

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, 27 May, 1987.

Time — 1:30 p.m.

OPENING PRAYER by Madam Speaker.

MADAM SPEAKER, Hon. M. Phillips: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MADAM SPEAKER: The Honourable Minister of Economic Security.

HON. L. EVANS: Madam Speaker, I'd like to table the Supplementary Information for Legislative Review 1987-88 Estimates of the Department of Employment Services and Economic Security.

MADAM SPEAKER: The Honourable Minister of Community Services.

HON. M. SMITH: Madam Speaker, I have a statement I'd like to make.

Madam Speaker, it was with deep regret that I must inform the House of two recent child deaths which may be connected to the Northwest Child and Family Services Agency.

One death appears to have been caused by sudden infant death syndrome, but the circumstances surrounding the death deeply concern me. I have asked the Chief Medical Examiner to investigate this death.

The second death is being reviewed by the police at this time. These recent deaths, following the deaths last spring, cause me great anguish.

As you're all aware, we have been very concerned about family violence. We have taken several steps in the past year to strengthen this service system:

1. A child abuse review by Dr. Eric Sigurdson and Professor Grant Reid was established. They reviewed the entire system. These were my instructions. They were tough-minded and I have accepted most of their recommendations.

2. The deaths were reviewed in detail by our directorate. These reports are currently being tabled. The reports were held back because of the criminal charges that were laid following the deaths. As these are becoming available, the ability of Northwest Child and Family Services becomes more questionable. With the two deaths in protection families, who had received services from Northwest Child and Family Services, these concerns were heightened.

My officials informed me yesterday that they no longer had confidence in the management of Northwest Child and Family Services, and I subsequently directed the following course of action.

Under the authority of The Child and Family Services Act, I have asked the Board of Northwest to cooperate with a provincial investigation. I have appointed

Professor Grant Reid of the University of Manitoba to lead a review of the agency's procedures and practices. I have directed the board to suspend, as of May 26, the executive director of the agency, Tim Maloney, during this investigation.

I have also asked the board to accept the secondment of Ken Maskiw as acting executive director of Northwest Child and Family Services, and any other persons as may be required to carry out the duties and functions of the agency.

Ken Maskiw is currently a senior policy consultant for Community Services, and a former deputy director of Child Welfare.

I have appointed John Ross as director of Child and Family Services for Community Services, replacing Ernie Hasiuk. Mr. Hasiuk has been reassigned to other duties.

Senior staff have been directed to review the role and organization of the Child and Family Services Directorate.

Mr. Ross has been serving as executive director of Rural Health and Community Services, and has a long and distinguished background in child welfare.

The actions I have just announced have not been taken lightly. I continue to support regionalized child and family services. It is for this reason that I have acted immediately to deal with the problem and take corrective steps with Northwest Child and Family Services agency. These steps have been discussed with the board of the agency and they will have my full support and that of my staff to ensure the ongoing functioning of the agency.

MADAM SPEAKER: The Honourable Member for Rhineland.

MR. A. BROWN: Thank you, Madam Speaker.

We welcome this statement by the Minister. As a matter of fact, we've been looking forward to a statement such as this for a good many months, hoping that some action was going to be taken into the deaths of these two children.

I must remind the Minister that it was last week when the Member for St. Norbert asked the Attorney-General to have a medical examiner investigate this case. So we certainly have been after the Minister on many, many an occasion to obtain some of the answers which obviously were needed as a result of these two deaths.

I would just like to say to the Minister, now that she has taken some action, that she's going to try to find out what really happened and what really needs to be done, now is the time for her to set some standards, to set some policies, so that these agencies will know what the policy of government is. These standards and these policies, Madam Speaker, have not been coming forward from this Minister and, as a result of this, has led to all kinds of confusion within the department. So we're pleased that the Minister is going to be taking some action, that she's going to have an inquiry into these deaths and hopefully, as a result of this, action is going to be taken which is going to prevent further incidents such as this from happening.

MADAM SPEAKER: Notices of Motion . . .

INTRODUCTION OF BILLS

HON. A. MACKLING introduced, by leave, Bill No. 42, An Act to amend The Construction Industry Wages Act; Loi modifiant la Loi sur les salaires dans l'industrie de la construction.

HON. J. WASYLICIA-LEIS introduced, by leave, Bill No. 44, An Act to amend The Coat of Arms, Floral Emblem and Tartan Act, Loi modifiant la Loi concernant les amoiries, l'emblème floral et le tartan du Manitoba; and Bill No. 45, An Act to amend The Lotteries Foundation Act, Loi modifiant la Loi sur la Fondation manitobaine des loteries.

INTRODUCTION OF GUESTS

MADAM SPEAKER: Before moving to Oral Questions, may I direct the attention of honourable members to the gallery where we have 72 students from Grade 5 from the Southwood School under the direction of Mr. Henry Dueck. The school is located in the constituency of the Honourable Member for La Verendrye. On behalf of all the members, we welcome you to the Legislature this afternoon.

ORAL QUESTIONS

Workers Compensation Board - Legislative Review Commission Report

MADAM SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Madam Speaker. My question is for the Minister responsible for the Workers Compensation Board.

The Minister has had now for some two weeks the final printed copy of the Legislative Review Commission Report, the commission chaired by Mr. Brian King, investigating the Workers Compensation Board. My question to the Minister is: Has he completed his review of this report?

MADAM SPEAKER: The Honourable Minister responsible for Workers Compensation.

HON. H. HARAPIAK: Madam Speaker, as the Leader of the Opposition knows, we have had a conversation on this subject. The Workers Compensation has not been reviewed since 1957 so the report is a lengthy report. We have received all parts of it now and the report is being typeset. No, I have not had an opportunity to review all parts of the report.

MR. G. FILMON: Madam Speaker, perhaps the Minister needs some people to help him read the report.

Legislative Review Committee Report - tabling of

MR. G. FILMON: Madam Speaker, my question for the Minister is: When will he then table it so that others,

in preparation for the Estimates Review of his department, can review that report and prepare themselves for an opportunity to debate it?

HON. H. HARAPIAK: Madam Speaker, the question has been on previous occasions as to when we would be tabling the report.

I told the Leader of the Opposition at that time when we have completed the printing, which we suspect will be done within about two or three weeks, then we will be tabling the report at that time.

Workers Compensation Board Study - purpose of study

MR. G. FILMON: Madam Speaker, that's not satisfactory.

Madam Speaker, the Workers Compensation Board is . . .

MADAM SPEAKER: Does the honourable member have a question?

MR. G. FILMON: . . . is undertaking a variety of reviews. Most recently, I understand, they've contracted with Prof. Greg Mason's firm, University of Manitoba Research Limited, to do another study into the Workers Compensation Board.

I wonder if the Minister can indicate what is the purpose of the study.

HON. H. HARAPIAK: Madam Speaker, as we have said on many occasions, that rehabilitation is one of the most important parts of the Workers Compensation, an area that was neglected during the years of the Tory administration. We have made many changes; there was a lot of reform carried out in the whole area of rehabilitation; and there's need for critique, to see if the rehabilitation is being carried out in a manner that is proper for the injured workers and also for industry.

The Workers Compensation Board, themselves, have asked for a study to be carried out by Mr. Greg Mason from the University of Manitoba, to see how it's being perceived by the people who are directly affected by the Workers Compensation, to see what type of results we are having in rehabilitation being delivered by Workers Compensation.

Workers Compensation Board Study - completion date

MR. G. FILMON: Madam Speaker, when will this study and report be completed and will the report be made public?

HON. H. HARAPIAK: Madam Speaker, it is my understanding that the report is near completion; it's an internal report that was asked for by the Workers Compensation Board, and what they do with it is an internal matter. I don't think that it is necessary to make the report public.

Workers Compensation Board Study - ministerial authority to release

MR. G. FILMON: Madam Speaker, is the Minister indicating that he does not have the authority to receive that report from the Board and to make it public?

HON. H. HARAPIAK: Madam Speaker, as I had indicated earlier, the report was asked for by the Workers Compensation Board, and if there is a need for making some policy decisions because of the results of Dr. Greg Mason's report, then we'll be addressing it by addressing that policy.

The review committee is looking at all aspects of the Workers Compensation Board's operations, and rehabilitation is one of the areas that they're looking at. If it requires some policy changes to make some corrective measures, then certainly we'll be addressing it via the policy route.

MR. G. FILMON: Madam Speaker, given that the Workers Compensation Board has an \$84 million deficit, and that most Manitobans are concerned about the policies and the operation of the board, why will he not make that report public?

HON. H. HARAPIAK: Madam Speaker, it is obvious that the Leader of the Opposition has forgotten of his years in government. While he was in government, if they would have addressed the whole problem of assessment in those years, he admitted himself, that if they would have addressed that whole area of assessment during the Seventies, there would be no unfunded liability at this time. If they would have addressed the area of assessment like they did in the Province of Saskatchewan, and increased rates, instead of reducing the rates during the time when Workers Compensation right across the country were increasing assessment, then we would not be in the position that we are. So he has to accept some responsibility for the Workers Compensation being in a funding position as they are at this time.

Ministerial Statement re infant deaths - request identity of same

MADAM SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Thank you Madam Speaker, I have a question for the Minister of Community Services.

Madam Speaker, I would ask the Minister if she would identify the two infant deaths that she is referring to in her statement today?

HON. M. SMITH: I'd like to take that as notice and just check out the procedure I should use for identifying names; but I'll undertake to have a response tomorrow.

Infant deaths - re role of Minister in decision

MR. G. MERCIER: Madam Speaker, was the Minister of Community Services present, or participated in, or consulted with respect to the decision that she announced today?

HON. M. SMITH: Madam Speaker, I was, yesterday, en route to a Justice and Correction Ministers' Meeting

in the Maritimes, but I was in phone contact with my staff. I was aware of the first case and the meetings they were planning with the board, and the options that they were looking at. When they informed me of the second case, we conferred and quickly came to the conclusion that we should take the stronger action and I undertook to return today in order to deal with the issue here, but we were in regular communication yesterday.

SIDS infant death - date of request for inquest

MR. G. MERCIER: Madam Speaker, the case referred to in the statement where an infant died as a result of, allegedly sudden infant death syndrome, occurred on May 12, as I understand it. I had asked the Attorney-General last week to have the medical examiner conduct an inquest, and he did provide me with a preliminary report on Friday. I would ask her, when did she request an inquest into that case?

HON. M. SMITH: Madam Speaker, I asked the Attorney-General's advice and his initial response was on Monday, I think it was, that the police indicated that there wasn't evidence to proceed. However, I said to him that I thought that there was sufficient concern that I wanted to go ahead anyway. I thought that our general response to the Child Abuse Review is that we should make use of the Chief Medical Examiner in these cases. It would help give a quick assessment of the situation, so I asked him to proceed with the inquest.

Child Abuse - investigation last fall

MR. G. MERCIER: Madam Speaker, inasmuch as I believe that certainly one of these cases involves a family that has been before the courts during the past few months on a matter which I raised sometime last year, and suggested to the Minister that the files were being kept closed, that no one was allowed access to them, and that there appeared to be a cover-up. That request was met with a letter from Mr. Maloney's solicitor to me indicating that they were going to sue me for defamation.

But I would ask the Minister, what investigation she did last fall into that matter?

HON. M. SMITH: I think, again, that we have the fact that there was similar, same family persons involved, there were different children involved. The case from last fall was the one where it was going through the courts and also we had an internal review of the procedures, and that's the one that I've referred all along, that we would not make public until the court process had concluded. But we were conducting our own internal review.

The role of the Chief Medical Examiner, I think is the additional support or assistance to us in reviewing these cases and that was recommended by the Child Abuse Review team.

In some cases, the examiner did proceed on his own. He said he had that authority, but that he would appreciate it being regularized, and we have indicated to him that we, too, would like to see that happen, so

there's no misunderstanding between the different groups involved as to the role that he should play.

Child Abuse Review - report and action taken

MR. G. MERCIER: Madam Speaker, did the Minister then receive an investigative report or review last fall and, if so, did she take any action on it at that time?

HON. M. SMITH: The department were conducting their review but didn't give me a final review until the court process was complete. Again, the recommendation that we had was that we shouldn't jeopardize the court process. I will ask again to have the process by which reviews are made in this case clarified for all concerned, and the timetabling of it, so that all the people involved in these tragic events, and the review of them, should they occur, are operating with a common understanding as to what the review process is, who is involved, and when it is appropriate for the review to be made public.

MR. G. MERCIER: Madam Speaker, why did the Minister not have access and review the report as soon as it was completed? Why was the decision made to wait until the end of the criminal process? Surely it could have been reviewed internally without prejudicing any criminal proceeding and some action could have been taken months ago.

HON. M. SMITH: Madam Speaker, I think the member is inferring that action related to that child was somehow directly related to the second child, or that there were other actions we could have taken that we didn't.

As I say, I would like to get an update on the status of these reports and bring that to the House tomorrow because, again, we have been following the proceeding; if there is a direction action we should take, we take it, but the public report is another matter.

Infant deaths - tabling of reviews

MR. G. MERCIER: When will the Minister table the internal reviews with respect to these infant deaths?

HON. M. SMITH: I will bring an update on where we're at with those reports tomorrow. I think we have tabled one; I understand the second one, the court case is complete, and our review should be along very shortly. But I will undertake to update on all six.

Mr. Tim Maloney - basis for hiring

MR. G. MERCIER: On what basis did the Minister hire Mr. Maloney in the first case? What were his qualifications?

HON. M. SMITH: Child and Family Services are delivered by agencies mandated by the government. It's the responsibility of the boards to do the hiring.

MR. G. MERCIER: Madam Speaker, would the Minister not confirm that she announced the hirings of the first executive directors of the Child and Family Services agencies?

HON. M. SMITH: The announcement would have been where all the boards had done their hiring and a joint announcement was made, but we did not hire the executive directors.

Gowler, Mitch - date of order for inquest

MADAM SPEAKER: The Honourable Member for Rhineland.

MR. A. BROWN: Thank you, Madam Speaker. My question is to the Minister of Community Services and Corrections.

My question is: When was an inquest ordered into the death of Mitch Gowler?

HON. M. SMITH: I consulted with the Attorney-General again and the police and the first reaction was that there was not evidence and an inquest would not be productive. I, again, asked the Attorney-General to pursue it because I thought that it was important that on such a case we have the advantage of as much information as we could get. But, again, the police are normally the individuals who do the initial investigation and make the recommendation for an inquest or not.

MATTER OF PRIVILEGE

MR. A. BROWN: Madam Speaker, I rise on a matter of privilege, which is going to be followed by a substantive motion.

On Monday, the 25th of May, Madam Speaker, I asked a question of the Minister: "Has the Minister ordered an inquest into the death of Mitch Gowler, who was drowned, while he was looking after a handicapped person"?

At that time, Madam Speaker, the Minister replied: "Madam Speaker, I am consulting with the Attorney-General; one of the problems had to do with whether or not there was evidence available, but I am consulting with the Attorney-General as to whether an inquest is appropriate."

Now, Madam Speaker, I had a rather confused Mr. Albert Gowler come to see me, who had received a letter - and who, incidentally, is the uncle of Mitch Gowler - who had a received a letter on May 20, five days prior to which I asked this question in the House. In this letter it says: "Dear Mr. Gowler: Please be advised that the Provincial Chief Medical Examiner, Dr. Peter Markesteyn, has called an inquest into the death of the late Mitchell Gowler.

"Should you require information pertaining to the date, time and place of the inquest, please contact the Senior Crown Attorney at telephone no. 945-3265."

Madam Speaker, it's evident that this inquest had been called some time prior to my asking this question in the House. I will table this letter so that members can peruse it.

Madam Speaker, my motion of privilege is this: I move, seconded by the Member for Minnedosa, THAT this House do refer the statement of May 25, 1987, made by the Minister of Community Services to the Standing Committee of Privileges and Elections, to determine whether the Minister misled the House and whether she is competent

to remain in her position as Minister of Community Services.

MOTION presented.

MADAM SPEAKER: The Honourable Minister of Community Services.

HON. M. SMITH: Madam Speaker, the Chief Medical Examiner did not inform me that he had called an inquest. He has that authority, and I'm happy that he has. Again, it points out, I think, the necessity, when we are working in a multidisciplinary way, for people to inform one another. I received a copy of the letter to Mr. Gowler from the Office of the Chief Medical Examiner this afternoon from the Member for Rhineland.

Again, I think this points out the need to have all the actors in the system following a procedure, so that we all know what is occurring.

MADAM SPEAKER: The Honourable Government House Leader.

HON. J. COWAN: Yes, Madam Speaker, if you would consult Beauséne, Citation 19, on page 12 of the Fifth Edition, I believe you will find some conditions respecting matters of privilege. One of the first conditions, Citation 19(1) is, "A dispute arising between two members, as to the allegations of fact, does not fulfill the conditions of parliamentary privilege."

What the Member for Rhineland indicated he asked, and I think we should put the full question and answer on the record, on May 25 - if I am referencing the correct comment of his - he was recognized and he said: "Thank you, Madam Speaker. My question is to the Minister of Community Services. Has the Minister ordered an inquest into the death of Mitch Gowler, who was drowned while he was looking after a handicapped person?"

The Minister's answer, when she was recognized, was: "Madam Speaker, I am consulting with the Attorney-General. One of the problems had to do with whether or not there was evidence available, but I am consulting with the Attorney-General as to whether an inquest is appropriate."

The letter which was tabled does not indicate that the Minister had ordered the inquest; and that, in fact, was the question.

MADAM SPEAKER: Order please.

May I remind the Honourable Government House Leader that any discussion on whether the motion is in order or not should be strictly relevant to whether the conditions are met; not the heart of the matter, the meat of the matter.

HON. J. COWAN: Thank you for that advice, Madam Speaker.

What I was trying to point out, and perhaps I should be more articulate, is that this is, in fact, a dispute arising between two members, as to the allegations of fact, and for that reason does not fall under the criteria required for a matter of privilege.

MADAM SPEAKER: I will take the honourable member's motion under advisement, and report back as to whether the honourable member does or does not; has not or has met the necessary conditions for a motion of privilege.

Open-custody homes - independent external evaluation

MADAM SPEAKER: The Honourable Member for River Heights.

MRS. S. CARSTAIRS: Thank you, Madam Speaker. My question is to the Minister of Community Services.

Last evening I attended, in my constituency, an information session given by the Corrections Department on open custody homes; a meeting which was called at my request because of neighbours' concerns; and I must say, Madam Speaker, that the meeting was very positive, although all agreed it would have been even more positive had it been held before the open-custody home moved into the community.

Will the Minister inform the House if there will be an independent external evaluation conducted of open-custody homes and that communities and neighbourhoods, like my own, can be ensured that in fact they do work?

MADAM SPEAKER: The Honourable Minister of Community Services.

HON. M. SMITH: Madam Speaker, the open-custody homes have been developed under the YOA; they've been quite extensively developed here. The evaluation of their success is built in, in the sense that the young person staying there must abide by the conditions or be removed from the home.

But I would be happy to discuss with the Member for River Heights what additional type of evaluation she thinks would be appropriate. I know that's one of the topics, the use of open custody and the value of them that's taking place at the Justice Ministers' meeting today.

Open-custody homes - discrepancy of information

MRS. S. CARSTAIRS: A supplementary question to the same Minister.

Can the Minister inform the House as to why the information that was given in the Estimates procedure last Thursday, with regard to open-custody homes, differs from the information that I was given last night by the Director of this particular program? For example, I was informed in Estimates that 44 custody homes existed; last night I was informed, 17. I was told in Estimates that it was primarily for 12- to 16-year olds and 17- and 18-year olds were rarely found in this program. Last night I was told it was for 14- to 18-year olds with the average age being 16.

Can the Minister explain why the two sets of information differ?

HON. M. SMITH: Madam Speaker, the information I had was correct, to the best of my knowledge. I will undertake to take those stats. It may be a question of whether we're talking about Winnipeg area or all of Manitoba, but those were the figures provided to me by my staff and, once again, I will undertake to see what has led to this discrepancy.

The information I gave in Estimates was correct to the best of my knowledge.

Department of Community Services - resignation of Minister

MRS. S. CARSTAIRS: Madam Speaker, with a new question to the Minister of Community Services.

Last week, Madam Speaker, we were told in Estimates that the Minister and her department, particularly Child and Family Services, were on the right track, and she later stated publicly, on Saturday, that those of us in Opposition just did not understand. Madam Speaker, at that time she was already aware of two further deaths.

Would the Minister of Community Services please resign?

HON. M. SMITH: Madam Speaker, first a correction. In fact I was only aware of one of the deaths; the other one I did not hear about until yesterday.

With regard to the services being on the right track, I think we have to have some sense of where they used to be and what has been going on in terms of broader access, greater sensitivity to Native people, a greater range of services available, and the great increased volume of children and families who are being served.

I've never claimed that the system was fully mature or without problems; I think it is in a developmental stage. But I think in terms of what was and what the needs are out there, that the community-based agencies under the new act are heading in the right direction.

Potash mine - tabling of study

MADAM SPEAKER: The Honourable Member for Roblin-Russell.

MR. L. DERKACH: Thank you, Madam Speaker. My question is to the Minister of Energy and Mines.

The team of Messrs. and Dombowsky was contracted by this government to do a marketing study on transportation and marketing with regard to the potential of a potash mine in the Russell area.

My question to the Minister, first of all, is the study now complete and is he going to table this study for the House?

MADAM SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Madam Speaker, the work done by Matrix New market is in connection with marketing, transportation, storage; it is being done as part of the overall feasibility study. Other people who are involved in that study are Kilbourne Engineering, and I believe a geological firm. This is all part of one complete feasibility study that is being carried out by the Manitoba Potash Corporation, which is a joint venture between Canamax Resources and the Government of Manitoba. That work is still being done, I expect it will be completed sometime, either toward the end of June, or it could take until the end of July to complete that technical feasibility study.

Potash mine - Min. of Crown Investments in consultation with Min. of Energy and Mines re

MR. L. DERKACH: I have a question for the Minister responsible for Crown Investments, Madam Speaker.

In view of the fact that the Saskatchewan Potash Corporation is experiencing some very serious financial problems as a result of a depressed world market for potash, my question to the Minister is, has he been in consultation with the Minister of Energy and Mines as to whether this project in the Russell area will go ahead, and can he indicate what his role is in this particular project?

HON. W. PARASIUK: Madam Speaker, as Minister responsible for the potash development I'm surprised that the Member for Roblin-Russell would try and play little games with this type of issue. I thought he was serious about this matter. I thought he was interested in development potential for Roblin-Russell, but it appears that he's succumbing to his leader's little jibes and playing games with a very important issue, namely, the potential of potash development in the Roblin-Russell area.

We, in fact, have related this information to Cabinet, and I related information before to the Member for Roblin-Russell; and if he wants to deal with it in a serious way, we're quite prepared to, Madam Speaker.

If he wants to treat it in a trivial frivolous way, I frankly don't even want to respond to that type of contemptuous tactic.

MR. L. DERKACH: Madam Speaker, no one is more interested in seeing the development of a potash mine in the Russell area than I am.

MADAM SPEAKER: Question?

MR. L. DERKACH: Madam Speaker, we have had very little, if any, information with regard to the development of that potash mine to date.

Manitoba Hydro and Manitoba Telephones - upgrading of facilities

MR. L. DERKACH: My question to the Minister responsible for Crown Investments, since he is responsible for the total picture here, has Manitoba Hydro and Manitoba Telephone been instructed to upgrade their facilities in the Russell area to be able to handle the capacity of a potential potash mine in that area?

HON. W. PARASIUK: Madam Speaker, with respect to potash development, there in fact have been discussions with the railways; there have been discussions with the gas company; there have been discussions with the hydro-electric development company; there have been discussions with the local municipalities, Madam Speaker. All those things are being done in a systematic disciplined way, Madam Speaker, and I'm surprised, again, that the Member for Roblin-Russell would try and trivialize this very important potential development for Roblin-Russell.

Potash mine - contact with municipalities

MR. L. DERKACH: A final question, Madam Speaker. In view of the fact that the Minister has indicated that he has had discussions with the municipalities in the Russell area, can he tell the House when the last time was that he contacted and had direct discussion with either the Chamber of Commerce or the Municipality of Russell, or the Town Council of Russell, with regard to the development of the potash mine in the area?

HON. W. PARASIUK: Again, I quite clearly said that there had been discussions by the appropriate people involved with respect to these developments.

I know that the person who is involved in land assembly for Canamax had had discussions with municipal people. I, in fact, had discussions with one of the representatives, probably about five or six months ago, and I indicated that when the feasibility study was completed, that I would be quite happy to come out to Roblin-Russell and have a discussion with the people at that particular time. I certainly intend to meet that particular commitment.

Net income flat tax effective July 1 - why delay in receiving tables

MADAM SPEAKER: The Honourable Member for Morris.

MR. C. MANNESS: Madam Speaker, all wage earners in this province, or most wage earners, will experience a significant reduction in their take-home pay in their pay cheque for the month of July, as a result of the net income flat tax that comes effective July 1. My question to the Minister of Finance, Madam Speaker: Why have employers not received new tax tables or instructions as to how to deduct this new tax, at source, at this point and time?

MADAM SPEAKER: The Honourable Minister of Finance.

HON. E. KOSTYRA: Thank you, Madam Speaker.

I thank the member for the question on the net income tax, a tax which was endorsed by his leader in a public statement in December of last year. In regard to the preamble to the question, Madam Speaker, I would also just point out that the need for the revenue increases was in order to maintain and enhance services in our province, unlike the approach where there's been severe reductions in education and health care by Conservatives in their approach to budget matters in the provinces of Alberta and Saskatchewan.

In terms of why the information hasn't been provided, as the member is aware, we are part of a federal-provincial agreement with respect to income tax. The Federal Government is the one that administers that, on behalf of the Federal Government and on behalf of all provinces except Quebec, including the Province of Manitoba. So the information flow is from the Federal Government. I will take the detailed question as notice and find out why and when that information is expected to be transmitted to employers.

MR. C. MANNESS: I thank the Minister for the final comment, which finally answered the question, Madam Speaker.

MACC - Interest Rate Buy-Down Program - purchase of interest deductible

MR. C. MANNESS: Madam Speaker, a new question to the Minister of Finance.

In the Budget Address, the Minister took great pleasure in announcing a number of agricultural initiatives, the fifth being the Interest Rate Buy-Down Program.

My colleague, the Member for Virden, asked the Minister of Agriculture the other day, whether clients of MACC, who decided to exercise their option to buy down their interest costs, whether or not that purchase of interest would be tax deductible. The Minister of Agriculture has not responded to that question. I would expect then that the Minister of Finance would have the answer to that, and I ask him now to provide that to the House.

HON. E. KOSTYRA: I will consult with the Minister of Agriculture and ensure that the answer is provided to the two members that raised it.

MR. C. MANNESS: Madam Speaker, that answer isn't satisfactory. There are many farmers today, many farmers today who only have a few weeks left . . .

MADAM SPEAKER: Does the honourable member have a supplementary?

MR. C. MANNESS: . . . to make their decision, Madam Speaker, and they're looking for direction from this government as to whether or not that is an interest expense. When will the Minister provide that answer, then?

HON. E. KOSTYRA: Soon.

Provincial social allowance recipients - increase in number

MADAM SPEAKER: The Honourable Minister of Employment Services.

HON. L. EVANS: Madam Speaker, we took as notice, a couple of questions some days ago, and I'd like to answer a question posed by the Member for Gladstone as to how many more municipal and provincial social assistance cases we have this year compared to last year.

The average monthly caseload last year was 33,640. This year is not complete, of course, but we anticipate approximately a 2.7 percent increase.

I might add, Madam Speaker, that the basic reason for the increase, as far as we understand, is that there are increasing numbers of disabled people living in the community, both mentally and physically disabled; and, secondly, there is an increasing number of sole support parents who are on our welfare rolls, as well.

I would advise, however, Madam Speaker, that the percentage of the population on welfare in Manitoba is considerably lower than other regions. In Canada, as of March 1986, 7.4 percent of the population was on welfare; in Western Canada, if you exclude Manitoba, it was 7.1 percent; and in the Province of Manitoba it was 5.8 percent.

Provincial social allowance recipients - number employed as result of training programs

HON. L. EVANS: The member also asked about the training programs of those on welfare. How many social assistance recipients who have been trained have received jobs? There's no single answer to that question because there are various programs with varying degrees of success. The New Careers Program has a nearly 100 percent success ratio, Madam Speaker.

Last year, under a more difficult program, such as, the Human Resource Opportunity Program, where we have people with a lot of disadvantages, 500 went into employment. The Human Resource Opportunity Centres estimate that 660 of their clientele either went into employment or further training.

Well, Madam Speaker, we have interjections from the other side, and that's exactly the point. There is no single answer to that particular question and perhaps we could discuss it in more detail on Estimates.

I might add, though, in conclusion, that we have just signed a federal-provincial agreement and we expect to train about 1,800 people on welfare per year under that joint initiative.

STEP Program - job losses

HON. L. EVANS: The Member from River Heights also asked a question which we took as notice regarding STEP position reduction as it affected the Legal Aid Program. I can advise the Honourable Member that we asked each department to prioritize their positions and that department, the Department of the Attorney-General, apparently did not put Legal Aid Research as a top priority and, therefore, while they received positions for other jobs, none were made available for Legal Aid.

STEP Program - cuts to NDP and Tory caucuses

HON. L. EVANS: The member also asked whether the Conservative and New Democratic Party caucuses received any STEP positions. I can advise that the Legislative Assembly and Executive Council has had their STEP positions reduced, but we did give both the PC and the NDP caucuses a STEP position. It was felt that (a) their staff was very small; and, secondly, it was felt that the research done for the caucuses in this Legislature was equally as important, and perhaps a lot more important than research done in other government departments.

AIDS - power to Dept. of Health to investigate prostitute carriers

MRS. B. MITCHELSON: Thank you, Madam Speaker. My question is for the Minister of Health.

Under provisions of The Public Health Act, does the Minister and his department have the power to investigate reports that individuals are carrying the AIDS virus and engaged in prostitution, hence spreading a communicable disease?

MADAM SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: We certainly have the power. I don't know what act gives us that, but I would think that any Minister who has a responsibility can investigate.

AIDS - issuance of warrants to uncooperative prostitutes

MRS. B. MITCHELSON: A supplementary question to the Minister of Health.

Will the Minister, as allowed in The Public Health Act, section 25(1) direct his staff to pursue through the courts the issuance of a warrant for any prostitute with AIDS who refuses to cooperate with health officials?

HON. L. DESJARDINS: Madam Speaker, if any such prostitute is identified, we certainly will take action.

AIDS - identified prostitutes still working streets

MRS. B. MITCHELSON: A final supplementary to the Minister.

Given that the provincial Department of Health is responsible for controlling the spread of communicable disease - AIDS being one of these communicable diseases - will the Minister investigate a report by the Winnipeg Police Department that identified prostitutes with the AIDS virus are still working the streets?

HON. L. DESJARDINS: It's a little late; we've done that already on a number of occasions. It has been reported that - I think it was a councillor of the City of Winnipeg, knew of such a case - that person was approached by senior staff of my department, asked to cooperate; that person refused. Then there was another attempt by staff in the regional work to do the same thing, to get the cooperation, and again, that has not been forthcoming, until now. I understand that I have no means, or no act, that would force me, or compel her, to talk and give me information if she doesn't want to give it to me.

National Research Building - Industry Technology Centre to move into

MADAM SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Thank you, Madam Speaker. My question is to the Minister responsible or acting Minister of Industry at the present time.

The report today regarding the National Research Council in which it was stated that there are several companies that have committed to go into the National Research Building in Winnipeg, and the fact that they expect the building to be full by the end of this year. Can the Minister inform this House, whether the Department of Industry will be putting the Industry Technology Centre in that building?

MADAM SPEAKER: The Honourable Minister of Finance.

HON. E. KOSTYRA: Thank you, Madam Speaker. On behalf of the Minister of Industry, Trade and Technology, I'll take that question as notice for him.

Westman Women's Shelter - amount of provincial support

MADAM SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Thank you, Madam Speaker. I've a question to the Minister responsible for the Westman Women's Shelter.

Madam Speaker, can the Minister indicate how much provincial support the shelter received in the Westman area last year?

MADAM SPEAKER: The Honourable Minister of Community Services.

HON. M. SMITH: I think I gave that information during Estimates, but I will take it as notice and bring back that information.

Westman Women's Shelter - closure due to lack of funds

MR. J. DOWNEY: Madam Speaker, in view of the fact that there is a concern that the Westman Women's Shelter may be forced to close, or not provide a service after September, will the Minister give the assurance that her department will assure them that there will be funds available so that they continue to provide that service?

HON. M. SMITH: Madam Speaker, I have not known of any problems with the Westman Shelter that would lead to closing. I will undertake an immediate investigation.

MR. J. DOWNEY: Madam Speaker, if her colleague, the Honourable for Brandon East were doing his work, he would have notified the Minister . . .

MADAM SPEAKER: Does the honourable member have a question?

MR. A. DOWNEY: Will she check with the Minister responsible for Employment Services as to the need for support for the Westman Women's Shelter?

MADAM SPEAKER: The Honourable Minister of Economic Security.

HON. L. EVANS: Madam Speaker, I'd like to advise members that I indeed met several times with people from the Westman Women's Shelter. The problem lays twofold; No. 1, the Federal Government of Canada has cut back its services and spending on these shelters in this province in a very disastrous way; that's No. 1, so he should talk to his colleagues in Ottawa.

No. 2, Madam Speaker, we provide support through our department making welfare payments to these women, but we are having difficulty with the City of Brandon Welfare Department which is causing undue hardship for these particular women. So talk to the City of Brandon.

SOME HONOURABLE MEMBERS: Hear, hear.

MADAM SPEAKER: Order please, order please. Order.

Return of professional baseball

MADAM SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Thank you Madam Speaker, I have a question for the Minister of Sport.

Last night, as part of my research activity as Opposition critic for Sport, I attended the Toronto Blue Jay's baseball game in Winnipeg. I'd like to ask the Minister responsible for Sport whether, in view of the attendance of some 18,300 people last night at the game, he will be doing anything to promote, assist or obtain for the City of Winnipeg the return of professional baseball.

MADAM SPEAKER: The Honourable Minister of Sport.

HON. L. DESJARDINS: Madam Speaker, I also attended the game but, unfortunately, I couldn't leave until six o'clock so I couldn't see Bell and the Stars play because they only played the one inning. It was a very interesting evening, a fun evening, and I think the crowd also showed their delight in seeing professional ball here. I think the offer that we made to the province, to participate, to help amateur sports, of course, and also to help in bringing Triple A ball here was well-known.

This is something, if the occasion happened again, we'd certainly look at it with a lot of interest.

MADAM SPEAKER: The time for Oral Questions has expired.

INTRODUCTION OF GUESTS

MADAM SPEAKER: I would like to direct the attention of honourable members again to the gallery where we have 75 Grade 5 students from the Dalhousie School under the direction of Miss Diane Allison, and the school is located in the constituency of the Honourable Member for St. Norbert.

On behalf of all the members, we welcome you to the Legislature this afternoon.

SPEAKER'S RULING

MADAM SPEAKER: Before proceeding to Orders of the Day, I have a ruling I would like to present to the House.

On Friday, May 22, 1987, I took under advisement a point of order raised by the Honourable Minister for Labour as to whether other members may speak to a motion standing in another member's name, without leave.

Our Rule 21(1) states in part that:

"Questions, notices of motions by members, and orders not taken up or proceeded with when called, may be allowed to stand and retain their precedence".

To assist me in determining the accepted interpretation by the House of this rule, I have reviewed relevant precedents and have noted that:

- (a) On July 21, 1980, the House was informed by the Attorney-General, acting as the House Leader, that the government "Would not be allowing debate on this Bill to stand tonight."
- (b) On July 22, 1980, numerous Members of the Opposition distinctly requested leave of the House to have Bills stood.
- (c) On January 16, 17 and 18, 1984, Speaker Walding ruled that unanimous consent of the House is required to allow a bill to stand.
- (d) On May 16, 1984, Speaker Walding ruled that, "If there is not leave, the honourable member will lose his right to speak if the debate moves to another member."
- (e) On July 25, 1984, the Member for Lakeside requested, "The indulgence of the House to have this matter stand."

I am, therefore, ruling in respect to the matter raised by the Honourable Minister, in accordance with established Manitoba practice as demonstrated by references cited, that when a matter is standing in a particular member's name, if that member does not wish to speak, any other member may speak without requiring leave of the House to do so.

I am also ruling, that in such circumstances, leave of the House is required for the matter to continue to stand in the name of the member in whose name it was standing when called; if such leave is not granted, that member will lose his or her right to speak.

ERRATA

MADAM SPEAKER: The Honourable Member for Brandon West.

MR. J. McCRAE: Madam Speaker, I rise to make a correction to Hansard. Last Friday, Madam Speaker, in Committee of the Whole, the Chairman of the Committee called for the Ayes and the Nays on a matter of his ruling, having been challenged by members on this side of the House and, after the Ayes and the Nays were called, the Deputy Chairman said, and I quote, as recorded in Hansard for that day on page 2311: "It appears to me as Chair, sticking to reality, rather than fiction, that the Nays have it."

And then, Madam Speaker, the Chairman went on to say that the ruling of the Chair shall be sustained. Well, I invite the Honourable Member for Burrows, who is the Chairman of Committees of the Whole, to look at that section of Hansard and make the correction himself.

MADAM SPEAKER: The usual procedure is for members to make minor corrections to Hansard, if there is something that they are reported as saying that they know, themselves, they haven't said. I will have the tapes rechecked to make sure that, as usual, Hansard is absolutely and totally accurate in the written version.

MR. J. McCRAE: Madam Speaker, knowing the Honourable Member for Burrows as I do, I know he wouldn't want an inaccuracy like that to remain on the record.

MADAM SPEAKER: The Honourable Member for Burrows.

MR. C. SANTOS: Madam Speaker, if I have done or said anything inaccurate, I request that it be corrected.

MADAM SPEAKER: I presume that the question is not whether anyone's done anything inaccurate, but whether that what was done was reported accurately. I'll make sure that the Hansard tape is checked and that the written work is exactly accurate as to what's on the tape.

COMMITTEE CHANGES

MADAM SPEAKER: The Honourable Member for Kildonan.

MR. M. DOLIN: Thank you, Madam Speaker.

I move, seconded by the Honourable Member for Elmwood, that the composition of Standing Committees, Public Utilities and Natural Resources be amended as follows: the Honourable M. Hemphill for M. Dolin; C. Baker for S. Ashton.

ORDERS OF THE DAY

MADAM SPEAKER: The Honourable Government House Leader.

HON. J. COWAN: Yes, Madam Speaker, would you please call Bill No. 26 on Second Reading; and, following that, would you please call the Debate on Second Readings, starting with Bill No. 6 and proceeding through to Bill No. 37, in the order in which they appear on the Order Paper on pages 2,3 and 4?

I also believe that there is an inclination on the part of all members to forego Private Members' Hour today, by leave.

MADAM SPEAKER: Is that the will of the House? (Agreed)

No Private Members' Hour.

SECOND READING

BILL NO. 26 - THE ENVIRONMENT ACT

HON. G. LECUYER presented Bill No. 26, The Environment Act; Loi sur l'environnement, for Second Reading.

MOTION presented.

MADAM SPEAKER: The Honourable Minister of the Environment.

HON. G. LECUYER: Thank you, Madam Speaker.

Madam Speaker, it is indeed a great pleasure for me to speak today about our government's newest legislative initiative - Manitoba's Environment Act - which was distributed earlier this week, accompanied by a leaflet which I would describe - well, it's called the Background Information Document - to enable all members of this House to get a quick glance and a fast understanding of the basic components of this new piece of legislation.

I have to say, Madam Speaker, that I am personally very proud of this legislation as I think it heralds a new era in environmental protection for our province.

Manitoba's new Environment Act is, indeed, pace-setting legislation. It is as up-to-date as modern environmental methods can make it. This legislation, Madam Speaker, has the ability to maintain the quality of life we enjoy as Manitobans. A clean, safe environment is often taken for granted as a birthright of all Canadians. But the environment, in fact, is a very fragile resource, and that, Madam Speaker, we tend to forget.

There is increasing pressure on the environment in Manitoba, in Canada, and, indeed, around the world. All indications point to a gradual but steady erosion of our environmental quality, and the pace, I am sorry to say, is increasing.

The number of new substances introduced to the environment is growing year by year, and we are detecting a much wider range of contaminants than ever before and finding them almost everywhere we look, even in the North Pole.

The effect of these substances is not fully known but we do know that we cannot afford to wait to find out. The long-term cumulative effect of contaminants may be as dangerous as the obvious pollution we can see, smell or taste. Many environmental changes are almost invisible from year to year, but can become disasters in the future. Environmental protection cannot be put off for another time, we have to do the job now, and do it well because we are not just doing it for ourselves, but for our children and our children's children.

Monsieur le député président, cet environnement si fragile, et cependant si vital à notre bien-être quotidien à notre survivance, ne nous appartient pas, nous n'avons pas le droit de l'abuser, de le dégrader. Dans toutes les décisions que nous prenons, vis à vis l'exploitation de nos ressources, nous devons tenir compte des générations à venir qui n'ont pas un mot à dire dans ces décisions, mais qui devront subir le fardeau, peut-être insurmontable d'un environnement hypothèque au dépens de la qualité de l'avenir - de leur vie, pardon.

Cet environnement nous est prêté . . .

MR. DEPUTY SPEAKER, C. Santos: The Member for Arthur on a point of order.

MR. J. DOWNEY: Mr. Speaker, I wonder if the government is prepared to provide translation so the members can understand what the Minister is speaking on.

MR. DEPUTY SPEAKER: The Minister of the Environment on the same point of order.

HON. G. LECUYER: On that point of order, Mr. Deputy Speaker, can I simply indicate that it is not my intent to make any lengthy remarks in French; in fact, I have one more sentence that I want to complete, and the comments I am putting on the record now are basically a repeat of comments that I've made in the previous few sentences that I've made in English.

MR. DEPUTY SPEAKER: Is that agreeable?

HON. G. LECUYER: Mr. Deputy Speaker, on a point of order that I would like to raise of my own right now, after having heard the comments from the Member for Brandon West.

The member raises the question, why do I have to make them for? I want to put it on the record, Mr. Deputy Speaker, because it is my right to do so, and he will not remove that right from me.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. J. DOWNEY: Mr. Deputy Speaker, on the same point of order raised.

MR. DEPUTY SPEAKER: Is that the point of order raised?

MR. J. DOWNEY: Yes, Mr. Deputy Speaker, on the point of order raised, on the same point of order that was raised by the Minister, Mr. Deputy Speaker.

The Minister raised a point of order making reference to my colleague from Brandon West, Mr. Deputy Speaker. The comment that I heard come from the Member for Brandon West was that it must not be important, what he was saying; that's the words that I heard, Mr. Deputy Speaker.

MR. DEPUTY SPEAKER: Which point of order are we talking about? There were two.

MR. J. McCRAE: I'm talking about his point of order that he just raised.

HON. G. LECUYER: Now you can say it; now you're standing.

MR. DEPUTY SPEAKER: On the point of order raised by the Minister of the Environment, the Member for Brandon West.

MR. J. McCRAE: The Honourable Minister has told us, as if we didn't already know, that it's his right to speak in either language, and of course it's his right and we support that.

The point is he was telling us, Mr. Deputy Speaker, that he was repeating exactly the same thing he said a moment ago, and if there's no simultaneous translation, who is he repeating it for is what I asked. For the Minister to take my comments out of context, as he did, is certainly a disservice to me and a disservice to all members of this House. Of course, he has the right to address this House in both languages.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. DEPUTY SPEAKER: As the right to speak in the second official language is provided by statute and as both members recognize that right, I see no point of order. Thank you.

The Minister of the Environment.

HON. G. LECUYER: I'm glad that it at least was confirmed that I had stated the same thing that I had heard.

Cet environnement nous est prêté, monsieur le député ministre, pour que nous le gérons de façon à permettre non seulement un développement soutenable - à nous qui en profitons aujourd'hui.

Mr. Deputy Speaker, I still hear the Member for Brandon East moaning and grumbling -(Interjection)- Brandon West. He doesn't have to listen; all he has to do, Mr. Deputy Speaker, is to let me proceed with my remarks.

MR. J. McCRAE: Carry on, carry on, have a good time.

HON. G. LECUYER: Mais aussi en vue d'assurer une meilleure qualité de vie pour les générations futures.

Now, I shall continue in English so you can sit down and listen, if that's what you want.

Mr. Deputy Speaker, I can make my comments in one language at one time, and if the members don't like it, that's tough. That's their problem.

Manitoba's sustained social and economic well-being depends on the health of our environment, now and in the future.

I just heard the Member for Springfield saying that he was leaving, and I thank him for that; we shall all be doing the better for it here today.

The importance of a clean environment goes beyond just clean air to breathe and water to drink, and an uncontaminated soil to produce our food supply.

Our quality of life also depends on sustained economic prosperity that comes from environmentally sound decision-making. Manitoba's economy depends heavily on environmentally-based industries. We are indeed fortunate to have a diverse economy, one that has kept Manitoba from joining the economic recession felt everywhere else in Western Canada. But its roots are firmly in the environment. Agriculture, forestry and tourism are key elements to our prosperity. If we put our environment at risk, we put at risk the basic industries that provide for us and for future generations.

Long-term environmental protection and long-term economic security go hand in hand. This government is determined to provide Manitobans with both. Manitoba's Environment Act is a response to the needs of Manitobans.

Public attitudes and concerns about the environment are changing. Environmental protection is becoming an important issue with a large and growing number of Manitobans. People see the direct connection between their well-being and a healthy environment. Canadians are displaying rising anger over pollution and rising concern over the state of the environment. More importantly, Manitobans have told me directly that they are concerned and they want increased protection for the environment.

From the first appearance of the new Environment Act as a discussion bill last September, my staff and I have sought public input into the act. In a series of public consultations held across the province, I had the opportunity to learn first-hand the public's feelings about the act and about the environment in the best way possible and that is face to face with Manitobans. I spoke with more than 400 concerned citizens - business people, environmentalists and a great range of people from all over the province. I received approximately 60 written submissions on the draft act.

(Madam Speaker in the Chair.)

The message I got from Manitobans was clear. The people of this province want our environment protected, and this act can help do the job. Not everyone agreed with some of the details of the draft act, the wording, the definitions or the emphasis. No legislation is perfect even once we have adopted it, but that is why we went to the public to make it better. Every comment and submission was studied and many changes were made to address specific concerns.

We responded to the people's voice and the act introduced here is not the same act we took to Manitobans last fall. It is an improved act and I want to thank the people who took the time to study the draft, to come to the consultation meetings, to write to me and to talk to me. I also want to take this occasion to thank members of my staff who toiled conscientiously on this project to bring it to this point in time to fruitful conclusion. Bringing this new act, Madam Speaker, this far, has been a difficult and sometimes a trying process, but it now belongs to all Manitobans.

Since our present Clean Environment Act became law, back in 1968, it has served Manitobans well. It has done what it was designed to do - clean up obvious site-specific and health-endangering environmental contamination - but it was not designed to handle the growing environmental pressures of the '70's and the '80's. The Clean Environment Act is showing its age. It has become a confusing patchwork of amendments and needs more amendments in a losing attempt to keep up with the times.

Madam Speaker, the scope of the present act is far too narrow. The environment it protects is limited to air, water and soil, and it can only deal with actions that actually emit contaminants. The environmental impact assessment is limited and there are no provisions for environmental planning. To continue with the present act often would put us in the position of having to clean up after the damage was already done. We have to manage the environment as a treasured resource for future Manitobans, and we must prevent, therefore, damage from occurring in the first place.

With this new legislation, we can better protect the environment. Manitoba's new Environment Act is innovative and prevention oriented. Its five basic principles put it on the cutting edge of environmental legislation in Canada and, for that matter, North America as well.

First of all, Madam Speaker, Manitoba's Environment Act recognizes that environmental protection in this province must include the full range of values that Manitobans hold for their environment. The word "environment" now has the scope to protect all ecosystems, whether human influenced or entirely natural. The act recognizes that environmental damage is not caused by pollution only, but may result from other factors as well. These are dealt with together. It gives us the ability to scrutinize all actions which may impact on the environment. Any project of environmental significance can be subjected to an impact assessment for complete protection of our environmental heritage.

Second, to provide efficient and effective control of contaminant emissions, a new system of source licensing is built into the act. It can deal with well-know

discharges quickly and efficiently at the same time the process permits a better assessment of industries with little known or problem effluence. Every development proposal which impacts on the environment must have a license. Through the licensing process, environmental standards are set for specific developments.

Third, the act also provides a single unified process which no longer makes the type of artificial division between pollution control and environmental impact that legislation did in the past and that it still does in most jurisdictions. At the same time, the process is flexible. The nature and location of a project dictates whether a full environmental impact assessment will be done, or if contaminant emissions only will be considered.

This new legislation also takes into account many things besides a development's impact on the physical environment. It can also assess resource use, impact on sensitive areas, the socioeconomic impacts of development, and other important factors. Best of all, the proposed process means a single application and a single environmental licence have to be obtained. Other provinces can have three or more environmental approvals for a single development project.

Our legislation is designed to provide as comprehensive an assessment as possible while working with industry to prevent environmental damage. Our single-window approach to environmental approval and licensing can actually simplify the industrial development process.

Fourth, this act, for the first time, provides for a strengthened public role in environmental decision-making. There is an open public review process built into the act. The volunteer Manitoba Environmental Council and the Clean Environment Commission have been interlinked to strengthen each other. As well, the Environment Department will publish a comprehensive State of the Environment Report for Manitoba on a regular basis.

Most important of all, the department has increased its accountability to the public for environment decision-making. The department's actions in granting or denying a licence to develop will be open to public scrutiny. There will be a public registry of information relating to every proposal received by the department.

These are innovative and, I believe, vital steps to make in environmental legislation. Manitoba's Environment Act is designed to serve the people. It has already been greatly improved by public input and a strengthened public role in environmental decisions can ensure that the act will achieve its objectives in the real world.

Fifth, the act also strengthens our ability to enforce environmental laws. This legislation makes sure it is not profitable to damage the environment. It provides substantial fines for offences and jail sentences are also provided. The Manitoba Environment Act is designed to discourage repeat offenders and includes some of the latest enforcement techniques to do so.

Fines will be scaled for first and subsequent offences and directors of corporations will be personally liable for violations, facing fines and jail sentences for their actions. This legislation represents the public mood that pollution should not be profitable and will not be tolerated.

The Manitoba Environment Act is the end result of years of careful planning by this government. Although

it stands by itself as the flagship of our environmental legislation for this decade, it fits perfectly with other legislation designed to protect the birthright of future Manitobans.

This act is part of an overall legislative program for environmental protection in Manitoba. It was designed to compliment our existing Dangerous Goods Handling and Transportation Act, which was adopted in 1985, and The Hazardous Wastes Management Corporation Act adopted in 1986. The addition of Manitoba's Environment Act will round out our total environmental management approach in Manitoba.

Regulations to come will also flow from the same process of concentrated legislative groundwork combined with public consultation. We have found that taking our plans to the people first, before finalizing them, results in legislation and regulations that are more effective and pragmatic.

This has been an open process, a public process. As well as updating Manitoba's ability to protect and manage its environment, this act reflects the improvements called for by Manitobans - improvements that will make it more real and workable when it becomes law. The public consultation process was so important and so fruitful that I would like to mention a few of the adjustments we made to the act on the basis of specific input received.

Our original plans to combine the Clean Environment Commission and the Manitoba Environmental Council were dropped because people felt they could be better served by two separate bodies. Instead, we defined our roles more clearly and used them to reinforce each other.

Also, to respond to public concerns, we made adjustments to the planned public consultation process. We also, Madam Speaker, made substantial changes in the accountability process of the Environment Department. In response to the public, a specific requirement calling for written justification of decisions was written into the act. Responsibility for many major decisions was also shifted to the Minister to satisfy public concerns of excessive bureaucratic authority over these decisions. Also, wherever possible, decision-making actions and time frames have been mandated.

Madam Speaker, one of the most useful results of consultations with the public was an improvement and clarification of definitions and processes vital to the act. The process of environmental assessment has been substantially modified as a result of these consultations. Developments will be categorized as to their impact and management. Specific assessment processes have also been established for each of those categories that I've just mentioned. The process in each case is public and provides for the identification of interdepartmental concerns.

So, Madam Speaker, the changes that I have mentioned will not only make the act more efficient, but will also make it better able to serve the people for which it is intended. These changes, Madam Speaker, also demonstrate that we want environmental protection to be everyone's business.

Manitoba's Environment Act is progressive on all fronts that we, as provincial governments can address, but I would like to stress that others must also work to protect our environment. Environmental progress is not just a case of improving regulations; it involves

important attitudinal changes. To do our job for the people of Manitoba, others must pitch in. In this new act, we have a legislative tool that can accomplish much, but to use the act to its full potential, we need the full participation of all Manitobans.

The public has demonstrated its willingness to work with us. We need cooperation from other areas as well. Our government needs the cooperation of the private sector and especially other governments at all levels. There is much work to be done and successful achievements will occur, Madam Speaker, provided there is that cooperation and commitment on everyone's part.

Manitoba's Environment Act holds advantages for industry that can keep our economy thriving. It is clear that any development in this province is only of long-term value if it can be sustained. Environmental damage causes economic damage in the long run. The business sector is now starting to understand that environmental protection and economic planning can be compatible and complementary.

Manitoba's Environment Act will benefit all Manitobans. It means protection for quality of life and protection of our heritage for future generations. I am proud, Madam Speaker, to have guided this landmark legislation, and I am proud to have worked with my fellow Manitobans to make it a reality and, today, proud to present it to all members of this House seeking, I hope, Madam Speaker, all of their support.

MADAM SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Thank you, Madam Speaker. I move, seconded by the Member for Virden, that debate be adjourned.

MOTION presented and carried.

ADJOURNED DEBATE ON SECOND READING

BILL NO. 6 - THE EMERGENCY MEASURES ACT

MADAM SPEAKER: Debate on Second Reading, Bill No. 6, standing in the name of the Honourable Member for La Verendrye.

MR. H. PANKRATZ: Madam Speaker, I took the adjournment on this debate on behalf of the Member for Ste. Rose.

MADAM SPEAKER: The Honourable Member for Ste. Rose, then.

MR. G. CUMMINGS: Thank you, Madam Speaker. My comments will be brief. I'm sure that may disappoint some members opposite.

The interesting aspect of this bill, Madam Speaker, that I would like to obtain further clarification on - and I hope that some clarification will be forthcoming and a better feeling will be realized from the municipalities and the towns across the province that will be affected by this legislation - I refer to the fact that they are able

to declare states of emergency and also will be able to levy and pay for expenses acquired under that state.

Frankly, Madam Speaker, while at first glance there seems to be a great deal of concern that could be brought forward about the amount of authority that is given to local elected officials in order to deal with the emergencies, I think we do realize that a state of emergency is, in fact, a situation which none of us hope to be found in, but it is a situation where it has to be dealt with quickly and decisively, and the local authority obviously is the authority that is closest to the issue at the moment of its occurrence. Therefore, the declaration by the local authority has considerable merit.

I look at one clause, Madam Speaker, where we see that a declaration may, if necessary, be extended for further periods. It gives rise to the question about whether or not a number of extensions could or should be given to the local authority in order to extend the state of emergency. Certainly, in talking to the local elected officials, I have no feeling that they would ever abuse this accidentally or intentionally, but any time we are putting together legislation, we always have to deal with the probabilities, no matter how remote they may be in some cases, of whether or not there is a possibility of abuse of authority.

I would like to draw this particular clause to the attention of the House and simply raise the question about whether or not there should be at some point, or could be, an amendment brought in where at one point the local authorities, when they wish to extend the state of emergency, be required to consult or do it in conjunction with the responsible provincial authority.

The only other comment I wish to make on Bill 6, Madam Speaker, revolves around the fact that while we are seeing the transmittal of authority to local government authorities and elected officials to deal with, in this case, emergencies, we are doing as a provincial government what I think we very often have concerns about happening between other levels of government as well, and that is, where we pass on the authority, we also pass on a degree of the expenditures.

Again, I would like to point to that part of the bill, and I wonder if the local authorities, the municipalities and the smaller towns and LGD's in the province, I am sure that at some point they will have to be made fully aware. I wonder, in the discussions that have led up to this point, and the position or lack of position in some cases that they have taken vis-a-vis this legislation, if they are fully apprised of the expenditures that may at some point be involved with the use of this bill by their elected authorities.

Those few words end my comments, Madam Speaker.

MADAM SPEAKER: The Honourable Minister of Labour.

HON. A. MACKLING: Madam Speaker, when this bill was last before the House, I'd indicated a concern to indicate very briefly some views in respect to it. I appreciate the need, and I naturally compliment my colleague for bringing forward this legislation, which will complement the emergency measures which we've had heretofore in the province.

What, in effect, it will provide, from an overall viewpoint, is a state of readiness within local

government to deal with emergencies and will require a local government to look at situations that could occur within their area and advance a plan to deal with those contingencies that arise in an emergent situation.

Madam Speaker, as honourable members will appreciate, under the Department of Labour, the Minister is responsible for the Fire Commissioner's Office, and under our portfolio we have the Brandon Fire College and, of course, the Fire Commissioner's Office itself.

I have met with local officials from time to time, particularly the representation from municipal volunteer fire departments, and I want to put on record my appreciation for their work in emergency situations. I think it will assist all of the local governments to have the obligation to develop a plan which will include the use of, I'm sure, in most areas, the people who are now serving in fire departments, whether they be fully volunteer or partly volunteer.

I want to put on record that the Office of the Fire Commissioner, and through the Fire College, will certainly assist in any way that it is appropriate for us to provide assistance. Our field services work closely with the Emergency Measures Organization and we plan and conduct mock disasters within mutual aid districts. As members will recall, the province is divided into mutual aid districts so that local fire departments dealing with emergency situations can call upon other municipal or local government facilities under the mutual aid plans that are in readiness. I think this effort will complement the efforts that already exist in respect to that sharing of mutual responsibility in respect to emergencies.

With those few words, Madam Speaker, I wanted to indicate the Fire Commissioner's Office's willingness to do everything we can possible to assist local governments where their planning requires an involvement of the kind of resources that are called upon most frequently to deal with emergencies resulting from fire and other areas that fire services handle in local government.

Thank you.

MADAM SPEAKER: Are we ready for the question on Second Reading, Bill No. 6?

The Honourable Minister to close debate.

HON. H. HARAPIAK: Yes, Madam Speaker, it is my understanding that there are no further members wanting to make a contribution so I will move to close debate on Second Reading.

Madam Speaker, at this time, I want to thank the members opposite and members from this side of the House who have stated their support for Bill 6, The Emergency Measures Act, and to constructively consider the sections of the bill that they have made contributions to. They have made some recommendations that we feel will help us in this bill and we will be bringing forward some changes during our clause-by-clause discussions of the bill when we're in committee.

The basic principle of this bill - the protection of life, property and environment - is a principle which is not considered debatable. People everywhere expect their governments to assume responsibilities during an

emergency and do whatever is necessary to ensure protection of life, property and the environment.

This act provides the necessary authority for provincial and municipal officials to develop effective emergency preparedness programs and to ensure the mitigation of the effect of the emergencies and to provide required assistance for restoration of the damage that was carried out to property during the time of some disaster.

In the debate on the Second Reading of Bill 6, a question arose as to at what point a serious accident or a situation becomes an emergency. An emergency exists when an affected municipality must implement actions beyond their normal emergency service response. Each municipality capable of covering its emergency base is based upon their human and material resources and, therefore, the point at which an emergency exists varies from municipality to municipality, depending on the resources that each municipality has at its disposal which they may be using in order to counteract the effects of an emergency.

Madam Speaker, the emergency response concept is outlined in the Manitoba Emergency Plan. In March 1984, copies of this plan were sent to the Leader of the Opposition, to both caucuses, to the Legislative Library and to every municipality in the province. The initial emergency response is the responsibility of the local authority and when the capacity of the local authority to deal with the emergency is exceeded, or is about to be exceeded, then a second level of response is activated.

This involves the provision of support from adjoining municipalities which may be in a form of a formal agreement, or an informal agreement, to which they may be helping an adjoining neighbouring municipality. Once that level of response is fulfilled, then the next level of service comes in, which is at the emergency level, and once the Emergency Measures Organization, which comes under the provincial responsibility, once that authority is exceeded, then the federal authority comes into play.

Some members opposite referenced a perceived need for more specific information within the act about the roles of the municipalities and about other factors that will affect the quality and timing of decisions in emergency situations. To this end, it must be recognized that Bill 6 supports the development of emergency plans by all municipalities with the assistance of staff of the Emergency Measures Organization. The very existence of these plans should enhance the municipalities' ability to be prepared for an emergency. I think the fact they have an emergency plan in place will give them an opportunity to respond to emergencies in a much quicker fashion.

In considering the specifics of emergencies, one must recognize that there are an infinite number of different types of situations that could occur. Plans prepared by municipalities must therefore deal with the fundamental principles of Bill 6 which deals with emergency responses which will remain intact regardless of the specific particular emergencies.

Madam Speaker, to ensure an effective emergency response system, the provincial and municipal officials must have the necessary power to take immediate action. In Canada, all levels of government have some responsibility for and are involved in emergency

planning and preparedness. This is because all levels of government have the responsibility to plan and prepare for emergencies which cannot be adequately responded to by private means. The nature of today's emergencies and the pace at which situations develop demands a swift, effective response.

Many of today's emergencies involve hazardous products. In these situations, authorities cannot delay those actions necessary for the protection of life, property and the environment. Therefore, the initial responsibility for responding to peacetime emergency rests with the level of government that is directly involved with the emergency that happens to be in place.

Given the level of responsibility that the municipalities have, and in recognition of the quick, effective action they must undertake to mitigate an emergency, it is necessary to grant them the powers to take the required action. This bill seeks to establish the appropriate balance of responsibility and power for providing those who have the responsibility for that to be in a position to respond to that very quickly.

Madam Speaker, there were members opposite who had some concerns over granting the authority to the local authorities, the municipal councillors, and they seemed to be willing to give them the authority to handle emergencies of a different level in the areas of fire prevention and the areas of emergency powers in other responsibilities, but they don't seem to be willing to give them responsibilities for emergency measures.

I have complete confidence in the elected representatives at the local level and I'm sure that they will be handling them with methods that we will be proud of. I have no concerns over giving the mayors and councillors the authority to declare a local emergency.

The Member for Ste. Rose just spoke and he said he supported the local authorities; and the only concern he had was, when he was extending the state of emergency, could there be an abuse? I want to share with the Member for Ste. Rose that when there is an extension of an emergency, the length of an emergency, that the Emergency Measures Organization for the province will be present at an emergency of that sort, so there'll be consultation before there is an extension of the period of time that the emergency is extended.

Madam Speaker, the Member for Gladstone asked the question as to who had been asking for this type of legislation and who supports it. I suggest that the member communicate with the elected members of the Municipality of Gladstone and see some of the concerns that they have had. They have had some input into the planning for this Emergency Measures Organization and there has been a lot of response.

Many of the municipalities have given us written response to plans when they were sent out. They have had support from all of them. There were several other inquiries made by the Emergency Measures Organization because we felt that we didn't have enough response, so we contacted many other municipalities and they also were in support of the legislation that was brought forward.

Madam Speaker, the Member for Charleswood also had some concerns and I believe that he should be talking to the Member for Lakeside because he condemned this government for reorganizing the

Emergency Measures Organization. I think if he would check with the Member for Lakeside, he was the Minister who was responsible for changing the legislation which reduced the size of the Emergency Measures Organization. So I think the Member for Lakeside should be asking the Member for Charleswood for an apology because he chastised this government and he should have been chastising the Member for Lakeside who I believe was very progressive in the legislation that he brought forward. I think that it has served us well, the changes that he made.

Madam Speaker, the previous government participated in the review of the Emergency Measures Organization along with municipalities at all levels in the province and also the Provincial and Federal Governments, and they all agreed that there was a need for changes in the legislation that it had brought forward. So there was support not only from the municipal level but also from the federal level.

Madam Speaker, the Member for Turtle Mountain, the chief critic of the Conservative Caucus for this legislation, has taken the time to carefully peruse the legislation, and I believe he has touched base with several of the municipalities who are within his area of responsibility and he has found support for this legislation. The member said he is concerned about the response of local officials and he would be checking with them. He said he has now checked further and there seems to be a response.

We want to tell you that there has been a written response from six municipalities, including Winnipeg, Thompson, Dauphin and Flin Flon, and they were all supportive. There were some areas of concern about what do we do in the event of a war. After being assured that was a federal responsibility and all of the other municipal governments would be in a better position to respond to the emergency of war because they are better prepared for peacetime emergency, that they would also be in a better position to respond to a wartime emergency.

Madam Speaker, there are several changes to the act that we will be making. One of them is section 19 of the act which deals with Workers Compensation. We will not be proclaiming that portion of the act, that's an area of responsibility that falls under the area of Workers Compensation. So we would be making those changes when we come forward.

Madam Speaker, we look forward to the clause-by-clause debate of it. I once again want to thank the members who have given us support on the bill, and I look forward to the clause-by-clause debate when it takes place in committee.

Thank you, Madam Speaker.

QUESTION put, MOTION carried.

BILL NO. 15 - THE CROP INSURANCE ACT

MADAM SPEAKER: Debate on Second Reading on the proposed motion of the Honourable Minister of Agriculture, Bill No. 15, standing in the name of the Honourable Member for Virden.

The Honourable Member for Lac du Bonnet.

MR. C. BAKER: Well, Madam Speaker, maybe just a few words.

MADAM SPEAKER: Is there leave for the bill to stand in the name of the Honourable Member for Virden? (Agreed)

The Honourable Member for Lac du Bonnet.

MR. C. BAKER: Am I supposed to speak now? Madam Speaker, it's difficult for a person first time in this House to know the rules and procedures, but I'm learning slowly.

But I think that this a very important amendment, and I would hope that we would dispose of this amendment as soon as we could, because I'm hoping that farmers out there will not have to be waiting for crop insurance claims as they have to do so often throughout the years.

Madam Speaker, if I could just say a few words about Crop Insurance, during the Seventies I sat on a crop insurance board and I watched it grow and progress with new measures being introduced, new crops being insured, and it's grown into a very, very valuable tool that farmers have become accustomed to rely on.

If I might, Madam Speaker, just go back in a bit of history, I remember the progression from the low prices of the Sixties into the more reasonable and much higher prices of the Seventies and crop insurance, of course, we had to keep pace. And whereas, we were dealing with prices for - if you want to use meat as an example, \$1.50 in the Sixties per insured bushel to \$3 in the Seventies, and I believe it went up as high as \$3.5 or \$4 a bushel.

Sorry to say, Madam Speaker, we are now on the opposite end of that cycle, and we're seeing a situation where crop prices are going down. I know the Opposition has voiced concern about the fact that some farmers might be tempted - and who can say you blame them - to rely on crop insurance as an income guarantee at this present time. But I want to say, Madam Speaker, that if farmers should do that for any more than a couple of years, I don't think they would survive much longer than that anyways.

It seems to me, Madam Speaker, that what we need alongside of crop insurance is some kind of a bona fide Income Stabilization Program, similar to the one that Eastern Canada and Quebec enjoy. I'm talking about the Canadian Stabilization Act. But, Madam Speaker, I guess that will have to come in another debate at another time.

At this present time, Madam Speaker, we are trying to facilitate the faster, the quicker processing of farmers' claims for crop insurance. I would hope we would dispose of this bill, pass it as soon as we possibly can, so the farmers can get the benefit of any claims that they are entitled to.

Madam Speaker, it's very imperative that we retain crop insurance and keep on improving it. I just want to give one example of how important it was. If you want to go through some statistics, you will see that in 1980 if farmers did not have crop insurance there would have been no net income in Manitoba. You remember 1980 was the disaster or drought year. If you want to check statistics you could see that it was only because of crop insurance that there was any net income in Manitoba.

Madam Speaker, I think it's just as important today, crop insurance, and I would hope that the Opposition

would support this amendment and we could get it disposed of as quickly as we can so farmers can get their claims processed as soon as possible.

Thank you, Madam Speaker.

MADAM SPEAKER: The Honourable Member for Virden.

MR. G. FINDLAY: I would ask if the member would entertain a short question.

MADAM SPEAKER: The Honourable Member for Virden.

MR. G. FINDLAY: I would just ask the member if he approves of the amendment that no farmers need be on the Appeal Tribunal? At present, one farmer must be on there. The new bill suggests that no farmers have to be on it. Does he approve of that amendment?

MR. C. BAKER: As I understand it, they are retired farmers, so I don't know what you would classify the farmer as. What's your definition of a farmer?

MR. G. FINDLAY: An active farmer.

MR. C. BAKER: An active farmer?

Madam Speaker, I think that retired farmers, normally speaking, are out of the business and could give an objective view, so I go along with the amendment. They can give just as objective a view as one who does his farming right now.

Thank you.

BILL NO. 23 - THE HIGHWAY TRAFFIC ACT

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Highways, Bill No. 23, standing in the name of the Honourable Member for Minnedosa.

MR. D. BLAKE: Madam Speaker, with leave, the Member for Ste. Rose will speak to the bill. I'd like it still standing in my name.

MADAM SPEAKER: Is there leave of the House for the bill to be left standing in the name of the Honourable Member for Minnedosa. (Agreed)

The Honourable Member for Ste. Rose.

MR. G. CUMMINGS: Madam Speaker, I'd like to put some comments on the record regarding Bill No. 23. Dealing first of all with the amendment that gives the authority to the province to reduce the licence plates on our vehicles to a single plate, it seems to me that we are confronted with a government or a department that is putting forward legislation. On the one hand, there are some very good parts of Bill No. 23 that improve the enforcement of the law and the regulations under The Highway Traffic Act, and make it easier for the law enforcement officials of this province to carry out their responsibilities and duties. At the same time, we see in this amendment where, in my opinion and in the opinion of a great many people in this province, the elimination of the front licence plate will indeed lead to some difficulty in law enforcement and, quite

frankly, the saving that is discussed in the Minister's introduction of the bill simply does not warrant the additional difficulties that this will create for law enforcement officials. Quite simply, to say that we will save \$1 million on the renewal of our plates - \$1.2 million, I believe, is the figure that the Minister quotes - seems to me that there are a lot of imaginative ways that this government could have looked to right in the manufacture and the use of the licence plates that could save \$1.2 million without removing the front licence plate. Quite simply - (Interjection) - like extending the use of them.

I guess maybe the generation on that side believes in recycling, but they forgot that some products can be made to last a considerable length of time. An extension of the life of the licence plate similar to what is used under other jurisdictions to the south of us could quite easily generate that same \$1 million worth of savings.

I think the other aspect that probably was not taken into consideration when this suggestion was brought forward - and Madam Speaker, I have to admit that probably this suggestion was brought forward in the light of the fact that this department has been raped, pillaged and plundered in every which way in terms of financial structuring of the way that the Highways Department is funded. We have seen \$12 million taken out. We've seen taxes raised; we've seen fees raised. Quite obviously, we're going to see - the offer is less plates for more money. But in fact, if we want to look at the improvement of motoring safety and make circumstances for the motoring public in this province more conducive to a safe environment, this is one area where, frankly, I do not believe that they have given sufficient thought to how additional revenues can be generated, how additional funds can be saved.

I would simply - I see a couple of the backbenchers on the government side chuckling to themselves and I say to them, do they know anything about law enforcement. Do they understand that many of the law enforcement courses enhance the ability of an officer to take a quick reading on a plate that is coming towards him? And very simply, while it may not be a situation where he can identify perfectly the numbers that are on that plate, he can - well the Empire Loyalist, in particular, has to receive a certain amount of understanding, and we will endeavor to effect an education on how we see certain aspects of law enforcement and the safety of the motoring public in this province is being carried out.

The tax-paying law enforcement officer - \$1.2 million, as I finished saying a couple of minutes ago, can be saved in many ways and right in the licence plate costs without reducing the use of the front plate. That argument, I would say, is practicably irrefutable, but it seems to me that the Minister and the members who wish to support this measure are not going to accept that logic and that rationale.

The reflective aspect of vehicles with the front plate, where there is a reflective aspect to the plates certainly, Madam Speaker, for those of us who live in the rural parts of Manitoba, the most quickly identifiable item on a vehicle that you are approaching on a side road that has been stopped for whatever reason, if you are approaching it from the front, the first thing you will see is the reflective licence plate. So not only is it an identification process, it is a safety factor.

Frankly, I'm not sure what the Minister is going to propose to be used. We've heard talks about promotion for tourism. I don't think we're probably going to want to have the cameo of the Minister of Highways on the licence plate. Surely we could come up with the promotions that could be used in other ways. But if we remove that licence plate, quite simply, we're removing a safety factor. We're removing a facility to improve the enforcement of vehicle identification by our law officers, and we are very much concerned that this enabling legislation is included in these amendments.

Madam Speaker, there is another change that is brought in, in these amendments, to which I would like to address some comments, and that is the use of the combination red and blue lights on law enforcement vehicles. I have no problem with that aspect because it brings us in line with many other jurisdictions not only in Canada but across the U.S. There has been considerable discussion - and the Minister has not addressed it in these amendments - about the use of alternating lights on vehicles that facilitate, that are public service vehicles and vehicles that are emergency vehicles. The Minister in the department continued to ignore the requests and the concerns of those people who have been promoting alternating lights for safety purposes. This clause only partly addresses the concerns of those people who have been bringing forward the aspect of the safety of alternating lights.

There will be an inquest this summer regarding an accident involving a Department of Highways snowplow, and I would suggest that while we do not see amendments in this act I would hope that the department would seriously consider in the information that would come forward at that point because it is my firm belief that the use of alternating flashing lights on public service vehicles could increase the safety of our highways under hazardous driving conditions because of the increased visibility of those vehicles with the use of alternating lights. A single rotating light does not have the same impact on the driving public.

I would like to move to the other amendment that I wish to address and that is included under the authority of a peace officer to stop and examine a driver's licence and registration.

Madam Speaker, while I have sought to get as much clarification as possible from the Minister, and he has been quite forthcoming with explanatory notes which I have in front of me at this time, the concern has to be expressed that we must have a better feeling for what the intent of this amendment is because in his explanatory notes in the introduction of this bill the Minister referred to the random stopping of vehicles in order to improve the control and the stopping of those who would drive without a driver's licence. And, certainly, there are an increasing number of those on the highways because we have an increasing number of convictions where drivers' licences are, in fact, suspended.

I want to make it very clear, Madam Speaker, and to the members of the government as well, that we approach this bill from the point of view that we wish to see enforcement of our laws in a fair and in a manner that is quick, in a manner whereby the law enforcement officials can readily enforce the regulations which society has imposed upon those who are no longer fit to drive

on our highways. But, Madam Speaker, we need a little bit further clarification on this section of the act to be able to understand if this would include arbitrary stopping of motorists on the highway.

If this amendment can be shown that it includes only the inclusion of this section, so that the police officers and the law enforcement officials can continue with a program whereby the roadside checks are of the nature whereby there is not an arbitrary stopping, then this section becomes a lot more compatible. And as I said, we wish to encourage and we wish to do everything we can to see that the highways of this province are as safe as possible and one way to encourage that is to be sure that our law enforcement officials can readily enforce the regulations which we have applied to improve safe driving. We approach this bill from a point of view of law and order and certainly want to make that the foundation of all my comments.

I would refer then, Madam Speaker, to an amendment further in the act. We talk about the regulations that would improve the ability to implement commercial vehicle inspection on a regular interval basis rather than on a call-up basis. Again, Madam Speaker, I would state that this is an amendment that will improve the safety of our highways, that will improve the safety of the driving public, because as we get further and further into deregulation in this province, deregulation of the trucking industry, the one way that the province and the public, through its governing bodies, can improve the safety of the vehicles on the road without, as we have a relaxation of the regulation regarding the fiscal regulation of the carriers, we now have an opportunity under this amendment, I believe, to implement inspections that will assure that the safety is maintained on these heavily loaded vehicles that we very often see on our highways.

So to that end, Madam Speaker, I believe that amendment is a useful one, but I wish to point out that it is one that becomes increasingly required as we move further and further into the deregulation of the motor transport industry in this province.

In closing my remarks, Madam Speaker, I would like to re-emphasize the fact that if we remove the front licence plate from our vehicles, enforcement will be more difficult, identification will be more difficult.

Madam Speaker, while there are many aspects of this bill that I did not address, I did not address them because, by and large, they are either housekeeping or they are aspects that we can support. But as I said near the end of my remarks, Madam Speaker, I would seek further clarification from the department on the intent and on the reality of the implementation of the changes for the ability of police officers to stop vehicles for the reason of examining registration and licence.

That concludes my remarks.

MADAM SPEAKER: Bill No. 23 will stand in the name then of the Honourable Member for Minnedosa.

BILL NO. 24 - THE CORPORATIONS ACT

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs, Bill No. 24, standing in the name of the Honourable Member for Emerson.

The Honourable Member for Riel.

MR. G. DUCHARME: On 24, the Member for Emerson stood the bill on my behalf and we've reviewed the bill, Madam Speaker. Unless the members on the other side of the House have any questions or any comments at this time, we would be glad to have it go on to committee.

MADAM SPEAKER: On Bill No. 22, for Second Reading, all those in favour say, aye; opposed say, nay. In my opinion, the ayes have it and the motion is accordingly carried.

On the proposed motion of the Honourable Attorney-General, Bill No. 25, standing in the name of the Honourable Member for St. Norbert.

A MEMBER: Stand.

MR. G. DUCHARME: 24, you said 22.

MADAM SPEAKER: 25.

MR. G. DUCHARME: No, when you moved the other one, you mentioned 22, it's 24, the previous bill. You mentioned 22, it was 24.

MADAM SPEAKER: The one that we passed was Bill No. 24.

MR. G. DUCHARME: You said Bill 22.

MADAM SPEAKER: I'm sorry. Bill No. 24 has passed. Bill No. 25 is standing in the name of the Honourable Member for St. Norbert. Is it the will of the House to leave it stand? (Agreed)

On the proposed motion of the Honourable Minister of the Environment, Bill No. 28, standing in the name of the Honourable Member for Emerson.

The Honourable Member for Kildonan on a point of order.

MR. M. DOLIN: Madam Speaker, I believe there was a mistake made. You passed Bill No. 24, called 25 and announced it was standing in the name, I think, of the Member for St. Norbert and then did not recognize any speakers and moved on to Bill No. 28. I would suggest that I would like to speak on Bill No. 25, Madam Speaker.

MADAM SPEAKER: All right. I'm sorry. I did not see the Honourable Member for Kildonan at that point.

BILL NO. 25 - THE DISCRIMINATORY BUSINESS PRACTICES ACT

MADAM SPEAKER: The Honourable Member for Kildonan on Bill No. 25. Is it the will of the House to leave it standing in the name of the Honourable Member for St. Norbert? (Agreed)

The Honourable Member for Kildonan. You've got to yell.

MR. M. DOLIN: Thank you, Madam Speaker.

I just want to say a few words on this bill, which I think is a bill which will probably be supported by all sides of the House.

One of the reasons for this bill being proposed at this Session of the House is questioning that came from the Honourable Leader of the Opposition, the Member for Pembina, myself, and the Member for River Heights during the course of the MTX debate at the last Session of the House.

One of the problems was dealing with MTX employees, either women or of the Jewish faith, in the contract entered into by MTX with Saudi Arabia and the prohibitions, Madam Speaker, placed upon these people by the government either de facto or in actual reality by the Government of Saudi Arabia.

What this bill does, and this bill is modelled - and I think it's probably a better model, Madam Speaker, than the original - on a similar bill in the Province of Ontario. The bill describes what is discrimination. Discrimination, basically, is described as an attribute of a person and dealing with defined attributes, such as race, colour, national origin, ancestry, sex, etc. It then describes later in the bill where it applies and what is discriminatory practice, and it describes discriminatory practices in a secondary or tertiary level.

Madam Speaker, I think this is very important. There are two kinds of discriminatory practices that I think came out and should be dealt with by this Legislature, and prohibited as described by this bill, and those are secondary is where you or I are in direct business venture with another person who discriminates against one of our employees or against us.

The other one is the situation where a company does business, Madam Speaker, with a company in Manitoba and says that they will not do business with this company if they do business with a third party.

There is legislation in the United States of America - my empire loyalist friends on the other side are always very aware in their world travels of what goes on south of the border, Madam Speaker - which is referred to as anti-boycott legislation. The anti-boycott legislation was brought in in the U.S. and basically this was prohibiting companies from doing business with Arab countries which prohibited them from doing business with Israel. Basically what this was is some of the Arab nations and their companies said they would do business with company A if company A did not do business with Israeli firms or the Israeli government. Thereby, on a third party basis, prohibiting that company from doing business. This is prohibited in this legislation, Madam Speaker, and so it should be.

There are remedies pointed out and, in some cases, where someone cannot get a visa, as was the case, Madam Speaker, in the situation in Saudi Arabia with MTX. Now, one of the things brought out in the Cummings Report by Coopers and Lybrand, was we really have no jurisdiction in Manitoba over policies regarding visas given by the Saudi Arabian Government.

(Mr. Deputy Speaker in the Chair.)

What happened in this case is Jews and women were discouraged from application for employment, Mr. Deputy Speaker, in Saudi Arabia for the simple reason they were Jews or women. Now, we had no authority to do anything about that, as a province and as a Crown

Corporation, Mr. Deputy Speaker, because we have no jurisdiction over Saudi Arabia.

What happens in that case, Mr. Deputy Speaker, is one can say we can shrug our shoulders and say, well, Saudi Arabia has a policy regarding visas. The do not allow Jews or women to enter Saudi Arabia and enter into certain professions. Since we, as a province, cannot control Saudi Arabian law, then we must go along with Saudi Arabian law in doing business or allowing Manitoba companies to do business in Saudi Arabia.

Mr. Deputy Speaker, that is not the case in this legislation and I must praise the Attorney-General for taking up this concern. What happens now is there is a section called Employment Opportunity where a Manitoba employee is put in this situation, where he is refused a visa going to a foreign jurisdiction which discriminates against him or her because of an attribute as defined in the act. There is a requirement that employee now be offered equivalent other employment in a jurisdiction where he or she can work, and the act states: Offer affected employees, or perspective employees, the next equivalent employment opportunity for which that employee is qualified. I think that is an excellent section and I think that is most important.

I do wish to point out where I feel there is a weakness in the act, and this act, I think, solves half the problem identified in the MTX-Saudi Arabian situation, Mr. Deputy Speaker, half the problem being those companies in Manitoba doing business abroad where the jurisdictions they do business with discriminate. What it does not deal with is the situation where a Crown corporation, an agent or a department of government of the Province of Manitoba does business abroad in a discriminatory area. One of the things is this act does not apply.

My reading of the act is that there is a section delineating who the act does not apply to, and it does not apply to situations where the Government of Canada - and I believe that is in the section that says where it is "... a policy of the Government of Canada . . ." or where it is "... a policy of the government of Manitoba directed towards persons in provinces other than Manitoba" or governments other than that of Canada.

This bothers me, Mr. Deputy Speaker, because I think what we have done is, we have dealt here - and I think reasonably effectively - where we have jurisdiction in Manitoba businesses doing business abroad and in ensuring that Manitobans, the people of this province who are employed by Manitoba companies, are not discriminated against by any attribute they have, be it race, colour, sex, national origin, when the company they work for is doing business abroad. The problem here is, if they are discriminated against abroad, I think also the act covers the situation where the company still does business abroad where they are offered an equivalent opportunity for promotion, employment, etc., here in Canada.

What the act does not cover - and I still feel that we are missing half of the situation that was described at MTX and the situation which I brought up to some great extent. I expressed concern about it, as did some of the members opposite - and I think particularly the Leader of the Opposition - is a Crown corporation or a government department doing business abroad. This act does not cover that.

Now, I think it is a good measure to deal with the private sector. Mr. Deputy Speaker, I think what is more important and what we have been promised by the government - and I looked forward to seeing - is the Minister of Crown corporations coming up with a policy to deal with government agencies, government departments, Crown corporations doing business abroad to ensure that government employees, civil servants, servants of Crown corporations, Mr. Deputy Speaker, also have the same protections and the same rights as those afforded to people in the private sector when and if this act is passed.

Mr. Deputy Speaker, I assume from the comments made at last year's hearings by the Opposition and by the Member for River Heights, that there will be no opposition to the principles of this bill. Not only will there be no opposition, but I would suspect that members opposite may even take the position that it's not strong enough. I have some sympathy for the fact that it is not strong enough. There are certain categories which could be defined more clearly, and there is the section on non-application of the act which I would hope members opposite and myself and other members from this side will encourage and support the early issuance of policy guidelines for government agencies and Crown corporations to ensure the same fairness for civil servants and government employees.

Mr. Deputy Speaker, I commend this bill to the House. I commend the Attorney-General on not only the principles of this bill but the fact that he did not create another bureaucracy as they did in Ontario. In Ontario, they created another bureaucracy to oversee discriminatory practices of the private sector in doing business abroad. The Attorney-General, I feel in his wisdom, in this case allowed the jurisdiction, the examination, the mediation to be done by our own Human Rights Commission. So there is a money saving here, I feel, from what has happened in Ontario, where the Human Rights Commission can make the adjudications and mediate.

I would also like to point out that not only does this bill define the situation and set penalties where there are violations but, even more important, Mr. Deputy Speaker, is the preventive aspect of the bill. What they found in the United States when they passed the anti-boycott legislation was that, where a company or a government in the Middle East said they would not do business with an American company because they traded with Israel - and there was an Arab boycott from these countries against Israel - where the law in the United States said that company would be subject to punishment, Mr. Deputy Speaker, if they adhered to that discriminatory policy of the Middle Eastern country or company. What happened is, in most cases, the Middle Eastern countries or companies waived the boycott because the American companies held firm and said very, very simply to the Arab countries or companies that, if you wish to do business with us, you cannot expect us to discriminate or honour the boycott. In most cases, the Arab countries wanting to do business, Mr. Deputy Speaker, with those companies, said to Amerada Petroleum or Exxon, well that's okay, we'll make an exception. You can have Jewish employees, you can have women. They can come to Saudi Arabia, because we recognize U.S. law prohibits you to do business with us if you honour the boycott.

We want your business, we want your technical expertise.

I would suggest that this law does that also here. It will allow companies to say, look we have a law in Manitoba. We cannot discriminate. We cannot do business with you if we are allowed to discriminate or if we do discriminate. What will happen is, I would say in most cases, there will be a prevention in a manner where there will be no need for adjudication, where the situation will be one where the company that is discriminating against abroad will say we will waive the conditions and allow special cases for Manitoba companies in this case. That is what has happened in the U.S.

I think the fact is that also with this bill as law in Manitoba, if that does not happen, there will be measures outlined in the bill to make sure that employees affected who are being discriminated against because of color by another jurisdiction, because of race by another jurisdiction, because of religion, because of sex by any other jurisdiction will be protected. Not only will they be protected but, if the business goes ahead with that other jurisdiction, they will be enforced by law to be offered equivalent employment or promotion or the next equivalent job coming up. I think this is an excellent bill.

I also look forward to its companion piece of legislation or regulation for the Crown corporations to adopt a similar policy and a non-discrimination policy parallel to this to ensure that Crown corporations and government agencies follow the same guidelines as we are requesting from the private sector. This has been promised, and I look forward to it.

Mr. Deputy Speaker, I commend the bill to members on both sides of the House. I think it has been awaited by members on both sides of the House. The Member for Pembina, I certainly will expect to support this. I will expect the Leader of the Opposition to support this and also, when the companion regulations come in and the companion legislation comes in, to ensure that the same thing that affects public and private employees equally becomes the law of the land for the Province of Manitoba, and that we are on the record with all foreign companies, with all foreign countries that we do not in Manitoba tolerate discrimination against our people. We will do our best through our legislation where we have jurisdiction to ensure that such discrimination does not take place.

Thank you, Mr. Deputy Speaker, and I commend this bill to my colleagues in the Legislature.

MR. DEPUTY SPEAKER: On the proposed motion of the Attorney-General, Bill No. 25, The Discriminatory Business Practices Act.

Stand? Is it agreed? (Agreed)

BILL NO. 28 - THE HIGH-LEVEL RADIOACTIVE WASTE ACT

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Minister of the Environment, Bill No. 28, The High-Level Radioactive Waste Act, the Honourable Member for Inkster.

MR. D. SCOTT: Thank you, Mr. Deputy Speaker. I'm pleased to stand this afternoon and speak on the

principles behind Bill No. 28 (Interjection)- I expect it will be briefly, yes, Minister of Education.

The High-Level Radioactive Waste Act, Mr. Deputy Speaker, shows a continuing commitment that this province, this government has towards protecting the future interests of the people of Manitoba. The purpose behind the act is to keep from ever being stored within this province high-level, nuclear-active waste that has not been generated within this province. We, as Manitobans, share no responsibility with the follies of the Government of Ontario, the Government of Quebec, the Government of New Brunswick, and of course the Government of Canada, who has financed all the nuclear facilities there, in sharing or taking responsibility for the storage of the waste generated in those facilities.

In Ontario today, I understand the generation rate of nuclear waste from the nuclear plants in that province is in the vicinity of 1,000 metric tonnes per year. That is over and above what they have in storage currently, stored primarily at the generator sites, of some 8,300 metric tonnes of nuclear waste in the form of spent fuel bundles. This does not include, Mr. Deputy Speaker, the literally hundreds of thousands of tonnes of contaminated plant equipment, reactor components that would have to be disposed of upon any decommissioning.

Currently, as we're all aware, AECL, Atomic Energy of Canada Limited has, in the Lac du Bonnet area, an experimental facility which is to be tested without the use of any nuclear or radioactive isotopes of any kind or any actual spent fuel, but is using electrical heat primarily in the conduct and the testing of the impact that storage may have deep underground of heat-generating nuclear waste.

The Government of Canada, I believe - correct me if I'm wrong, someone please - but they have put in excess of \$100 million into that project thus far. I, as one individual of this House, Mr. Deputy Speaker, have no confidence in that experiment. I do not believe it is wise for our generation to be generating this nuclear waste in the first place. I do not believe that it is wise for our generation to think that we are going to be able to dig a hole somewhere in some pluton in the Shield country, be it in Ontario, Manitoba, Northern Saskatchewan or one of the eastern provinces. I do not believe it to be responsible for this generation to think that we can take our generated high-level radioactive wastes and stick them underground and expect future generations to have to cope with them.

Anybody who's been in old mine site or even a pit of any kind knows that, with time - and when we're talking about nuclear waste, we're talking exceptionally long periods of time, periods of time that are, I believe, incomprehensible for the human mind to be able to fathom. We are talking half-lives of this material of 2,000, 2,500, 3,000 years.

That, Mr. Deputy Speaker, goes back to the times of the construction of the great pyramids of Egypt, and how would we feel today or would we even be here today had the Egyptians of that era decided to store hundreds of thousands of tons of generated high-level radioactive waste deep inside those pyramids, instead of mummies and treasures associated with the mummies? What kind of capacity would the people between then and now have had to be able to manage the waste that is contained there? Take that waste and

instead of putting it inside the huge pyramid, stick it a few thousand feet underground, when over that thousands of years, one has continual leakage in the seeping of water which is in the ground anyway, both in bedrock and above bedrock.

Are we to say by putting nuclear waste and leaving them in a position that may not be retrievable - and I would suggest would not be retrievable in time, possibly even in 30 or 40 years of a very high level of maintenance - is it responsible for us to take our wastes and try to bury them, as we did with our other garbage materials, with other hazardous wastes, such as in the Love Canal, such as around Hamilton, Ontario, where they buried them and figured that out of sight is being out of mind?

Well, we know full well that the chemical wastes that were buried just 20 years ago are very much in our minds and, sadly, are very much in our rivers and streams in the areas where the largest dump sites are located, not to mention the incredible contamination of ground water in those areas.

So here we have some people in the AECL a couple of years ago, in one of their glossy magazines called "Assent," had virtually declared, before the tests had hardly even begun at their research facility, that it was going to be a safe mode of containment for those wastes.

Mr. Deputy Speaker, I don't believe them. I don't believe them for one little bit and we don't believe the U.S. Department of Energy, when it was proposing similar types of facilities, in a northern part of the State of Minnesota, buried deep in the bedrock of that state. We successfully, in conjunction with our neighbours to the south, the State of North Dakota and the State of Minnesota, persuaded the U.S. Department of Energy to defer the consideration of those sites in Minnesota. We would, of course, preferred for them to have eliminated any potential, any possibility, of using those sites, but they only went so far as to defer the consideration of those sites and put them much lower on their priority listing.

As the public becomes more aware of not only the risks associated with the nuclear industry from a health hazard and a contamination perspective, but also fiscally and just how irresponsible the whole industry has been. I've tried and I haven't been able to get conclusive data on the history of AECL at this point in time and how much it has cost the taxpayers of the people of this country. But I have checked in the most recent Public Accounts of Canada, Volume III, published by the Treasury Board, and I note in these Public Accounts, under Atomic Energy of Canada Limited, some pretty frightening financial figures of just how much this corporation has cost us.

If you look at the operations of the firm itself, its revenues generated did not even equal from its commercial operations, did not equal the amount of money from appropriations it got from the Government of Canada. Last year, the appropriations from the Government of Canada amounted, in 1986, to some \$275 million into AECL. In 1985, it was \$50 million higher than that, at \$345 million. This does not include the public liability that we have for the loans outstanding to AECL, as well as a long-term commitment in other operations.

In heavy water, they have over one-half billion dollars worth of heavy water stored. They were buying heavy

water when they couldn't use it, when they had no market for it. They were buying it steadily to try and support, through massive subsidies by false purchasing really, stockpiling the heavy water to keep the plants, I believe, in Port Hawkesbury and Glace Bay open for years upon years, and the total cost of that was some \$556 million.

They have, and without the assistance and the financial backing of the Government of Canada, you would never have had the nuclear programs that you have in Ontario today, in Point Lepreau in New Brunswick, or at the Gentilly Station in Quebec. The Gentilly Station, as people may be aware, has already been shut down, along with the Douglas Point prototype reactor, and one of the more irresponsible parts of this industry, as they have no provision for decommissioning their existing plants. They don't know how much it is going to cost to decommission the plants, but we do know that for future cost for the decommissioning - not the decommissioning but just to take them down to a storage mode, not decommission but just to store the facility as it is now - to try and keep them from contaminating anything else outside of its immediate boundaries, they're looking at an additional cost of some \$12.4 million for Point Lepreau and Gentilly 1 Stations.

Beyond that, they have future costs yet to assume for the shut-down of the heavy water plants in Glace Bay and Port Hawkesbury. I believe they still expect to spend some \$27 million to complete the shutting down of those operations after already having put in, in direct subsidies or purchases, some \$556 million and that does not include the amount of money that is being written off and is going to have been written off for the loans to both General Electric and to the Glace Bay facility for its construction and modifications while under construction and while operating.

As a matter of fact, the financing for the heavy water plant in Glace Bay, they still owe \$24 million. They've spent millions upon millions of dollars so far trying to get rid of the thing as far as shutting it down, and they still expect to have to pay another \$27 million for their facility.

Some may ask how does that link directly to the legislation we're passing here. Well, I think this legislation points very clearly to the fact of the non-viability of the nuclear industry as we know it in this country today. It is not simply here in Manitoba but across this nation.

In the United States, I do not believe there has been one new plant that started construction in the past decade that did not have approval before 1975. They're shutting down plants fairly regularly in the U.S. Just flicking through some information, it's noted here that just a little under a year ago, in July 16 of last year, that they have 10 problem power plants in the United States; 9 of them at that time were shut down, and since this time there have been additional shut-downs of plants where they're having difficulties.

In Ontario, it seems, not every month for sure, but almost every year, one hears reports of facilities having to be shut down for extended periods of time for rebuilding, either at the Douglas Point Stations on the Bruce Peninsula or at the Pickering Stations. The Government of Canada, through AECL, financed the Pickering Stations, and as well as other provincial

utilities, to the tune of almost \$700 million is how much we are out on a limb to try and finance those operations to get them under way, and they're still losing money on an annual basis.

A week or so ago, the Canada Development Investment Corporation had reported its operations for the year, and it was noted that Eldorado Nuclear Ltd., a wholly-owned subsidiary, lost in 1986 a further \$64 million, and \$57.2 million in the previous year. So there is another almost \$120 million that has been lost by another one of the Government of Canada's nuclear industry components - Eldorado Nuclear - which, of course, is primarily a mining venture.

So we in this province certainly should not have to share any additional responsibilities towards the, I would say, irresponsible practices of the other provinces of Ontario - Quebec has essentially moved out of it now with the shutdown of the Gentilly Station - but now New Brunswick, just having finished the Point Lepreau, is asking for a second station, another uneconomic power station for that province.

So we see just in the last two years the operations of AECL alone have lost some \$600 million. When you tie in Eldorado Nuclear, that comes up to in excess of \$700 million, almost \$720 million. Then combine that with the long-term cost that essentially has been written off for the heavy water plants of another \$550 million, you're up well in excess and almost to \$1.3 billion - actually, it's about \$1.275 billion - and that's just in the last couple of years.

I must give some credit where credit is due to the current government of Canada which has told AECL that they are not going to continue to finance these huge losses in that operation and the operation has to work towards becoming more self-sufficient. I think that message was essentially the death knell of this corporation. It's a corporation that I do not believe and an industry that I do not believe that Canada itself will be at a great loss if we lose it because the amount of money that we have put into the industry certainly far, far exceeds the benefits that we have accrued from it.

They constantly come to try and defend it by saying "Well, look at the medical research benefits we're getting." Well, the medical component could go on very well without having all the other activities that they're involved with on the power production side in particular. The facilities and the cost, really, of the maintenance of the facilities is just simply astronomical. To try to say that the medical benefits that we receive with this balance out any of the other costs, I think is totally irresponsible.

(Madam Speaker in the Chair.)

Mr. Deputy Speaker, and now Madam Speaker, this act provides only for waste that is generated in this province. The only waste that can be stored here for any length of time is generated within this province at our own facilities, be they the Nuclear Research Station in the Whiteshell or at our various medical facilities where radioactive by-products are generated both through chemical treatments for cancer and primarily the radioactive cancer treatment facilities and, of course, the X-ray facilities and the CAT scans.

Madam Speaker, it would be imprudent of us to allow them to go ahead and to store this waste deep

underground rather than having it stored essentially above ground where it can be accessed at any point in time, where it can be monitored properly, where, if any difficulties do start to arise, it can be humanly accessible to be able to attempt to rectify the problems.

And I certainly would not want to be in the shoes of those individuals whose job it is to go in to attempt to rectify difficulties when they do arise, but that is the nature of the jobs that those individuals have chosen and of the corporation that they're involved with and the generating of this, and the risks and the responsibility must lie with the industry itself. It certainly cannot be passed on to this Provincial Government. We just do not have the capacity to be able to sustain those risks.

One interesting aspect which speaks volumes of the previous government, the Liberal Government's years in office, under the Trudeau leadership, was, in 1970, the passing of the Nuclear Liability Act. It was not proclaimed until 1976, but that act restricts the liability of any nuclear facility to a mere \$75 million.

Madam Speaker, there are lawsuits exceeding \$75 million in airline crashes. Just consider how huge the liability would be if a Pickering plant went up, and with the mass of contamination on the east side of Toronto and the communities lying east of Toronto, what that would encompass. But there is a legislative law, through the Government of Canada, that restricts Pickering's liability to \$75 million. Not only that, it only applies in instances of disasters. It does not apply for ongoing difficulties; it does not apply for ongoing operations.

Beyond that again, the Government of Canada co-insures or reinsures the liabilities that the insurance companies have assumed for this \$75 million, and the reason that this act came forward was because the insurance companies did not want to have to assume the risks and could not be persuaded to write policies to guarantee the coverage of the nuclear industry in this country. So that tells you something if the financial and the insurance industry is not willing to assume or to write policies towards covering the risks because they believe the risks are too high.

That goes again to reaffirm the Minister of the Environment's position and this government's position that we in Manitoba cannot be expected to assume the risks associated with the storage of high-level radioactive waste.

This legislation binds the Crown. It binds the Crown so that the Crown cannot say in any way that we can have a provincial operation - a department or a provincial Crown corporation - in the future that would be exempt from the provisions of this act, exempt from both the fines, exempt from the regulations and exempt from the basic characteristics of this act prohibiting the storage of nuclear waste generated outside the province within the Province of Manitoba.

So, in conclusion, Madam Speaker, I think that this is a very responsible piece of legislation. I do not believe as some - and I hope members opposite wouldn't - but some people in other jurisdictions who produce this stuff perhaps talk about the "not-in-my-back-yard" syndrome or the "nimby" syndrome, that this is evident of that.

What this is evident of is a government that is saying that we will not put at risk future generations of this province due to the irresponsible generation of nuclear

by-products in other areas, and we certainly are not going to allow them to be buried deep underground and forget about them thinking that they will be safe in the cocoons of the earth, for we know full well - not only from research that has been done but just from observing geological history - that nothing is permanent. We even have earthquakes in this part of the world. Very seldom, very rare, but they do occur.

We need no opportunities to have the radon gases or other radioactive emissions - be they contaminating water or air, in the future from our policy or from a corporation, the AECL's policy of believing that they could store deep underground radioactive waste and not have to worry about long-term risks.

Madam Speaker, I commend the Minister of Environment for bringing forward this legislation and I urge all members of the House to give it their full support. Thank you.

MADAM SPEAKER: It is my understanding that Bill No. 28 will stand in the name of the Honourable Member for Emerson.

BILL NO. 29 - THE CONDOMINIUM ACT

MADAM SPEAKER: On the proposed motion of the Minister of Housing, Bill No. 29 standing in the name of the Honourable Member for Assiniboia.

The Honourable Member for Fort Garry.

MR. C. BIRT: Madam Speaker, I wish to speak to the bill. I have had an opportunity to review the proposed amendment to The Condominium Act and I have consulted a number of people who were involved in the condominium industry, or who provide legal services or accounting services to this industry.

Firstly, I must compliment the Minister for bringing forward these amendments at this time. The bill has basically stayed the same since it was created some 15 or 20 years ago and unfortunately, the legislation that started all this which came from Ontario, has gone through two major studies and followed through with two major revisions of their act. Hopefully, this amendment to The Condominium Act has whetted the Minister's appetite so that she'll come forward with a full review of The Condominium Act, the condominium industry, the rights and concerns of those who occupy, those who manage, those who finance - in other words the whole condominium industry.

Our act unfortunately is sadly out of date and needs some major revisions. This particular bill deals with some revisions but adds some new principles into the existing legislation. I would like to touch on some of the concerns I have as a result of my experience as a lawyer in dealing with condominiums, advising to condominiums, also in dealing with people who worked in the industry and have concerns.

The comments are not in a negative sense, but out of a concern that I have as a result of a conversation and questions asked of the Minister of Housing yesterday in question period. Certain representatives of the Condominium Institute of Manitoba have met with the officials of the Department of Housing. They have pointed out to them their concerns that are contained in the proposed amended bill. They have

also had some undertaking from the support staff in the department that there will be some changes to the act, in light of the concerns expressed by them.

But the Minister indicated, and I think in all fairness, she may not have been apprised of the full extent of the detail of the conversation between the government and the institute, that they were of a technical nature. Well if some of those proposals will surface as amendments to this particular amended act, then we're dealing in principles and I think it's important that when staff review my comments and other comments that will be made in regard to this bill, they look at all of the points that we're raising.

The attempt here is not to dump on anyone's parade, not to be overly critical of those who are attempting to provide a solution to some of the problems that exist in the industry; but to make sure that when the bill finally emerges from this House, that it in fact will serve all people in Manitoba very well.

I think that's the intention of the draftspeople, but some suggestions to improving its whole function could be made that will make it a better bill. Firstly, if one looks at the first section of the proposed Bill 29, where it says Section 1(a), and then it says: "by adding thereto at the end clause (r)" of the existing act, it says, "and includes any reserve funds."

MADAM SPEAKER: May I remind the Honourable Member that on Second Reading, one is not to refer to specific sections of a bill, but to talk about the general principles.

MR. C. BIRT: Okay, thank you, Madam Speaker.

The specific reference is the inclusion of reserve funds in the definition of property. Property is defined as land and interest of the corporation. I would think it would be better to delete or remove any concept or phrasing of reserve funds in the bill because the problem will become, and I'll address this issue later, when we talk about establishing a reserve fund of 5 percent of the appraised value of the particular condominium corporation.

If the proposed inclusion of reserve funds is included in the definition of property, then when one does an assessment of the value of the corporation, one looks at land, building, common-element fees, plus the reserve fund. In other words, you will be counting the reserve fund when you have to do your 5 percent appraisal of the reserve fund of the corporation. So one could lead to ridiculous lengths to keep reevaluating because you're including the reserve fund as property of the corporation.

The reserve fund is there to replace and enhance the building and the land and the common elements; therefore, it should not be included in the definition of property as The Condominium Act describes it, but merely as it points out, I believe it's section 26(2) of the act, where it says that it's an asset of the corporation. Therefore any existing reserve funds being held by the corporations, or any funds they may accrue in the future, would not be then calculated or included in any calculation of trying to establish a reserve fund because then, quite frankly, it would be self-defeating. Therefore I would recommend either a change to that particular inclusion in the principle, or a deletion

because I don't think it is necessary, the way it's set up.

The other principle that I would like to deal with is the inclusion that the act is subject to The Landlord and Tenant Act and The Residential Rent Regulation Act. Here we have a Condominium Act that's to regulate the affairs of the Condominium Corporation. In certain instances, this act delegates certain adjudication authority to the Rentalsman's Office, and that is a good principle, because it provides a very quick, inexpensive method to resolve certain disputes about rights and interests. It doesn't require people to go to court and get involved in lengthy expensive proceedings, but that's all that this action contains.

I believe that the people who were drafting this particular amendment are those who are involved in The Landlord and Tenant Act or a division of the government. Quite frankly, I think that inclusion should be removed, because you would then be asking the Rentalsman to adjudicate on The Condominium Act and the condominium law, and I don't think that's the intention.

The Rentalsman's Office should be dealing strictly with adjudication matters between the tenants and landlords. They should not be providing interpretations to The Condominium Act, because the act itself provides a mechanism where parties can resolve their own disputes and, quite frankly, I don't think it should be included in the act at all.

There's another area where, if a unit is rented by an owner to a tenant, the corporation can charge what they call a leasing levy. Now this is not a bad concept. The only thing I would quarrel with, and would ask the Minister to review, is that it says, there may be a refund to the owner when the tenancy terminates less of any portion thereof used by the corporation plus any interest that their declaration may make reference to.

Well, if there is a dispute as to the amount that should be returned or not returned, there is really no mechanism by which this area of dispute can be resolved without going to litigation.

In keeping in mind the principles in the draftsman's mind in preparing this, I think the section in the act where it says that you can maybe go through by way of adjudication - and I know I'm not supposed to make specific reference to the act, but there is an area where these matters can be arbitrated and adjudicated on - I would suggest that those principles be expanded to include, any dispute over the leasing levy concept they're introducing into the act. I think for the odd instance it would be helpful to those who are involved in trying to resolve that issue.

The next interesting concept that is being introduced is that the declaration and the plan - those are two separate documents. The declaration is the entity which governs the existence of the corporation; in other words, it's the charter of the condominium. It used to be that you could not amend the declaration or the plan, and the plan being the particular physical layout, the plan that's filed in the Land Titles Office without 100 percent approval of all the unit owners, plus any incumbrance holder registered against the said units.

This particular amendment takes the approach that you can have an amendment of the declaration or the plan if you receive approval of 80 percent of the unit owners. Now the problem is that the existing industry,

and I believe just recently we had over 205 condominium corporations registered in the Winnipeg Land Titles Office, which represents somewhere between 7,000-8,000 units just in the City of Winnipeg, not in the Province of Manitoba, so it's fairly significant. All those people bought their units on the premise that their one vote would have control on how the declaration could be changed or not changed. In other words, they put their money down to buy their unit based on the knowledge that they were provided with at the time of purchase, which was the declaration, the by-laws and whatever other support documents. Based on that and any financial information they were provided, they then exercised the right and bought in. It meant that their one vote was important because nothing could be changed in that declaration, the plan, without unanimity. This introduces a change to saying 80 percent can do it.

I don't disagree with the idea that one person perhaps should unfairly hold up something. But I think, quite frankly, for those who bought under those bases, there should be either a grandfather clause protecting all those corporations that were in existence prior to the coming in of this act that would protect the unit holders and on the decision that they made to buy into a condominium unit or in the alternative, because you might then have two categories of 100 percent with the existing ones and then going to 80 percent with the new is that some new mechanism be found. Perhaps 90 percent or more of all are required.

In other words, the old corporations, the condo corps. and the new ones would be treated as equals. You could still go to the 100 percent rule. But if there was a provision that no approval would be unreasonably withheld and that issue could perhaps be taken to court to determine whether one or two unit holders are being unreasonable in withholding their approval of the change in the declaration or the plan. I think in that light we might have a better solution than what is being proposed here.

The other concern I have is that, until very recently, it was difficult to get conventional funding out of the banks for the purchase of condominium units. They lent on the basis that they had a right to affect the decision of changing the declaration or the plan. Now, this act removes that right by saying it deletes any reference to the incumbrance holder. Well, traditionally, when a mortgage is lent, often a proxy vote is taken back by the mortgage company and other rights, that they will only exercise should they wish to start mortgage foreclosure or some other proceedings. Generally speaking, they do not get involved in the affairs of the running of the corporation.

Now, they've lent knowing that this is their ultimate security, that they can take over the vote of the unit holder. Now, if we remove the right of the other incumbrance holders, and given the fact that just recently funding has been granted to purchasers of condominiums by the traditional providers of credit, this might very well tighten up or affect the availability of funds for new condominiums or refinancing of mortgages under the old.

I would request the Minister and her staff consult with the credit granting agencies to ensure that they will not be unhappy or their ability to provide credit based on the change of rules will be affected because

the key here is to make sure that this very mature industry is in fact maintained and enhanced. I think that can be accommodated with consultation between the credit granters and the condominium institute and the Minister's staff.

It would appear, and the Minister answered this yesterday, that it was her intent to only have one cooling-off period, but the indications are at the moment, that there is a cooling off period of 48 hours available to a purchaser. Once they have been provided with certain documentation, they don't have to proceed with the contract. They must have certain documents in their hand 48 hours prior to entering into an agreement.

The new amendments would say that there is a cooling-off period once the agreement has been signed by the unit holder and, unless certain information is provided to them, they will be able to cancel the contract, not only in 48 hours, but it includes any weekends and holidays. So, in effect, as it stands at the moment, there would be two cooling-off periods, and I don't think this is the intent of the legislation and we would probably need an amendment to say that we're going to do away with the first cooling-off period or we'll leave that and eliminate this one. But I don't think it's the intention, nor should it be, that we have two cooling-off periods.

The other area is a request for certain information that deals with the mortgage that's registered against the unit and whether or not the mortgage can be assumed, or it will terminate; in other words, it's not renewable. Some condominium units were sold back in 1982-82, where the developer would take a mortgage back to help facilitate the sale, but often they were for a fixed term and they were not entitled to renew; and, quite frankly, everyone that bought them were advised of this.

There is a provision that this be disclosed to the potential purchaser. Well, quite frankly, that shouldn't be in; there is no need for it. This is a matter between the vendor and the purchaser and whether or not a mortgage can be assumed would be the subject of the contract, and should not necessarily be put in legislation. Quite frankly, there is really no need for it and I would suggest that it be removed.

Another area is the suggestion - and it's a good one - is the creation of a new board of directors. When a new condominium corporation has been created, generally speaking, the developer creates his own board of directors, and in the past, only when it reached about 100 percent of new owners would there be a change in the board of directors. So what has happened is often, until you've got 100 percent of the units sold, that you would have the board of directors appointed by the original developer controlling the affairs of the condo corporation.

The recommendation here is that when a majority of owners acquire a majority ownership in the unit, that a new board of directors be elected. I think the principle is sound; the problem is in the amount being set. The legislation deals with bare majority and I would suggest something in the neighbourhood of perhaps three-quarters of the unit are sold to new owners, not the developer, that at that time a new board of directors be elected; because, quite frankly, when it's only half full, the people there aren't ready to take on the responsibility. Maybe some of them are, but until you

get a fair number of new unit holders, that you should give those people who have first moved in a chance to understand and get used to the place; and, in fact, often people are not prepared to put their names forward, so I think you may not get a board of directors that perhaps would be effective or in the best interest of the corporation. So I would suggest that be amended to, perhaps three-quarters of the units, rather than the bare 50 percent.

There is also provision contained in here where there is the granting of a lien. While this provision was granted before, but there has been a time limit imposed on the right of the condo corp to impose a lien on the unit-holder's title, and that may be for non-payment of common-element fees, reserve fees or a whole variety of costs and expenses. But they introduce a time limit this time, and, quite frankly, I think it's not a good idea, because the corporation may have some very valid reasons why they don't wish to register a lien for two or three months, the individual may be sick, there may be a variety of reasons, but we would suggest that the time limit of three months is too restrictive. And I've looked at the possibility of saying, well maybe we should look at six months or a year, but quite frankly it doesn't do any harm by leaving it open, and if a unit owner should sell, they request documentation from the corporation that says, are there any outstanding monies due and owing by the vendor on this unit? At that time the corporation can recover, because the corporation can say, yes the common element fees have not been paid for three months and the individual in question owes us "X". Well then the lawyer acting for the purchaser would then impose trust conditions on the vendor that they be paid. In fact that is what is happening now.

The other aspect, when they talk about registering a lien, or the permitting of - through the by-laws - the right to recover monies due and owing to the corporation, I would suggest that they amend the provision to instead of, as each month goes by, they register a new lien for the specific sum of money that is due and owing to the corporation. If for one month \$60 is owed, they could register a lien for that \$60. The next month goes by and another \$60 is not paid, they must register another \$60 lien. In the meantime you may get \$20 paid down, so the amount due and owing is only \$40.00.

I would suggest that the principle contained in the bill be amended so that once the lien has been registered, they can claim whatever amount is due and owing when it becomes time to discharge the lien, whether they go through court or whatever, so that one lien might cover one month, three months, five months, it doesn't matter. In other words the lien triggers an interest of the corporation in the unit holders' property but the amount might have to be determined at some future date, and I think if we could introduce that principle in here and then modify what is here, the industry would be well served.

There are, I think, some good steps in here by method of appointing arbitrators and trying to resolve matters in a simple and expedient way. I think the Minister is to be complimented for introducing this process. As I indicated the Rentalsman's office has a small part to play in trying to mediate disputes and I think that is a welcome addition to this particular legislation.

I guess the other area of concern that one has is in the area dealing with the establishment of a 5 percent reserve fund based on appraised value of the property of the corporation. And it's interesting, it is 5 percent of appraised value of the property administered by the corporation and again that comes back to my earlier comments where it says, property administered by the corporation. You could then say that the reserve fund being handled by the corporation is in fact part of the property and you had to get 5 percent of not only land and buildings but also of the reserve fund. I think if one looks at what condominium corporations are today and given what inflation has done to property values, \$1 million or \$2 million for a condominium development is not unreasonable, in fact in many instances it's very small.

Now, you have condominium corporations with two units all the way up to 200-300 units, the principles though would be the same. But if we deal right now, as soon as this act comes into place - within 3 years - 5 percent of the appraised value of the property must be raised through extra charges on the unit owners. And if you're talking in the million-plus range, you're talking substantial sums of money. And in some instances this can amount to \$1,000 per unit, per year, may even add up to \$5,000 per year. One area it says appraised value, appraised value of what? Market value or replacement value? I think it should be defined, have been more precise. I think it's relating to replacement value and therefore the act should so specify. Market value has a different connotation and, quite frankly, you can't sell a condo corporation, so that to avoid any dispute, I think they should identify the amount.

The other interesting thing is that any new condo corporation is often a brand-new unit. Now, there are conversions of existing apartment complexes but, generally speaking, the ones being built today are brand-new. Those buildings will last 10 to 15 years before any remedial work has to be applied to them; therefore it seems unnecessary that in the first three years of a brand-new development, you're going to have to raise 5 percent of some value and put it in a reserve fund.

I would suggest that two things happen. If 100 percent of the unit owners decide that they do not want a reserve fund, then that should finish it; so there should be provision in there as to the option of establishing a reserve fund; so that if 100 percent of the unit owners do not wish to have a reserve fund, then it won't be put into place. However, it doesn't give one individual the right to veto the whole thing. It just says there must be 100 percent approval; if not, then there will be a reserve fund.

I would suggest that options be given to the board of directors of the day to deal with the establishment as to the amount of the reserve fund, the time in which they're to raise it, and what they will do once payment is made out, because you can have \$150,000 or \$200,000 in the reserve fund, but you may pay out \$50,000 on repainting. Then do they have to raise that \$50,000 over the next three years?

I think one has to have some flexibility based on the number of units, the ability to pay what is really needed; if this is a unit that's only five or six years old, why do you have to suddenly raise another \$20,000 or \$30,000.00? So I would suggest that discretion be given

to the unit directors to determine the amounts, how much they're going to raise and when they're going to raise, and perhaps an instruction to the board of directors that they commission a reserve fund study.

Now, this is something that is being done in Ontario; it's being done very successfully. In fact, where it hasn't been done in Ontario and damages have resulted to the condominium corporations, owners have successfully sued the board of directors for negligence for not undertaking them. I think the industry here would welcome, instead of trying to put a 5 percent payable in three years - sort of rigid rule - that if we had more flexibility and perhaps the requirement that a board, from time to time or perhaps some other way, have to have a reserve fund study undertaken.

I understand that it only costs some \$3,000 to \$4,000 and it looks at the life expectancy of the building, the various aspects of it, when certain things should be replaced, and they don't all disintegrate at the same time. So I can appreciate what is attempting to be established here, that you have a properly managed and maintained corporation for the unit holders; but I think the proposal that is here would actually be a very financial hardship to those present unit owners, and I would recommend that things be changed accordingly.

It would appear also that once they have this reserve fund, the corporation will then become a taxable entity and have to file corporation returns, and this will then put additional costs onto the unit holder. In fact, the way provincial taxes go, they might just even get into some area of provincial taxes, based on capital tax base.

The other interesting thing is a fair number of apartment buildings today, which would appear to be apartment buildings, are not; in fact they were converted to condominiums, but are still treated as apartment blocks and are rented out, even though the title for each suite is actually a condominium unit and is registered as such; or any new so-called apartment buildings being built are, in fact, condominiums, but they're being rented out as if they were apartments.

Now because of the involvement of the Rentalsman's Office in this particular legislation and the requirement to establish a reserve fund, if we accept the principle here of 5 percent of the appraised value of the property to be raised within three years, this money then would have to be attached as additional rent that the owner of the property can charge to the tenants, and it would then flow through as an extra charge. And, as the Rentalsman Office is involved, they would have to accept this as another add-on or automatic increase in the rental increases that an owner can charge.

The same can apply to an investor-owned unit that turns around and rents it; if he has to start paying into an administrative or appraisal fund, a reserve fund, he will have to pass those additional charges on as increased rents, and if that's the principle, then fine. That's why I suggest that the board of directors of the corporations be given flexibility to try and deal with some of these issues, to meet their particular needs and demands.

The other thing deals with an appraisal every five years of the property, and again this may be too restrictive and I would ask that the Minister or her staff review this, in light of my earlier comments about trying

to give more flexibility. No one is trying to say that we shouldn't have a well-managed or properly-managed condominium corporation, but I think it should not create financial hardships on the unit owners.

The other interesting thing, and I think it should be dealt with, within the proposed act or the amendments that the Minister may consider, is a section in the act deals specifically with the reserve fund and it says that it is the property of the corporation - it's an asset of the corporation, I'm sorry - and I've always maintained that and it's nice to see that principle contained herein.

The problem that I can see though is there is a provision also that when a sale takes place by a unit owner, that the portion of the reserve fund should be allocated to that unit and you should adjust for it in the sale of the unit. Now if there is a reserve fund of several thousands of dollars, you can have a portion of the reserve fund allocated to that unit, which may be \$1,000 or \$5,000.00. So when it comes time to settle on the final purchase price and the payments of money, using an example of \$100,000 unit, you might have a \$5,000 so-called allocation of the reserve fund to your particular unit, that would mean that you're adjusting on \$105,000.00. The purchaser would have to finance on \$105,000, and, in fact, the principle of purchase is you're only dealing with the \$100,000.00.

I would suggest that the principles be amended in the act that preserves the right that the reserve fund is an asset of the corporation, but that there be no specific allocation of that reserve fund to units for purposes of sale because, quite frankly, it's a misleading principle. It doesn't mean, in my example of \$5,000, that there is \$5,000 allocated to that particular unit. The whole fund will be used for different parts of maintenance or replacement of the entity in its entirety. So it's misleading to say that \$5,000 or \$1,000, or any sum, is in the reserve fund for that particular unit and therefore it should not be adjusted for in the offer to purchase.

In fact there is a provision in the standard form used for the sale and purchase of condominium units, under the Manitoba Real Estate Board I think, that deals with a specific amount, as to whether one should adjust for this sum of money in a reserve fund or not. I would suggest that any reference in the act be taken out, dealing with the allocation of a portion of the reserve fund to the unit, and that it be adjusted for in the sale or purchase of a condominium unit, because it is not the unit owner's funds and I don't think the intention ever was to be that way, and it makes it, quite frankly in some instances, potentially very expensive to buy condominium units. This can apply to a condominium unit that's \$40,000 or \$200,000.00. The amount is not the important thing, it's the principle, because you buy according to what you can afford and it's that little extra that may very well dissuade you from proceeding with the purchase, and I don't think that's the intention of the legislation either.

One final thing, and I think it's important because the whole thrust of the amendment, since some of the existing legislation deals with disclosure, so that the unit purchaser knows exactly what they're getting themselves into, by way of how the place is run, what the rules are, what the financial health is of the place, and a whole variety of other interests.

But I think what should be considered, if not for inclusion in this bill, at least next year, is perhaps a

central registry; a central registry much like you have the personal property registry or the Land Titles Office, and I would suggest the Land Titles Office, because all things relating to land and security and judgments are registered there.

I would suggest that, as they're going to computers - and I don't want to simplify this or suggest it's a very simple thing, that now that they are going to computers - that another form of registry could be established there, where every condominium corporation can file their declaration, and it's done now, but there are by-laws and any amendments to it. But that's as far as it goes and it's difficult to get copies of them or access them - it's not impossible and I don't want to say it is impossible. These are done, but other things should be allowed to be registered there by the corporation; and it should be mandatory on the board of directors that they also file any management agreement in this central registry, any insurance trust agreement should be registered, building locations, certificates for the project, and there are probably other items of information that should be filed there.

Because often, when a brand-new condo corporation is created, these documents exist, but they get lost along the way as unit owners sell their property. The board of directors may misfile or whatever, and it's just with time, a lot of these things disappear and often it requires some future owner great expense, especially if the funding agency demands them, often a great amount of expense has to be undertaken to acquire them. I would think that this central registry - and a fee would be charged for it of course - should be established so that there is one central area dealing with all of these corporations and this information could be readily accessed.

I hope I have touched on most of the principles that I see need changes, modifications or corrections. The condominium industry is very large; as I've indicated, it's a mature industry in this province, but each one has its own particular needs and interests. I would suggest that the Minister, in considering some of her amendments, at least advise what the intent of some of those amendments are to the act and to members of this side, so that we can ensure that they are not creating other problems. In fact, they're trying to address the real problems as expressed by the Condominium Institute of Manitoba, when they talked with the Minister's staff.

So, in conclusion, I would again like to compliment the Minister for bringing these forward, and I hope that she will advise us, at her earliest opportunity, of what the proposed changes are to the act. Thank you.

MADAM SPEAKER: The Honourable Member for Assiniboia.

MR. R. NORDMAN: By leave the House, I would like to have this bill still stand in my name.

MADAM SPEAKER: Is that agreeable? (Agreed)

On the proposed motion of the Honourable Minister of Community Services, Bill No. 31, standing in the name of the Honourable Member for Rhineland.

MR. A. BROWN: Stand.

MADAM SPEAKER: Is it agreed? (Agreed)

BILL NO. 32 - THE RETAIL BUSINESSES HOLIDAY CLOSING ACT

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 32 standing in the name of the Honourable Member for Riel.

MR. G. DUCHARME: I wish to speak.

MADAM SPEAKER: The Honourable Member for Riel.

MR. G. DUCHARME: Madam Speaker, it's indeed a pleasure to express some points of view in regard to Sunday closing.

When we consider legislation such as this with regard to store opening hours for the Province of Manitoba, we would be underestimating the issue if we merely regarded it as a simple matter of commerce. What is at issue is much greater than mere commerce, but the very issue of the Manitoba society that we wish to live in and pass on to our children.

The early settlers in this province, Madam Speaker, legislated Sunday as a common day of rest, primarily for religious reasons, so that families could worship together. Times have changed and the makeup of our population now embraces many religious groups for whom Sunday bears no particular religious significance. As a consequence, it is very easy to argue the old reasons for having Sunday as a common day of rest are no longer valid and therefore it should become a day like any other day of the week, when people are free to engage in the full range of commercial activities.

Madam Speaker, I suggest to you, however, that although the religious reasons for maintaining Sunday as a common day of rest may no longer be applicable to the whole Manitoba population, or indeed supportable under the Charter of Rights, there are nevertheless good reasons for maintaining Sunday as a day when the majority of the citizens of this province are not required to be at work, or therefore can engage in those family activities.

Modern lifestyles with husband and wife at work and children, either in day care or at school, have already reduced the opportunities for the family units to be together. Of course, again, part of the appeal of Sunday shopping among certain segments of the population stems from the very fact that in many families, both husband and wife are working, and it is necessary for them to do so. Therein I believe lies the dilemma. If asked, many people would say that they welcome the opportunity to shop on Sunday. At the same time, those same people will also indicate that they'd be most upset if they were called upon to work on Sunday. As politicians, I believe it is our responsibility to look beyond the perceived immediate desires of certain members of the population and ensure that we pass legislation which will be in the interests of all Manitobans, not just of this generation, but of the future generations.

Madam Speaker, if we lack the resolve and foresight to stand firm in favour of Sunday closing laws, there will be no turning back. It has been proven by those who have done so. The competition nature of free enterprise society which we desire to foster will, in the long run, guarantee that all commercial establishments must open on Sunday. It will not just be a question of

retail stores being open and therefore retail employees working, but all of those support services necessary to supply those stores will also have to work. In no time a vast number of people in this province will find that their work schedule calls for them to be at work on Sunday and the common day of rest as we know it now for the majority of our citizens, I think will be lost. Husbands and wives will find it increasingly more difficult to obtain common vacation days; children will be at home at weekends without parents to take care of them.

Madam Speaker, we are fortunate in this province to enjoy what I feel is a good standard of living. Why would we even consider jeopardizing the high quality of life that we have struggled, struggled by a long, long time ago, the high quality to accomplish that quality of life; and now, while some people may feel it may be convenient if another day for shopping was availed to them, I know of no one in this province who is not able to obtain, what we consider necessities of life, in six-day-a-week shopping that is now available; six days a week in most places, 12 hours a day.

Madam Speaker, where are the real pressures for wide-open Sunday shopping coming from? Being a free enterpriser, I believe that we must allow freedom of competition, however I believe that the pressures are coming from the national and multinational retailing organizations, motivated by profit - and profit I don't believe is a bad word - however I believe that is probably the motivation behind it.

I've already mentioned that shopping is available for many hours of the week, so I do not believe it is necessary. Madam Speaker, the same people, the same corporate people, the executives I should say, are most actively promoting open Sunday shopping. They aren't the ones who are going to have to work; they are planning the work for Sunday, yet they will expect Sunday work from the majority of their employees.

Since one of the most active proponents of wide-open Sunday shopping has probably been the chain grocery stores in this province, it is worthwhile examining, in some depth, the possible impact of such a move. May I quote, Stats Canada indicate that no less than 55 chain supermarkets and 86 chain convenience stores accounted for over \$900 million in the grocery sales during 1986. This represented 65 percent of all grocery store sales in the province, the majority being handled by just two multinational retailers.

On the other hand, Madam Speaker, there are over 1,114 small independent grocery stores, accounting for just \$490 million in annual sales. These are the stores whose very survival - and we've heard from their lobbyists - would be threatened if present Sunday closing laws were relaxed to permit the larger stores to operate.

These independent grocery stores, Madam Speaker, particularly those located in the rural communities of this province, would find it very, very difficult to continue in business if the large chain grocery stores located in the City of Winnipeg were permitted to open on Sunday.

Madam Speaker, indications are that these large stores could draw business in from as much as 100 miles away on a Sunday. I was in touch with the Deputy Mayor of Moose Jaw, a Mr. Gilliam, just recently, and he indicated to me that there was a shopping centre

in Moose Jaw that contained Eaton's, MacLeod's and Zeller's. In the last year, this particular shopping centre has closed down because the people now are going to Regina to shop, and it's been proven that they will drive these distances to shop.

Now I'm not condoning the people who are probably taking a day and making a day of it to drive to Regina. All I'm doing is suggesting that these people are going there on Sundays making a day, not realizing what they're doing to the small community of Moose Jaw. However, they do expect those small stores to stay around to service their needs the other five or six days of the week. Madam Speaker, I think that a town like Portage la Prairie, only 50 miles away, would suffer; also as Moose Jaw has, also maybe Carman and Steinbach, not to mention Selkirk or Stonewall.

Madam Speaker, the loss of business would have a disastrous effect, I believe, on the economic life of the small towns in this province. If the grocery store goes out of business, citizens would be greatly inconvenienced and be forced to drive to the other communities to do their shopping. They're doing that now in Saskatchewan; however they still expect somebody to be around to handle the pop, etc., during the week.

This, in turn, would take business away from the clothing store, the hardware store and other retailers in the community which lost its grocery store; ultimately destroying all forms of commerce in the rural community areas, to the great disadvantage of citizens who rely on their continued existence.

Madam Speaker, it is for these reasons that I urge strong legislation - not this legislation - which will ensure retail stores with more than four employees, including the owner and contract workers directly engaged in the business, will not be permitted to open on Sundays. Such legislation should and shall ensure a reasonable level of services that are available to those who have a need to shop on Sunday; I don't begrudge them that.

At the same time, legislation should guarantee the continued existence of the important, independent retailing sector in this province, particularly in the rural communities. Above all, any legislation should protect and enhance the quality of life in this province, and promote family unity through a common day of rest for the majority of the citizens.

Madam Speaker, I do not believe that the bill presented by this particular government is strong enough. Madam Speaker, I believe that there are already questions on the previous bill, questions and a different judge's opinion - there was another one today. I believe the government probably should have done a more thorough job. I think that they have shown a lack of problem solving. I think they have just got a band-aid solution with this particular bill that they have introduced.

I do not think they've tied the loopholes that are necessary to be tied; for example - and I'll just use that one small example raised by our leader previously - the omitting of security guards not included in the numbers. There's many, many more loopholes that have been shown across Canada to Sunday people who have tried to close, and you've had different loopholes opened up to get around the Sunday closing. In the States, you've had co-ops formed, memberships formed, so that you could be a member to shop there, to get around these particular bills.

I was hoping to see, Madam Speaker, a much stronger bill. I know there will be amendments put forward by this particular side of the House, to make sure that that bill is stronger or else there's no use changing the bill whatsoever. I hope that the government on the other side will listen to the amendments, and listen to the comments by members here, so that if we do pass a bill such as this, we make sure that we make it strong enough; we make it strong enough to support my views that I've put on the record.

I thank you very much.

MADAM SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Madam Speaker, I, too, wish to add some brief comments to the discussion on the debate on Second Reading of this bill, because I'm concerned about the legislation, as it exists, that has been put forward by the Minister of Consumer and Corporate Affairs.

Madam Speaker, to begin with, I wish to make it abundantly clear that we, on this side of the House, support the principle of this legislation. We, in no way, wish to have wide-open Sunday shopping in this province, and indeed, we want to ensure that we have legislation in place that will guard against that prospect happening in our province in future.

Indeed, Madam Speaker, I want to speak about the legislation and speak about its predecessor legislation, because I think it's important to know that when this particular legislation was originally enacted, I believe it was under the Schreyer years; it was passed unanimously by the House. It received the support of both sides of the House.

When it was amended during the Lyon administration to provide for the opportunity for convenience stores for limited Sunday shopping to be available, to ensure that small locally-based stores were able to be open on a convenience basis in their communities; it was again passed with the support of both sides of the House.

We believed that the provision of limitation to four employees controlled the size and the nature of stores that were able to be open, so that they could provide the essential goods needed by individuals on Sunday and not, at the same time, provide for wide-open Sunday shopping.

We believe that the values, the morals, the religious beliefs of people in society today continue to dictate and continue to express the view that there's no necessity for seven-day-a-week shopping on a wide-open basis in all stores in this province.

We believed with that legislation that was previously passed - the provision that allowed for either Saturday or Sunday closing - ensured that it was non-sectarian, ensured that we in no way were able to be challenged under discrimination for religious purposes, and we believed that the legislation made sense and carried through our commitment to the principle of being opposed to wide-open, seven-day shopping in this province. We continue to believe, Madam Speaker, that there is no basis of support for wide-open Sunday shopping.

I might indicate that certainly members on this side, and myself, have been lobbied by those who believe

that there is strong evidence of support for wide-open Sunday shopping. We've consulted, we've certainly consulted with our own constituents, we've consulted with interested groups, whether they be people representing religious groups in society, whether they be people representing groups of workers who don't want to be compelled to work seven days a week; and we're convinced that the broad view of people in Manitoba is that there is no necessity at the present time to enact any legislation to provide for wide-open Sunday shopping.

We take it beyond that, Madam Speaker, and we express, and I express, a concern of the potential effect of wide-open seven-day-a-week commercial shopping on our small communities, who are within a 50-mile radius, a one-hour drive from Winnipeg. I personally have indicated, Madam Speaker, that I believe that it would be the death knell to the commercial sector of many of these small communities, if they were faced with the prospect of wide-open Sunday shopping; for instance, in Winnipeg or perhaps Brandon, our major urban centres, these major stores, these large shopping centres would have a very strong pull and attraction for people to come in on Sundays and do their shopping.

I think that wide-open, seven-day-a-week shopping would represent the death knell to the commercial sector of these small communities. For that reason, too, I am totally and absolutely opposed to the Sunday shopping, and that is the principle that my colleagues and I on this side of the House wish to support.

Unfortunately, Madam Speaker, we believe that this bill introduced to amend and overcome some of the ambiguities and the uncertainties that Judge Lismer referred to in his decision last fall, I might indicate that of course we have the news today that that decision was negated and reversed, but at the same time obviously there is the potential for this to continue to be a subject of discussion and controversy. If this bill were sufficient to overcome those problems that Judge Lismer referred to and other judges in interpretation might refer to, then we would think that it would be worthwhile to ensure that this bill in its present form were passed.

Madam Speaker, we have great concerns, and I personally say that I don't think that this bill will cover that eventuality. In particular, I was shocked and I was certainly very concerned when I asked the Minister of Consumer and Corporate Affairs, in the introduction of this bill on Second Reading, whether the restriction of four employees would include all employees who are employed within a commercial, retail establishment. He indicated, to my question, and I was concerned obviously with particularly security personnel, but I suppose it could broaden to other contract personnel who are not directly employed by the retail store; and he indicated that they were not included within the definition of those who are limited to four.

Madam Speaker, that's not good enough, because this legislation, essentially then, will leave us open to the prospect that Sunday shopping will exist and won't just exist in our small individual family-owned or convenience stores, but it will exist in larger commercial retail operations. So this legislation is not legislation that simply discriminates between small, local convenient stores and stores that offer the necessities that people need, perhaps on the seventh day of the

week, but in fact it's legislation that discriminates against SuperValu in favour of Safeway, because we have ample evidence and have had it throughout the past six months or more that Safeway can operate under this legislation.

Madam Speaker, I have nothing against Safeway or any other organization, as long as they all play by the same rules and are on the same level playing field. This particular legislation will not create that situation. It will create the opportunity for Safeway to continue to operate as they are, with a limited number of people in check-out services and another group of people who are there as security personnel, who are ensuring that when the numbers increase at the store - being relatively large, as many of them are, that are opened - that they will simply be able to guard against pilferage and ensure that their store continues to be able to operate. It is the security guard personnel who really allow them to continue to be open, as long as they can have up to four people operating as check-out clerks or people looking after the personal needs of individuals to fill their order.

(Mr. Deputy Speaker in the Chair.)

So, Mr. Deputy Speaker, we have this strange situation of legislation that doesn't do the job that it was intended to do. I have to be critical of this Minister and this government for bringing in that kind of legislation. Supposedly, in response to an urgent situation that was created by a judge's decision, and, Mr. Deputy Speaker, the decision was last fall, we were asked to pass on an emergency basis, temporary legislation to ensure that wide-open Sunday shopping didn't occur, even for a brief period of time, until the government was able to introduce the full corrective measure. The government has been given the opportunity to introduce the full corrective measure and has failed in its task, because in fact this legislation will not prevent major retailers from opening. If in fact they can have security personnel to an unlimited extent or perhaps even contract personnel, who aren't directly employed by the store itself, then we leave open the prospect that the only people who are necessary are the people who are looking after the cash registers, but all of the others are not directly employed by the organization and they can facilitate the opening on Sundays of these other stores.

I say to you, Mr. Deputy Speaker, that this is wrong. It's legislation that doesn't address the problem, that doesn't correct the circumstances that were identified by Judge Lismer and will undoubtedly be challenged by future court actions; and I say that this legislation will not cover.

Mr. Deputy Speaker, I've also learned - from looking at the Sunday shopping question, because it's certainly not just being debated here in Manitoba, it's being debated right across the country - that in Quebec, the way in which major retailers are getting around it is by selling memberships in a club which is essentially a shopping club which opens on the seventh day. Those people become members of a private club and they can only be admitted to shop by membership and they then can go in and open the store, but only to members on Sunday and those people get around the Sunday closing legislation in Quebec. That's the challenge that's currently there.

The same situation is in California. I happened to be there visiting a former colleague of ours and he showed me this club that is essentially like a SuperValu, but you can only go in there if you buy a membership at the door. Once you buy a membership and become a member, you can go in and shop, and then they have no restrictions with respect to the hours of opening and other things that prevail.

A MEMBER: It's as easy as joining the P.C. Party.

MR. G. FILMON: Mr. Deputy Speaker, it's as easy as joining the New Democratic Party, as my colleague, the Minister points out to me. It doesn't matter, you can go in and you can choose your leader and that's why you get the kind of leader that they have in the New Democratic Party, because they make it so easy to buy a membership.

Mr. Deputy Speaker, I say to you that this legislation is wide open to abuse in that obviously the organizations that have an economic interest in wanting to pursue Sunday shopping are going to be able to overcome legislation that is as thinly worded as this is, where one major organization, Canada Safeway in particular, can overcome it simply by hiring security personnel who aren't included and governed by this legislation, and I say that's absolute nonsense.

I say to you that this Minister, who may mean well and who may have the right objectives in mind, has totally failed to achieve his objective, totally failed; and as long as he wants to set up legislation that discriminates against SuperValu in favour of Safeway, then he's no better than the people that he takes his orders from as Minister of Labour. He's no better than Bernie Christophe who is doing precisely that. He's causing a war against SuperValu in favour of Safeway, and I say to you that is not something that we, as legislators, as members of this Assembly, can tolerate. If we can allow him to set up legislation that is specifically discriminatory against certain sizes and types of retail establishments in favour of others, then we have not done our job.

So, Mr. Deputy Speaker, I say to you that I, on behalf of our members of caucus, will be bringing forward an amendment to correct this problem. We will support this bill in principle because we believe in the principle of limiting Sunday shopping.

But if our amendment is not passed in committee - an amendment to ensure that everybody plays on a level field, that all retail establishments are governed by the same provisions of a maximum of four employees on the Sabbath Day, on the day of rest, on the day in which we want our families to enjoy the opportunity to live together as they will and not have wide-open Sunday shopping - if the members on that side in government do not support that amendment to ensure that it is limited absolutely to four and not allow the loopholes of contract employees or security personnel or others, then we would have to oppose this bill on Third Reading.

Mr. Deputy Speaker, it is absolutely imperative that the legislation be passed in a form that is fair to all, that governs all on an equal basis, and that does not discriminate against particular retail establishments as this bill and this legislation, as it is presently worded, would attempt to do.

So I say to you, Mr. Deputy Speaker, that, in principle, we will support this legislation and allow it to go to committee, but at committee stage the amendment must be put forward to ensure that only four is the maximum number of people allowed in a retail establishment regardless of what their function is, regardless of what their description is, or regardless of whether or not they are contract or otherwise employed in that establishment.

Four people are the limit so that we can ensure that the nature and the type of shopping that is done on Sundays is limited to just convenience to service the people for the necessities of life that they must have on a Sunday, and that they can continue to enjoy the kind of lifestyle that all of us have grown up in and that all of us are committed to in this province of ours.

MR. DEPUTY SPEAKER: The Honourable Member for Surgeon Creek.

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

Mr. Speaker, I'm going to be very brief because my two colleagues that have spoken before me today have pretty well outlined the problems and certainly our leader just outlined our position where this bill is concerned.

I'm having trouble wondering why the bill is in the form it's in, and I'm having trouble wondering why the Minister gave our leader the answer he did in the House the other day, because he has had representation from the Independent Grocers' Association on many occasions, I am told, asking him to make sure that the legislation is firm as far as the four employees are concerned.

Now he had examples before him for the last few months in this province where the intent of the legislation, which was passed by all sides of the House, has been broken continually, and he has stood by and he has watched it happen, and yet we have a piece of legislation that is absolutely no good unless that provision is tightened up.

So, Mr. Speaker, the Minister knows full well that you can open a grocery store, you can have four cashiers there, fill your counters, your bins and your shelves on Saturday night, and have a security man standing on the end of each aisle, which is not regarded as an employer, and run that store full blast all Sunday. That is the bill that he has presented to us.

He was very quick to make very great statements, go on Peter Warren's show, and go on radio. When he wanted to solve a loophole that a judge made a decision on, in the Province of Manitoba, which created a problem for that particular legislation, this Minister moved quickly and asked us all to move quickly to solve that problem. Then he said to us there will be legislation coming in on the Sunday closing by-law, or The Sunday Closing Act, to assure that the intent of our laws will be upheld and people will be able to enjoy Sundays.

The number "four," Mr. Speaker, was brought forward as a compromise which has worked in the Province of Manitoba. As a matter of fact, it has been regarded as one of the better pieces of legislation. Here we have a situation where we get loopholes and this Minister is now wanting to play both sides of the fence.

He has had representation, he has seen and been told what the problem is, and yet he comes in saying, well, it's still four, but we don't know whether you can have those security people or not. We don't know whether that takes out the intent of the law or whether it opposes the intent of the bill. We're not quite sure of that.

So he sits there playing both sides of the fence, trying to have the small independent grocers happy because he's left four, and he's really got other people happy because they know they can remain open with four cashiers and five or six security people, one standing at the end of each aisle.

Well, the Minister shakes his head. All he has to go and do is look at a grocery store and he can find out that that can happen.- (Interjection)- Oh, it can't? Well, then, the independent grocers who made representation to the Minister must be all wrong.

So, Mr. Speaker, we have a situation where this Minister has absolutely ruined the intent of the legislation to have four people work only in a grocery store or in a retail store in the Province of Manitoba on Sundays. He knows that they're going to get around the laws the other way and he's not doing anything about it.

As our leader says, better that we should have something that is fair to all. Let me tell the Minister that I don't know what representations he's had from the others, but I know he's had it from both sides that the larger stores, the larger chains are quite willing to accept the Manitoba legislation for Sunday closing. They didn't like it but they have said to the Minister - yes, they've said to the Minister - as long as it's fair to all, we're quite willing to accept it.

The fact is the Legislature of Manitoba has won its battle for what the people of the Province of Manitoba want as far as Sunday closing is concerned, and the Minister brings in a piece of legislation that absolutely won't do it. I think that's disgusting, Mr. Speaker, and, certainly, if he hasn't got the ability to bring in amendments to solve those problems, as our leader says, "we do have," and we'll present them.

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

MR. G. MERCIER: Thank you, Mr. Deputy Speaker.

I move, seconded by the Member for Arthur, that debate be adjourned.

MOTION presented and carried.

MADAM SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 33, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Stand.

MADAM SPEAKER: Agreed? (Agreed)

On the proposed motion of the Honourable Attorney-General, Bill No. 34, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Stand.

MADAM SPEAKER: Stand.

On the proposed motion of the Honourable Minister of Community Services, Bill No. 35, standing in the name of the Honourable Member for Assiniboia.

MR. G. MERCIER: Stand.

MADAM SPEAKER: Is that agreed? (Agreed)

On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs, Bill No. 36, standing in the name of the Honourable Member for Riel.

MR. G. MERCIER: Stand.

MADAM SPEAKER: Stand? (Agreed)

On the proposed motion of the Honourable Attorney-General, Bill No. 37, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Stand, Madam Speaker.

MADAM SPEAKER: Stand? (Agreed)

Is it the will of the House to call at six o'clock?

The hour being 6:00 p.m., the House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday)