJARDINS:** Yes, Mr. Speaker.

**A MEMBER:** That was yesterday.

**HON. L. DESJARDINS:** Today it's the same thing.

**MR. G. FILMON:** I wonder if the Minister can indicate why, when the government indicated that they were achieving emergency service agreements with various unions who are involved in the provision of services to health care institutions, why there is no emergency service agreement with respect to this union at this hospital.

**HON. L. DESJARDINS:** Mr. Speaker, it takes two to sign an agreement. There has to be a will for people to sign an agreement. In fact, that agreement is not signed between most hospitals. There have been lots of discussions for a number of years. There are very few agreements signed.

**MR. G. FILMON:** Are the Minister and his government attempting to see that an emergency service agreement will be signed by this particular union at this hospital?

**HON. L. DESJARDINS:** Mr. Speaker, there's nothing special about this union. The former Minister of Labour, the Minister of Finance and I, as long ago as three or four years ago, have been promoting this and meeting with hospitals. We're anxious to have an agreement signed. The Manitoba Health Services Commission is involved in that also and we hope to have an agreement there. There is an agreement in effect, but as far as getting a formal signing in many cases, that still remains to be done.

**MR. G. FILMON:** A year or two ago there was quite an announcement in the House. It gave the impression that most Manitoba health care institutions were covered by emergency services agreements and that

the government had achieved a great deal toward that objective. I wonder if the Minister could indicate then, specifically which health care institutions are covered by emergency service agreements with their employees and their unionized staff.

**HON. L. DESJARDINS:** First of all, Mr. Speaker, what was done a few years ago is to say that was being discussed. There was co-operation from all sides and that's true. And there has been a tentative master agreement and then there are different clauses in there by different hospitals.

Now I've got a pretty good memory, but I don't know offhand which ones are signed and unsigned. I'll have to get that information.

**MR. G. FILMON:** Mr. Speaker, I wonder if the Minister, in looking that up, could be specific as to which institutions and which unions have agreed to the emergency services aspects with the government.

I wonder if the Minister of Labour could answer a question with respect to this work disruption. Accusations have been made of discrimination in terms of pay rates for male and female dominated areas. I wonder if the Minister of Labour could indicate whether or not he's looked into the matter and whether indeed there is an issue of pay equity involved here.

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

**HON. A. MACKLING:** Mr. Speaker, I'm advised that as part of the bargaining in respect to the two parties, the issue of salaries in some specific areas is subject to bargaining and therefore I don't wish to hear comment on differences that may be held between the parties on those issues.

**MR. G. FILMON:** Mr. Speaker, I wonder if the Minister could clarify, does he believe that there is an issue of pay equity involved here or not.

**MR. SPEAKER:** Order please. The question seeks an opinion. If the honourable member wishes to gain information, would he so phrase his question?

**MR. G. FILMON:** Mr. Speaker, it has been alleged by the leader of the union that there is an issue of pay equity involved here. Does the Minister agree with that allegation?

**MR. SPEAKER:** Order please. Asking for agreement is not a suitable topic for a question. If the honourable member wishes information, would he so frame his question.

The Honourable Leader of the Opposition.

**MR. G. FILMON:** Mr. Speaker, can the Minister advise the House whether or not there is an issue of pay equity involved in this work stoppage at Deer Lodge?

**HON. A. MACKLING:** Mr. Speaker, to my knowledge in respect to the specifics of the bargaining going on between the parties at the Deer Lodge Centre, I have not been in a position to make a judgment as to whether or not there is a pay equity issue. I think it is common

knowledge within our society that there is a pay inequity in existence generally. That's found in the Civil Service itself; I believe it's to be found in Crown corporations; I believe it will be determined to exist in external agencies such as the hospitals.

But as to the specifics, in what areas and to what extent, that's a matter that will be subject to the process that we have in the pay equity bill.

**MR. G. FILMON:** Mr. Speaker, will the pay equity bill that is before the House at this present time cover the case of pay equity in this circumstance?

**HON. A. MACKLING:** To the extent that there is any pay inequity in any external agency, including the Deer Lodge Centre, the provisions of the pay equity bill will provide for a bargaining between the bargaining agents and the administration of the agency to determine the nature of the pay equity initiative that will be used and the manner of implementation. As the honourable member will recall from his reading of the bill, external agencies like Crown corporations are obliged to commence negotiations, discussions leading to determination of the plan to be developed on October 1, 1986.

So I assume that if to the extent there are determined to be any inequities within external agencies, negotiations will commence at that time to determine the areas of concern and the type of plan that will be utilized and then further negotiations as to the time of implementation of the plan.

**MR. G. FILMON:** I wonder if the Minister could indicate whether or not he's satisfied with the actions of management thus far in providing services to the patients at Deer Lodge Hospital, or whether or not he will be recommending that more be done.

**MR. SPEAKER:** Order please. Again, the honourable member is seeking an opinion.

The Honourable Leader of the Opposition.

**MR. G. FILMON:** Mr. Speaker, I want to know whether or not the Minister concurs with the actions of management to date in providing services for the patients at Deer Lodge Hospital?

**MR. SPEAKER:** Order please. The honourable member is still asking for an opinion. If he wishes information, would he so frame his question?

The Honourable Leader of the Opposition.

**MR. G. FILMON:** Mr. Speaker, has the Minister of Labour approved of the measures that have been taken by management in the case of this work disruption at the Deer Lodge Hospital?

**HON. A. MACKLING:** Mr. Speaker, the role of the Minister of Labour is to ensure that the provisions of The Labour Relations Act and all of the other requisite acts for labour relations, employment services, are followed in this province; that there is free and fair collective bargaining taking place; where there is any withdrawal of services that the fair handling of any dispute is maintained. As to the degree of care in

respect to patients, certainly that is a question that my honourable colleague, the Minister of Health, has been responding to.

**MR. G. FILMON:** Is the Minister saying that he has ensured to his satisfaction that all the provisions of the acts under his jurisdiction, have been taken care of?

**HON. A. MACKLING:** Mr. Speaker, I'll repeat for the honourable member again. That is not my responsibility. It's the responsibility of the Minister of Health and I do not usurp his jurisdiction, Mr. Speaker.

**MR. G. FILMON:** Mr. Speaker, the Minister referred to the provisions of The Labour Relations Act. That's specifically what I am asking him; if he has ensured that those provisions have been attended to in the discharge of those responsibilities at Deer Lodge Hospital.

**HON. A. MACKLING:** Well, Mr. Speaker, the honourable member has now clarified his question, because I think if he will consult Hansard, he'll find that he was asking me about the standards of health care there — (Interjection) — Mr. Speaker, the honourable member was certainly confused. I trust now he knows that he's asking about labour relations negotiations; and yes, Mr. Speaker, I'm satisfied that there was free and fair collective bargaining. The dispute was not resolved. I have made it clear as Minister of Labour that our staff is ready, willing and able to assist the parties. We have been doing that and we believe that with good will the parties can resolve their dispute.

### **Bilingualism in Manitoba - reassessment of gov't position**

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

**MR. R. DOERN:** Mr. Speaker, I'd like to direct a question to the Attorney-General concerning the remarks of a learned Manitoba Justice, Joseph O'Sullivan, in which he indicated that the high court ruling appeared to constitute a usurpation by a court of the royal power.

I wanted to ask the Attorney-General, in view of that opinion, whether he will be reassessing his government's position in regard to the ruling and also in regard to the forthcoming submission to the court within 120 days?

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** Mr. Speaker, I think everyone who cares to know understands that in our system of law, the Supreme Court of Canada is the Supreme Court of Canada. Its judgments are final. We no longer have a further appeal to the Privy Council, and in the rule of law, when the court rules on constitutional or other matters and it is the Supreme Court, that ruling stands until the Supreme Court alters that ruling. I think there's no need to answer that question any further.

**MR. R. DOERN:** Mr. Speaker, in view of the importance of the ramifications of that opinion expressed by one

of the more learned and brilliant members of the bench, I would ask the — (Interjection) — Mr. Speaker, that is my opinion. I see that some of the members of the front bench laugh, but the reputation of Justice O'Sullivan is very high indeed. I would ask the Attorney-General, in view of that opinion being expressed, whether he will ask Kerr Twaddle, his legal advisor, for an opinion on that judgment or statement.

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

**MR. R. DOERN:** Mr. Speaker, I would also ask the Attorney-General whether in his opinion, in his view, he feels that there has been a usurpation . . .

**MR. SPEAKER:** Order please. The honourable member is seeking an opinion. Will he reframe his question to seek information?

The Honourable Member for Elmwood.

**MR. R. DOERN:** Mr. Speaker, I would ask the Attorney-General, in view of the remarks of a learned judge that never before has such an action or such a judgment been rendered in an imperial or monarchic state; in view of the significance and the unusual importance of that particular remark, I would ask the Attorney-General whether that is his view as well, whether he shares that opinion by the learned judge?

**MR. SPEAKER:** Order please. The honourable member is still seeking an opinion. Would he wish to rephrase his question to seek information?

The Honourable Member for Elmwood.

**MR. R. DOERN:** Mr. Speaker, I would ask the Attorney-General or his Deputy, the Premier, whether one of them would indicate whether or not, other than accepting the Supreme Court judgment per se, as it has been written, whether they are exploring any other avenues other than going back to the court to simply ask for a period of time. Are they looking at any other actions that could be taken by this Legislature?

**HON. R. PENNER:** Mr. Speaker, as I've indicated, the decision of the Supreme Court is in fact still before the Supreme Court. There are matters to be discussed with the Supreme Court. It would be totally irresponsible to begin in any way, whether as an Attorney-General or as a judge or as a member of this Legislature, to second-guess the Supreme Court in those circumstances. Certainly, we have learned counsel retained by the province who are busily engaged now in preparing the case we must argue before the Supreme Court, and I think it ought to be left at that by members of the Legislature, as well as by people in other institutions.

### **Deer Lodge Hospital - patient numbers during strike**

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

**MR. D. ORCHARD:** Thank you, Mr. Speaker.

My question is for the Minister of Health. Could the Minister of Health indicate whether the patient numbers at Deer Lodge are the same today as they were prior to the picket lines being established?

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

**HON. L. DESJARDINS:** The last time I heard, Mr. Speaker, there were a few who went home for the weekend and I don't think they came back. They were well enough to go home. That normally could have happened anyway. The number would be less than before the strike there.

**MR. D. ORCHARD:** Mr. Speaker, could the Minister of Health indicate to the House this afternoon how many nursing workers from the private nursing service firm, MEDOX, have been retained by the management of Deer Lodge Hospital to maintain services there while the picket lines are established?

**HON. L. DESJARDINS:** Mr. Speaker, I'll try to get that information later on this afternoon if I can.

### **Limestone Generating Station - tabling of Genstar contract**

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

**HON. H. ENNS:** Mr. Speaker, I direct a question to the Minister of Energy and Mines.

I wonder if the Minister would reconsider and table in this Chamber the tender documents to the successful company, Genstar, for the Limestone project which called for the payment of some additional \$700,000 over and above the low tender received. Would the Minister of Energy and Mines consider tabling that tender document in this Chamber?

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

**HON. W. PARASIUK:** Mr. Speaker, I provided the information from that tender to the House, I think, last week. In terms of the specific numbers, I will check with Hydro. They have had a policy with respect to tenders but I'll certainly check with them because it's been a long-standing policy with respect to tenders, but I'll certainly check with them, because it's been a longstanding policy with respect to releasing tender documents, but I'll check with them and I'll take the matter under advisement.

**MR. H. ENNS:** Mr. Speaker, a supplementary question to the same Minister. I acknowledge he's going to take particular issue with the policy of Manitoba Hydro in not necessarily revealing normal tender documents that have been accepted in the normal way, but I think the Minister did acknowledge the acceptance of this particular tender is somewhat out of the usual in the sense that the low tender was not accepted, and I would ask him in discussing it with Manitoba Hydro whether or not, under these circumstances, Manitoba Hydro may not be well advised to deviate from their normal practice and make that tender document public.

**HON. W. PARASIUK:** Mr. Speaker, I'll take that matter under advisement.

### **Grasshopper infestation - transportation of chemical**

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

**MR. J. DOWNEY:** Thank you, Mr. Speaker.

I have a question of the Minister of Agriculture, following on questions by colleague from Virden yesterday, dealing with the outbreak of grasshoppers in the southwest.

I have been contacted, Mr. Speaker, by suppliers of chemical, that because of emergency or transportation of dangerous goods legislation, that there is unavailable proper stickers to put on some of the chemical that is available, thus inhibiting the movement of that chemical into the western region of the province.

I ask the Minister of Agriculture if he'll take immediate action to contact the Federal Government, through the federal department responsible, to waive that recommendation or to waive that regulation in this emergency situation.

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

**HON. B. URUSKI:** Mr. Speaker, this is the first information that I have had on this issue. We've had a number of shipments of chemicals coming into the province from various buyers, and although there have been from time to time some spot shortages in various communities of a particular chemical, there have not been any shortages of chemical per se, however, I would want the honourable member to provide me with those details and certainly would want to look into that very quickly.

**MR. J. DOWNEY:** Mr. Speaker, it isn't the fact of shortage of chemical, it is a regulation that prohibits the movement of that chemical from the central supply depot in Winnipeg to the western regions of the province without having a proper decal on it. The decals are not available.

I'm asking the Minister if he would contact the proper authorities at the Federal Government level to ask for an emergency permit to allow the movement of that chemical to the western region so that the farmers can use it to kill the grasshoppers in that area?

**MR. SPEAKER:** The Honourable Minister of the Environment.

**HON. G. LECUYER:** Thank you, Mr. Speaker.

Although the federal regulation under The Transportation of Dangerous Goods Act came into effect on the 1st of July, the regulation here in Manitoba, which we indicated earlier would be adopted as soon as it's ready, and is in the process of some section of it being translated right now, has not been adopted. We have indicated, as I indicated in my Estimates process, Mr. Speaker, that we in Manitoba, as well as all the other provinces, would be adopting that regulation as soon as possible, hopefully by the 1st of July. Although it hasn't been adopted at this point in time, it is our intention to adopt it as soon as it's ready, we have indicated that there will not enforcement or

compliance in terms of penalties if such were to apply until the 1st of February, 1986. Therefore, the initial period of application, the initial enforcement phase, Mr. Speaker, if I can make myself heard in spite of all the noise across, would be through an awareness and piloting the regulation in order to be fully in a position to enforce it with penalties as of the 1st of February, 1986. So, therefore, Mr. Speaker, there are no regulations under The Dangerous Goods and Transportation Act preventing the flow of chemicals that would have to move from Winnipeg to any other points in Manitoba currently.

**MR. J. DOWNEY:** Just so I'm clear and so the Minister is clear, the grasshoppers are eating the crops today. The suppliers cannot get the chemical until the estimated date of the 20th of July. I want to be precisely clear. Is the Minister telling the farm community and the suppliers of this chemical that without breaking the law they can move that chemical into position to apply it to protect their crops against the devastation of grasshoppers?

**HON. G. LECUYER:** I thought that was clear from my response.

**A MEMBER:** No it wasn't.

**HON. G. LECUYER:** Yes, indeed, Mr. Speaker, if it has to be put exactly in terms of yes - that is what I am saying now. There is nothing that prevents them from moving any of these chemical supplies from any point in Manitoba to any other point in Manitoba today.

**MR. J. DOWNEY:** Mr. Speaker, I thank the Minister for that response.

### **Cream shippers - notification of full quotas**

**MR. J. DOWNEY:** I have a further question of the Minister of Agriculture. Last week the Acting Minister of Agriculture took as notice a question dealing with some inequities in the shipment of cream and the allocation of quota for the shipment of cream. I wonder if the Minister today has any response to that question because it's imperative. Many cream shippers are out of quota and have given up quota. That quota has been now allocated to other individuals and there is a crisis out there. I wonder if the Minister could respond.

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

**HON. B. URUSKI:** Mr. Speaker, I don't have that information here at the moment but I'll endeavour to get it. I can advise the honourable member that the — (Interjection) — Milk Marketing Board did . . .

**A MEMBER:** What's the word of your Acting Minister?

**MR. SPEAKER:** Order please.

**HON. B. URUSKI:** Mr. Speaker, I did have the information last week. The honourable member was

not present. He's raised the issue. I do not have it here this minute. I will endeavour to get that information for him but I can advise, basically, that the Milk Marketing Board did issue new quota for those producers whose quotas had expired.

As well, Mr. Speaker, the board did issue quota last year to some, I believe, 130 to 140 new producers. I find it a bit astounding that the board in a touchy situation would, in fact, issue new quota to over 100 new producers leaving others at this time in the season without quota. We're endeavouring to ascertain how, in fact, they are regulating their quota policy and we'll be dealing with that as time goes on.

**MR. J. DOWNEY:** To be specific, Mr. Speaker, a constituent of mine who contacted me was asked last fall to give up 200 kilograms of quota. He is now out of quota. Neighbours of his are being allowed to ship without quota and he feels he's been treated unjustly. I'm asking the Minister of Agriculture if he'll take action to make sure that there aren't any inequities and unfair treatment being carried out under the administration of the cream quota in this province?

**A MEMBER:** Billie, gain control of that.

**HON. B. URUSKI:** Mr. Speaker, when the member alleges that some producer last year was asked to give up quota, there would have been a particular reason why the quota would have to be given up. In normal instances, the board does request from producers who have not filled their quota to give up their quota because the quota can be reallocated to other producers.

Just several months ago, Mr. Speaker, or about a month ago, the honourable members opposite were arguing that the board, in fact, should be able to reallocate unused quota and now he's saying that the board reallocated unused quota and now there's some inequity. Let the honourable member figure out which side of the issue he wants to be on, Mr. Speaker.

### **Manfor - importing of logs and wood chips**

**MR. SPEAKER:** The Honourable Member for Swan River.

**MR. D. GOURLAY:** Thank you, Mr. Speaker.

I direct a question to the Minister responsible for Manfor. In view of the fact that the lumber mill at Manfor has not been functioning for the better part of a year and during all this time, Manfor has been importing logs and wood chips as well as obtaining hog fuel at little or no cost, my question to the Minister is, does he feel that this arrangement is an economic advantage to Manfor?

**MR. SPEAKER:** The Honourable Minister of Business Development.

**HON. J. STORIE:** Mr. Speaker, I have responded to that question previously and indicated quite clearly that, yes, there were significant advantages to Manfor through the arrangement. I point out to the member that the original agreement was signed with Simpson

Timber, in particular, when the members opposite were in government. It has continued.

The number of round logs hauled by Simpson Timber has been reduced over the past year from, I believe, 14,000 cords to 10,000. I am aware of the concerns it has raised with respect to the IWA. We've informed them of the benefits to Manfor and the fact that their view that it would create additional jobs in Manitoba can't be substantiated because of the number of trucking jobs that are related to the hauling of chips from Hudson Bay and the loading which occurs in Channing, which is in Manitoba as well. It's not as clear-cut as the member may want to believe.

We have and are obtaining substantial benefits as a corporation from that agreement.

**MR. D. GOURLAY:** I thank the Minister for that answer. I didn't quite hear his last part of his answer. I would ask the Minister whether there have been any discussions initiated by Manfor to discontinue that arrangement with Simpson and Saskatchewan?

**HON. J. STORIE:** I can indicate that there have been discussions about the arrangements that are occurring at Manfor. I point out that the importation of chips and hog fuel is a substantial benefit in the area of millions of dollars. Part of the agreement was that in return for the low cost and no cost for the hog fuel that we would purchase some round logs.

The discussions that we're having with respect to that agreement have been initiated not by Manfor but by the plant at Hudson Bay. I can only tell you that there have been discussions. I couldn't tell you what stage they're at, but that matter is being reviewed.

### **Manfor - donation to SFM**

**MR. D. GOURLAY:** During the review of the Annual Report of Manfor, the Minister indicated he would provide details on financial donations made by Manfor to various groups and organizations. I wonder if the Minister can now advise the Legislature that Manfor did, in fact, make a financial donation to the SFM.

**HON. J. STORIE:** Mr. Speaker, while I can inform the member that the information that was requested is coming forward, I can indicate that in informal conversations with officials at Manfor that no such donation went to the SFM.

**SOME HONOURABLE MEMBERS:** Oh, oh!

### **Report a Poacher Project - status of**

**MR. SPEAKER:** Order please, order please.  
The Honourable Member for Emerson.

**MR. A. DRIEDGER:** Thank you, Mr. Speaker.  
My question is to the Minister of Natural Resources. Can the Minister indicate whether he has initiated a new project called "Report A Poacher" or RAP to help control poaching of wildlife in Manitoba?

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

**HON. S. USKIW:** Mr. Speaker, there has been considerable discussion with respect to that very proposal and I have indicated that under certain circumstances we'd be prepared to undertake such a venture. I'm not sure that there's anything in place at the moment.

**SOME HONOURABLE MEMBERS:** Oh, oh!

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

**MR. A. DRIEDGER:** Mr. Speaker, I didn't quite understand the answer. I wonder if the Minister would want to repeat.

**MR. SPEAKER:** Order please. If the members would just keep the noise down a little, we can all hear what the Minister's answer is.

The Honourable Minister of Natural Resources.

**HON. S. USKIW:** Mr. Speaker, I don't know whether we're operational or not. We have had some discussions and I believe there is going to be an attempt at a program such as the member describes.

**MR. A. DRIEDGER:** To the same Minister, will this program be province-wide or is the Minister going to be designating a certain area, and if he is contemplating designating a certain area, is he going to make a public statement to that effect?

**HON. S. USKIW:** I believe it's at the stage where we have not yet made a public statement. I believe it's going to be a pilot project, so therefore not province-wide, initially.

### **Poaching and illegal sale of meat**

**MR. A. DRIEDGER:** Another question to the same Minister. Has the Minister undertaken any other new initiatives to control poaching of wildlife and the illegal sale of wildlife carcasses?

**HON. S. USKIW:** Mr. Speaker, I believe I dealt with that during the Estimates review, at which time I had indicated that we are going to attempt to enforce, if you like, to the extent that we have some capacity to enforce, the laws of Manitoba. In particular, we were going to pay particular attention to that question.

### **Cream quotas - status of**

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

**HON. B. URUSKI:** Thank you, Mr. Speaker.  
I wish to provide the Honourable Member for Arthur information on the amount of cream quota that was issued by the Milk Marketing Board. As of June 27th,

Mr. Speaker, just under 1,600 kilograms of quota were issued to some 20 producers who had called the Milk Marketing Board as being at the limit of their quota and my figures from memory of 130-140, in fact 131 new producers were issued some 78,000 kilograms of quota in 1984 and that's why the concern that I had; but we're advised that 27 producers who had run out of quota were issued some 1,600 kilograms of cream quota as of June 27th.

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

**MR. J. DOWNEY:** Mr. Speaker, the other question was, how much total cream quota does the province have to capacitate or to allow the producers to produce till the end of this current year, the end of July? How much quota is there left? Is the total industry going to be closed down prior to the end of the dairy year?

**HON. B. URUSKI:** Mr. Speaker, that question, in terms of how much quota is available I'll take as notice, but I believe it's somewhere in excess of 200,000 or in the neighbourhood of 200,000 kilograms of cream quota. That's part of the provincial block and the board does move around or have some flexibility to move it around. But to be very clear, the issue of how quota is directed is the responsibility of each individual board and not of the Province of Manitoba as has been attempted to be put forward in this House over the last six months to a year, Sir.

Any appeals against quota allocation or misuse of quota allocation by any board can be registered by a producer to the Natural Products Marketing Council who will hear the appeal and adjudicate on each case.

### **Beef Stabilization Program - increase in support level**

**MR. J. DOWNEY:** Mr. Speaker, another question to the Minister of Agriculture. Can the Minister of Agriculture indicate if the support level under the Beef Stabilization Program increased at the end of this quarter?

**HON. B. URUSKI:** Mr. Speaker, I believe it did slightly, but I will take the question as notice to provide the honourable member the exact numbers.

**MR. J. DOWNEY:** Mr. Speaker, can the Minister indicate how much the premiums charged to the producers went up at the same period?

**HON. B. URUSKI:** Mr. Speaker, I believe there was no change in premiums in terms of calf and yearling support. There was an increase in premiums in the slaughter support.

**MR. J. DOWNEY:** Can the Minister indicate that the premium increases to the producers of beef cattle went up 3.5 percent or \$35 for every \$1,000 animal that is sold? Can the Minister indicate that that is the magnitude by which the premium increase came about?

**HON. B. URUSKI:** Mr. Speaker, I believe that in terms of level 3 slaughter, that figure would be accurate, in

terms of the top slaughter support; and in fact the board, the Beef Commission made that decision in light of attempting to run the program on an actuarially sound basis over an 8-10 year period.

**MR. J. DOWNEY:** Mr. Speaker, if the support level did not go up, why did the premiums go up at such a tremendous increase of 3.5 percent? Why was there such an increase to the producers?

**HON. B. URUSKI:** Mr. Speaker, The honourable member, I guess in his determination for an answer, now finally realizes that the marketplace in terms of beef cattle has not worked and that the Stabilization Program is working very well.

**MR. SPEAKER:** Order please.

**HON. B. URUSKI:** Absolutely the marketplace has not worked. The Honourable Member for Morris, if he wants to know that the marketplace hasn't worked, he should look at the amount of support that is being provided to producers, Sir, in the neighbourhood of \$150 for every slaughter animal being sold. That has been direct support being supplied to producers based on the cost-of-production formula. In fact, that formula doesn't provide the full cost of production, but clearly the marketplace was not working, Mr. Speaker.

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

**MR. J. DOWNEY:** Thank you, Mr. Speaker.

Can the Minister indicate whether or not the reason for the increase is that he is attempting to collect back some of the money that has been loaned to the producers through stabilization, that it is an increase in premium that is an attempt to recover some of the funds that have gone into the farm community?

**HON. B. URUSKI:** Mr. Speaker, I think cattlemen in this country know who has led them astray in terms of the trade-off of the imports from the European economic community and south of the border. In fact the Canadian Cattlemen's Association indicated that the Federal Government had in fact deceived the cattle producers by in fact not telling them the truth on the basis of their negotiations with the European economic community.

Sir, with respect to the program, the honourable member should be aware that the program is, at this point in time, assisting producers directly at about \$150 per animal; so how can the member allege a statement that the program is attempting to collect from the farming community some of the money back, when in fact the level of support is about \$150 for every slaughter animal that is in fact marketed? I don't know where he makes that assumption, Mr. Speaker.

**MR. SPEAKER:** Order please. The time for Oral Questions has expired.

### **HANSARD CORRECTION**

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

**MS. M. PHILLIPS:** Mr. Speaker, I'd like to make a correction in Hansard of yesterday, Page 3493 of the fourth paragraph in the 10th line in column 1, where it says "a lot of", it should say "not much". On Page 3495, Column 2, fourth paragraph, 5th line, it says, "autonomy", it should say "economy".

**MR. SPEAKER:** Duly noted.

### ORDERS OF THE DAY

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

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

Would you please call the Adjourned Debate on Second Reading on the Bills in the order in which they appear on the Order Paper?

**MR. SPEAKER:** Commencing with Bill 8. On the proposed motion of the Honourable Minister of Health, Bill No. 8, the Honourable Member for Pembina.

**MR. D. ORCHARD:** Stand, Mr. Speaker.

**MR. SPEAKER:** Stand.

### ADJOURNED DEBATE ON SECOND READING

#### BILL 16 - THE HERITAGE RESOURCES ACT; LOI SUR LE PATRIMOINE

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Culture, Bill No. 16, the Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Thank you, Mr. Speaker.

I would like to start off by saying that this bill is one that we on this side - and I think all people in the province - agree that our heritage should be protected for the benefit of all people of the Province of Manitoba. But this one would better be called "Confiscation without Compensation." That would probably be a better name for this piece of legislation at the present time.

Now let me make it very clear, Mr. Speaker, that when the Minister mentioned the legislation that was passed in 1967, The Heritage Objects Act, I believe - I might just not have that right - but it's Section 870 of the Statutes and it does have a Section No. 19 in it, that's exceptionally tough and does give the government or the Minister extensive rights under the one section of that legislation.

Quite frankly I'm rather surprised that that particular section is there and quite frankly I absolutely don't agree that the Minister shouldn't have those powers but the Minister, or whoever has those powers, should be prepared to pay compensation to those people that he takes property from or renders the property absolutely useless to that person.

Mr. Speaker, I would also like to refer to the questionnaire that the Minister sent to all of the people that he wanted to within the province and he had

meetings throughout the province. I don't find anywhere in this questionnaire where he says, if the government decides or the municipality decides to designate your property or object or whatever as a heritage property or as a heritage object, that should the government be prepared to give compensation? I don't see that question anywhere and I would suggest, Mr. Speaker, if you asked 90 percent or 98 percent of the people of Manitoba that gave the Minister returns on this - and I believe that's the figure that he gave me in Estimates - if the government decides to confiscate or render your property useless to you, take away the assessment, completely control it, decide that an object that you pick up off the ground in your own backyard does not belong to you, should the government give you compensation? I'd be willing to bet that he would have got an answer that said 100 percent, yes. Anybody who designates themselves that particular power should be prepared to compensate the people that he is actually taking something from.

Now that's as simple as that in this act and this Minister certainly is not one that really goes for bureaucratic junk and writing and what-have-you, and it's very hard to understand why he has allowed his bureaucrats to come forward with a piece of legislation that is a complete nightmare, when we're trying to decide what is going to be a heritage piece of land, a heritage object, a heritage whatever in this act.

Now, Mr. Speaker, there's no question that the Minister can designate. He will decide after taking some investigation that he will make a decision to designate or not to designate, as the Minister so desires, as far as the act is concerned. Mr. Speaker, the Minister doesn't really have to give any time limit on anything. He can just say, that's it. There doesn't seem to be, when he does this, any real good definition of what a heritage object is going to be. It says, heritage sites are sites under Part 1, and Part 1 doesn't really give you an exact designation of what it is.

Now as far as buildings are concerned, are we dealing with buildings that are a year old, 100 years old, 50 years old? The designation is that the Minister can more or less decide whether it's a heritage building or not. You know my colleague, the Member for Arthur, I have been in his home and the first section of his home happens to be, I'm sure, over 100 years old or I believe so by the look of the construction - I haven't got any date from him - and he has preserved that part of the house and he has extended and built on to it. Do you know that if the Minister had designated that house as a heritage house, he would not have been able to put the extension on without a permit, Mr. Speaker. He would not. If it's once designated as a heritage house, heritage objects - (Interjection) - Mr. Speaker, I've heard the Minister talking about the present act and I've made that very clear to him. Mr. Speaker, I make it very clear to the Minister that I do not agree with the present act that is in 1967, and Section 19.

**A MEMBER:** Why don't you change it?

**MR. F. JOHNSTON:** Mr. Speaker, here we have, just to divert a little bit about the present act and the act that we have in front of us, what we really have here

is a situation that if we did it it's all right. We've now got the NDP saying if we did it it's all right. We've now got the NDP saying that while we're in government if we didn't change it that's all right because it's in the act now. He wants to write his act the same as our act because that's all right.

Mr. Speaker, I'm saying that it's not all right to make designations and before the Minister started to talk about it being in the act now - and I've agreed to that - that the House could not be sold without permission, the assessment on the house would probably be next to nothing, but I have said this Minister has written an act that has no compensation whatsoever to anybody that the government decides to take from. That's wrong - I don't care who wrote it. I think you'll find that the people of Manitoba will say that's wrong.

Mr. Speaker, not only if they decide that your backyard or a piece of property within the province is designated as a heritage piece of property and should be protected, could be that you own that property and on that property it's designated as heritage because it may have some artifacts in it; it may have Indian arrowheads in it, and what have you. Mr. Speaker, if it's designated and you own the property, you know, it becomes illegal for you to walk out and pick up the arrowhead in your own backyard and put it in your pocket.

**A MEMBER:** It belongs to Gene.

**MR. F. JOHNSTON:** You didn't get a permit to pick it up, Mr. Speaker. You didn't get a permit really to pick it up and if you don't, if you keep it without telling the Minister, you could almost be fined \$5,000 a day - \$5,000 a day I didn't find in the other act.

Mr. Speaker, the object becomes the property of the Crown. In the previous act it did not say that. Section 19 with interpretation might have meant that. Section 19, I believe, if I correct myself, Mr. Speaker, Section 19 of the previous act did not say it became the property of the Crown, but it did give very specific powers to the government and the Minister.

Mr. Speaker, now we have a situation where all heritage objects regardless of who finds them and where they find them become the property of the Crown. Mr. Speaker, that really isn't that objectionable if the Crown is prepared to compensate people for what is found on their property, what they've decided was theirs is not theirs anymore. But, no, we have absolutely no compensation whatsoever.

We have a situation where the Minister could stop a project in midstream and he doesn't really have a time limit on him as to when he has to decide that the project can continue. He could cost somebody thousands of dollars while they're waiting for a decision from the Minister and there is no provision for compensation.

Mr. Speaker, the other part of it is, Sir, that if your piece of property was sitting there designated as a heritage piece of property, the property next door to you can be under the jurisdiction of the Minister as to what you can put on it. Let me put it another way, Mr. Speaker, or to one of the other members, if you lived beside a piece of heritage property and you wanted to do something on your own and the Minister decided

that it shouldn't be done because you are next to a piece of heritage property, he can so designate that you cannot do it - isn't that wonderful? - and without any compensation, Mr. Speaker.

Mr. Speaker, the bill has a structure in here for hearings. There is no question that the Minister's staff have written something that is going to create a bureaucratic nightmare in that they can have so much time to have a hearing about the designation; then the hearings about the designation decisions and recommendations can be made. Do you know after all of these hearings, when the Minister designates the subject or his decision to that committee, the committee can come back and say, no we don't agree with that but the Minister can do it anyway. The Minister can take it to the Lieutenant-Governor-in-Council then and he can say, well, they didn't think we should do it and I've decided not to do it but I have to bring it to you. Strangely enough in here it says that he may or may or not make a presentation to the Cabinet about it. It's up to him. He may or may not make a presentation. Then the Cabinet don't have to listen to anybody. They can just say we'll do it anyway.

Really, when the Minister talks about Section 19 of the old act, he has exactly the same thing but he's set up a whole procedure that doesn't mean anything, if he so desires.

Mr. Speaker, then we have the situation when we have the municipal group who must set up a procedure to decide whether a house is a heritage house or something is a heritage object or should the land be preserved as heritage land, etc. They have to make the designation and there's an appeal and there's 10 days in there, I believe, along the appeals, that they have to make a decision. They can't hold it up too long, but I'll tell you, Mr. Speaker, it can go from the council to the municipal board and the municipal board can make a decision and the municipal board makes lots of decision that are abided by, usually, and I believe there are cases where you have to abide by the decision of the municipal board in the municipalities of this province.

In this case, the municipal board could make the decision that they do not agree with the council and the council can accept it or reject it, whichever they choose to do.

So, Mr. Speaker, it really puts everybody through a great system of bureaucracy, hearings, etc., to boil it down to a situation that the council or municipality can just make the decision on their own anyway.

Mr. Speaker, I refer to a letter that was sent to one of my colleagues where he says, I think this is a very tough act. It indeed seems to deal with everything from arrowheads to graves to buildings. If I'm reading the act properly, heritage objects become the de facto property of the Crown, Section 41(3) and the act does have that section, Sir, but the principle of the act is that they do become the property of the Crown, everything that is designated heritage.

It seems to say that finders can possess these objects but only in trust for the Crown. I won't mention the section, Sir, but that's the principle, it can be in trust. He says, to me that's a bit much. He says that finders' rights to move these articles or sell them are rather restricted and then he adds, a bit too socialistic for my blood. Some things could only be found at great expense. There is no mention of restitution of expenses.

In general, this whole act is heavily stacked in the heart of the Crown and the little guy doesn't have much of a chance. Mr. Speaker, just so that I won't hear from the other side again, I agree that the previous act was a little bit too tough and could possibly be interpreted that way. Nowhere did it say it would be the property of the Crown though, written in the act. We would only be talking about interpretation.

**A MEMBER:** Call it Gene's Museum.

**MR. F. JOHNSTON:** When it comes to sites, it's the same thing. The government is fully protected but the citizen is not. The tone of Section 16(3) and Section 34 is typical. I object to the wording which, in both cases, permits entry into sites, even buildings, at any hour of the day or night. It seems that if entry is necessary, let it be done, but when you give people permission to enter, especially at night, people will do it and it creates bad will, plus it reminds me of Russia a bit.

My goodness. Now we have people that could enter your place at night and they don't have - I wonder what the Member for St. James when he was the Attorney-General would say about that. But he's changed so much; his whole outlook to hypocrisy has changed completely, you see, because when he was a member of the council in St. James-Assiniboia, if somebody had tried to do that, he'd have gone after them with a gun.

**A MEMBER:** Big Al.

**MR. F. JOHNSTON:** But he has changed completely, Sir.

**A MEMBER:** Now he's Little Al.

**MR. F. JOHNSTON:** You can get a knock on the door at any time. Municipalities have the same rights. Notice that they only have to go to a judge after they have found evidence of wrongdoing. If they find no evidence of wrongdoing, they don't have to tell anybody. It seems that the Minister can issue orders - not a judge - without a warrant to search any number of places in the hope of finding wrongdoing. If not, no one need know.

It seems to me that awards should be issued, and he carries on on that subject. He says that each time, instead of letting government officials who seem to need not be police, just anyone can be appointed to do this, Sir. As far as the principle of the bill is concerned, the people can walk in at any time; they don't have to be policemen, etc.

Yes, I'll submit to a question, Mr. Speaker.

**MR. SPEAKER:** Order please. The Honourable Minister of Culture on a point of order.

**HON. E. KOSTYRA:** Yes, Mr. Speaker, I wonder if the member would table the document that he's reading from.

**MR. SPEAKER:** The Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** I've taken the name of the person that wrote it off. I'll be only too happy to give it to you

because I don't intend to submit this kind of a document to this government and have somebody take a chance of repercussions because this government does those types of things.

Mr. Speaker, I would finish reading from it. The reason I am so afraid of all this is that a few years ago the present Minister of Culture got into a real rhubarb with the Ukrainian Church in Portage la Prairie. You may remember the case. There were threats of foul ball, the whole thing. The Minister accused the church of destroying a heritage site. For more accurate information, accused the church of destroying a heritage sight, for more accurate information, contact so-and-so regarding this particular structure.

The basic argument seemed to be the Minister of Heritage wanted to declare the old church a heritage site. A new one was being built; the Minister would not agree to compensate the church for the old one. The people feared that they would have to maintain the old one, fix up the structure, etc. They couldn't afford it besides other government regulations stipulated parking lots. Since they were already building and had no land or money left, they tore down the old church. It seems that this act has a bit to do with this situation.

You will notice that Section 15 says, the Minister may require the owner or lessee of heritage site to undertake such measures as the Minister may anticipate, repair, maintenance, etc. It seems that it will cost money, etc. Mr. Speaker, I can assure you, Sir, that this has absolutely no compensation in it whatsoever.

I would like to give you an example of what's happening in Winnipeg at the present time at the Royal Bank Building. We have a situation where there's a big circular staircase in that building and it's been declared as a heritage building and the heritage people come down and they say, you can't take that circular staircase out. And the City of Winnipeg inspector says that if you're going to use that staircase to get to the second floor where you're going to have some new offices and maybe little shops up there and you're going to use that staircase, he says that you've got to close it in on both sides, put a fire door on top and bottom, remove the oak and everything from it before you can possibly use that staircase.

Now the poor fellows are sitting there saying that heritage says we have to keep the staircase; the City of Winnipeg says you can't use the staircase and nobody is saying one word about who's going to pay for what. Who is going to pay for what, as far as the compensation is concerned.

Mr. Speaker, when I heard the Minister say J. Frank would look after it all, we will have amendments saying that there will be compensation paid. — (Interjection) — As my colleague says when the Member for St. James is speaking, I think it's appropriate - he says, the first staircase is on the house.

Mr. Speaker, we have situations where you have contractors that are going to be working very hard. They will have a situation where there has to be money spent to solve the problem that was created by the government making a designation of being heritage objects. Mr. Speaker, unless you have a situation where the person having that power to designate the object, whatever it may be, the responsibility of having to pay if he makes frivolous, poorly thought out decisions you will not have a policeman in this act that will make

people think before they act. The same thing will apply to the municipalities. There has to be something in there.

When I was a councillor back in the old days, if we made poor investments with the people's money, the act said we were responsible for it. We were responsible if we did stupid things with the people's money or we caused people extra expense.

Let me give you a situation - and the Minister of Resources knows this one well - in the Town of Selkirk there was a small business which the Ombudsman said was treated badly by this government. The Ombudsman's report said that the management of the government and the advice from the government was such that he lost a lot of money and harmed his business and this government, the Cabinet decided if the Ombudsman said that there was somebody hurt that they would have to make some of compensation on advice of Ombudsman. They turned around and they gave the fellow a \$60,000 interest free loan on a specified length of time because the government had made the mistake.

Mr. Speaker, what would we do if the Ombudsman decides that somebody has been treated unfairly by the government under this act, that the government had taken something of value of his from him and said, it belongs to me, without offering any compensation. Mr. Speaker, I would suggest that this government's principle on other things has been to take care of the person that has been harmed but, on this one where they can get complete control of property through the back door using a Heritage Resources Act, they don't intend to pay any compensation whatsoever.

This government has been famous for trying to get their hands on property. Mr. Speaker, it's one of their favourite little games that they play continually. Let us be very clear, that I don't think that our heritage objects should be sold out of the province. I will say one thing - we could end up with a whole five bushels of arrowheads. There comes a time when you've got more than you need and then the Minister would say, well these are the property of the Crown and he then will decide whether they can be sold. I'm not quite clear in the act, after he's taken them over and he has too many of one kind, if he decides to sell them or move them to another place or make a trade, I'm wondering if the people he took them from will be compensated. That is not quite clear in the act, Mr. Speaker.

Mr. Speaker, it is written like this. It says the Minister and the municipality will have control of all items underwater or submerged; all items partially submerged; all items underground; all items partially underground; and all items above ground. That doesn't leave an awful lot does it? It states it right in the bill.

The Member for Springfield the other day when I mentioned it across the House laughed, but he doesn't have any sense anyway. I see his picture here in the book - we'll just get rid of that in a hurry. Mr. Speaker, I don't really like that. Anyway - let's ask the Member for Lac du Bonnet, the Minister of Resources - what would happen with a fossil that is found out in Tyndall Park in the Tyndall Quarries right now? I want to know if we find another fossil like we have right out there in the hallway, we have one that looks like a skull. We have several that look like fish. We've got them all over this building - fossils that come out of the ground in

the Province of Manitoba, some partially under water; some partially above water. Tell me, Mr. Speaker, what can the government do under that circumstance and what will be done under that circumstance? Technically, Sir, under this act they could shut her down until somebody decides what will happen to that particular fossil.

Mr. Speaker, we don't have any problem with the situation of preservation of our heritage. We have several wonderful sites in Manitoba. We have several that are owned by families who have protected them very well. They haven't let people run wild on the property. They have usually taken what is found on their property to museums, etc., but now they are saying after 100 years or 50 years a piece of property in the family that may produce an artifact of some kind, now you say to them whatever is found on your property was yours for the 100 years but from now on it belongs to the Crown with no compensation whatsoever.

That, Sir, is the type of thing that this government passes. This is what the gentleman said in his letter. He said, in general, this whole act is heavily stacked on one side of the Crown and the little guy does not have much of a chance." And that is very true about this act. He hasn't got a chance under this act, even if he gets a decision from the Municipal Board saying that he was right, the municipality can ignore it and do whatever they like.

So, Mr. Speaker, I think that we make it very clear, and I can assure you that all members of our Caucus are concerned about the concerns that the heritage people came to see us about; met with the Leader, met with the Member for Pembina. I had to be in an economics meeting with the Minister that morning, but it has been related to me. We agree with them, but they believe this is a little tight. They believe that this is just a little rough.

We have had discussions with the municipal people. We've had some discussions with the construction people who wonder what is going to be done regarding the compensation. Mr. Speaker, we agree with all of their concerns regarding the heritage of the province, but we do believe that there has to be consideration given to those people you take property from. They do have the right to ask for some compensation if you harm them financially.

So, Mr. Speaker, that's our basic position on the bill. It doesn't bother us that we have to go through all of the hearings, and what-have-you. We think they're extensive, but there is actually no consideration for anybody if you harm them financially. Thank you.

**MR. SPEAKER:** Order please. A request has been made, the honourable member table the letter he was reading from. Would he kindly do so?

The Honourable Leader of the Opposition.

**MR. G. FILMON:** Thank you, Mr. Speaker.

I am pleased to rise and debate on the bill before us, The Heritage Resources Act, in second reading; and indeed, Mr. Speaker, the Member for St. James has said I just about said support. I'm rising, Mr. Speaker, in support of the legislation. Mr. Speaker, that doesn't necessarily mean that I agree with all the details of the legislation, but indeed, in principle, members on

our side agree that there is need for legislation to ensure that our heritage resources are protected and to ensure that there is an ongoing opportunity to maintain; whether it be archaeological artifacts; whether it be buildings of significant note; whether it be any sorts of objects that have a value historical, and in a heritage sense to our province. That is the purpose, as we understand it, of the Minister's introducing this act.

We have concerns about some of the effects of the broad net that's cast and the heavy-handed approach that lies behind some of the provisions of the act. Mr. Speaker, make no mistake that my colleagues and I do support the objectives of the province in wanting to bring forward reasonable legislation to protect our heritage resources here in Manitoba. To that end, Mr. Speaker, we have met with, as my colleagues have indicated, representatives of various different historical societies and groups; representatives of archeological organizations, who themselves have concerns about the extent to which the bill goes, to give powers to government, to preserve those heritage resources that we have here in Manitoba.

Mr. Speaker, I think, in overall summary, the concerns that have been vested with us that we have identified and wish to bring forward to the Minister, and will indeed further bring forward when this bill goes to committee, are the fact that the bill seems to concentrate more on the club than the carrot; and the club gives full and complete authority to the government, even to the extent of invoking harsh measures of punishment to people who might, in some way - unknowingly in many cases, in fact in most cases - unknowingly contravene the sections of this act.

At the same time it ignores the services and the contributions that have been put forward by amateur or avocational archaeologists who have worked throughout our province, throughout history, in acquiring collections in unearthing many of the heritage resources, artifacts that have been discovered in Manitoba; and have resulted in the preservation, the enhancement and the identification of our heritage and our history in Manitoba as a result of their efforts.

Those efforts are without compensation in any respect, other than the satisfaction that these people get from uncovering, identifying and bringing forward these objects. I think that the act should have built-in incentives to encourage those people to continue to do that. The act should have incentives to encourage them to continue to give the hundreds of hours that many of them do every year in working towards bringing out archaeological artifacts, heritage resources and many objects that are of value to the history and identification of our heritage in our province.

This act seems woefully weak and inadequate in the sense of encouraging or providing incentives for people to do that, Mr. Speaker, and we hope that by identifying our concerns and that by the further identification of concerns at the committee stage, that the Minister may find ways of building in those carrots, as has been referred to by the people we have spoken with, and those incentives and items of encouragement to the whole process that's involved here.

Mr. Speaker, there is a second area of major concern that has been identified by members on our side that is shared by other people with whom we've spoken, and that is that there is no means of compensation

for people whose rights of ownership are being expropriated in many cases by this act; and that means of compensation may not necessarily rest with this government, with the Provincial Government. In some cases it may rest with Municipal Governments or the Federal Government; people who are being given the opportunity under this act to bring in legislation, or rather to bring in measures within their jurisdictions to preserve the heritage resources of our province.

I'll speak about several different examples of ways in which we believe people's ownership rights are being unnecessarily and unfairly expropriated or simply confiscated without any necessity for compensation.

Mr. Speaker, I was pleased to be a part of Winnipeg City Council when it brought in its Heritage Buildings Protection By-law. I was pleased to have supported that bylaw, but I say that to the extent of my involvement in looking at the matter, and in fact at one time along with the Chairman of the Environment Committee went to a meeting, a conference at which heritage resources were explored and, in fact, the preservation enhancement restoration of buildings, particularly, was discussed at this particular conference and we had the opportunity at that time to see firsthand what they had done in a city such as Boston, which probably has the greatest example of the way in which heritage resources in terms of buildings can be preserved, can be enhanced and can be restored. In the course of that convention, Mr. Speaker, we had the opportunity to go throughout the old City of Boston and to look at so many of the things that they had done such an excellent job in preserving, and to find that they were able to fully utilize many, many of the old buildings whether they be residential, whether they be commercial, whether they be in warehouse, industrial, utilize them because they had done such an excellent job of preservation, restoration and enhancement to keep them fully utilitarian, not just objects to be seen and of no useful value. They, in fact, had taken tremendous steps towards making sure that all of their heritage buildings and properties were fully usable and were, in fact, enhanced in value as opposed to decreased in value as a result of their efforts.

When we in Winnipeg were looking at the opportunity and the objective of bringing in a bylaw which would preserve our heritage buildings in Winnipeg, we looked at ways in which we which we could ensure that those buildings remained in a useful, productive capacity. I'm pleased to see that so many of the older buildings east of Main Street in the old Market Square and then east of Main Street between Main and the river are being restored. I have been involved in the work that has gone on and the restoration of one particular building in that area.

There is a serious flaw, and I know that this was pointed out and this was certainly my position when I was a Member of City Council and the bylaw was brought in, and that is that there is no obligation on the part of the municipal jurisdiction to contribute towards the continuing viability of those buildings. People's development rights, in many cases, when the building is designated a heritage building, their development rights are, to a certain extent, limited and expropriated and there is no compensation given.

I'll utilize a couple of examples that I think most members can be aware of in Winnipeg today. One is

the Fort Garry Hotel. The Fort Garry Hotel is certainly a unique structure and one that all of us, I believe, would support as being a building worthy of preservation, worthy of ensuring is kept as a valuable heritage resource in Winnipeg and in Manitoba. Sir, that can only happen if it has a continuing useful function. I know that we're very fortunate that the owners of the Fort Garry Hotel today are in a position to continue to enhance and preserve that structure, and I'm sure at some considerable cost. I don't know what the amount of money is that has been poured into that structure, but I do know that there will be a considerable ongoing cost of preservation and enhancement of that building to ensure that it continues to be attractive as a hotel.

At the same time, that building sits on property that is assessed so greatly that the cost of municipal taxes becomes one of the foremost parts of the cost of operation of that structure. Eventually, it may well come to the point where that building will not be able to be economically operated as a hotel if the cost of their municipal taxes remains such a great part of their operation. We're fortunate that the people who own and operate the building today, own and operate the hotel, have the financial resources to keep it going. I would say as a regular customer there, who attempts to go there for lunch to utilize the restaurant, the meeting rooms and so on, I would say that building is probably not economically feasible in today's cost structure, particularly with the heavy load that it's carrying in municipal taxes. It would seem to me, Mr. Speaker, that there is an obligation on the part of the municipal jurisdiction to take that into consideration in the taxes that are assessed upon that structure.

I'll give a further example to members opposite and some of them may have heard this story, because I told this story in debate of a resolution in 1980 in this House, a resolution to do with the protection of our heritage resources. It has to do with the old Bank of Nova Scotia Building on Portage Avenue and I believe it's Garry Street. About 10 years ago, I was looking at that building as a potential site for the location of my business. In looking at the building, the price seemed reasonable and the opportunity to restore and enhance it seemed to be feasible, and we started to put down on paper the cost of operation. What we found, Sir, was that the municipal taxes at that time, and this is about 10 years ago, the municipal taxes on that building were \$105,000 a year. There were about - if memory serves me right - 22,000 square feet of rentable space in that building. That translates into \$5 a square foot to pay the cost of the taxes on that building on an annualized basis; \$5 a square foot.

I can tell you that similar space in Winnipeg, reasonable office space, north of Portage Avenue, would rent in the range of about \$7 to \$7.50 a square foot. Here you were going to have to start by paying \$5 a square foot merely to pay the municipal property taxes on that building, which has been designated a heritage building in Winnipeg.

You would have to in addition to that, because the building, of course, had been used for a particular purpose and had been vacated, you would have to then to put in anything else, any other type of operation, then invest money in leasehold improvements and the renovations that would need to be done to put it into

usable shape. I can tell you that when you then added on that, you were well over the 7.50 a square foot that you'd have to pay for any other building. That didn't even allow you then to pay the interest and carrying costs on the investment that you'd have to make to buy the building. It was totally unfeasible as an ongoing viable business operation to buy that building and that's the kind of situation that you're in. The answer of course to that is that since the city agrees that it is worthy of being designated as a heritage building, the city has an obligation to reduce the property taxes to a level that makes that building viable for continuing operation; and the only way you're going to preserve those buildings, allow people to go in and preserve and enhance the marble and the brass, because it's a beautiful building - the main floor is a banking hall that is all glass, marble and brass and could be made to be, in my view, say, an obvious location for a trust company, something that operated as a financial institution.

You could have somebody utilize that main floor for a financial institution because it had the vaults and the other things that went along with it and rent out the upper floors to somebody else, a user such as myself in those days that I could have rented the rest of the building. It would have been a very happy marriage and a very happy way of keeping that building operating as a heritage resource, but it was totally unfeasible in an economic sense; and the reason was that there was no obligation on the part of the authority that designated it as a heritage building, there was no obligation on their part to lower the taxes or to do something in a financial sense to compensate for the removal of their development rights, the expropriation or confiscation without compensation of the rights on that building.

So those things say to me, Mr. Speaker, that this act which does similar things or allows for, enables people on a province-wide basis now to designate heritage resources on buildings throughout this province, this too should say that there is some obligation on the part of local authorities then to compensate people for the rights that they're taking away and they are indeed taking away rights.

The member who spoke before me referred to the beautiful farm house in which the Member for Arthur lives, in the sense that it's an old building, unique of its type, representative of its type at the time that it was built and it may be some day considered a heritage resource or part of it, maybe the original part of the structure. But I happen to live in a unique house that was built of logs many years ago and because of the fact it was occupied by a former member of this Legislature, a pioneer in Winnipeg, in Manitoba in those days, it too might have historical value and some day somebody may want to designate it as a heritage building; but if it means that the occupant of that building at some time in future is going to have all of his rights of ownership and development expropriated and is going to be forced to maintain it and because of its construction out of logs, it may prove to be more and more expensive to maintain it over the years, that would be an unfair situation on the part of the people who were dealing with that situation.

So what we're saying, Mr. Speaker, is that there has to be some statement in this legislation that says, where rights are expropriated or confiscated, then because

it's in the interests of the province and the people of this province to designate and preserve it as a heritage resource, the people who designate it and want it preserved on behalf of the people of Manitoba should also, in some way, be obliged to recognize the rights that they're confiscating and to compensate for the ongoing upkeep that is put upon the people who own that and occupy that property.

So those things are missing from this legislation and those things ought to be considered by the Minister and his government when they look at what the alternatives are to let legislation such as this that gives the club but doesn't give any incentive or encouragement or any compensation for people to want to preserve our heritage resources.

At the same time of course we can talk about the encouragement that is necessary to keep amateur or avocational archeologists such as the father of the Member for Pembina who in his lifetime has uncovered and found so many objects of heritage resource, whether they be projectile points, whether they be all sorts of stone and fossils and other things that are of value to this province.

Mr. Speaker, I would even go so far as to say that I can accept the provision that says that the rights of ownership shall be vested with the Crown, but I don't see the reason why we should prevent people who go to a great deal of time, effort, energy and expense in finding those objects, why they should not only be allowed to keep them themselves, as the act does provide for, and I'd like to ensure that the Minister knows that's important so that people must have some desire and encouragement to want to continue to find these archeological objects; but I see no difficulty why the act can't provide for that to continue to be passed on in the family. Why can't that continue to be passed on in the family?

What we're after, as I understand it, Mr. Speaker, is to prevent a trade in heritage objects from occurring, prevent people from building up a value that can then be sold outside of our province and taken away from the heritage and the ownership of the people of Manitoba, or even having the trade in these artifacts and archeological objects drive up the price so that we then enter into a trade within the province here and people keep driving up the price of these objects and putting them beyond the means and the reach of, let's say, the government in wanting to preserve those resources for public use and public benefit.

If we want to prevent that trade from occurring and driving up the price and the market value of these things, why not say that these objects cannot only be held by the people who find them but can be passed along to their children and kept in the families. So long as we prevent that kind of market trade occurring, I don't see the reason why we would want to restrict the ownership or take it away from the people who have gone to a great deal of time, effort and expense to find those objects.

That, it seems to me, is the concern that is being expressed, that the bill takes upon itself too great powers and that the bill hits with a sledge hammer when all that's necessary maybe is a fly swatter from time to time; and that's the kind of thing that I would encourage the Minister to review and be prepared to deal with at committee in a way that makes common

sense, good judgment and reason that allows us to protect those heritage objects, that allows us to protect our heritage buildings, that allows for compensation and encouragement for people to continue to want to identify, develop, find all of these heritage resources of our province.

At the same time, Mr. Speaker, I recognize the concerns that have been expressed by people who say that when you have the situation where somebody, some bureaucrat in the Minister's office decides that somebody may be constructing something that interferes with heritage objects, that you put time limits on the decision-making process that don't allow for the Minister and his staff and his designates to stop the construction of a project, the development of a project indefinitely.

There has to be an onus on the part of the province to ensure that they place a time restriction on themselves, that they deal with the matter, that they evaluate it and they decide forthwith or else they have to compensate the contractor, developer, construction company, the owners whose rights to development are being stopped in their tracks by the power that's in this legislation.

Indeed, we want to ensure that there's the opportunity for the government to evaluate and decide whether or not there are heritage resources involved in a particular project. Once they are given that opportunity though, there should be an obligation on their part to ensure that they don't abuse that privilege, they don't abuse that authority, and they make a decision in some reasonable short period of time or compensate the people whose rights and whose contractual obligations are being frozen by this legislation.

So, Mr. Speaker, I want to ensure that the Minister and his colleagues know that we support the principles of wanting to preserve our heritage resources here in this province; that we agree that, within reason, measures should be brought forward to enhance the ability of the government or other levels of government to protect and enhance those resources. But we want to make sure as well that the government understands that there must be an obligation on the part of the government to act in good faith; and that obligation should be built into the act. We can't just take it for granted.

I trust this Minister - and I'll put that on the record - I trust him to act in a reasonable and sensible fashion because he has demonstrated that he is capable of bearing that trust in his actions in the past. But I also know that there's a tendency on the part of Ministers to delegate authority and perhaps to have things out of their hands, that don't give the political responsibility to the people who are making the judgments and decisions and don't put upon their shoulders the responsibility to act quickly and in good faith. I think that those things should be built into this act; they're lacking. I think there's a lack of encouragement to keep people developing and identifying our heritage resources and I think that there's a lack in terms of the compensation aspect.

So with those words, Mr. Speaker, I am pleased to say that I support the principle of the bill. I hope that the Minister will respond to the concerns that have been raised by us and will undoubtedly be raised when the bill reaches committee.

Thank you.

**MR. DEPUTY SPEAKER, P. EYLER:** Are you ready for the question?

The Honourable Member for Virden.

**MR. H. GRAHAM:** Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker, I too rise and support the principle of this bill, but there are some things about this bill that do cause me some concern. I think that we have to look at some of the things that have happened in this House in the last couple of years.

I recall one honourable member bringing forward what was called a "leaked Cabinet document" here not too long ago, in which the direction of this government was clearly pointed out - that in the next two or three years there was no intention on the part of this government to bring anything forward that was contentious or would cause any undue feeling of resentment in the minds of the electorate. It was clearly designated in such a manner as to implant firmly in the minds of all his Cabinet colleagues that the No. 1 thing that this government was involved in was a plan to get re-elected.

That was the No. 1 position of this government, so anything you bring in, in the form of legislation, make sure that it's not contentious; that it won't upset the populace; and it gives the impression that you're doing something, whether or not it is factual or in essence going to accomplish anything, but it leaves the impression that you are working for the people of Manitoba and you're working in the public interest.

Mr. Speaker, I consider this piece of legislation to fall in that category. It is what I have branded before as another piece of the social tinkering that this government loves to take part in. I'm not too sure if the bill is going to accomplish what the Minister hopes that it will, because I don't think it has been well thought out.

The Honourable Member for Sturgeon Creek, I thought gave an excellent address here, as did my Leader, pointing out some of the shortcomings. I point out that both of them had some very admirable points to make, but there are a few points that cause me a little concern and I would like to raise them at this time with the Minister as well.

Mr. Speaker, I represent a rural constituency on the western side of the province. In fact, the area that I represent was not part of Manitoba when Manitoba was born, but it did come into Manitoba later on, but that does not mean that we do not have history or heritage objects or heritage sites in that area. In fact we do, and we are just as proud of our heritage and our history as the people in the urban area of Winnipeg are, although they have a little more history behind them.

The Red River Settlement was one of the first settlements of Western Canada, and there is a greater period of history covered in the Winnipeg area, so naturally you expect that that community will have more of the history and heritage of a bygone era to preserve and protect for all generations to come.

But, Mr. Speaker, I don't think the Minister has fully thought out some of the consequences of his actions

at the present time. It has been properly pointed out that the powers to expropriate are quite wide. The ownership of property can be confiscated, but the Minister, in this legislation, has not really dealt with the consequences of that, nor does he really state, once that ownership is taken away, where that ownership will lie.

It is not clear to me, at least, whether all actions will be taken on behalf of the province, because actions can be taken on behalf of the Crown and still lie with the municipal form of government. There are implications that can arise from that action. If all of this is done in the form where the ownership will rest with the Provincial Government, then it does have a bearing on municipal government. It has a tax impact. It has an impact on the economy and the social environment as well. That also applies in the rural areas. I have a little example. In my constituency, settlement of my area occurred about 150 years ago or more with the formation of Fort Ellice at the junction of the Qu'Appelle and Assiniboine Rivers. It's a very historical site. That property at the present time lies in private hands, but at the same time, today that area is heavily infested with grasshoppers.

Now we know that the province, so far, has refused to bear any responsibility for the control of grasshoppers in this province on land that the province owns. Mr. Speaker, that area has a profound influence on the rest of the community around. Because that land is untilled, it is a breeding ground for grasshoppers and the present owners are concerned about grasshoppers because they are also large farmers and I understand that they are doing their bit in controlling grasshoppers just as other farmers in the area are where it adversely affects their operations.

We have seen the Minister of Natural Resources when it comes to the wildlife area and management has refused; we have seen the Minister of Highways refuse to take any responsibility for the control of grasshoppers; and so far, we have not asked the Minister responsible for heritage sites any questions regarding that. I'm asking him now: would it be the intention of the Minister if there were heritage sites which belonged to the Province of Manitoba, would the province then adopt measures that would be beneficial and work in conjunction with the surrounding community, or would the policy be the same as it is with wildlife management and with highways where they have no visible intent as yet to take any active part to work in harmony with their neighbours in the community in controlling a problem which if something isn't done will be four to ten times as great next year. Mr. Speaker, that is one of the concerns that I have.

A second concern that I have deals with the lack of co-ordination of legislation that we see prevalent in this government. The Minister is anxious to bring forward this heritage site and heritage object bill, but at the same time we see the Minister of Municipal Affairs basically refusing to move forward with amendments to The Assessment Act, which have an impact on heritage sites. So far, the Minister has refused to bring in any amendments to The Assessment Act which would deal with classification. I would strongly suggest to the Minister of Municipal Affairs that these approaches should be co-ordinated and he still has time. We have the amendments to The Municipal Assessment Act

before the House. So far, he's dealing only with the appeal section in that legislation. He is giving no indication to the people of Manitoba what direction he wants to take with respect to classification.

I say that this has a very significant impact in municipal government, especially when it comes to a community that may have a large number of heritage sites within its jurisdiction. We saw that when the Board of Review of the City of Winnipeg ordered a reduction in assessment on some of the heritage buildings within the City of Winnipeg. So far, the Minister of Municipal Affairs has made no attempt whatsoever to give any indication to this House or to the people of Manitoba what direction he is moving with respect to classification in the assessment field.

Mr. Speaker, I think that the government has not got their action timed very well. They're asking us to approve this bill which could, in effect, have major implications in the assessment field. They've given us no indication of ownership. They've given us no indication of intent in classification, so it does leave the municipal government in the Province of Manitoba in a sort of a quandary, because they don't know whether there will be grants made in lieu of taxes when it comes to the ownership of historical sites. If that ownership rest with the province, if it is left with the owner and the owner cannot alter in any significant or structural way the property; is it going to be classified for assessment purposes with a reduced assessment because he has lost all control over his own actions to alter or change the property? Those are questions that the Minister of Municipal Affairs has not answered for us nor has the Minister of Cultural Affairs in introducing this bill given us any indication of what their intent would be.

Mr. Speaker, I hope when the Minister closes debate that he may give us some light with that respect or if not, then I would hope that there would be information coming forward when this bill goes to Committee.

Mr. Speaker, I indicated I did not intend to speak very long on this, but I did want to raise two or three issues that affect the community at large, municipal government and the province, which basically are not answered in this legislation.

**MR. SPEAKER:** Are you ready for the question?

The Honourable Minister of Culture will be closing debate.

**HON. E. KOSTYRA:** Thank you, Mr. Speaker.

I intend to try to deal with many of the questions or concerns that have been raised in the debate on second reading, but I thought it might be important for me to deal with some of the broader issues surrounding this legislation and some of the broader issues that I heard in the comments from the members opposite.

Let me first say, before I get into what may be perceived to be more critical comments, that I appreciate some of the constructive suggestions that have been raised in particular sections of the bill. I think that some of my comments will answer some of those concerns, in other areas they won't, and in some areas I think amendments or further elaboration will be in order.

I think generally I'm a bit surprised by the response to this bill because on one hand we've heard most of

the members speak in favour of the concepts of heritage preservation and in favour of the principles of the bill, yet when they deal with the specific and most important principles of the bill, they speak in opposition to it. So I don't know how you can be in favour of something in principle and then speak against the major principles that are enunciated in the legislation. You can't have it both ways and I think that we're going to have to see exactly what position they take on the major principles, because there are a number of them in this bill and I've heard many - not all the members opposite - speak in opposition to those major principles.

The other thing I find rather surprising is that the opposition here has taken a position in opposition to sections of this bill, provisions that are in existence, one under present legislation today, enacted in 1967 - and I'll deal with that a bit later. There's some acknowledgement of that, but also some ignorance of what provisions exist in the act at the present time.

But secondly, they're taking a position that is opposite on some of the major principles to other governments of similar political stripes as themselves; provinces like Saskatchewan, Alberta and British Columbia, have all seen the need for some of these provisions, so they're taking positions that are far to the right of those same parties in government. So they're taking positions that are far more extreme in terms of the legislation.

Now I hear the Member for Pembina chirping away again. You know when he spoke and I made a comment to him, he got very offended; he said, well you've got to listen to me, you've got to listen to what I have to say. There's a reason, Mr. Speaker, that the member has two ears and one mouth; because sometimes you're supposed to listen a bit more than you talk. I think you also should listen to responses to some of the issues that you raised and maybe it might help you better understand the provisions in the act . . .

**MR. SPEAKER:** Order please.

**HON. E. KOSTYRA:** The member suggests that this legislation is silly.

**MR. D. ORCHARD:** You're silly.

**MR. SPEAKER:** Order please.

**HON. E. KOSTYRA:** I don't think the majority of Manitobans would agree with him.

So here we have the position of the opposition saying that they are in favour with the principles of the act, but when they deal with the major principles they speak in opposition - or least some members - because there is some contradiction in the comments that many members have made with respect to the act.

There's one other broad area that I'd like to deal with before I get into some of the specific concerns and questions and comments that have been made, and that is dealing with consultation. The Member for Roblin-Russell said that this government should have provided more information to Manitobans on this legislation. Well, I just would like to review for a moment the process that went behind the development of this legislation.

First of all, this legislation was as a result of representations that were made to me when I first

assumed the portfolio responsible for Heritage Resources in the Province of Manitoba. All of the heritage organizations in the province came forward and said, "Manitoba's act is totally out of date and needs major revisions," and, in fact, many of them proposed the specific principles that are contained in this act back in early 1982.

As a result of those representations, we commenced a process of preparing drafts of legislation, and I can tell you, Mr. Speaker, that we did look at the possibility of introducing this bill during the last sitting of the Legislature. As a result of my review of it, I've decided and recommended to my colleagues that we ought to put it out in the form of a discussion paper to get some public involvement in terms of the principles that we are looking at in terms of the legislation.

We issued a discussion paper last summer and it had wide distribution, close to 4,000 copies were sent out; included all heritage organizations in the province, all municipalities, all of the special interest groups like Native organizations, Chamber of Commerce, regional development corporations. It was sent to all members of the Assembly inviting their comments. I didn't receive any comments back on the discussion paper at all from members here, but it was distributed to all members.

We also did get into a consultation process of going out and meeting with groups in each of the regions in the province, where we invited the general public, and more specifically, people who had specific interests like municipalities and heritage organizations, amateur collectors, people involved with museums, and invited them to public meetings to discuss it.

Also at the same time, we had parallel meetings with just municipal officials to have much more detailed discussion with them on the potential role that they might play in the legislation. We also, after going through that process of travelling throughout the seven regions of the province, had specific meetings with organizations - and I listed all of them in my introductory remarks and I won't go through them but I think they numbered about 15 or 20. It included the development organizations, the major municipal organizations and other interested groups like the Mining Association and the Native organizations, naturalists and others, to get their input; so there has been a great deal of public consultation on the major principles which are contained in this bill and those principles have not altered significantly from what was contained in the discussion paper.

In fact, what has developed because of that process is that we have taken into account, to a significant extent, many of the concerns that were raised to us in terms of those principles. We haven't included all of them and members have pointed out some areas that some groups feel ought to be contained in the bill.

I would like now to deal with some of the specific concerns that were raised by some of the members. The Member for La Verendrye had raised a couple of questions with respect to one, whether or not anyone who finds a few arrowheads acts in contravention of the licensing and notification provisions of this new act. Again, I should point out to the member that the present act has a requirement that anyone who does find any such artifacts has to report them to the government. That's the present act that was passed in 1966. It also

requires something that's similar to what's in this act that persons who plan any excavations or search for artifacts have to obtain a permit. That's in the present legislation that exists at the present time, so it's not a new requirement. It's a requirement that's in the old act. This is not a new issue.

It is certainly not our intention - I'll make that very clear and I'll deal with it in much more detail - to place any new or onerous barriers in the way of the amateur collectors because it has been acknowledged and I recognize from the comments of the Member for Pembina that he recognized that, and there's very many within his area that are active in an amateur way or doing it for love rather than for money, put it that way, in his area that are involved and have done a lot for the collection of that material and for the dissemination of the information that that material has to ensure that's disseminated to the public. Indeed, some of those are relatives of his and maybe when he retires from politics in a few years he'll get active in that area. My colleague, the Minister of Labour says that might be next year. That may well be true but it may be something that he would like to pursue.

Let me make it clear is that we value the contributions of amateur archeologists and we intend to see the act implemented in a way that will ensure the continued co-operation with amateur collectors, our government and the staff of the department, because there has been a great deal of co-operation.

The Member for Pembina raised a whole series of comments some of which - I'll try to answer to most of them - were taking sections of the act out of context without dealing with further subsections that actually had an impact on the sections that he quoted and waved around, but he also did raise a number of issues that I believe should be responded to.

He talked about the issue of compensation and related it to the Alberta legislation and said that Alberta initially passed an act that had all stick and no carrot, and subsequent to that, amended the act to allow for compensation to landowners. I've done extensive research on the Alberta act and that is simply not the case. The Alberta act does not provide for compensation and it has not been amended in that regard. In fact, the provision there is quite similar to what's in our act. In their case, it says that the province may compensate.

In fact, in Alberta - to show you what happens under their legislation - they've had 262 sites designated in the province without having any provisions for compensation. They only had seven objections over the years that that act and those designations have taken place. The same is true in Saskatchewan. In fact, they go a bit farther. They state in their act that compensation is not required because no harm is done. We looked in a great deal of detail at this issue and to look at how we might solve it. We decided not to distort natural justice which exists in existing legislation, and rather than claim no harm like the case in Saskatchewan, or require compensation even where none is warranted, we are allowing existing legislation to deal with this.

I might also add, and I had intended to discuss this at some point later, is that we intend to introduce in a companion to this legislation and have provisions in our Lotteries expenditures for two grant programs to

be made available for sites that have been designated in the Province of Manitoba. We intend to have one grant program that will be available for sites that have been designated Provincial Historic Sites, and will be available with limits to individuals, municipalities or whoever is the owner of a site that is designated by the Province of Manitoba as a historic site. That will be available in concert with the act.

We also intend to have a similar program available for municipalities, for those municipalities that decide to implement, by by-law, provisions for designation of Municipal Historic Sites. We will have a grant program available for municipal designation. So we think that that will go a long way to deal with the issue of financial assistance where it's needed in terms of heritage sites in the Province of Manitoba. Hopefully, over time, we'll be able to enhance that.

I would like to just deal for a moment on the present practice, because I think it would be rather interesting and as I indicated, and the Member for Sturgeon Creek agreed with me, the present act has very strong provisions with respect to designation. It simply says that the province, through Cabinet decision, can declare a historic site in the Province of Manitoba. No public notice, no notice to the individual - and I don't know what the Member for Pembina would say about the rights of the individual in that case - that his property may be designated as a Provincial Historic Site, provides for no kind of appeal procedure, no kind of public hearing.

What we have put in place in this act - and the Member for Sturgeon Creek criticized it saying it was a very bureaucratic process. I think the opposite is true; it's a very public process because there is a process for notice to the individual; there is a process for objection to the proposed designation; there is provision for a municipal board to hold a hearing; there is provision for a public report to be tabled by the municipal board with respect to that designation. While it's true that the final decision still rests with Executive Council, there's a public process that I think all members will agree will allow for public input. Obviously, if there is significant public concern about a designation, if there is a report from a body like the municipal board saying that this designation ought not to take place or ought to be altered, then there is going to be considerable pressure on the government to heed those concerns and to deal with them.

That isn't the case at the present time. What happens right now is it would be a simple Order-in-Council designating a site without any notice, without any public process, so this act goes a considerable distance. Notwithstanding that, the present process has been - and we've had significant designations over the last four years. We've had in excess of 12 sites designated by the Province of Manitoba as historic sites. All of them have been done in consultation with the owner of the property; in many cases, it's been the province; in some cases, it's been a municipality; in other cases, it's been private landowners, but it has been done in conjunction with that.

In some cases, there was some financial assistance provided by the government and we've had some excellent examples of co-operation. The Member for Virden talks about the lack of co-operation. I suggest to him in the area of heritage preservation, there's been

excellent co-operation. We've recently concluded arrangements with the Town of Emerson with respect to the old Emerson Jail, which is being designated a site which is going to be restored with financial assistance by the Province of Manitoba, but will be renovated by the town and will be maintained in the future by the town.

We've done the same thing with respect to a church, because the Member for Sturgeon Creek made mention of the Ukrainian Church in Portage la Prairie. We've just concluded an arrangement with a church with respect to the Nesbitt Hall, the original or first educational facility in the Province of Manitoba. We've just concluded an arrangement with the Old Kildonan Presbyterian Church whereby we've provided them with some financial assistance for the restoration of that site. It's been designated as a provincial historic site and then the church is responsible for the ongoing maintenance and that's something that they've agreed to; so we have been able to work out arrangements with private landowners.

We've worked out an arrangement with the Hudson's Bay Company in the Community of Norway House with respect to the old warehouse and jail in that community that was recently declared an historic site, which is still owned by the Hudson's Bay Company. We provided them with a small level of assistance, \$2,000 to help them with the restoration project and they put in the rest and that building is now designated an historic site. So that kind of co-operation has existed in the past and certainly will continue in the future.

So I think the provisions in this act go far beyond what was in place in the previous act to provide more protection for the individual, for the landowner, more public process, public hearings, public notification, so I think that it goes a long way.

The Member for Pembina indicated some concern with the time on this and I'm certain we'd be prepared to look at that, but I would say in terms of the 60-day notice that is something that exists in most provinces. In fact, a province like Nova Scotia has only 30 days but I believe we'd be willing to look at that or look at the other time limits that are within the act, probably to make them more consistent to what people are used to in The Municipal Act or in some of the other legislation that people out in the communities are used to dealing with, but we're certainly open in terms of dealing with that.

In terms of the municipal involvement, the Member for Sturgeon Creek indicated that under the provisions of this act, municipalities must become involved in this process. That is not what is contained in the act. What is contained in the act is enabling provisions. If municipalities wish to enable themselves of it, they can by by law, put in place a mechanism to deal with local or municipal heritage sites; so it is not a mandatory provision that is being thrust upon the municipalities. Rather, it is enabling legislation that they can put in place if they wish to exercise that right at the local level. At present, that only exists within the City of Winnipeg but I know there is some interest from other municipalities in the province for that. That certainly was the case in the meetings that I held throughout the province and that's the same that exists in some of the other provinces to the west and it has worked quite well in those provinces.

The other major area that the Member for Pembina and others have raised is the question of public ownership of archeological resources. I think I have to make it very clear that that is something that we agonized over and discussed for a considerable length of time, something that was subject of a great deal of discussion in the public process, but one that I think, on balance, we've come up with a way to deal with that to ensure that while the necessary protection exists for the people of the province by having the ownership with the Crown, the provisions for the holding of those materials in trust by the finder of that material provides for the kind of co-operation that we want to continue with the amateur collector.

I would just point out that in all of the other jurisdictions in Western Canada, Alberta, Saskatchewan, the same provision exists and works quite well. The Members have picked out kind of examples of how this could be abused and I would suggest that's not how the legislation is intended and if it requires any clarification we can deal with it; but it certainly isn't the intention that if there is an arrowhead sitting on top of a ploughed field that somebody is going to be arrested for picking that up, because the intention behind the act and the way it's written is for in situ resources, not those that are sitting loose in the ground. They are resources that are in the ground, that are there as they were initially deposited and that's the way the act was written. If it needs clarification, we will certainly deal with it.

So this bogeyman that the Member for Pembina raises about, someone walking down the farm lane one day and find an arrowhead and someone is going to be arrested is just that, just something that is not contemplated and not intended by the provisions of this act. I know very well what is in this act, Mr. Speaker. The Member for Pembina only deals with selected provisions of the act.

The other situation is that the act provides for the holding of those materials in trust by the finder of those materials and it's certainly our intention - again, it was suggested that the bill does not allow for the passing on of those resources from generation to generation. The opposite is true. The act does not restrict the passing of those resources from generation to generation to be held in trust; and it will be certainly our intention to ensure that does take place. So when the member says that the act doesn't allow for it, the act doesn't restrict it, so in essence the act does allow for that and if that needs to be further clarified in terms of the holding of those materials in trust, then we will certainly provide for that.

The major provision or the major concern is to ensure that those resources are (1) available for public information; (2) available for people within the region. I think the ideal situation is not to have those materials move out of the regions into large centres like Winnipeg or Brandon or other centres, but to remain in the region where they're found because I think that's where they can play their biggest role, in terms of public information and public sharing.

The Member for Pembina says that this whole notion of public ownership of artifacts is more of the socialist plot. Well, it's so socialist that Premier Lougheed in Alberta put it in place and the current Premier Devine in Saskatchewan is maintaining it and other national

groups and organizations have also endorsed it, so it isn't this sinister, socialist plot that the Member for Pembina is trying to whip up. He can't seem to find many issues to raise public concern on so he's going to try to develop some where none exist.

It's certainly not something that we have some kind of fixation on it, but one that is needed to provide for the orderly protection and development of our heritage.

The act also does emphatically provide for a retention by the finder of the artifacts and fossils that are discovered on Crown land. They also provide that for the landowner who finds them on his own land and also retention of artifacts and fossils that are found on private land by the finder, where the finder is not the landowner and that particular landowner waives his rights, so it does provide for fairly extensive provisions to allow for retention of those materials with the finder whether or not he or she is the owner of that land.

But that provision is very important. I indicated it's in place in other provinces and I just want to let members be aware of the position that Alberta has taken. They recently wrote to us and said that they cannot stress too strongly the value of having the province declare Crown ownership of all the archeological subsoil. They indicated that that was in their 1978 amendments to their act which, in their mind, is working very well in the Province of Alberta and I know from our discussions with Saskatchewan it is working very well there.

In summation of that issue let me just say that we respect and see the need for the amateur archeologists and those that are working very hard at their own time, at their own expense in dealing with this and this act makes provisions for the retention of those materials by those people but at the same time provides for the ownership to rest with the Crown so that it is available for future generations.

I think if there is any question about some of those provisions and the extreme situations that the members suggest that exist with the provisions of the act, I hope that my comments have allayed those fears. If they haven't, then I would certainly look at ways of better defining the provisions in the act.

I already . . .

**MR. SPEAKER:** Order please.

The time being 4:30 and Private Members' Hour, when this matter is next before the House, the honourable member will have 14 minutes remaining.

The Honourable Minister of Labour.

**HON. A. MACKLING:** I think there is a predisposition to waive Private Members' Hour, Mr. Speaker, if that's agreeable. I'm wondering if the honourable member could be allowed to just complete his remarks and it could go to committee.

**MR. SPEAKER:** Is there leave to dispense with Private Members' Hour today? (Agreed). Leave has been granted.

The Honourable Member for Virden.

**MR. H. GRAHAM:** Mr. Speaker, I'm willing to wait till the Minister finishes but I just wanted to rise on a matter of clarification. I believe the Minister misinterpreted something I said.

**MR. SPEAKER:** Since we have dispensed with Private Members' Hour, the Minister can continue and perhaps the honourable member will wish to pose his question at the end of those remarks.

The Honourable Minister of Culture.

**HON. E. KOSTYRA:** Thank you, Mr. Speaker, and I thank members for allowing me to continue my remarks.

There is also some concern with respect to the impact of impact assessment on individuals. I think that is a rather important issue and important principle that is contained in the act and I know that some members have commented on that and are concerned with the provisions in the act. That is another one that in our public consultation we spent a great deal of time discussing with landowners, municipalities and development companies and, certainly not the intention to have in place a system of impact assessment that requires every single excavation project anywhere in the province.

Again, the Member for Pembina talked about little culverts here or little drainage ditches there. The intention is to deal with areas that are sensitive to the possibility of having in situ resources still intact. Examples of that are confluences of rivers where there could have been encampments or other settlements that have not already been disturbed, but any area that has already been disturbed either by land development in a municipality or in a town or fields that have already been well ploughed, there is certainly no intention to have any form of impact assessments in place for that.

On the other hand, there is a need to ensure that we do have the provisions and the power to have impact assessments so that you can deal with the possibility of finding in situ resources and deal with them prior to any major development taking place. In some cases, it may be that the development could be altered by virtue of what is found in the ground or, in other cases, it may mean that some mitigation work has to be done prior to the development taking place. That's not dissimilar from what takes place right now with respect to environmental impact assessment; the provisions for heritage impact assessment is no different and, in some cases, is less onerous.

The member also raised concern about the provision for the stop-work orders and that, again, big stick of government. That is there, again, only to be used in the rarest of situations where construction has commenced and some damage is being done. It also has - which is different from most of the provisions of the act - powers for a remedy to the courts if that power is, indeed, being abused or perceived to be abused by an individual that may be affected. The fact of the matter is that the idea and the plan with respect to the impact assessment is to ensure that this work does take place or thought is given to this prior to the commencement of major construction work or construction work in areas where there may be valuable heritage resources so that one doesn't have to deal with crisis situations but with proper planning and proper information, there'll be no need to ever have to exercise that kind of power. Again, if it is, it is subject to appeal to the courts.

I'm just trying to see my notes if there are some other areas that I have to address in terms of comments.

I think I've covered many of them. I would like just to deal with one last area and that is the letter that the Member for Sturgeon Creek tabled. I think there are some good comments which will bear review. Contrary to what the Member for Pembina said, I didn't receive a copy of it and I do read my mail and I'm very interested in comments from people with respect to this legislation and other government matters. There is one issue that he raises in there that I would like to take issue with and that is the one regarding the church in Portage la Prairie because there's some suggestion that the government was attempting to act precipitously in declaring that an historic site and, secondly, that the government was not prepared to look at any compensation to the church or any assistance to the church with respect to that. Those two issues are simply not true, Mr. Speaker.

The issue that arose was representation to me by some individuals in the City of Portage who were concerned that that church might be demolished and they wished and desired that it be declared a heritage site. What I said and I wrote to the local parish committee and to the church hierarchy here in Winnipeg was that I had requested that they not proceed with the demolition until the government had the opportunity of referring that matter to the Historic Sites Advisory Board so that we could get the benefit of their expert advice as to whether or not it was of value for saving or whether or not it was in any kind of condition to be saved.

Unfortunately, those letters were never responded to in writing. What was responded to was one day we were notified of the demolition of the church, so the action of the government wasn't to move to designate it. It was merely to say we have had this request. We are referring it to the Historic Sites. We would request that you hold off any demolition until we have had the opportunity of receiving that information. However, that didn't take place because in the interim, demolition took place and that was the end of the issue. I want to clear up that point.

The second point with respect to financial assistance, the situation as I described earlier, in going through a number of specific situations that we've dealt with, with provincial historic sites where we've designated sites as provincial historic sites and where there was a need, because we're not going to pay out money if there's no need, Mr. Speaker, and I would hope members opposite aren't suggesting that, but where there is need, we have provided financial assistance to the owners of the provincial historic sites in order that they could renovate and ensure the continuity, the ongoing use of those buildings - and there's all kinds of examples of that in the Neepawa Town Court House, to the Nesbitt Hall, to the Archway and where else, the jail in Norway House to the Emerson jail and I could go to the display building No. 2 at the Brandon Exhibition Grounds. There's been many designations by the province and all done with the co-operation of the landowner, in some cases, with financial assistance being provided.

I would also just add that one can contrast these designations and the number that have taken place over the last four years, if you want to talk about position and concern about heritage with the four years that they were in government, because during their four years in government there was not one site declared

a provincial historic site by the government, even though their advisory board made many recommendations to them for designation, yet not one of them was acted on by the previous government, not one. We've acted on a number of them, all in co-operation with the landowner and in a way that is ensuring the preservation of our heritage.

So I hope, Mr. Speaker, that I have answered many, if not all, of the questions that have been raised. I probably missed a number of them and we can deal with them in committee. I do look forward though to the, what I had heard from the Leader of the Opposition, their support of the bill and their support of the principles. I would just hope that they are sincere in that because I've heard many comments that attacked the very principles behind the bill and one can't be in favour of the major principles and then deal in opposition to them.

I also hope that I've dealt with the issue of compensation. While we've not provided provisions in this act for compensation, we do have provisions in place - and as I indicated and, in effect, have announced today - there will be grant programs available for sites that have been designated as provincial historic sites, a formal grant program. There will also be a program, a formal grant program available for sites that have been designated by municipalities as municipal or local heritage sites, so we will have vehicles for compensation for the building owners if there is a need because it's certainly not our intention to provide for financial assistance when none is needed.

That's where I guess I have a somewhat different view than some members opposite, that heritage provides for, in some cases - and I would argue in many cases and to an increasing extent - increased enhancement of property, that there is a growing awareness and concern as we grow older as a province. One can only learn from the examples of areas of the world that are much older who place even a higher value on their heritage; and I just hope that through this act, through these provisions and through the actions and programs that we have in place that we are going to be able to do more to ensure that what we leave in place, in terms of reflecting our past, is something that's going to be enjoyed, not only by our children but their children and their children's children, because once something is destroyed from our heritage, there is no way, Mr. Speaker, that you can replace it. Once it's gone, once it's demolished, once it's done it's gone and there's nothing left for future generations.

There's no suggestion in this act or in the provisions or indeed in the actions of this government that government could do it alone. It's always been done with the co-operation of the community, a great deal of community involvement. In fact, the involvement . . . You know, the Member for Arthur talks about introduce a government. For four years they did nothing in terms of heritage. They didn't designate one site in the province and here he cackles and makes all kinds of sounds but he did nothing for four years, so I really don't take his comments very seriously, Mr. Speaker.

But just let me say in closing, I believe that this act reflects the concerns of Manitobans, reflects a growing awareness and concern with regard to heritage preservations and I think will do a lot to ensure that we leave something in place for future generations

because we have to leave something and leave this world a better place and leave something for the future generations and a better way than we have found it, Mr. Speaker.

Thank you very much.

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

**MR. H. GRAHAM:** Thank you, Mr. Speaker.

The Minister made reference to, when I said, "no co-operation". I was talking about, there was no co-ordination between his department and the Department of Municipal Affairs. If I used the term "co-operation", I apologize.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Highways, Bill No. 18 - the Honourable Member for Lakeside.

**MR. H. ENNS:** Stand.

**MR. SPEAKER:** Stand.

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Highways, Bill No. 19 - the Honourable Member for Pembina.

**MR. D. ORCHARD:** I guess we'll have to stand it.

**MR. SPEAKER:** Stand.

**BILL NO. 40 -  
THE WORKPLACE INNOVATION CENTRE  
ACT;  
LOI SUR LE CENTRE D'INNOVATION  
DES LIEUX DE TRAVAIL**

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Employment Services, Bill No. 40 - the Honourable Member for Gladstone.

**MRS. C. OLESON:** Thank you, Mr. Speaker.

It's a pleasure to speak on Bill No. 40 today, The Workplace Innovation Centre Act and to give some of my concerns on that bill. Where I agree with the bill in principle, there are some concerns that I have and some of my colleagues have that I would like to mention at this time.

The creation of this Workplace Innovation Centre fulfills a promise of this year's Throne Speech, but I wonder if it was absolutely necessary to set up a large board of 18 members to create a mechanism for studying the effect of technology on the workplace of this province. There must be some departments of this government that are already in place that could be doing this same function and doing these studies that are suggested in the bill.

It serves the purpose of this government, however, to create an impression of action and an impression of efficiency to set up yet another board with all its inherent staff and all its trappings and this makes the government think that they are actually doing

something, so they can say to business and they can say to labour, look, we're helping you. Time will tell, however, if this is of any great help to either of those parties or of anyone else in the province.

The legislation proposes to study the effect of technological change on the work force of the province and on the businesses in the province and proposes that each be a party to the study along with people in the education field and the government sector. Now we've all heard over the years of cases in the past where governments have been involved in the training of people for jobs which were not there by the time the training was completed.

We all know of people who have taken courses in several different fields through government, both federal and provincial programs, and are still either unemployed or working in an entirely different field. So, from experience sometimes we're skeptical about these training programs.

Millions and millions of taxpayers' dollars are spent every year on job training and job creation. Some of these dollars are being used to advantage, of course they are, but often the dollars have been wasted.

If I thought that the creation of this centre would solve unemployment by creating vast numbers of jobs and placing everyone in a job that they really liked and it paid well, I'd be overjoyed and I'm sure the rest of my colleagues would be also. Reality tells us, however, that this is not the vehicle to create meaningful jobs; it is merely a vehicle for the studying of jobs.

I mentioned before, Mr. Speaker, that there are other existing mechanisms that could perform the functions that this proposed centre is set up to do - I mentioned the Department of Industry, Trade and Technology. The very name implies that that department should be able to study and recommend on the subject of the impact of technology; and if they cannot, why can they not?

Also able to deal with this should be the Department of Workplace, Safety and Health, the Department of Employment Services and Economic Security, the Manitoba Research Council, the Health Department, Business Development and Tourism, Workers Compensation, Department of Education, Department of Labour, and probably others that could, and do, do studies on the impact of the job market and of technology.

So with all this available, why is the government setting up a Crown corporation to perform this function? Something we all want to know is if this centre will be subject to a line-by-line scrutiny before a Legislative Committee the way the departments are, and I strongly suspect that it will not; it will go from an annual report and we will not really be made aware of the actual line-by-line costs of running this department.

Now the Minister did not tell us how much this centre will cost the taxpayers of Manitoba; he did not explain how this corporation will exist, if it isn't by taxes. It needs some more explanation of exactly where it is to get its funding, and how much funding will be needed to run it. I'm sure the businesses of this province will be concerned when they're funding through their tax dollars this centre, which on the surface is not endowed with great and sweeping powers, but could be in the future.

For example, the bill gives the centre authority to raise money by rendering services, charging fees, or

levying royalties. I'd like the Minister to clarify - and maybe he will when he closes debate - what is meant by levying royalties. Are the fees to be charged mandatory fees? Are they voluntary fees for service? How will the fees be charged? Another aspect of this is, if there is a report and it's developed by this centre for a business or a particular aspect of technology, who will own the package of information that is developed? Will the centre own it? Will the business that initiated it own it; and if this is information which would be far-ranging and of great use to others in the province, how will others have access to it? I'd ask the Minister to give us an answer regarding fee structures which will be in effect, and how they will be levied, to whom, and for what?

Another thing that we'd like to know from the Minister also concerns the financing, the aspect of borrowing. This legislation, Mr. Speaker, authorizes the centre to borrow funds. Can the Minister outline why this centre would be in a position to borrow funds; and if the centre can borrow funds, does it follow that the centre can run a deficit? If it can be operated in a deficit position, this brings forward of course another whole area of concern to many of us. This government has a poor record with regard to deficits and we don't feel very comfortable that this would be a possibility with this centre.

Maybe the Minister can allay our concerns when he speaks in closing debate, but these are questions that spring to mind about this centre and are questions that we would request an answer to.

Now the purposes and objectives of the centre are very interesting. If one is to take the list of powers of the board, as written, one would get the impression that no stone is to be left unturned to deal with anything new in this province. I cite as an example, under the Purposes and Objectives, it says, "To identify, assess and prioritize; to investigate, to advocate, to advise." It's going to be a busy centre and with all these activities going on, it makes one wonder what will be happening to technological change.

Is it possible that any change could be held up, for instance, by someone who is not particularly in favour of this change; is it possible that it could be held up by someone initiating study and, while the study is going on and on, other businesses in other areas are forging ahead and making use of this technology? It comes to mind that this is a possibility.

The board itself is rather large, but I would suspect that it would need to be that large to encompass all the areas in which the government wants representation. It is a concern, the expenses of board members. The bill states that board members should be reimbursed for out-of-pocket expenses; that, of course, is fine. It also states that members be paid for actual loss of wages incurred while performing duties of a board member. Now I'm wondering if this is common practice with boards of this nature?

Now, having remarked on some of the aspects of the bill itself and the functions of the centre, I'd like to speak for a few moments on the subject which prompted the creation of the centre. We all know that technology in this world is not a static thing, it is a constantly changing and evolving reality in our ever-changing world. We know also that people are affected, some more than others, by changes in the workplace, and by technological changes particularly.

Many of the people of course that are most affected are women; and the places where most numbers of women work - in banks, communication and transportation industries, supermarkets, hotels and offices - the growing use of micro-electronic equipment is reducing the number of workers and often changing the type of work which is done. If the workers are trained to take advantage of the jobs which evolve from this change, then the shock in the workplace will not be as great. The key is to train people in time, so that the transition can be smoother and not so disruptive to the workers or to the business.

Education has an important role to play in this, and we have seen over the past several years a rapid growth, for example, in community colleges and their contribution to educating and training people for the workplace and a training of new skills. Educators must be forever changing and adapting their courses and their emphasis if they are to truly provide a needed service.

So it follows then that, not only do we need to train the students, but there will be some need to train the teachers, so that they can be current and up-to-date with what they're teaching their students. So there again we go back to a department, of course, that's probably already greatly involved in that and that's the Department of Education, so we wonder how these are going to be all interfaced with this new centre.

The management of this proposed centre will have to keep another very important fact in mind too, that not all of the parts of this province have exactly the same needs. The requirement to use a different approach in different areas of circumstance is very important and care should be taken that a government department does not initiate an action that may be very well intentioned and very probably worthwhile in their circle, but they have a surprising and detrimental effect on another segment of the province.

We see examples all too often of initiation taken by governments and, as I say, we hope it's with the best of intentions, but somewhere down the line a business is forced to close or there is a dramatic shift in focus to adjust to the action. It particularly happens in the rural areas and it may mean that a particular business or industry would have to move into another location to take advantage of the changes, so there is something lost to a rural community which is already having enough problems to survive.

Other examples, of course, could be cited but it almost goes without saying that very great care will have to be taken in implementing anything new and should be taken into consideration with the studies that are done.

Technology eliminates some of the jobs and creates others, of course, so hopefully there will be careful planning and the projects that are done by this centre will reflect the need to train people and train them quickly, to co-ordinate the training so that there are no serious disruptions take place in the workplace.

I'm also told by people in the field that the arts are one of a growing employers and users of technology and are gaining importance every year. So hopefully, when this innovation centre starts its work it will also consider some of these other aspects of technology that maybe we haven't given too much notice to in the past and they will do some serious looking at labour force in that regard.

For instance, the Department of Employment Services and Economic Security recently did a study on projections of labour needs in this province and I would hope that this centre will either take over that and add to it every year, or I hope they wouldn't be starting from scratch and doing another study all their own. This is my fear with this centre that all the departments will still keep doing their own thing and there will be this other centre that's doing a duplicate amount of work and it will cost this province a great deal if we're going to be duplicating activity. Maybe the Minister will be able to stand up and say, well this is the purpose; we are using this as a co-ordinating feature of all these studies and we will be shifting staff from one place to the other and not strictly duplicating everything that we've had in the past.

We'll hope that this study in implementation of methods and recommendations made by this centre don't cause drastic increases to the cost of doing business in Manitoba. That, of course, inevitably leads to costs that are passed on to the consumer, so that could be a factor that the Minister should consider when he is setting this centre up.

In reading the remarks of the Member for Inkster on this bill, Page 321 of Hansard of Friday, June 21, I find the following statement: "Challenge to any modern society is whether or not the technological change will rule us or whether we will get some handle on it and control the implementation of that new technology into our society."

Now the words "control the implementation of that new technology" - they bother me, especially when they're said by the Member for Inkster. Is this the purpose of this centre? Is it to control technology? On the surface this legislation proposed to seek solutions in order that it may use technology and use it to the best advantage of all of us. Does the Member for Inkster propose to stifle technology? Is that what's the purpose of this? If he does, we're all in trouble.

I'm hoping that the Minister can assure us that this legislation is a step forward into the future and it's not a means of causing us to live in the past or be suspended in the present.

Thank you.

**MR. SPEAKER:** Are you ready for the question?

The Honourable Minister of Employment Services will be closing debate.

**HON. L. EVANS:** Thank you, Mr. Speaker.

Very briefly, I would thank the honourable member for her remarks and the concerns she has expressed have been noted. In reply, I don't wish to repeat the major points that I made in my introductory remarks, but I would like to reiterate that this legislation is a result of a consultation between business and labour and with due consultation to some people in universities that are concerned with this as well. The legislation that we have before us is essentially a product of many months of work by that group, as I said, with equal representation from labour and business.

I understand and my impression is that both organized labour and the business associations such as the Canadian Manufacturers' Association and the Winnipeg Chamber of Commerce do enthusiastically

support the idea of this centre. I repeat, the proposal in the legislation is to ensure that business and labour are balanced even to the point of the chairmanship of the centre. So what we're doing is setting up a board which is arm's length from government. The employees of the board will not be civil servants. The hiring or firing of the management and the staff will be under the jurisdiction of the board that is appointed; and as I said, the legislation provides for equal representation from both the business and the labour sectors.

The centre is essentially one that will provide consulting services, advisory services, provide information, disseminate information - the member was concerned about access to that information - the idea is to make it broadly available and we'll work with companies on an individual basis, a case-by-case basis, on very specific problems dealing with technological change and how we collectively can work on easing the burden as it affects the labour force and helping both the employer and the employee.

So it's not a Crown agency, and we have provided for the earning of fees and royalties simply to provide for the possibility that at some point they may generate some of their own revenue. The ideal would be to generate all of their revenue, that would be the ideal; I doubt if that will ever come to pass. Similar organizations, the Manitoba Research Council, I believe, and other research councils around the country, where there are provisions for fees and royalties to be levied in order to provide some revenue, and that of course makes it a little easier on the taxpayers at large.

Regarding funding of the organization, I gave that information - about a three-year program of funding - in my introductory remarks. The reference to borrowing, of course again, is to give it the financial flexibility because, as I said, we're setting up an independent board that is arm's length from government. The actual fee structure that the member asks about will be a matter that's decided by the board; it will be up to the board to make those decisions and the management of that board will be involved in that, I am sure it will not be government.

It is not intended to hold up technological change. The Member for Gladstone is concerned that there may be an obstacle provided here. The idea is just the reverse, that we want to facilitate technological change without displacing unduly our workers. In other words, we're trying to have our cake and eat it too; we want the best of both worlds. That, of course, is the point of the whole operation I think, that we want to facilitate technological change, being concerned about the human dimensions.

So I think, Mr. Speaker, in conclusion, we will see the centre evolve and government can assess the impact that the centre is having on the community in the next two to three years. We all hope that it is just another board, another agency that will fill a very important gap that we, as a government, don't intend to fill by way of a government departmental activity.

Thank you.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Labour, Bill No. 53, the Honourable Member for Kirkfield Park.

**MRS. G. HAMMOND:** Stand.

**MR. SPEAKER:** Stand.

**BILL 72 - THE TEACHERS' PENSIONS ACT;  
LOI SUR LA PENSION DE RETRAITE DES ENSEIGNANTS**

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Education, Bill No. 72, the Honourable Member for Kirkfield Park.

**MRS. G. HAMMOND:** Mr. Speaker, on Bill No. 72, An Act to amend The Teachers' Pensions Act, I'm going to speak generally about early retirement for teachers and how this particular amendment will impact on St. James-Assiniboia, the division that my constituency is in.

First, I'd like to say that certainly retirement at age 55 is something that most Manitobans would love to attain, there's no doubt about that; but because of the cost of penalty and the best years of service, I would guess that the percentage would be small of people who could realistically afford to go on pension before age 60 or 65.

I don't intend to get into all the statistics in this bill. The Member for Morris dealt with future cost to taxpayers of this province for the teachers' pension plan. Now MGEA will surely be the next in line looking for early retirement; then will come the hospitals; municipalities; and all government-funded organizations.

In the Minister's letter that she sent out prematurely to the teachers, the Minister indicated: "It has often been the role of government," and I'm quoting, "to provide leadership for improved work conditions, retirement provisions and pension benefits. I am confident the changes we are making to teacher pension requirements will be studied closely by both public and private sector groups and may become a model for other agreements."

The message the Minister is sending out to Manitobans is that age 55 is to be the age of retirement. Mr. Speaker, the teacher's pension is based on the best five years; Civil Service Superannuation is the best six years. With this bill teachers at age 55 will retire with no penalty. Civil Service Superannuation, they will retire with a penalty of three-quarters of 1 percent.

When the Superannuation Board was pushing for a "no penalty", the same type of plan, it was felt, I understand, by the government that there should be some penalty to retire early; what is changed? Obviously, the Minister of Education has more clout than the Minister who dealt with the Superannuation Board.

Mr. Speaker, when the Minister of Education spoke on the bill, both in her letter to the teachers and in her remarks on the bill, she indicated that it was a way of opening jobs for the unemployed, creating particular jobs for our young people and, I might add, doing it with little or no cost to the taxpayers. She said the

same thing in her letter, adding "without adding to the burden of taxpayers". But, of course, this is going to be a cost to the taxpayer. And this is the same Minister that earlier this year was appealing for winter clothes for 6,000 needy inner city children.

As for the removal of the 1 percent revenue guarantee that the Minister states is a ticking time bomb that at any moment could cost the government \$12 million over a three-year period. Well, the president of the MTS, Murray Smith, in a letter dated May 6th to the superintendents, he indicated, and I quote: "The Society has also agreed to a deletion of a 1 percent revenue guarantee which would be valuable if investment earnings dropped, but under which no payments have been made for many years." So, Mr. Speaker, only time will tell whether that is going to turn out to be of great benefit to the government.

The Member for Morris asked the question of retroactivity for teachers who had retired before this point. It said he questioned that what is to happen in the case of individuals who may have retired over the last two or three years and suffered the 1.5 percent penalty. The Minister's answer was that all people who retired previous to the bill coming into force which will be on July 1st will not be covered by the removal of the penalty.

In the MTS update it states that former teachers who are between 55 and 59 and on pension will have their July and subsequent benefit cheques calculated to reflect the benefit improvement, so I feel that the Minister doesn't understand all the implications of the bill.

I come to the division that is in the area which my constituency is in, St. James-Assiniboia. It hired most of the teachers, the majority, in the '60s. St. James had a huge growth but the decline started in the early '70s. When I was on the board from 1977 to 1980, we brought in the first layoff clause with the protection for specialty areas for teachers - the teachers were hurting then - brought in a school closing policy long before the Minister was forced to bring in the provincial policy. St. James was the first to decline and are still in a declining position. St. James School Division will have closed, by 1986, eight schools out of 37. In the area that I represent, four schools, by '86, will have closed plus the English track in a dual-track setting.

Another area that has hurt teachers not just in my division, in many divisions, particularly in the city is French immersion. Of course, the majority of the teachers are English speaking and this is another area of concern.

In St. James we brought in a policy of job sharing, so I am particularly delighted about the change in pension for part-time teachers. This is something that will help in many ways. St. James School Division is doing everything possible to accommodate teachers because there is very little room for advancement, not only just not room for advancement, but teachers have got the threat when you're closing schools of losing jobs.

They have now introduced an early retirement incentive plan and I'd just like to briefly read it into the record. It's the St. James-Assiniboia Division No. 2 Early Retirement Incentive Plan. "The eligibility, the early retirement plan provides the opportunity of early retirement with financial incentive to teachers who (1)

are eligible for an immediate pension under Teachers Retirement Annuity Fund; (2) have a minimum of 10 full years under contract with St. James-Assiniboia School Division No. 2; (3) retire and remain retired from teaching under contract for any Manitoba school division; and (4) make application and agree to repay all early retirement incentive monies should they return to teaching in Manitoba."

Mr. Speaker, this is a direct cost to the local taxpayers in my area. This bill certainly would help St. James-Assiniboia probably more than any other school division. There's absolutely no room for growth, an aging teaching population, gives the chance to hire new graduates. While placing these words on the record, I look forward to the Minister answering questions that were put to her by the Member for Morris on the question of cost. Because I understand the stress that teachers are going through as are many people who are in the work force and all the reasons that were given by the Minister for early retirement are good and valid comments. I recognize that teachers will be picking up the costs for the first five years relating to early retirement, but I suggest that there will be a cost to the taxpayers and what we need to know is how much.

**MR. SPEAKER:** Are you ready for the question?

The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, I move, seconded by the Member for Morris, that debate be adjourned.

**MOTION presented and carried.**

## HOUSE BUSINESS

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

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

Before we call the rest of the bills for second reading, if there is time for further debate, I have several procedural motions I would like to move, and I would ask leave.

Sir, I would ask leave, first, for a motion to transfer the referral of Bill No. 12, The Child and Family Services Act from the Standing Committee on Law Amendments to the Standing Committee on Privileges and Elections.

**MR. SPEAKER:** Is there leave to make that transfer? Leave has been granted.

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

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

I move, by leave, seconded by the Minister of Health, that Bill No. 12, The Child and Family Services Act, be withdrawn from the Standing Committee on Law Amendments and transferred to the Standing Committee on Privileges and Elections.

**MOTION presented and carried.**

**HON. A. ANSTETT:** Mr. Speaker, I would ask leave for another motion to move seven bills from Law Amendments to Statutory Regulations and Orders.

**MR. SPEAKER:** Is there leave to make that transfer? Leave has been given.

The Honourable Government House Leader.

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

I move, by leave, seconded by the Minister of Health, that Bill No. 3, An Act to amend The Vital Statistics Act; Bill No. 14, An Act to amend The Community Child Day Care Standards Act; Bill No. 17, The Transboundary Pollution Reciprocal Access Act; Bill No. 36, The Mortgage Dealers Act; Bill No. 37, An Act to amend The Public Schools Act; Bill No. 47, The Infants Estates Act; and Bill No. 67, An Act to amend The Registry Act be withdrawn from the Standing Committee on Law Amendments and transferred to the Standing Committee on Statutory Regulations and Orders.

**MOTION presented and carried.**

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

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

I have three bills that were distributed today in translated format, Bills 82, 85 and 93. I would ask for leave to move them, by leave, to the place that the predecessor bill was on the Order Paper prior to June 13th.

**MR. SPEAKER:** Is there leave to introduce those bills for second reading? Leave has been granted.

The Honourable Government House Leader.

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

The first bill is The Real Property Act. It had been referred to Law Amendments today in its prior incarnation as Bill 32.

## SECOND READING

### BILL 82 - THE REAL PROPERTY ACT; LA LOI SUR LES BIENS REELS

**HON. A. ANSTETT** presented, by leave, on behalf of the Member for Fort Rouge, Bill No. 82, An Act to amend The Real Property Act; loi modifiant la loi sur les biens réels, for Second Reading.

**MOTION presented and carried.**

### BILL 85 - THE HEALTH SERVICES INSURANCE ACT (2); LA LOI SUR L'ASSURANCE-MALADIE (2)

**HON. A. ANSTETT** presented, by leave, on behalf of the Minister of Health, Bill No. 85, An Act to amend The Health Services Insurance Act (2); loi modifiant la loi sur l'assurance-maladie (2), for Second Reading.

**MOTION presented.**

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

**MR. H. ENNS:** Mr. Speaker, I move, seconded by the Honourable Member for Turtle Mountain, that debate be adjourned.

**MOTION presented and carried.**

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

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

The next bill is Bill 93, which was previously Bill 30, and it had been passed and moved to private bills.

### BILL 93 - THE REGISTERED RESPIRATORY TECHNOLOGISTS ACT; LA LOI SUR LES TECHNOLOGUES EN INHALOTHERAPIE

**HON. A. ANSTETT** presented, by leave, on behalf of the Member for River East, Bill No. 93, An Act to amend The Registered Respiratory Technologists Act; loi modifiant la loi sur les technologues en inhalothérapie, for Second Reading.

**MOTION presented and carried.**

## HOUSE BUSINESS

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

**HON. A. ANSTETT:** Mr. Speaker, I would like to make a brief statement with respect to House Business. I would like to call the Standing Committee on Privileges and Elections for tomorrow morning at 10:00 a.m. to consider Bill No. 12, The Child and Family Services Act, amending bill.

Sir, the Legislative Assembly Management Commission meeting is also meeting tomorrow morning in Room 254 so the Standing Committee on Privileges and Elections will meet in Room 255 tomorrow at 10:00 a.m.

Sir, I would also like, without in any way presuming that certain other bills which are now on the Order Paper will be passed in sufficient time, but nonetheless so that members do have advance notice of a tentative schedule to announce several other committee meetings on a tentative basis subject to the bills for consideration being referred for those meetings.

Sir, they would be: The Standing Committee on Industrial Relations on Monday next, July the 8th, to consider Bills 53, 75, 76 and 77; and a continued hearing, if necessary of Privileges and Elections at the same time next Monday morning, July the 8th, to continue hearing submissions if necessary in doing clause-by-clause on Bill 12. Industrial Relations, Sir, in Room 154, Privileges and Elections in Room 255.

Similarly, on Tuesday, Sir, the Standing Committee on Municipal Affairs tentatively scheduled to meet at 10:00 a.m. in Room 254 to consider and report on Bills No. 68, 69 and 83.

At the same time, in Room 255, Sir, the Standing Committee on Statutory Regulations and Orders to consider bills referred. Members will note that we have been referring bills that would normally go to the Law Amendments Committee to Statutory Regulations and Orders to expedite business so that we can sit two committees at a time.

Sir, as well, the Standing Committee on Statutory Regulations and Orders would meet again Tuesday evening at 8:00 p.m. in Room 255. Municipal Affairs, if necessary, could meet that same evening in Room 254 to continue consideration of the bills referred.

I propose also, Sir, and this is perhaps the meeting of which the Clerk may wish to give tentative notice to the parties directly involved, but the Standing Committee on Private Bills would meet next Wednesday morning at 10:00 a.m. in Room 254; and that if necessary the Standing Committee on Statutory Regulations and Orders would meet simultaneously with that committee next Wednesday morning at 10:00 a.m. in Room 255.

All of those, Sir, are tentative, pending passage of the bills, but it will serve for the benefit of members and interested parties planning representation to have some advanced notice.

As well, Sir, after consultation with the Opposition House Leader, both with respect to committee meetings and Estimates, I wish to advise the House that it would be our intent, following consideration of bills in the House tomorrow, to consider Estimates in the House in the following order: Executive Council, followed by

Interest Rate Relief, Canada-Manitoba Enabling Vote, Legislative Assembly. In the committee, we would be continuing with Community Services.

Thank you, Mr. Speaker.

### COMMITTEE CHANGES

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

**MR. D. SCOTT:** Thank you, Mr. Speaker.

I have a couple of committee personnel changes. For the Committee on Privileges and Elections, the Member for Osborne will be replacing the Member for Wolseley; the Member for Interlake will replace the Member for Springfield; and the Member for Rupertsland will replace the Member for The Pas.

**MR. SPEAKER:** Is it the pleasure of the House to call it 5:30? (Agreed)

The time being 5:30, this House is adjourned and will stand adjourned until 2:00 p.m. tomorrow (Thursday).