

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 5 June, 1987.

Time — 10:00 a.m.

OPENING PRAYER by Madam Speaker.

MADAM SPEAKER, Hon. M. Phillips: Presenting Petitions . . .

READING AND RECEIVING PETITIONS

MADAM SPEAKER: The Honourable Member for Inkster, I have reviewed the petition and it conforms with the privileges and practices of the House and complies with the rules. Is it the will of the House to have it read?

The petition of the Southwood Golf and Country Club, praying for the passing of An Act to Incorporate the Southwood Golf and Country Club.

Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . .

INTRODUCTION OF BILLS

HON. L. DESJARDINS introduced, by leave, Bill No. 59, An Act to amend The Mental Health Act; Loi modifiant la Loi sur la santé mentale. (Recommended by His Honour the Lieutenant-Governor); and, by leave, Bill No. 60, An Act to amend The Anatomy Act; Loi modifiant la Loi sur l'Anatomie.

HON. A. MACKLING introduced by leave, Bill No. 61, An Act to amend The Labour Relations Act; Loi modifiant la Loi sur les relations du travail.

MOTION presented.

MADAM SPEAKER: The Honourable Minister of Labour.

HON. A. MACKLING: Madam Speaker, the purpose of this bill is to ensure that the excellent record Manitoba enjoys in the field of labour relations is further improved in the years ahead.

The concept embodied in these amendments is quite simply to provide workers and their employers, through final offer selection, another mechanism to facilitate the harmonious resolution of collective bargaining issues. Generally speaking, final offer selection is a process that permits the parties to present their final bargaining position on unresolved issues to an impartial selector who then chooses one or the other. The selector's decision on previously agreed to items forms the new agreement. It is important to note that it is always our expectation that meaningful collective bargaining will result in a new agreement without work stoppages. This tool represents another opportunity to accomplish that goal.

The measures this government has already taken to improve labour relations in Manitoba have proven to

be effective, fair and progressive and have benefited both employee and employer. The latest available statistics, in fact, show that, for 1986 and for the first half of 1985, Manitoba was second only to Prince Edward Island in least days for per capita loss to work stoppages.

Madam Speaker, when improvements are made to the labour relations climate through the review and revision of the act, a positive and beneficial trend occurs. There is greater harmony and understanding between workers and their employers. Employees have greater access to fairness and justice and the provincial economy benefits from the greater stability in the community. This innovative measure is a new tool for the parties to use and is in addition to existing mechanisms that are available to workers and employers. It enhances the opportunity for the successful resolution of outstanding bargaining issues.

Madam Speaker, I am confident that this improvement to The Labour Relations Act will in the end prove to be a valuable aid to organized employees and their employers and will ultimately bring great benefit to the people of Manitoba.

QUESTION put; MOTION carried.

ORAL QUESTIONS

Final offer selection policy - democratic vote of workers

MADAM SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Madam Speaker. My question is for the Minister of Labour.

I wonder if the Minister of Labour could indicate whether or not it is the policy of this government that there must be, in final offer selection, a democratic vote of the workers in order for final offer selection to proceed?

POINT OF ORDER

MADAM SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: I think it's been established and indeed was a matter of discussion very recently in this House that, when a bill has been ordered for debate, it is not a fit subject for questions during question period.

A MEMBER: Sure it is.

HON. R. PENNER: No, it's a well-established rule.

MADAM SPEAKER: The Honourable Opposition House Leader.

MR. G. MERCIER: Madam Speaker, I think you ruled on such an objection earlier this week, and allowed

certain questions to flow that certainly pertained more to the policy of the government.

MADAM SPEAKER: If I remember correctly, I ruled that specific questions about bills which are on the Order Paper are not in order.

The Honourable Leader of the Opposition.

MR. G. FILMON: If I may, just for your edification, I specifically - because Madam Speaker, we don't have a bill before us - I specifically asked a question with respect to the policy of this government as it applies to final offer selection.

MADAM SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Madam Speaker, the Minister of Labour has just introduced a bill that deals specifically with final offer selection. There is nothing in current labour legislation which deals with final offer selection. Therefore, we have a new policy, a new instrument for labour peace, which has been introduced for debate. The bill will be distributed, I believe, today and will be read for Second Reading, Madam Speaker, presumably on Wednesday next, after which it will be open for debate.

MADAM SPEAKER: For clarification, may I ask whether we're on a new point of order, because I have ruled that specific questions, following on Beuchesne Citation 359.(12), "Questions should not anticipate a debate . . . but should be reserved for the debate." I'm confused as to whether the Leader of the Opposition was either arguing with my ruling or whether he had another point of order.

The Honourable Opposition House Leader.

MR. G. MERCIER: Madam Speaker, thank you for your comments and your ruling, but if I just might make a comment in response to the Attorney-General.

The Honourable Minister of Labour has scheduled a press conference at 11:15 a.m. on this whole subject matter, at which time he will answer questions from the media to which the Attorney-General shall not be there to object, I don't think, Madam Speaker. So, keeping that in mind, Madam Speaker, I would hope that there would be a great deal of flexibility allowed.

SPEAKER'S RULING

MADAM SPEAKER: Considering that this is question period and considering that we don't have a point of order on the floor, and that I've dealt with the Honourable Leader of the Opposition's original point of order that specific questions as to legislation which is on the Order Paper are not allowed, general questions about policy are allowed.

Now, if all members could follow that differentiation, I would appreciate it.

Final offer selection policy - democratic vote of workers

MADAM SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: I'll do my best to follow that differentiation.

I note that the Minister has indicated he's quite prepared to answer the question that I'm putting forward and so I'll just, for his edification, repeat it.

With respect to the topic of final offer selection, is it the policy of the government that there must be a democratic vote of the workers prior to final offer selection being able to proceed?

MADAM SPEAKER: Order please.

That question is repetitious and it is about a specific section.

MR. G. FILMON: I don't have the bill, so I'd have no idea whether there is a specific section, Madam Speaker.

A MEMBER: How would we know?

MR. G. FILMON: I wonder if the Minister would be prepared to answer my question on the matter.

Thank you.

MADAM SPEAKER: That specific question about a specific part of legislation is out of order.

MR. G. FILMON: Madam Speaker, unless you've been given a copy of the bill, I certainly haven't, so I have no idea about a specific part of the bill. I'm asking a question . . .

MADAM SPEAKER: Order please.

MR. G. FILMON: . . . of policy of this Minister with respect to the topic of final offer selection and his views about a democratic vote, his position on a democratic vote.

MADAM SPEAKER: Order please. I wonder if I could - order please.

I have based my ruling on the specific question of the Leader of the Opposition which asks, in my opinion, about a very specific part of a policy. If the Honourable Leader of the Opposition would like to ask a general question about general policy, that will be allowed. I have ruled that question is not allowed.

The Honourable Minister of Labour on what?

HON. A. MACKLING: That point of order, Madam Speaker.

MADAM SPEAKER: I do not have a point of order on the floor. I have made a ruling.

HON. A. MACKLING: Well perhaps I can raise the point of order, indicating that I appreciate . . .

MADAM SPEAKER: The Honourable Minister of Labour on a point of order.

HON. A. MACKLING: Yes, I think I appreciate the generality of the question, and I would answer it in a way that doesn't affect the rules.

MADAM SPEAKER: That's not a point of order.
The Honourable Leader of the Opposition.

MR. G. FILMON: Madam Speaker, given that the current Labour Relations Act doesn't permit a democratic vote of workers when there are two competing unions attempting to organize, such as at Springhill Farms, is it the policy of this government that there ought to be a democratic vote of the workers with respect to final offer selection?

MADAM SPEAKER: The Honourable Minister of Labour.

HON. A. MACKLING: Madam Speaker, I disagree with the statement of so-called fact that the Honourable Leader of the Opposition puts in his question.

Workers, through their indication, by their endorsement of an applicant for certification, indicate their support and the Labour Board does deal with those applications. Where there is doubt the Labour Board holds a vote of the workers in the proposed bargaining unit, and that's a democratic vote.

In respect to the measures that will be provided for in this bill, there will be provision for . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MADAM SPEAKER: Order please.

Final offer selection - has Minister changed his position, and why

MADAM SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Madam Speaker, given that in 1982 the Minister of Labour, prior to this Minister, was proposing in a White Paper a concept similar to final offer selection. At that time, this NDP administration rejected that concept, saying that it was inappropriate and not warranted at that particular time. Given that, has the Minister changed his position on final offer selection, and why?

MADAM SPEAKER: The Honourable Minister of Labour.

HON. A. MACKLING: Madam Speaker, the Honourable Leader of the Opposition is reflecting on a decision in an inappropriate way. The New Democratic Party, through the Government of Manitoba, has had an ongoing review of labour legislation. He alludes to the studies that were made in 1982-83, culminating in legislation in '84-85. There had been no rejection of final offer selection as an alternative dispute resolution mechanism. Certainly there was considerable support for it and studies have continued in respect to that method of dispute resolution and that culminates in the legislation today.

The Workers Compensation Act - amendments re breaches of

MR. G. FILMON: My question is for the Minister responsible for the Workers Compensation Board.

Madam Speaker, given that the Auditor has repeatedly indicated that the presence of a major deficit in the Class Fund breaches the Workers Compensation Act; and given that the rate of compensation paid as defined by the act is 75 percent of the wage of the worker when injured, yet board policy has now brought in a new change to that whereby increases are allowed to that compensation paid if workers, who are still working, are given increases along the way, is the Minister intending to bring in amendments to the act to correct for that breach of the act?

MADAM SPEAKER: The Honourable Minister responsible for Workers Compensation.

HON. H. HARAPIAK: Madam Speaker, I'm sure that the Leader of the Opposition is aware that there is a review being carried out of the entire Workers Compensation Board. That is one of the areas that are addressed in the review. We will be looking at all parts of that review committee and, in that areas that require legislative changes, we will be bringing those legislative changes forward.

MR. G. FILMON: Madam Speaker, given that the Workers Compensation Act indicates that a worker must have a rateable impairment in order to receive compensation under the Workers Compensation Act, yet board policy has introduced a new and special form of compensation called Administrative Permanent Disability that again breaches the act, will the Minister be bringing in changes to the act to correct for that breach of the act?

HON. H. HARAPIAK: Madam Speaker, as I have mentioned previously, we'll be reviewing the entire act, and the areas that do require legislative changes, the legislative changes will be brought forward and they will be changed in the next little while.

The Workers Compensation Act - study re policy contravenes

MR. G. FILMON: Madam Speaker, has the Minister done a study to determine in how many other areas board policy contravenes the requirements of the act?

HON. H. HARAPIAK: Madam Speaker, the Review Committee has looked at all parts. That was part of their responsibility, to review the legislation, and they have reviewed the entire act and there are about 175 recommendations. Many of them are dealing with the legislative requirements, the areas that need changes, and they've gone through the entire act and there are many areas that do require legislative changes.

King Commission Report - tabling of

MR. G. FILMON: Madam Speaker, given that the Minister is now intimately familiar with the King Commission Report - he refers to 175 recommendations - when is he going to have the courage to table it in the House?

HON. H. HARAPIAK: Madam Speaker, I would like to table it today, but unfortunately the printing is taking longer than we had expected. As soon as the printing is completed, we will be tabling that report as soon as we can.

Western grain farmers - subsidies for those most in need

MADAM SPEAKER: The Honourable Member for Virden.

MR. G. FINDLAY: Thank you, Madam Speaker. My question is to the Premier.

At the recent Western Premiers' Meeting held just a couple of weeks ago, he was quoted as saying that he would prefer to see income support programs for grain farmers targeted to those most in need of assistance.

MADAM SPEAKER: Order please.

May I remind the honourable member that a question ought not to refer to a statement made outside the House by a Minister?

MR. G. FINDLAY: The Premier was quoted as saying that he wants to see western grain farmers subsidies targeted to those most in need.

I would ask the Minister what he means by "those most in need."

MADAM SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Madam Speaker, the Government of Manitoba is now being supported by the Government of Saskatchewan, that funding, in terms of farm incomes, should be targeted as a farm income to get away from the difficulties that we've had in terms of international trade, the difficulties with targeting income support or subsidies on a commodity-by-commodity basis.

That concept is now being recognized by other provinces, not only Manitoba, that it would be more beneficial to target support to the farm community along the lines that we discussed in this Legislature during my Estimates, to deal with the question of farm income, rather than commodity-by-commodity basis. That would of course be resource neutral and would also deal with the question of international trade and the trade barriers that we face with other countries, and would be targeted to those families in the greatest need, regardless of the source of income.

Deficiency payments of 1986 - seen as subsidy

MR. G. FINDLAY: I would then like to ask the Minister of Agriculture if his government sees the deficiency payment of 1986 and the probable deficiency payment for 1987 as a subsidy for lower export grain prices or as a social program for farmers?

MADAM SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Madam Speaker, the Honourable Member for Virden should be aware that all four Western Premiers endorsed those statements in terms of the targeting of income support. It is not a Manitoba or a

Saskatchewan position, Madam Speaker. The Honourable Member for Virden, in case his party is out somewhere in right field on this issue, should recognize that all four Western Premiers endorse this concept.

Madam Speaker, the honourable member should recognize that there are great problems and there have been problems with the current deficiency payment. We can't get support for Interlake and Eastern Manitoba farmers, who are unable to see their crops as a result of bad '85 year, yet livestock and poultry producers received support for grain fed on the farm, Madam Speaker. It is not fair in the way it has been paid out, let's recognize that.

Farmers - federal assistance offered dollar for dollar with province

MR. G. FINDLAY: Madam Speaker, just in the last few days the Federal Minister of Agriculture offered to help those farmers if this Minister would match them dollar for dollar. Is he prepared to do that?

HON. B. URUSKI: That has been the current status of the members of Opposition here, attempting to bail out their federal friends in all areas of offloading.

Madam Speaker, there are grain commodities in Eastern Canada that are supported 100 percent by the Federal Treasury, and we have Conservative members in this House standing up and saying, we want you to bail out our friends in Ottawa because they want to lower their deficit.

Madam Speaker, that's the total unfairness of the position of Conservative members in this House, totally unfair to all farmers in Western Canada.

Farmers - subsidies for fuel fertilizer and interest

MR. G. FINDLAY: The Minister has indicated that he would like to see his province doing the same as the other western provinces. They have given substantial subsidies for fuel, fertilizer and interest. Is he prepared to do that for Manitoba farmers in 1987?

HON. B. URUSKI: Madam Speaker, the Province of Manitoba is the only province in Western Canada that has consistently increased its budget in agriculture, consistently. We have not cut back on spending to agriculture as our neighbours to the west, Madam Speaker.

Madam Speaker, we have vet clinics . . .

MADAM SPEAKER: Order please, order please.

Could we please operate under the assumption that, when a member asks a question, he's interested in hearing the answer.

HON. B. URUSKI: Madam Speaker, we have never pretended that we can match the treasuries of Alberta but we, as a province, in terms of our support to agriculture, have increased our spending consistently and our support to agriculture on a consistent basis over the last number of years, and we have not cut back our support to agriculture as is happening in our neighbouring provinces to the west.

Vet Clinic support, Madam Speaker, PAMI support, Income support is all being cut to farmers at a time of their greatest need, and our agricultural budget has increased by 20 percent this year, Madam Speaker.

Highway intersections - care after tree-planting programs

MADAM SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Thank you, Madam Speaker. My question is to the Minister of Highways and Transportation.

Madam Speaker, every year we've raised the issue with the Minister of National Resources regarding certain intersections, for example, Highway 52 and 59 where the Provincial Government owns 10 acres to 15 acres on these intersections. A major tree planting program was undertaken two years ago and, Madam Speaker, every year we've raised the question in this House with the government, how are they going to maintain it. And I want to ask the Minister of Highways and Transportation whether he is prepared to accept the responsibility for maintaining these corners which are growing under weeds - you can't see a tree, it's a total lousy mess - and the Minister of Natural Resources has not responded. Is this Minister going to accept his responsibility and try and clean up these intersection? I think, there's about a half-a-dozen in the province.

MADAM SPEAKER: The Honourable Minister of Highways and Transportation.

HON. J. PLOHMAN: Well, Madam Speaker, I'm not familiar with that precise location that the member is talking about, but there was an effort to undertake a Kids and Trees Program a couple of years ago which resulted in the planting of a lot of trees, and there's a recognition that these plots have to be maintained and there were some dollars budgeted for that purpose. I will check to see whether that is indeed the case, that those dollars are being used for the purposes that they were budgeted for at the beginning of the year.

Roadside mowing program - extent of

MR. A. DRIEDGER: Madam Speaker, I have a supplementary question to the same Minister. Can the Minister indicate whether his roadside mowing program this year on major highways will again just be two cuts along each side of the highway?

HON. J. PLOHMAN: Well, Madam Speaker, I don't know whether it's going to be two cuts or three or what number exactly, but the fact is it has not been reduced this year. We are maintaining our mowing program on our provincial highways in the province. It certainly is a need that is important for maintenance of weeds to ensure that they are controlled and, as well, Madam Speaker, for tourism reasons, aesthetic reasons, and we feel that's very important.

MR. A. DRIEDGER: Madam Speaker, I have a further question to the same Minister. First I just want to

comment that then we can expect the highways to be looking in the same shape as last year, with only a quarter of it mowed and the rest being under weeds and grass.

PTH's - consistent speed limits

MR. A. DRIEDGER: My further question to the Minister of Highways is: Can the Minister indicate how his department establishes the speed limits on the PTH's? Some are at 90 km/hr and some are at 100 km/hr, and there's no rationale as to why one highway is specified and the other not. I'm talking specifically of PTH's, Provincial Trunk Highways. I want to ask the Minister why there isn't a consistent regulation in place on that.

HON. J. PLOHMAN: Madam Speaker, if the member would have participated in the Estimates discussion with his colleague, the Member for Ste. Rose, he would be aware, and a number of other members as well who ask questions on this, I believe the Member for Roblin-Russell. We had discussed the nature of this program last year in the Estimates and this year in which I outlined a plan that was created by the Department of Highways and Transportation that would involve the major PTH's in the province, major interprovincial routes, and arterial PTH's, a grid system in the province that would be at the 100 kilometre level. They involve major highways like 16, No. 10, 3, 2, 6, and 83, as well as Hwy 12, a number of these major highways in the province; a number of more secondary PTH's have not been included. There is a plan, there is a map that outlines this whole plan. There is rationale for it and the member, as I shared during the Estimates, if he would like to get some additional information on it, I would be pleased to share that with him in my office.

Crown corporation bill - terms and principles of

MADAM SPEAKER: The Honourable Member for Roblin-Russell.

MR. L. DERKACH: Thank you, Madam Speaker. My question is to the Minister of Crown Investments.

The mismanagement of Crown corporations in our province, Madam Speaker, by this government has resulted in a massive debt for our province. When forced to clean up their act by an effective Opposition, Madam Speaker, where has this government turned to for their new creative ideas?

In introducing their bill, they have turned to Saskatchewan to see what their CCF brethren did in 1940.

My question to the Minister of Crown Investments, Madam Speaker, is: Is this new Minister of Crown Investments satisfied that the terms and principles in his bill, regarding Crown corporations, which is exactly the same as those put forth by the CCF government in the 1940's, is appropriate in a complex environment of today, some 43 years later?

MADAM SPEAKER: Order please, order please.

Would the honourable member like to rephrase the last part of his question so it's not asking whether the

Minister is satisfied. His personal satisfaction is not a matter for a question in the House.

MR. L. DERKACH: Well, Madam Speaker, I would ask the Minister whether it is the policy of this government to use policies of a CCF government, some 40 years ago for the complex environment that we have regarding Crown corporations today in Manitoba?

MADAM SPEAKER: The Honourable Minister responsible for Crown Investments.

HON. G. DOER: Thank you, Madam Speaker, for the question.

You're absolutely correct, the original concept of a holding company was developed in the late Forties. Unfortunately, the researcher developing the questions has not let you know, Madam Speaker, that the act was amended in 1978, and the act remains in place with the present government in Saskatchewan.

There's only one fundamental difference between the CCF or NDP operations in Saskatchewan, and the present operations in Saskatchewan, Madam Speaker; that is, with the last year of the Blakeney government, there was \$119 million worth of profit in Saskatchewan and the next year, when the Devine government came in, there was \$125 million of loss, Madam Speaker. So other than the issue of competence, the model certainly worked with the former Blakeney government in Saskatchewan.

But, Madam Speaker, it's a fairly . . .

Crown corporations - standing committees to review

MADAM SPEAKER: The Honourable Member for Roblin-Russell with a supplementary. But may I remind the honourable member that that particular piece of legislation is on the Order Paper for Second Reading.

MR. L. DERKACH: Thank you, Madam Speaker.

Given that the Minister, instead of looking at the mess that this province is in, is taking a look at other provinces, I would ask the Minister whether he will, in referring to the Saskatchewan model, whether he will establish select standing committees to review Crown corporations.

HON. G. DOER: Notwithstanding the issue of the rules of debating the bill, Madam Speaker, but one should note that the Spivak Task Force recommended that all Crown corporations go before the legislative standing committee. We have implemented that recommendation on our proposed bill, unlike the members opposite who had some Crowns that went before a committee of the Legislature and some Crowns that didn't. So we have expanded the public accountability.

Madam Speaker, there are unique aspects of this bill, the made-in-Manitoba solution to some of the public accountability issues. Nowhere else in Canada, Madam Speaker, will major Crown corporations appear before the ultimate shareholders, the public, once a year, to review the operations of the corporations.

Folklorama - not sporting event

MADAM SPEAKER: The Honourable Member for Portage la Prairie.

MR. E. CONNERY: Being Friday, it doesn't hurt to have a bit of levity.

Madam Speaker, to the Minister of Tourism, this Minister and her brochures are a laugh. Madam Speaker, this weekend we're going to have 1,200 people in, in the vacation planning. Would the Minister please inform these 1,200 people from the United States that Folklorama is not a sporting event, because it's listed in here under Sporting Events, and Folklorama, at my last impression, was not a sporting event.

Madam Speaker, it's the first time I've found the Minister lost for words.

MADAM SPEAKER: May I remind the honourable member that question period is a time for seeking information, not supplying it. Would the honourable member ask a question?

Treesbank ferry - wrong information

MR. E. CONNERY: Yes I do, Madam Speaker. I would like to ask the Minister why she indicated that the Treesbank Ferry was one of the last ferries crossing the Red River when, in fact, the Treesbank ferry is by Glenboro and crosses the Assiniboine River? Could she explain the slight error?

MADAM SPEAKER: The Honourable Minister of Tourism.

HON. M. HEMPHILL: Thank you, Madam Speaker.

Just to go back to the first question, it's important to let the member know that Folklorama is both a sporting and a cultural event, there are many activities in both arenas, both of them widely advertised and, in fact, many of the people who come up, come up for the cultural activities, and many of them who come from the states, and visitors come for the sporting activities. So we want to continue promoting both of them.

I just want to let the Member for Portage la Prairie know that when we advertised these brochures a few weeks ago, that the results were absolutely astounding. We had something like 250 telephone calls come in in the first morning. The result from the industry is tremendous, they think that the promotional information is fantastic. The people are asking for it; it's in great demand and it's helping us promote Manitoba.

MR. E. CONNERY: I just wonder if those 200 calls were to the Minister, to inform her that her brochure was all out of whack, because there were highways missing, information is totally inaccurate.

MADAM SPEAKER: Does the honourable member have a question?

MR. E. CONNERY: No.

Legislation re private gambling houses

MADAM SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Madam Speaker, I would like to ask the First Minister if he or his government will be introducing legislation this Session to allow for private gambling houses to operate in the province?

MADAM SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: The question should really be directed to the Minister of Culture, but the answer is no.

Private gambling houses - requests for

MR. J. DOWNEY: Madam Speaker, to the Minister of Lotteries, has the Minister, or her department or any corporation which operates within her jurisdiction received any requests from any individuals or any other jurisdictions to set up private gambling houses in the province?

MADAM SPEAKER: The Honourable Minister responsible for Lotteries.

HON. J. WASYLICIA-LEIS: Madam Speaker, I received a copy of a letter from a corporation interested in pursuing that kind of situation but I, myself, or staff have not directly received such a request.

MR. J. DOWNEY: Madam Speaker, will she be prepared to present to her government any proposals that would be dealing with private gambling houses in the Province of Manitoba?

HON. J. WASYLICIA-LEIS: As I think I said earlier in the House, I'm prepared to look at all options and not shut the door on any consultations with any individuals, including the floating casino idea that's been suggested, including various options for the Fort Garry, and including, Madam Speaker, the Member for Charleswood's suggestion for a full-time casino along the lines of a Monte Carlo.

Dakota-Ojibway Tribal Council Police - termination of program

MADAM SPEAKER: The Honourable Member for Charleswood.

MR. J. ERNST: Thank you, Madam Speaker. My question is to the Attorney-General.

In what appears to be an unwillingness on the part of the government to enter into a full-time agreement for the Dakota-Ojibway Tribal Council Police Department, is it going to be the policy of the government to now terminate this program?

MADAM SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: No, I have no idea at all on what the member is basing his question.

That program which has been in existence for approximately 10 years, perhaps a little better, is one that is primarily funded by the Federal Government. The Federal Government funds it to the extent of about 80 percent, a little better than 80 percent, and that has been the relative position of funding as between the province and the Federal Government for many years. There's no suggestion at all that it is being terminated or extended.

MR. J. ERNST: Madam Speaker, in about 1984-85, there was a general understanding that funding for this program, the Dakota-Ojibway Tribal Council Police, the Federal Government was going to pay 60 percent of the cost and the Province of Manitoba 40 percent. Presently the Province of Manitoba pays about 10 percent of the policing costs. Can the Minister advise when they are going to live up to their part of the bargain and pay 40 percent of the cost?

HON. R. PENNER: Madam Speaker, the premise is entirely wrong; there never was such an understanding; there never was such an agreement.

The question of funding that program, putting it on some long-term basis, was first discussed with the former Federal Government and its officials, both in Justice and in Indian and Northern Affairs, just prior to the last federal election.

You may recall that the former Minister of Indian Affairs, John Munro, came here and unilaterally made some extravagant promises, but didn't perfect any agreement at all on the part of province. Indeed, it was the promise of the then new Federal Government that they would do a thorough review of Native policing and Native policing needs and costs. That review is still very much in the realm of promise and unfulfilment. I hope, in fact, they do but, pending that, the program, Madam Speaker, continues.

Finally, we pick up more than 10 percent of the cost. We pick up, as I indicated a few moments ago, something in the nature of 20 percent of the costs.

Yes, I'm very familiar with the budget and I'm very familiar with what our grant is. The annual grant of the Province of Manitoba is \$150,000.00. The budget of the Dakota-Ojibway Tribal Council Police Force is under a million. So, figure it out.

Finally, Madam Speaker, I should note that it's our view, and I persist in this view, that policing on the reserves is a federal responsibility. Our grant, which was a grant to look at alternative methods of policing, was just that. It wasn't an acknowledgement on the part of the province that it should take over federal responsibility for policing on the reserves; that would be a grave error.

Dakota-Ojibway Tribal Council Police - province to live up to understanding

MR. J. ERNST: Madam Speaker, I have a new question now to the Minister of Native Affairs.

Would the Minister now intercede with the Attorney-General and his fellow Cabinet colleagues to live up to the understanding that the Dakota-Ojibway Tribal Council has with respect to funding? The Federal Government is living up to their end of the bargain.

When will he now intercede with his colleagues to see that the Provincial Government lives up to their end of the bargain?

MADAM SPEAKER: The Honourable Minister of Northern Affairs.

HON. E. HARPER: Yes, I am in close consultation with my colleague, the Honourable Attorney-General, and we have watched the Federal Government in terms of transferring and abdicating their responsibility in their jurisdiction, and one of them is the policing on reserves; not only that, but in other areas. There are a lot of cutbacks and there is a gradual shift of responsibility that is being placed onto the Provincial Government and one of them is the policing matter.

Infant death - estimated cost of trials

MADAM SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Thank you, Madam Speaker, I have a question for the Attorney-General.

Last week he was - perhaps in his absence the question was taken as notice from the Member for Kirkfield Park as to the costs of legal aid with respect to the trial, the first appeal, a second trial, and the estimated costs of the second appeal in the criminal case involving the death of an infant, Ruby Adriaenssens. I wonder if the Attorney-General has that information for the House.

MADAM SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: No, Madam Speaker, I don't. I took the question as notice and it's been referred to Legal Aid for an answer. When I receive the information, I'll gladly give it to the House.

Awasis Agency - criminal charges re sexual assault

MR. G. MERCIER: Madam Speaker, some two or three months ago I raised with the Attorney-General a question as to whether or not criminal charges would be laid in the case of the 14-year-old girl who was allegedly raped as a result of some involvement with the Awasis Agency in that area. I've asked a number of questions to the Attorney-General since then. I wonder if he could advise whether or not the investigation has been completed. If not, why? If it has been completed, will criminal charges be laid?

HON. R. PENNER: Madam Speaker, I have to be careful and circumspect in answering the question because it might interfere with an ongoing investigation. Accordingly the first part of my answer is that, yes, the investigation is ongoing. The difficulty is that the complainant, as is well-known, lives in Alberta and the attempts to obtain specific information, and that is necessary in furthering a criminal charge, in terms of times and dates and people, are being met with some difficulty and some uncertainty, partly because of the fact that the complainant, as I say, is presently in Alberta.

But we're doing the best that we can under difficult circumstances and I want to assure the member and the House, and the people of Manitoba, that once we have all of the pieces in place, if there is a prima facie case, then a charge will be laid. But we cannot charge in a vacuum, we cannot charge without having the basic elements of a charge as required by the fundamental law of the country.

MR. G. MERCIER: Madam Speaker, I would ask the Attorney-General, in view of the fact that the delay is now, I think, approaching some three months since this matter was raised publicly, particularly the concerns raised in Northern Manitoba during the past year or so about justice in Manitoba, would he not take some steps to expedite an investigation? Or is it the policy of his department to allow at least a three-month delay to take place with respect to something that is not a very complicated matter; it's a simple matter?

HON. R. PENNER: Madam Speaker, it is complicated; it is not simple; it is made more difficult by the absence of the complainant from the jurisdiction; there were allegations over a lengthy period of time involving several named youths; and the Crown Attorneys in my department, who are very responsible and very concerned, are taking every possible step in cooperation with the RCMP, to secure the necessary information.

Let there not be the slightest suggestion that we are in any way not giving this a high priority; we are. But account has to be taken of exceptionally difficult circumstances.

Legal Aid - application for certificate to sue Awasis Agency

MR. G. MERCIER: Madam Speaker, I also asked the Attorney-General a few months ago relative to this matter, whether or not the Legal Aid Board would be granting a certificate for Legal Aid to this young girl and/or her family, to seek financial compensation in this matter, in view of the expenses, including legal costs, which they have very unjustly incurred.

Could the Attorney-General indicate whether a certificate has been granted, or is it still under consideration, or has it been rejected?

HON. R. PENNER: When I was last asked this question, but I'll look into it again - there had been no application received for Legal Aid from either the individual or her family. And, indeed, it's my view of the rules of Legal Aid and the governing statute that if, in the circumstances, an application were made, it would be favourably received. But there is no such application.

The Labour Relations Act - input by the Manitoba Federation of Labour

MADAM SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Madam Speaker, I have a question to the Minister of Labour.

Madam Speaker, in the introduction of the bill today, did the Minister receive and have input from the

Manitoba Federation of Labour in the development of this legislation?

MADAM SPEAKER: The Honourable Minister of Labour.

HON. A. MACKLING: Madam Speaker, I have discussed the general principles of this legislation with a large number of people, including representatives of the Federation of Labour.

The Labour Relations Act - assurance bill not distributed

MR. J. DOWNEY: Madam Speaker, it's been a longstanding tradition of this Legislature that before any bills are introduced, that they are kept and distributed first to the Manitoba Legislature.

Madam Speaker, can the Minister of Labour assure us that neither the Canadian Federation of Labour or the Manitoba Federation of Labour now have a copy of that bill?

HON. A. MACKLING: Madam Speaker, I think all members of this House appreciate the fact that it is important to, where possible, have broad consultation in respect to the broad principles to be contained in legislation, but that it is never the practice for the printed version of the bill to be seen by anyone in precedence to members in this House, and I certainly respect that tradition.

There will be copies of the bill, now that it is tabled, that will be distributed so that people who would be affected will have knowledge of the contents of the bill. But that certainly never takes place before the bill is tabled in this House.

MR. J. DOWNEY: Madam Speaker, the Minister is giving us the assurance that either the Canadian Federation of Labour or the Manitoba Federation of Labour have not received copies of that bill? That's what he's saying right now?

HON. A. MACKLING: That's correct, Madam Speaker.

MADAM SPEAKER: The time for Oral Questions has expired.

INTRODUCTION OF GUESTS

MADAM SPEAKER: Before moving to Orders of the Day, I wanted to inform honourable members that we had 29 students from Grade 5 from the Blumenort School with us until just a few moments ago. The students were under the direction of Mrs. Laverna Loewen and the school is located in the constituency of the Honourable Member for La Verendrye.

I'm sorry that I couldn't interrupt proceedings to introduce them, but we were pleased, on behalf of all the members, to have them with us this morning.

ORDERS OF THE DAY HOUSE BUSINESS

MADAM SPEAKER: The Honourable Government House Leader.

HON. J. COWAN: Madam Speaker, on a matter of House Business, I'd like to indicate that it is the intention to call two Standing Committees on Thursday evening to consider bills that have presently proceeded through Second Reading.

Through consultation with the Opposition House Leader, we've determined that it would be appropriate to call the Standing Committee on Regulations and Orders and the Standing Committee on Municipal Affairs, to consider bills that have been referred to it, Thursday night, starting at 8:00 p.m.

A MEMBER: Next Thursday?

HON. J. COWAN: Next Thursday night, yes. We want to give notice at this time just so those individuals from the general public who wish to make representation have an opportunity to have some advance notice of the meeting of those committees.

Madam Speaker, would you please call for today's order of business, Second Reading on Bill No. 50, followed by Bill No. 58, and then please call Second Readings on the bills on the Order Paper starting with Bill No. 25 and continuing through and including Bill No. 53 as they appear on the Order Paper on pages 2, 3 and 4.

MADAM SPEAKER: Excuse me, was that 50 and 58 for Second Reading?

HON. J. COWAN: Yes.

MADAM SPEAKER: Right.

SECOND READING BILL NO. 50 - THE CONSUMER PROTECTION ACT

HON. A. MACKLING presented Bill No. 50, An Act to amend The Consumer Protection Act; Loi modifiant la Loi sur la protection du consommateur, for Second Reading.

MOTION presented.

MADAM SPEAKER: The Honourable Minister.

HON. A. MACKLING: Madam Speaker, the purpose of this bill is to provide for the greater clarity respecting the licensing of direct sellers, to increase the maximum dollar amount of average sales which require licensing and to clarify the protection provided to consumers respecting implied warranties.

The present act currently requires that one cannot sell on a direct basis unless they are licensed through the Consumers Bureau. However, the wording is vague and tends to permit the holder of a licence to sell for any vendor. Therefore, we are proposing an amendment that will require a direct sales person to have a licence in the name of a specific vendor. This is in keeping with the administration policy of this Consumers Bureau since inception.

Madam Speaker, The Consumer Protection Act provides an alternative to the licensing of each direct seller working for a particular vendor when the average sale is under \$20.00. The alternative requires only the vendor to be licensed. This regime simplifies the regulatory function without reducing consumer protection for both industry and the Consumers Bureau. The \$20 figure has not been changed since 1974 and the industry has asked for an increase in the average sales figure to more appropriately reflect the current situation. The amendment proposes to increase this amount to \$50.00.

The Consumer Protection Act provides the statutory warranty provisions that there is an implied warranty between buyer and seller in every retail sale to which the act applies. The wording is vague and the bureau has been challenged from time to time by sellers, as to why the seller should be responsible for honouring the terms of the warranty since the act does not categorically say so.

Consequently, in some cases, consumers are left on their own to send goods to a manufacturer who is often located outside of Manitoba or worse yet, out of Canada for repairs under the terms of the warranty. In many instances, the consumer suffers economic loss by discarding products or paying for repairs though a warranty exists. An amendment is designed to ensure that consumers will obtain their warranty rights.

This has been a particular problem in respect of some automobile dealers selling third-party extended warranties. If the third party warrantor goes out of business, for whatever reason, some have claimed the consumer has no right against the dealer. Madam Speaker, I think this situation is unacceptable and, therefore, should be clarified to ensure that the implied warranty rights are assured.

Madam Speaker, I commend these amendments contained in this bill to members of the Assembly.

MADAM SPEAKER: The Honourable Member for Riel.

MR. G. DUCHARME: I move, seconded by the Member for Roblin-Russell, that debate be adjourned.

MOTION presented and carried.

BILL NO. 58 - AN ACT RESPECTING THE ACCOUNTABILITY OF CROWN CORPORATIONS AND TO AMEND OTHER ACTS IN CONSEQUENCE THEREOF

HON. G. DOER presented Bill No. 58, An Act respecting the Accountability of Crown Corporations and to amend other Acts in consequence thereof; Loi concernant l'obligation redditionnelle des corporations de la Couronne et modifiant certaines Lois, for Second Reading.

MOTION presented.

MADAM SPEAKER: The Honourable Minister.

HON. G. DOER: Madam Speaker, it is indeed an honour to speak on this bill for Second Reading. As we have

outlined pursuant to Rule 85 at the First Reading of this bill, it is a bill that provides for accountability in four major areas: one is to the public; two is to the Legislature; three is the whole area of improving employee input; and the fourth area is the financial accountability through the holding company model.

Madam Speaker, Crown corporations of this country have had a tremendous tradition in providing the second engine in our two-engine economy, the private and public sector. Crown corporations have been established by all political parties in all regions in this country to meet the economic challenges of our infrastructure.

Madam Speaker, the challenge for governments has been to find that balance between the ability of a Crown corporation to operate to meet the economic goals and the accountability with the government that is elected to manage those Crown corporations.

(Mr. Deputy Speaker, C. Santos, in the Chair.)

The Federal Government has taken years to find the model that they feel acceptable to them with the introduction of Bill C-24, an act that was initiated in 1976 and brought before the Federal Parliament in 1984. We have looked at the legislation in Saskatchewan, other provinces, as reviewed by the Economic Council of Canada; we've looked at the federal legislation; we reviewed the Spivak Task Force; we've reviewed some of our own task force; we reviewed some of the strengths and weaknesses we felt in Crown corporations in developing this bill.

Mr. Deputy Speaker, the model that we have chosen, in terms of financial accountability, is a model quite frankly that has worked in the public sector in the Province of Saskatchewan. The Federal Government has got a holding company chaired now by the Honourable Barbara McDougall, although it has more vicarious types of objectives in terms of fire sale operations of Crown corporations. Mr. Deputy Speaker, it is a different type of model that is used in the private sector. For example, the Manitobans will know that in their community Great West Life and Investors Syndicate are corporations with separate missions and objectives that are accountable to a holding company, being Power Corporation.

The other issue that is in this bill is the unprecedented public access to Crown corporations, both in the Legislature in terms of the elected representatives and with the creation of service committees that will meet with the public.

Lets go through basically some of the points in the legislation. The public accountability - we of course are proposing that the four major Crown corporations mandatorily have service committees that will have as duties to hold public hearings at least annually to explain the objectives of the corporation, review its relationship with its customers and the delivery of its services to the public and to receive public input on ways in which services can be improved.

The Service Committee will also look at overviews of complaints that are initiated with the Crown corporation, and we feel that this is a Canadian first, Mr. Deputy Speaker; it is an innovation that we are proud to introduce for the benefit of Manitobans. It won't be the easiest thing to politically manage, Mr.

Deputy Speaker, but it's an innovation that we feel is important to Manitobans because, ultimately, it's Manitobans who own the Crown corporations, not the temporary shareholders in the form of government.

Mr. Deputy Speaker, in reviewing that section of the act on the issue of service committees, we would like to point out - we did review the issue of the Ombudsman's role with Crown corporations and we're clearly able to determine that the Ombudsman does have a role and does do work in Crown corporations, although we don't think it's widely known with the public as some of the other roles of the Ombudsman. The legislation would be redundant to put a section on the Ombudsman in, because it already is covered for Crown corporations in this province. But we think it's important to raise in the public arena, especially when we meet with the public through the public meetings.

The bill also provides, Mr. Deputy Speaker, legislative accountability. It provides that every Crown corporation with this act will now go before the Legislature in a committee. There are a number of Crowns in this act that have never before gone before the Legislature, and they will do so now. We think this is valuable for the legislative process. One would hope that we can develop rules and procedures of how that will happen in consultation with the Opposition, Mr. Deputy Speaker, but, as an act of faith, we've placed all those Crowns under the act covered to go to the Legislative Committee and we feel that's consistent with - again even the Spivak Task Force recommended that all Crown corporations appear before the standing committee. We feel it's a positive thing as well for our elected representatives to be able to review the annual reports.

The other issue that we are reviewing, Mr. Deputy Speaker, is the issue of timely reporting of Crown corporations. This is an issue that's been identified again in the Spivak Task Force in 1978; it's an issue we're concerned about - the fact that we're debating annual statements one and two years old rather than dealing with the current situation and the future situation.

So, Mr. Deputy Speaker, we are also looking at the year-ends of some of the major Crown corporations for potential change in The Statute Law Amendment Act. If we could develop a system where the year-ends would allow us to look at more timely information in this House and with the Standing Committees, then we, with many of our Crowns, think it would enhance the debate and enhance the effectiveness of the Crown corporations, and so we are reviewing that issue at this point.

Employee accountability, Mr. Deputy Speaker, the creation of a joint council for the four large Crown corporations, I think is positive. I think the initial joint council concept was developed, I think by Duff Roblin, quite frankly, and maintained by successive governments in the public service. It allows for uncensored communication between the employees and the Minister, the senior manager of the corporation. We don't want to undermine the senior manager and a representative of the board of directors. It will be a way of having information flow from those who are delivering the services at the grassroots to the people who are putting the bottles in the bags, the people who are climbing the poles on behalf of Manitobans,

and allow them to directly communicate with the elected representative and the CEO of the corporation with the representative of the board, so there isn't any undermining of authority, but just an enhanced communication policy.

I happen to believe that type of system has worked well in the public service in this province and I think borrowing from a good idea is useful for some of our Crown corporations, Mr. Deputy Speaker. I've had personal dealings with this type of format with two governments, and I found that with both governments it was an effective way of communicating day-to-day issues directly to the elected Ministers. There won't always be agreement on issues, but at least the items will be on the table.

Mr. Deputy Speaker, the financial accountability is covered under the holding company, the aspects of it, as well as the roles of and responsibilities of boards have been clarified and strengthened.

We are recommending that the audit committees be established consistent with the private sector model of board members being the majority of the audit committee. We are recommending under Section 5.2 that planning committees be established in the Crown corporations from the board of directors; and further, we are recommending, as I stated, that service committees be created on those boards of directors and the conflict-of-interest guidelines be developed, not only specifically in the act for board members, but that they must be developed in the corporations.

We also allow the board of directors the ability to have special organizational reviews on a periodic basis for the individual Crown corporations.

The holding company, Mr. Deputy Speaker, will be created to give direction on matters of policy and to monitor the results of Crown corporations. Individual Crown corporations will continue to be responsible for their operations. The holding company's annual report will allow the consolidated results of the Crown corporation sector to be presented.

The accounting records of the holding company, under the bill, will be required to be maintained in accordance with recommendations of the Canadian Institute of Chartered Accountants so as to provide the greatest assurances to the public under Section 31.

In addition, Mr. Deputy Speaker, we are proposing a limited form of levy on the Crown corporations to pay for the holding company. We do not believe that day care centres or highway roads should be negated with having the government have a little bit of monitoring ability with their own Crown corporations.

The Board of Directors will be members of Cabinet, Mr. Deputy Speaker. We believe that is consistent with the model of Treasury Board which are Cabinet Ministers to monitor the operations of government but, rather than it being a department of government, it is a Crown corporation with Cabinet Ministers, Mr. Deputy Speaker, to provide that balance between the usual manual administration that operates with government departments and that kind of potential choking of Crown operations versus the creative ability of Crowns to operate on behalf of Manitobans, and that's why we've proposed the unique form of the holding company.

The balance, Mr. Deputy Speaker, has been articulated a number of times by this government in

the early Eighties by the Schreyer government in the Seventies by the Spivak Task Force that said, and I quote, "There's an erosion of accountability in our Crown corporation which emerges when nominal responsibility does not coincide with the real power of decision-making." The Task Force went on to say, "A clear allocation and public recognition of the respective fears of Ministers, the Legislature and the public corporations are necessary and there must be an assurance that they will be respected."

We feel, Mr. Deputy Speaker, this bill deals with this balance. It sets out a regime that both the legislation and structure permits all parties to carry out their respective tasks for Manitobans.

Mr. Deputy Speaker, the management of the Crowns will continue to run the company. They will propose plans and detail them for boards of directors, and they will implement policies.

The Board, Mr. Deputy Speaker, will oversee management as is the case today, improve operating budgets, approve plans and recommendations for them onward.

We have expanded the role of board of directors, as I have indicated earlier, in the areas of audit, planning and service committees for some Crowns. We have further delineated the issue of conflict of interest for the Board of Directors.

Mr. Deputy Speaker, the Minister is the direct link to the Legislature in the act and the government. The Board and the corporation report to the Minister in the performance of their duties, and the Minister in turn reports to this Legislature, both in the form of day-to-day operational issues that are raised and, secondly, the Minister reports to the standing committees of the Legislature as indicated in the bill.

The holding company as a Cabinet Committee, Mr. Deputy Speaker, pays attention and deals with the whole issue of the mandate and the long-range plans and capital expenditures of Crown corporations.

It applies policies relevant to all Crown corporations across the group. It applies analytical tools to business issues that arise in the corporations. It provides a device to their board and to the Cabinet Committee and provides a device and assistance to the Crown corporations as needed.

The Crown Corporation Holding Company, Mr. Deputy Speaker, reports to Cabinet. Cabinet still maintains the major aspects of Public Investment Corporations through Order-in-Council requirement, and Cabinet still makes major policy decisions referred to it by the Cabinet Committee.

Mr. Deputy Speaker, the ultimate authority is still with the Manitoba Legislature. The Legislature receives the annual reports of the corporation and the holding company and we are hoping that they will do so on a much more timely basis, to better fulfill its responsibilities to the public.

In addition, there are more Crown corporations reporting directly to the standing committees than ever before in this province. This is another example, we believe, of legislative accountability that we are proposing in our Crown corporations.

Mr. Deputy Speaker, the ultimate shareholder of the Crown corporations, beyond the Legislature, is the public of this province. And, Mr. Deputy Speaker, we believe we've enhanced the accountability of our

Crowns to the public, the people we are serving. They will receive more timely information and we believe it will hold the government and the corporations more accountable.

It has the opportunity, Mr. Deputy Speaker, to have direct aspect to the major Crown corporations that affect their life through the Service Committee. And, Mr. Deputy Speaker, with the creation of a Service Committee, the public will have another avenue to redress problems in the major Crown corporations.

Mr. Deputy Speaker, this is a streamlining of the operations of Crown investments. We have formerly had a Crown Investment Department and we have had an ERIC Committee of Cabinet to deal with Crown plants. The two functions will now be eliminated and be replaced with the one holding company, which we believe the amalgamation of the two roles will allow for more effective decision-making with our Crown corporations.

In conclusion, Mr. Deputy Speaker, the act, like all legislation, is not a panacea. It will take us some time to get the operation working; it's a major undertaking. There are lots of decisions that are in the pipe right now, Mr. Deputy Speaker. It will take some time to get an effective system up to speed. I do not believe that two or three analysts working in the Department of Crown Investments have been capable of giving any government the protection necessary with \$1.6 billion worth of revenues per year and over \$4 billion worth of assets.

Mr. Deputy Speaker, we've had toothless mechanisms to give governments and this Legislature the protection they needed. We believe that this will provide greater analytical ability and we believe it will provide much more accountability to this Legislature and also the public who are the ultimate shareholders.

In conclusion, the act is a comprehensive attempt to deal with Crown corporations in Manitoba, and we believe it will allow the balance to have Crowns operating in an independent manner, while allowing the government and the public to scrutinize and control the major decisions of the Crowns where necessary.

I would recommend this bill to this House, Mr. Deputy Speaker.

MR. DEPUTY SPEAKER: The Member for Roblin-Russell.

MR. L. DERKACH: Thank you, Mr. Deputy Speaker. I move, seconded by the Member for Ste. Rose, that debate on this bill be adjourned.

MOTION presented and carried.

ADJOURNED DEBATE ON SECOND READING

MR. DEPUTY SPEAKER: Debates on Second Readings. On the proposed motion of the Honourable Attorney-General, Bill No. 25. (Stand)

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Minister of the Environment, Bill No. 26, The Environment Act, standing in the name of . . . (Stand)

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

BILL NO. 32 - THE RETAIL BUSINESSES HOLIDAY CLOSING ACT

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 32, The Retail Business Holiday Closing Act, the Honourable Member for St. Norbert, Opposition House Leader.

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

I say, in beginning my brief comments, that we are prepared today, unless other members wish to speak, to pass this bill and send it on to committee. It will be in one of the committees that will meet next Thursday night to receive representations.

At the same time, I would indicate, I think, once again, as other members on this side have indicated, Mr. Deputy Speaker, that we will be proposing in committee an amendment to attempt to resolve what would be frankly a discriminatory situation between the two major food chains, Safeway and SuperValu, in that under the terms of the legislation we have before us, there would be no taking into account the security guards that Safeway hired while they presently open on Sundays and have been doing so since the last bill was enacted. We must think at least, Mr. Deputy Speaker, if we're going to pass legislation like this, we should not be creating a situation where we create that discriminatory situation. If one is forced to close, then they should frankly both be forced to close.

I must say though, as an individual, Mr. Deputy Speaker, that when we listen to debate on this bill and we listen to members on both sides of the House and we take as a given that this bill is being passed for a number of reasons, one, to give workers a day of rest, and for religious and family reasons, I think there's a bit of hypocrisy involved in this legislation. I admit, Mr. Deputy Speaker, to having been involved in passage of legislation previously. Because we seem to be saying - at least in respect to the food business - that the unionized staff at certain large food chains shall be entitled to Sunday off.

But what about all of the other workers, Mr. Deputy Speaker, who are forced to work on Sundays, who work at the convenience stores, who work at all of the other facilities, that are opened on Sundays? They have no choice in the matter, Mr. Deputy Speaker. So what's good for one group is not good for another very large group of people. There's no question, I think, that you have to allow for emergency types of facilities to be opened on Sunday - drug stores or perhaps gas stations where that's required, and perhaps a few others, but we have a situation where there's a group of people who have to work on Sunday, whether they like it or not. Whilst if you work for a large Safeway chain - and it may be that their union agreement supplies them relief there to some of them - but they are being looked at in this bill and been looked after in this bill. I just think - and again I admit to have been part of it before - there's some hypocrisy involved in this bill.

I personally do not support the expansion of any Sunday shopping. At the same time, Mr. Deputy Speaker, and many of us on this side of the House in the past number of months have asked a question in surveys of our constituents, and I can say that in my own constituency there are about two-thirds of the

people who responded who do not favour any expansion, but one-third do. I think because - what again I say is hypocrisy of this legislation - the people frankly should decide this issue. It's been done in a number of other provincial jurisdictions and I wonder whether or not this issue is one that should be solved by referendums in municipalities which could occur at the same time as municipal elections. Why not let members of the public decide what they wish to do? That may mean less Sunday shopping than we presently have and it may mean more Sunday shopping than what we presently have. I think that's something, Mr. Deputy Speaker, that has been dealt with in that way in other provinces and I, for one, would be prepared to accept that.

Having said that, Mr. Deputy Speaker, we're prepared to pass this bill on to committee and, no doubt, there will be a significant number of representations made on it beginning next Thursday.

Thank you.

MR. DEPUTY SPEAKER: The Honourable Minister of Industry, Technology and Trade.

HON. V. SCHROEDER: Thank you, Mr. Deputy Speaker.

Just a couple of words in response to the comments by the Member for St. Norbert, and he's absolutely right. There's certainly a strong minority of people who would support expansion of Sunday shopping and it is true that currently and in the past we've had large numbers of people who have to work at the small independent stores.

Notwithstanding those factors, I certainly strongly support preventing the expansion of Sunday shopping and I believe, although people don't like using the floodgates arguments, I think that there is a bit of a problem here if we allow somebody like SuperValu to be open on a Sunday. Given the kinds of goods they are now selling, it's not just groceries any more, that certainly would put the pressure on people like Canadian Tire and others who have some competing lines to be looking at Sunday opening. That puts the pressure on people like Eaton's and The Bay and so on and there are many jurisdictions in the world where you have seven-day shopping.

So suddenly we're talking not about that small group at Safeway and SuperValu, but the large group and the societal impact of having people at work on Sundays all over. We've always had people working on Sunday. One of my first jobs was working on the railway and nobody would expect that the railway could come to a halt on a Sunday, or hospitals, or all those essential services. Nobody is arguing for that. I just make the point that we have the small stores available to do the emergency type - emergency isn't really a very good word for it - but sometimes there's a necessity to go get some food and what have you because things come up on the weekend one wasn't expecting. I think that's all we need on the Sundays. I think that we should try to keep one day where the majority of us have a day off where we can meet with each other as families, as friends, as community and so on. From that perspective I value this legislation to prevent the continued possible erosion of that one day where most of us are able to take a day to get off the fast track.

Thank you.

MR. DEPUTY SPEAKER: The Honourable Member for Inkster.

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

I'd like to take my opportunity to rise and speak for a few minutes on this piece of legislation, which I believe to be a significant and an important move by this Legislature. I am very pleased to see the amount of cooperation that there is on both sides of the House towards this issue, both now and earlier in the Session when, due to some threats by very large retailers that they were going to start treating Sunday just like any other day of the week, the Legislature together moved to stop that from taking place. I thank members opposite. I feel they share the same concerns that members on this side share in regard to the many aspects of this issue.

I am one who strongly believes that a society needs a common day of rest, a day when people can associate, not only with their families but largely with their families and friends, but also have an opportunity to get out and to meet other members of the society in various other functions and recreational activities, to take a walk in the park, to do so many other different things that people choose to do on their own free time. To me, living in a pace of life that is going ever faster, we need to have times when people can sit back a wee bit, not simply relax but also to reflect for those who want some quiet time, as well as for those who want to participate in more active activities.

Mr. Deputy Speaker, in my constituency, an awful lot of people have a history of having to work on Sundays, people who worked in the railways, many of them retired now in my area, but there's still a significant number of people who never had any choice about working on Sundays. People naturally in other essential services, such as health care, have to work on Sundays. I haven't come across anybody yet who really wants or likes the idea of having to work on Sundays.

But it's recognized that, in essential services, you can't take those sorts of breaks, and that society can't stop altogether on one day because, to be able to facilitate the movement and transportation of others in the airline industry or whatever else, and even farmers, certainly many will take somewhat of a break on a Sunday or slow down a wee bit on a Sunday or take half the day at least for worship on Sundays. I know, in my own family, Sundays on the farm were treated very much different than other days of the week. I'm sure that is a tradition that carries forward to this day in this province.

This is one of the issues, Mr. Deputy Speaker, that's raised a fair amount of concern. I've gotten several letters and petitions from churches, from individuals, asking me to support strengthening the legislation. I also sent out a questionnaire to constituents, asking what people thought on the issue. I received about - it was close to 70 percent, I believe, are the responses who wanted us to act as we did a couple of months ago, and many of those people again asking for strengthening of the legislation as we are doing with Bill No. 32.

There are certainly some people who feel that it would be more convenient and more beneficial for them

personally or, in many instances, speaking for other people, to have Sunday treated more as a typical day. But I do not believe that is shared with the majority of the citizens. I also do not believe that many of those who want greater convenience to be able to shop and do what they wish on Sundays, in retail establishments in particular, would take the same position if they were the ones who had to get up on Sunday morning and go in and put in eight hours or four hours or whatever the time was that their employer required them to do.

Personally I would like to see, and this was something that was expressed to me by many of the people who wrote to me on the issue, said that they would like, if people were to work on Sundays, they would like to see it in retail establishments be done on a voluntary basis, rather than being on a forced basis, that they could choose amongst the workforce, the individuals themselves could volunteer, of those who preferred to work or were willing to work on a Sunday. I would hope that the employers involved in this will offer the employees that choice, or let them make a decision themselves for those four who will be employed on the work site that that be done on a more voluntary basis, rather than on a required or on a demand basis by the employer.

I don't know that it's necessarily that appropriate to put it in the legislation, that voluntary requirement, but I would think as a measure of good will by the employers that it would certainly be well received by their employees.

The bill allows for several exemptions, and the exemptions are essentially those exemptions in those areas such as regarding more essential services and public convenience to enable transportation, such as service stations, industries that are shrunken in their year as far as for when they can sell, such as the nursery trade, certainly cannot be expected to maintain their operations on a year-long basis. They need, especially in these spring months, to be able to have every day possible to operate to make their operations viable. So it makes good sense that such items as are exempted in this legislation are exempted because they do serve, not only the industry at stake, but also more importantly, the general public.

There is one particular issue that was raised by a member opposite, a couple of members opposite a couple of months ago when we were passing emergency legislation, that I also would like to express a concern in regard to from this side of the House and that relates to the impact that wide-open Sunday shopping in Winnipeg would have on the rural communities, the communities especially within 60 to 100 miles of Winnipeg. It would be a very, very negative impact on those smaller areas with a number of people coming in, having an additional day to come into Winnipeg to shop. I think economically that would be probably the worst thing that could possibly happen to many of our smaller communities and retail establishments therein, to be open to competition from the City of Winnipeg, to draw their people in to Winnipeg on Sunday for their shopping. The rural community, as everyone in this House fully knows and is fully aware of, is having an exceptionally difficult time with the decline in the agricultural industry due to reduced possibilities of export sales of our commodities, and the retail industry in those smaller communities certainly cannot withstand

another shock that this would give if we were to open up for Sunday shopping across the board in the province, because certainly Winnipeg would be the great benefactor compared to all other regions of the province.

So, Mr. Deputy Speaker, there have been a couple of other concerns raised by members opposite that are shared on this side of the House, whether or not the wording is tough enough in regard to the four employee restrictions. It was our intention in the drafting of the legislation to have security guards or whomever else an employer might designate, or whatever other title they might designate or work type they might designate, to work on Sundays over and above that four people.

It's certainly our intention that the four persons designated in the act as a maximum number of employees in an establishment is to include security guards or any other designated employees or designated workers to come out on Sunday. They certainly should be included and, if it is felt by the draftsman of the legislation, the legal people, that it is not sufficiently tight, I'm sure the Minister will be most anxious to make sure that the legislation is tightened up so that unintended loophole would not exist for any possibilities in the future.

So, Mr. Deputy Speaker, with those few words, I will take my seat and thank members opposite for their cooperation and the spirit in general towards this legislation.

I just wish and I fully expect that sort of cooperation to continue in many other important pieces of legislation we have before us in this House.

Thank you very much, Mr. Deputy Speaker.

MR. DEPUTY SPEAKER: The Honourable Attorney-General will now be closing debate.

HON. R. PENNER: Yes, I've been asked to do so by the Minister of Labour and, unless anyone else wants to speak, just a couple of words.

Mr. Deputy Speaker, both, for example, the Opposition House Leader and the Member for River Heights, when she addressed this question, recognized at least in part that the fundamental purpose of the legislation is to do everything that we can to protect the common pause day and to recognize as we do the very high value which our society puts on that.

The Member for Arthur has doubts about the need to protect the common pause day, then let him get up and say so, instead of sneering and snarling from his seat.

I think there is common ground in this province by people of good will and good intent that indeed is what should be done. No doubt there are problems for the rural population, as has been again suggested, in having the same common pause day, and one cannot but be sympathetic to those problems, recognizing, of course, the seasonal variation in that particular problem.

But what I wanted to indicate that we also, as do the members of the Opposition, not so clearly the Member for River Heights, recognize the complexity of balancing that against the need to provide some services to the community on the most accepted common pause day, namely Sunday. One cannot

suggest, indeed it has not been suggested, that everything close down, that we go back to the turn of the century blue laws. That isn't being suggested, nor can it.

So once you begin to try to strike a balance between protecting the common-pause day and providing certain amenities and services, it is inevitably the case that there will be some elements of unfairness. That has to be recognized, and one regrets it, and one should try to do everything possible to eliminate unfairness without derogating from the fundamentals of the bill. We welcome the constructive suggestions which have been made. We look forward to what might be brought forward in committee to strengthen the bill in that sense.

What I regret with respect to the participation of the Member for River Heights to whose remarks I listened most closely was that, after having started out with the acceptance of the objectives of the bill, she then went through a rambling discursive critical approach without one constructive suggestion. But we have heard some constructive suggestions from members opposite and that, I think, is the way to approach a piece of legislation like this.

My final remark addresses a comment by the Member for St. Norbert about surveys. He doesn't have to hear it from me personally, he can read it in Hansard. The fact is that those surveys are really very soft. Many people would say clearly, yes, if the big supermarkets were open on Sunday, I might - I'm not speaking for myself - use them, and that is reflected in the survey. But if you ask the question in a hard way, it's clear that the vast majority of Manitobans, in my view, do want the common-pause day and are encouraging us, as legislators, to make sure that we have the best possible piece of legislation.

By its very nature, this legislation is inadvertently, certainly not intentionally, going to have some marked interference about it. I think we have to be careful not to decide that what we're after is the common-pause day and then begin to tinker with the bill in a way which reflects, not the objects of the bill, but rather marked interference.

With those few words, Madam Speaker, we're asking that the question be put.

MADAM SPEAKER: The Honourable Member for Lac du Bonnet.

MR. C. BAKER: Madam Speaker, I would just like leave to say a few words on the bill. I was on my feet the last time, but the Attorney-General beat me to it.

MADAM SPEAKER: My understanding is the Attorney-General has closed debate.

A MEMBER: He asked for leave.

MADAM SPEAKER: Does the Honourable Member for Lac du Bonnet have leave? (Agreed)

INTRODUCTION OF GUESTS

MADAM SPEAKER: Before the honourable member speaks, may I direct the attention of honourable members to the gallery, where we have 22 students from Grade 6 from the Winnipeg Beach Elementary School, under the direction of Mr. Larry Moore. The school is located in the constituency of the Honourable Member for Gimli.

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

BILL NO. 32 - THE RETAIL BUSINESSES HOLIDAY CLOSING ACT

MADAM SPEAKER: The Honourable Member for Lac du Bonnet.

MR. C. BAKER: Madam Speaker, speaking to this bill, I think it would be appropriate for somebody in this House to get up and pay tribute to those people whom this bill does not cover. I can think of all of those people engaged in the transportation industry who, by the nature of their work, must work Sundays.

I can think of those people, Madam Speaker, engaged in agriculture, looking after livestock, milk cows, egg producers or whatever you might be, who by their very nature have to work 365 days a year. I can think of those people working for the construction crews in the municipalities and in the city who have to, on Sunday, go out and plough the streets so that the rest of us can go out and enjoy those things that we take part in on Sundays.

I know it's absolutely, as the Attorney-General says, impossible to come up with a bill that would do everything for all people, but I think it's nice for us to reflect occasionally on those people who are left outside of the things that we do in this Legislature.

With that, Madam Speaker, I would sit down and say that I support the bill, but I do want to pay tribute to all of those people who have to work on Sunday by nature of their occupation.

QUESTION put, MOTION carried.

MADAM SPEAKER: On the proposed motion of Honourable Minister of Community Services, Bill No. 35, standing in the name of the Honourable Member for Assiniboia. (Stand)

BILL NO. 37 - THE LIQUOR CONTROL ACT

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

MR. A. DRIEDGER: Madam Speaker, I'm just going to make a few comments. The member in whose name the bill is standing is temporarily out of the House, so I'll just put in a little bit of time until the member comes back and then he can speak to it, if that's acceptable.

MADAM SPEAKER: Is that acceptable that the bill remain standing in the name of the Honourable Member for St. Norbert? (Agreed)

The Honourable Member for Emerson.

MR. A. DRIEDGER: As I indicated, Madam Speaker, my speech will be much shorter now. With those comments, Madam Speaker, I will sit down.

MADAM SPEAKER: The Honourable Member for St. Norbert.

HON. G. MERCIER: Madam Speaker, let me say first of all that I agree entirely with the Member for Emerson.

Madam Speaker, in this bill, there are a number of detailed provisions relating to licences, and those are aspects I think we would prefer to deal with in the committee.

There are just a couple of items that I wish to comment on. There is in the legislation a provision that beverage rooms will now be allowed to open until 2:00 a.m. in the morning, whereas they are currently now allowed to open until 1:00 a.m. That is an aspect which some members may have some personal reservations about but it would appear, from speaking to people in the industry, that with the much expanded cabaret licences that have taken place that what the industry is seeing occur, in the City of Winnipeg at least, is that a large number of patrons of beverage rooms are moving from the beverage rooms to close cabarets. So in view of that aspect, Madam Speaker, it would appear that reluctantly for some of us we would tend to agree with the amendment to change the time of closing of the beverage rooms.

There is one aspect that we disagree with in this bill, Madam Speaker, and that is the aspect, the amendment to the act, that would allow the commission the ability to buy, import and sell non-food items related to the sale of liquor, Madam Speaker. We are not of the view that the commission should be engaged in that type of business activity.

We have a monopoly on the sale of liquor, Madam Speaker, and certainly there has been from time to time some discussion as to whether or not there should be some privatization of that aspect, accepting the fact that outside of the City of Winnipeg most of the sales of liquor do occur in private business activities associated with drug stores or grocery stores or that type of activity, and we accept that.

Personally speaking, having looked at the operation of the commission and having looked at the possibility of privatization of government stores, I don't think that the government could do that without having a substantial effect on its revenues. For that reason, I have tended to frankly, Madam Speaker, support the continuing sale of liquor in government-owned stores as they exist now.

I think it's fair to say that over the past seven or eight years, particularly since the new chief executive officer, Mr. Emerson, was employed by the commission, there has been a significant upgrading of the stores, the government stores, and they're made much more attractive and pleasant for customers of those stores. Having said that, Madam Speaker, we, on this side of the House, cannot support the commission getting into further business activity and compete with private businesses in the sale of non-food items in government stores.

That is an area of activity, I think, that is best left to private entrepreneurs in this province, Madam Speaker. They have had a difficult time enough in carrying on business activities in this province with the Budget that they have had imposed upon them and other Manitobans. When we look at the activities of Crown corporations that have taken place in this government, we really do wonder what the government might do in this area of activity.

Simply put, Madam Speaker, it's an area of activity that should be left to private entrepreneurs and we see no necessity for the commission to get itself involved in that. Most of the government stores are presently located and tend to be located these days in large commercial shopping centres where anyone who wants to buy a non-food item can go to a private store to buy.

There is probably, Madam Speaker, an indication certainly that the sales of the commission may be reducing. I don't know whether - the government has certainly become dependent upon receiving a significant amount of revenue from the operation of the commission and whether that is any reason for this type of amendment. Madam Speaker, I haven't seen brought to my attention any wishes or desires on the part of any constituents of mine or of any other people in the province who have suggested to me that the commission should be getting into the business of the sale of other non-food items. I don't know where - certainly I don't see the pressure coming from the public in requesting this. So we'd like to certainly pursue that and probably oppose that section when this matter goes before the committee.

But one other area, Madam Speaker, that I would comment on is an item that is not included in this bill and that relates to advertising hours. There have been for many years discussions by the advertising sector of our community with respect to the limitation on hours of advertising in The Liquor Control Act. We have, perhaps just by way of explanation, because there will certainly be amongst some members of the public some concerns about an elimination of the present 10:00 p.m. restriction in the act on advertising of alcoholic beverages, but I think what the public should recognize, and perhaps it hasn't been brought to their attention, is that through the cable companies that come into Manitoba, Manitobans are faced with liquor advertising on a considerable scale from every American station that comes into this province.

And what of course is happening, Madam Speaker, is that Manitoba companies are advertising in the United States. That money, Madam Speaker, we would suggest could just as well be spent in Manitoba. Perhaps, even if we had a very principled view that there should be no advertising of alcohol on television, the fact of the matter is that it is coming into this province and there is no way that this province can stop it. Manitoba companies are spending money in the States on that advertising.

It comes down to perhaps a very practical pragmatic decision, do we want some of that money spent in Manitoba by Manitoba companies, rather than being spent in the United States? If we can't stop that advertising coming in from the United States, Madam Speaker, if that's the view of some people, then at least I would prefer to have a position where the money be

spent in Manitoba and that therefore I would support, as I have indicated privately to the Attorney-General, an amendment that did away with that advertising ban.

I think it's perhaps not an ideal situation. It's a practical pragmatic decision and a position that we have taken for a number of years. We would like to ask the Attorney-General in committee, perhaps in summing up Second Reading on the bill, he could indicate to the House why that provision has not been dealt with in this bill. It's been discussed for a number of years and I think many people expected it to be included in this bill and perhaps the Attorney-General is prepared to consider it in committee.

Thank you, Madam Speaker.

MADAM SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Madam Speaker, I thank the Member for St. Norbert for his very helpful suggestions.

It has been the practice to try to amend the Liquor Control bill on a consensual basis. That has worked very well and I certainly want to maintain that approach to the bill.

I am appreciative of the concerns raised about the sale of non-food items in the store. The intent was purely those related to the product itself, that is, glasses or corkscrews, but I'm prepared to discuss it with the member in committee and with the commission. Indeed, if we can't perhaps satisfactorily indicate the limit on that sale - it was certainly not looked upon by us a revenue question, but it is strictly a convenience question - certainly we're prepared to look at it again. That is not a major part of government policy.

With respect to the other matter raised by the member having to do with advertising, there is some new information which has come forward that I don't want to discuss in the House at the moment but which I am prepared to take under advisement. It may be by the time we reach committee on this, we can have a second look at that particular issue, the one related to advertising.

Many of the points made by the Member for St. Norbert are correct. With the proliferation not only of cable but of satellite and of the pay networks, particularly the sports networks and so on, it is the fact that virtually everywhere in Manitoba, those ads are coming forward in prime time in any event and there is force to the argument. We recognize it, that perhaps some of the revenue should be located in Manitoba.

But there are public policy reasons, the concern that the public has about drinking and driving and the fear that many have that promotion instead of altering market share increases consumption and those were some of the considerations which have affected our decision here. We're prepared on the basis of new information to take a second look at it and I'll be prepared to discuss that with the Member for St. Norbert before we get to committee.

With those few remarks, I'm again thanking the member for his constructive suggestions. That would conclude my remarks, Madam Speaker.

QUESTION put, MOTION carried.

MADAM SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 38, standing in the name of the Honourable Member for Fort Garry. (Stand)

**BILL NO. 39 - THE CITY OF
WINNIPEG ACT (2)**

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Urban Affairs, Bill No. 39, standing in the name of the Honourable Member for Charleswood.

MR. J. ERNST: Thank you, Madam Speaker, I am pleased to rise and put a few words on the record with regard to this bill.

Firstly, the question of the establishment of a fixed number of wards in the City of Winnipeg, Madam Speaker, the act presently provides for a number to be established from time to time by the Lieutenant-Governor-in-Council, so that the fixing of the 29 wards now puts into place into the legislation the establishment of 29 wards to correspond to the present size of the City Council.

The argument, I suppose, Madam Speaker, whether it's 29 wards or 24 wards or 18 or however many - and there were many, many representations made to the Review Committee with respect to the number of wards, Madam Speaker. Really I suppose, in the overall scheme of things, it won't matter a great deal and, for the time being, I think we're prepared to stay with the 29 wards and see how it works. It may be that, at some point in the future, a change will be necessary.

The establishment, Madam Speaker, of a Boundaries Commission, I think has been long overdue. I raised the matter last year in the House with respect to a Boundaries Commission and/or a review of the boundaries with the Minister at that time early on in the Session because I was concerned. The municipal elections took place last fall, Madam Speaker, and there are a great many inequities taking place at the present time within the ward boundary sizes.

In my own community of Charleswood, the ward of Charleswood is larger than the provincial constituency. Madam Speaker, we have a situation in South St. Vital, where the Member for Riel in his previous incarnation was in a ward that had twice as many people as most of the wards in the inner city. So those inequities create unfair burdens of work upon those members of council who had to represent virtually double the population and, Madam Speaker, faced also with the growing pains of any new community. When new development is taking place, there are parks to be built, there are roads to be built, there are any number of things that need to be addressed. Yet, Madam Speaker, on top of that, they're faced with double the population to serve.

Madam Speaker, in those areas as well, it grows in leaps and bounds on almost a daily basis so that the review of the boundaries is long overdue, and something that I'm pleased to see.

The statutory nature of the Boundaries Commission as well, Madam Speaker, I think will serve the city well. It will take it out of the hands presumably of the body politic in terms of reviewing that particular situation. Madam Speaker, when you appoint the Chief Justice of Manitoba, the President of the University of Winnipeg and the Chief Returning Officer for the City of Winnipeg, then I think it takes it out of those hands and puts it into the hands of a statutory body, a body that will in membership change from time to time but will not be appointed on the basis of political decision.

Madam Speaker, some of the other amendments to the act dealing with the structure of the Chief Commissioner's duties, I think, is long overdue as well. To saddle the Chief Executive Officer of a major corporation such as the city with a budget of .5 billion on operating account and a further 125 or so on capital account, Madam Speaker, created some difficulties. The Chief Executive Officer, I think, needed to have some flexibility and need not be saddled with line responsibilities.

The adding, Madam Speaker, of a Business Improvement Zone, I think, is something else that has been in the works for some time. It was recommended by the city two or three years ago that it be included.

Madam Speaker, the Downtown Business Association has been one of the major proponents of this particular section of the bill, to have that business improvement zone put into place. For many, many years, the Downtown Winnipeg Association and the merchants, in particular, had complained and constantly cajoled both the city and province to put funding into downtown, to create a better ambience for their business, to create a better environment for them to try and earn a living.

Madam Speaker, but at that point they had not been prepared to put up any money, save for some nominal contributions that went toward putting up the Christmas lights in the downtown area during the Christmas season. But beyond that, the downtown business people really hadn't had a commitment, really hadn't had a vehicle, and really hadn't given of themselves in terms of creating that environment in the downtown, an environment, Madam Speaker, that is to their benefit.

During a visit to Minneapolis several years ago, I met with the Downtown Business Association there. They spend, Madam Speaker, virtually all of the money that's spent in downtown. All of the skywalks that are built in downtown Minneapolis are funded by the Businessmen's Association. The street-scaping in a number of other areas that are put in, other activities that go in downtown Minneapolis are funded almost 100 percent, if not 100 percent, by the Downtown Business People's Association.

So that, Madam Speaker, by putting into a business improvement zone, not unlike a local improvement on a street or a waterline or whatever, it causes then those people who will ultimately benefit from that activity in the downtown, cause them to have to contribute toward it. I think that's a realistic outlook.

As well, Madam Speaker, it's very democratic in its nature. It requires the majority of the business people to vote on the question of whether they're going to put in these additional services or additional changes in the downtown. It gives them the opportunity to vote on whether they're going to pay for it or not.

So, Madam Speaker, I think with those few comments, unless others members in the House wish to address the bill, that we would be happy to see this pass Second Reading and go on to committee.

Thank you.

MADAM SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Thank you, Madam Speaker.

I just wish to make a couple of comments, and one is along the area that the Member for Charleswood

Friday, 5 June, 1987

spoke about. That is the terms of reference for considering a variation in population basis for a ward. One of my concerns for a number of years, Madam Speaker, has been that one of the terms of reference should be some reference to imminent growth of a particular area, and particularly here where we see that the ward boundaries will only be changed once every nine years. It seems eminently reasonable and logical to me that the commission should have to consider at least some imminent growth that's likely to take place in an area. The Planning Department is well aware of applications and how growth is going to take place.

It's my view there have been a number of wards in the city that have had too high populations for a considerable number of years, because there is no consideration given to the growth that was taking place in that ward. I'm sure the Minister and the members of Council would like as much as possible to have an equal number of residents in each ward. I think the Minister should consider that factor, and perhaps consider even an amendment, because I don't think these terms of reference adequately allow for imminent future growth in a ward. So I would ask the Minister to take that into consideration.

I'd ask a specific question. In an amendment on page 3, they refer to: "Each ward of the city shall, as nearly as is reasonably practicable, contain the same number of residents." The previous reference was to electors, and I would ask him to - I think the change may be made because that may be in keeping with the provincial Boundaries Commission, but I would ask him to confirm that.

One other reference in the act, Madam Speaker, with respect to the responsibility to maintain boulevards, it's the last amendment in this act, and refers to the fact that the city is responsible for all boulevards in the city: "And it shall care for and maintain those boulevards or cause those boulevards to be cared for and maintained."

Madam Speaker, this raises the argument, of course, that has been going on in City Council for many, many years, wherein you have the situation that the boulevards in the inner city are maintained by the city and, outside of the inner city, the residents maintain their own boulevards. Once again, it is an inequitable situation, it's unjustifiable. I would have hoped that the Minister may have considered something be done in that regard because obviously, if one group of people are looking after their boulevards, then the other group of people should be looking after their own boulevards too.

Thank you, Madam Speaker.

MADAM SPEAKER: The Honourable Minister of Urban Affairs to close debate.

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

The specific issues raised by the Member for St. Norbert in terms of the change from electors to residents in each ward, we believe that is consistent with The Municipal Act and The Electoral Divisions Act, and would make it a consistent criteria for the purposes of this Boundary Commission.

In terms of the second issue that's been raised by the Member for St. Norbert in terms of boulevards,

this is one of the more archaic parts of The City of Winnipeg Act, that and dog licence fees and all these other things, Madam Speaker, that eventually we want to get out of the act and give the city enabling power to deal with it and be accountable to the public on it.

There was a request basically to let the province in a de facto way make the decisions on the boulevard cutting, who'd get their boulevards cut and who wouldn't, by law. I recognize the dilemma of that. I'm sure members opposite do. I don't think this Legislature should decide who gets their boulevards cut and who doesn't. I think City Council should decide that, and City Council should be accountable for it.

So we have rejected this. This is one area we have come up with that . . .

A MEMBER: Do you support boulevard cutting?

HON. G. DOER: Oh, absolutely! Everybody should have their boulevard cut and, Madam Speaker . . .

A MEMBER: By the city?

HON. G. DOER: Well absolutely, Madam Speaker, but we have allowed the city to decide that. As the Member for Charleswood has pointed out numbers of times, they're an august body, elected by the public, with complete ability to make those decisions.

So with that, Madam Speaker, I appreciate the comments. I will review Hansard on the specific issues raised, and I would like to close debate on Second Reading.

QUESTION put, MOTION carried.

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 42, standing in the name of the Honourable Member for St. Norbert. (Stand)

On the proposed motion of the Honourable Minister of Finance, Bill No. 43, standing in the name of the Honourable Member for Morris. (Stand)

BILL NO. 44 - THE COAT OF ARMS, FLORAL EMBLEM AND TARTAN ACT

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Culture, Heritage and Recreation, Bill No. 44, standing in the name of the Honourable Member for Kirkfield Park.

The Honourable Member for Emerson.

MR. A. DRIEDGER: Madam Speaker, I'd like to take this opportunity to just make a few comments on this bill. By and large, it's a very simple bill.

MADAM SPEAKER: Is it the understanding that it would remain in the name of the Honourable Member for Kirkfield Park?

MR. A. DRIEDGER: Yes.

MADAM SPEAKER: Is that agreed? (Agreed)

MR. A. DRIEDGER: Madam Speaker, basically I don't think anybody can have an objection to this bill. It's

a very short, precise bill. In fact, Madam Speaker, I was not even aware that we needed an act to cover some of these things that have happened where, for example last year, the Great Grey Owl was established as the provincial bird. Madam Speaker, I thought the Manitoba crocus had always been the flower of the province, so why we have to cover it within a bill, I thought it had already been taken care of.

But the other interesting thing about this bill, Madam Speaker, and I thought it was sort of amusing. It's Bill No. 44, An Act to amend The Coat of Arms, Floral Emblem and Tartan Act. Madam Speaker, it says because of the long title, they're repealing the long title, and they're calling it "The Coat of Arms, Emblem and Manitoba Tartan Act." So one word is deleted, and I find it odd that should even be an issue in this thing.

Anyway, the comments I wanted to make, Madam Speaker, I was one of the members who had the privilege the other day when the Minister introduced the bill to walk out into the halls, where the Minister then had a Great Grey Owl on her arm and members of the Legislature had a chance to view the bird. I have no argument, Madam Speaker, with the choice of the bird for Manitoba.

One comment I want to make though is that the process on how that was established is what creates a little bit of concern for myself. Because what happened, Madam Speaker, in choosing our provincial bird, the Great Grey Owl, a lot of ado was made about the process. I think schools, all kinds of organizations, everybody had a chance to become involved as is common with this government, get everybody's opinion and it sounds good.

But what happened, Madam Speaker, when they came down to the short strokes on this with the last number of birds that were being considered, the Minister took it upon himself - the then-Minister of the Department of Natural Resources, the Member for Lac du Bonnet - and he alone made the decision as to which bird it would be. There was a bad taste left in many people's mouths because of the appetite put in sincerely, in terms of participating, feeling they had an input into the matter, and then arbitrarily at the tail end the Minister makes the decision. So I think it was sort of a sham, the process that we went through in terms of how we established our provincial bird.

Madam Speaker, it is my understanding that we at the present time are in the process of establishing a provincial tree, and the same process is being gone through again. Everybody can take and participate, organizations, schools. Everybody is having a say in the matter as to the type of tree that we should be establishing as a provincial tree.

I want to just caution the Minister. Whoever is responsible for the establishment of it - I would assume it is the Minister of Natural Resources again - that if we are going to go through this process of asking for public input into this kind of a thing, we follow that process through all the way down the line, and the Minister doesn't let the tail end arbitrarily decide now, I have decided that this is going to be the provincial tree. I don't know whether the Minister, in establishing the provincial bird, consulted with his colleagues even. I doubt it, I doubt it. My understanding was, with the limited information that was available, that the Minister just up and decided that was the bird that we're going to be calling the provincial bird.

HON. A. MACKLING: The process was for the birds.

MR. A. DRIEDGER: Yes, the process was for the birds. The Member for St. James got that right.

Madam Speaker, I wouldn't be surprised if there was a little bit of hesitancy on behalf of the people of Manitoba to get involved in picking the provincial tree if the same process is going to be gone through again.

I would suggest that, if we establish what we call a provincial emblem, whether it's a flower, whether it's the tree, bird or whatever it is, we broaden our scope a little bit in terms of the input and the final decision as well. I would have thought that possibly there could have some consultation take place within the Chambers themselves in terms of what should be considered the provincial emblem in the case of the bird, and I would hope that some maybe some more input could be had in terms of establishing a provincial tree. Because these are things that, you know, being enshrined into the act, as we will be doing. It will be there for a long time and I think, if it's worthwhile to have a bill brought forward to that extent, then there should be participation in terms of establishing this.

The other thing, Madam Speaker, that I note in the bill is the absence of a tree so I suppose that, possibly by next year, we will have to come and amend this act again to include the provincial tree if it has been established by that time. I suppose that could be an ongoing process with whatever emblems we go after next in terms of enshrining it in the legislation.

With those comments basically, Madam Speaker, I just wanted to raise that point. I have no objection as to the bird that has been picked; it's a beautiful bird. What I objected to was the process in which it was done and I caution, as I did just a minute ago, the Minister who is going to be doing that that he maybe broaden his scope in terms of the final decision on that.

Thank you.

MADAM SPEAKER: The motion will stand in the name then of the Honourable Member for Kirkfield Park.

BILL NO. 45 - THE LOTTERIES FOUNDATION ACT

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Culture, Heritage and Recreation, Bill No. 45, standing in the name of the Honourable Member for Emerson.

MR. A. DRIEDGER: I stood the bill for the Honourable Member for Charleswood.

MADAM SPEAKER: The Honourable Member for Charleswood.

MR. J. ERNST: Thank you, Madam Speaker.

In the annual report of the Provincial Auditor, Madam Speaker, he took the government to task for spending money, in his view, wrongfully from the Lotteries account. That is to say, the government was spending money on salaries of employees charged against the Lottery account which, in his view, was not permitted by the act and which in fact was wrong.

HOUSE BUSINESS

There was some debate, I gather, internally, according to what the Minister told us in Estimates, over whether that was the case or whether it was not. But in any event, this bill has been brought forward to regularize the procedures of spending monies on salaries out of the Lotteries account. That by and large, Madam Speaker, is the substance, and I would hope that the government would not attempt to do such things again without first bringing that kind of legislation forward.

Madam Speaker, we've seen all kinds of irregularities and different things happening with the members opposite, expenditures of money all over the world, great and huge deficits in Crown corporations. We've seen, Madam Speaker, lack of management, mismanagement, lack of abilities, incompetence, all kinds of things from the members opposite. Here is just another example of just deciding, willy-nilly, to spend money regardless of whether they have the permissive legislation or not.

So, Madam Speaker, I would hope that members opposite would learn from their mistakes in this particular situation, an obvious one and one which they were caught at. The Provincial Auditor discovered that, in fact, they were spending money illegally, in his view.

Unfortunately, the penalties are not quite so severe. They will experience those penalties, Madam Speaker, come the next election, when the Government of Manitoba will in fact, turf them out of office for all of the collective mismanagement and incompetence that they've displayed over the past number of years.

However, Madam Speaker, with that, now that the legislation has been tabled to legalize and regularize the expenditure of funds on salaries out of the Lotteries account, then that matter will be taken care of.

So, Madam Speaker, I think we would just be prepared to see this bill go to committee.

Thank you.

QUESTION put, MOTION carried.

MADAM SPEAKER: The Honourable Minister of Education.

HON. J. STORIE: Madam Speaker, there may be a willingness on the part of members to call at 12:30 p.m.

Before we do, however, by leave, I would like to introduce a couple of motions to refer bills to different committees from which they were originally referred. This has been discussed with the Opposition House Leader.

By leave, I move, seconded by the Minister of Government Services, that Bill No.21, The Family Law Amendment Act; Loi modifiant le droit de la famille, be withdrawn from the Standing Committee on Law Amendments and transferred to the Standing Committee on Statutory Regulations and Orders.

MOTION presented and carried.

MADAM SPEAKER: The Honourable Minister of Education.

HON. J. STORIE: Also by leave, Madam Speaker, I move, seconded by the Minister of Government Services once again, that Bill No. 20, The Crime Prevention Foundation Act; Loi sur le fondation de prévention de crime, be withdrawn from the Standing Committee on Law Amendments and transferred to the Standing Committee on Statutory Regulations and Orders.

MOTION presented and carried.

MADAM SPEAKER: Is it the will of the House to call it 12:30?

The hour being 12:30, the House is now adjourned and stands adjourned till 1:30 p.m. on Monday next.