

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Thursday, April 18, 1974

INTRODUCTION OF GUESTS

BILL 44

MR. SPEAKER: Before we proceed I should like to bring to the attention of the members that we have some guests in my gallery. They are members from the constituency of the Honourable Minister of Labour. On behalf of all the honourable members I welcome you here tonight. The Honourable Minister of Labour.

MR. PAULLEY: Thank you, Mr. Speaker, for the introduction of some of my constituency and I ask and appeal to honourable members to be kind on the Minister of Labour this evening because one of the delegates in the Speaker's Gallery happens to be my wife and I'm sure that I wouldn't want her to know how I am treated normally in the House. So please be on your better behaviour tonight.

Mr. Speaker, this afternoon before we adjourned for the supper hour I was in the process of introducing amendments to the Workers' Compensation Act and I had indicated that certain increases would be made insofar as benefits to widows or widowers of individuals who died as a result of an industrial accident and had pointed out that while there are increased benefits in the year 1974 for the survivors of those killed in industrial accidents, there is a precaution, or at least there is in the new provisions an allowance provided for that would not prejudice their total income in '74 over what it might have been if the changes were not being made. I believe that this new basis for determining the allowances payable to dependents of deceased workers will be more equitable and will mark an advance in our compensation system in this province.

Mr. Speaker, in addition the bill I am now presenting provides for significant increases to upgrade pensions awarded in the past. I believe that many pensions in past cases have eroded away to a mere pittance because of the rapid inflation we have experienced in recent years. In my opinion this is a problem area of compensation that has been ignored for far too long. Members will recall that two years ago we introduced changes that resulted in some upgrading of past pensions awarded in this province. The time has come I believe to make even greater improvements in past pensions. The bill I am now presenting, Mr. Speaker, therefore proposes to increase all pensions awarded prior to 1973 involving cases where disability is more than 10 percent by the following percentages: For an accident prior to 1969 the pensions will be increased by 25 percent. For an accident in 1969 the increase will be 19 percent. For an accident in 1970 the increase will be 15.5 percent. For an accident in 1971 the increase will be 12.5 percent. And for an accident in 1972 - 8 percent.

Considering the rate at which living costs have been escalating and the fact that past pensions awards have been for a long time virtually ignored, it does seem to me, Mr. Speaker, that these increases are necessary and justifiable. It may be indeed, Mr. Speaker, that they do not go far enough and I am sure some honourable members or individuals in our province would indicate so. However I would say that Manitoba is one of the very few jurisdictions to have taken steps to upgrade the value of past pensions. These measures provide for considerable improvement and I would suggest that the way is now paved for further increase in future reviews of compensation changes.

As well as containing measures for a general upgrading of past pensions, Mr. Speaker, the bill contains amendments to increase the minimum pensions paid to permanently disabled workers. First, the minimum compensation payable in respect of permanent disability pensions will be increased and the increases will apply to pensions awarded in the past as well as to new cases. In the case of permanent total disabilities the minimum monthly compensations will be raised from \$175.00 to \$250.00 per month or an increase of approximately 43 percent. The minimum monthly compensation in permanent partial disability cases will be increased on a proportionate basis. The final proposed change I would like to note is that the minimum compensation payable in temporary total disability cases will be raised from the current level of \$40.00 per week to \$250.00 per month, or approximately \$60.00 per week, an increase of approximately 50 percent.

Mr. Speaker, it is estimated that the cost of the changes I have described to increase widows and children's allowances in past cases and disability pensions in past cases, will

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amount to approximately \$10 million. The act provides that the board may spread this cost to employers over a period of up to seven years. Costs in respect of new cases will of course be higher than those which are being incurred at the current benefit and pension levels, and these costs also will be assessed on employers.

Mr. Speaker, this completes my remarks about the main changes in the bill with respect to extending the application of the act and increasing benefits and pensions. I do not propose at this stage to go into the more minor changes in the bill, except to note very briefly that they deal variously with clothing allowances, compensation for disfigurement, adjustments of compensation where the courts have awarded damages; other provisions respecting compensation to widows and other persons in fatality cases. We intend, Mr. Speaker, by way of this legislation to have appointed an advisory committee of equal representation from labour and management to advise the Minister of Labour on compensation matters, to change the time that the annual reports of the board have to be tabled in the House, to make provision for actions, that the board will be covered for action for damages and the assessments on employers.

I would like, Mr. Speaker, to conclude these remarks by once more observing that the bill will produce very real and substantial improvements in this province's compensation system by providing benefits to which injured workers or their dependants are justifiably entitled. Moreover, the changes proposed in this bill will keep Manitoba among the forefront of provinces in this country. I recall that members of this Assembly have given their support to changes proposed in previous years and I would welcome the support of the House in this particular bill, Mr. Speaker. I do realize that in some areas some of the compensation benefits in some of the other jurisdictions may be higher than some of the same awards that I am proposing in this bill, but taken in total, Mr. Speaker, I think the provisions contained in this bill will, as I indicated just a moment ago, keep Manitoba to the forefront in its treatment of injured workers in Manitoba, and I recommend this bill to the House.

MR. SPEAKER: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): I wonder if the Minister would permit a question?

MR. PAULLEY: Yes.

MR. BILTON: The Minister mentioned a cost of \$10 million to employers to cover this plan. Will you tell the House whether or not this is a 12-month period, or is it for a lengthier period that he's talking about when he says \$10 million? Is that just for 12 months?

MR. PAULLEY: No, Mr. Speaker, the \$10 million that I referred to is the cost of upgrading past pensions and that will be amortized over at least a seven-year period. It will not be a thrust on assessments, say for instance for '74 or '75. It is my understanding from the Board that the impact on employers will not really be felt for, say about 18 months.

MR. BILTON: Mr. Speaker, is it the intention of the province to put some money into this as it did last year when there was a change in a similar program. The province does not intend to put any money in at all?

MR. PAULLEY: Mr. Speaker, in reply to my honourable friend the Member for Swan River, at this time, the answer to his last question is no, it will be an assessment against industry.

MR. SPEAKER: Are you ready for the question. The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I wish to move, seconded by the Honourable Member for Brandon West that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Speaker, just to keep the Honourable Minister busy, I beg to move, seconded by the Minister of Labour, that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider the supply to be granted to Her Majesty.

MOTION presented and carried, and the House Resolved itself into a Committee of Supply with the Honourable Member for Radisson in the Chair.

COMMITTEE OF SUPPLY - LABOUR

MR. SHAFRANSKY: The Department of Labour, Fire Prevention, Resolution No. 79 pass. . . The Honourable Minister of Labour.

MR. PAULLEY: Mr. Chairman, before the committee terminated the last discussions on the Department of Labour and in particular the items dealing with Fire Prevention, I was

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about to answer a few questions raised by the Honourable Member for Fort Rouge in the field of fire prevention, and not only in respect to fire prevention per se, but the honourable gentleman has asked some questions about what we were doing insofar as building codes and fire prevention and control, I would like, Sir, at this particular time to indicate to the Honourable Member for Fort Rouge and other members what is happening at the present time in respect to the points raised by the Honourable Member.

So I say, I propose to answer some of the questions about fire prevention and control raised the other night. These questions, Mr. Chairman, have to do with the upgrading of existing apartment buildings and the danger of fire in high rise apartments.

MR. CHAIRMAN: The Honourable Member for Fort Garry.

MR. SHERMAN: I wonder if I could just ask the Minister a question and ask him whether he is planning to make a major presentation in response to the questions that were asked in the whole area of fire prevention and fire protection at this time, or whether it's going to be a fairly brief presentation and there will be opportunity for further questions?

MR. PAULLEY: There's always opportunity for further questions, Mr. Chairman, and I know full well they will be forthcoming from the Honourable Member for Fort Garry, unless he is really going to be kind to me tonight because of the presence of my wife. However, it isn't --(Interjection)-- Yeah, I think it would be a good idea.

MR. SHERMAN: Well, Mr. Chairman, that answers the second part of the question. What about the first one?

MR. PAULLEY: . . . first question as I have a report contained in the paper that I have in my hand and I leave it to the judgment of the Honourable Member for Fort Garry as to whether or not, after I have gone through the paper, whether it is a major presentation or not. But I'm sure, Mr. Chairman, that the honourable member, and other honourable members as well, will take the liberty, which is theirs of course, of directing further questions to me if in the presentation of this paper the thoughts they have in their minds are not answered.

I can tell the honourable members, Mr. Chairman, that a thorough-going study of fire prevention in existing apartment blocks has been carried out. It was carried out by a committee composed of the Fire Commissioner, whom I indicated is seated in front of me, the City of Winnipeg Supervisor of Building Inspections, the Unicity Fire Chief and their staffs. From this study the committee has found, as it was expected to, that many apartment buildings in the city require upgrading. However, due to their particular type of construction these buildings can not be upgraded under uniform requirements. The committee agreed to draw up recommendations to upgrade apartment buildings in the City of Winnipeg and that the City Council be asked to pass a bylaw to upgrade apartment buildings under the authority of the Building Commission. This bylaw would require that all buildings be inspected, requirements issued for their upgrading, and that a specific order be issued for each building. The recommendations cover requirements for upgrading and contain clauses which permit alternatives or give the authority to do all things necessary to abate any unsafe condition. I'm informed that the study committee's recommendations are now under review within the administration of the City of Winnipeg.

Mr. Chairman, studies have also been made by the Fire Commissioner of existing legislation in the western provinces. None of these regulate apartment buildings other than through local building bylaws and local fire bylaws which do not have any retroactivity. In our own province outside of Winnipeg area it is proposed to make municipal councils aware of the actions recommended by the City of Winnipeg Study Committee so that they may adopt and enforce similar bylaws.

In the case of those cities and municipalities which do not have the expertise to carry out such a program the office of the Fire Commissioner will on request inspect apartment buildings and issue corrective orders. These orders would be issued in line with the recommendations made to the City of Winnipeg Study Committee.

There is a need however, to upgrade many other existing buildings other than apartment blocks. To achieve this goal the Fire Commissioner advises me that a new revised national fire code is now almost ready and soon will be published. Requirements to be contained in the national fire code will complement the National Building Code and provide for inspection, maintenance and fire emergency procedures.

Turning now to high-rise apartments, the 1970 edition of the National Building Code now

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contains requirements providing for the safety of occupants in such buildings. Where high-rise buildings are constructed in full compliance with the National Building Code 1970 and its amendments the Fire Commissioner advises me that occupants in these buildings are as safe from fire as in any other buildings providing the buildings and their fire protection and fire alarm communication systems are maintained in good order. I think that is the key insofar as the construction is concerned, and then of course, Mr. Chairman, as I indicated the other day when we were discussing the matter of fire protection, that you can have the most fireproof building in the world but if people are careless or bring into the building flammable materials then there can be of course the incident of fire.

The new National Fire Code will continue to be concerned with two main aspects of fire prevention namely, adequate fire prevention standards and effective enforcement procedures. But instead of taking the form of a model bylaw they will be prepared as a guide for the particular legislative body having the power of enforcement. Thus, the standards can be applied either at the provincial or municipal level and still provide uniformity throughout the province. The associate committees responsible for these codes are composed of highly qualified technical experts. Also included are fire marshalls, fire commissioners, fire service officers with committee members drawn from all parts of Canada. Manitoba's Fire Commissioner is a member of this committee.

Mr. Chairman, I believe that the work of the National Fire Code and the National Building Code Committees now being carried on constitutes adequate studies and render studies by a particular province unnecessary. The output of these committees represent an effective melding of the work of the National Research Council's Division of Building Research and Allied Facilities with the expertise of the associate committee members. When the National Fire Code is published it is our intention to consider the adoption of this code as a provincial fire regulations. The enforcement of code would be properly delegated to the municipal authorities deemed to have the means and the expertise to enforce it. But I want to assure the committee, Mr. Chairman, that where a municipality has not got that expertise the Department of the Fire Commissioner will provide it.

A question was raised the other day about the installation of sprinkler systems in all high-rise buildings. This is not a requirement of the National Building Code other than for specific hazardous areas. They may also be installed as an alternative to some of the present smoke control requirements. There is a move by certain authorities to make the installation of sprinklers in high-rise buildings mandatory. The Federal Government now has sprinkler systems in all their new high-rise buildings. This requirement has been recommended to me and is now under active consideration. The point I would emphasize however is that do what we may to make buildings fire safe we still have to contend with the human element. And I want to emphasize the importance of this. In most cases fires are caused by human carelessness and a good percent of them are set by design as honourable members are aware of with the situation of the catastrophe we had recently in the City of Winnipeg.

It is therefore necessary, Mr. Chairman, for the office of a Fire Commissioner to continue to educate the public against the ravages of fire. This education is done through public meetings, by the showing and loaning of fire prevention films, by the issuing of fire prevention pamphlets such as I caused to be distributed the other day in the House, by the press, radio, television when opportunity presents itself. I believe that my department and its Fire Commissioner's Office are carrying out vigorous, comprehensive fire prevention and control programs in conjunction with numerous public and private bodies. The responsibility in this area, very vital area, rests with the municipalities in the province with the Fire Commissioner's office coordinating their activities. I'm satisfied that the Fire Commissioner's office is carrying out this function in an efficient and highly competent manner and will continue to do so.

That, Mr. Speaker, is generally the paper which I desire to lay before the Committee for its consideration and an indication of how serious the Department of Labour and the Department under the direction of the Fire Commissioner's office view the importance of fire prevention and methods to try and reduce the incident of fire. And as I indicated, Mr. Chairman, the other day, that already since the beginning of this year unfortunately 30 people have lost their lives as the result of the incident in fire. Some by misadventure, some by smoking in bed, others for other reasons and I'm sure that all members of this Committee will join with myself as Minister, the staff of the department in using every effort that we can to reduce the incident of fire; not only because of the human factor involved but there is a considerable loss

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financially as a result of fire.

MR. CHAIRMAN: Resolution 79, Fire Prevention - the Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Chairman, I am sure that this is going to surprise the Minister. I'm sure that it's going to surprise the Minister, I'm not going to make a fiery rejoinder to his presentation. I think in fact that in the interests of moving the estimates of his department along and the estimates generally along that all I want to say is that we welcome the statement that he has just delivered to the Committee. We endorse the efforts and attempts that are being made to reduce the incidence of fires and to develop a fire prevention system and a fire prevention position that we can be proud of and that can help to relieve a problem that has become very serious in recent years and I wouldn't want his remarks at this time to pass without some acknowledgement and some commendation from this side of the House.

MR. CHAIRMAN: (Resolutions Nos. 79 and 80 were read and passed.) The Honourable Member for Crescentwood.

MR. HARVEY PATTERSON (Crescentwood): Thank you, Mr. Chairman. I just want to take this opportunity to speak on the particular Estimates of this department and I want to give the Honourable Minister of Labour a little bit of support. He's been having a pretty rough time the last couple of days and I think he deserves a little bit of support and I'll certainly try to do my best to help him out. And even though I'm reluctant to take the time of the estimates to say a few words on this matter because I realize the time on the estimates are for the opposition to scrutinize and detail their questions on estimates and make sure that the government is functioning properly and spending the money properly, but I just wonder sometimes when I listen to the opposition members speaking on the various items whether they were really concerned about the estimates because sometimes to me they didn't speak about the estimates, they spoke about everything else but, and in that light I don't feel too guilty of using their time. So I hope that they will stick to the task of really getting down to questioning estimates because that's what makes government function better is when we get good constructive criticism.

I want to speak on research and I think this is an important item in the Department of Labour and I think we're sadly lacking in that particular department of our labour branch. I notice that the estimates show a \$5,000 increase in that particular department but if you look it's just on salaries alone that the increase of \$5,000 applies and naturally that's the natural trend of wage increase, the inflationary aspect of things and it doesn't really put any more emphasis on to research in the department, I think that we are sadly lacking in the aspect of research in the Department of Labour and I would hope that the Honourable Minister would take cognizance of that fact and beef up his research arm a little bit in order that we can do a better job in servicing the labour element of Manitoba society.

I think that when you look at the researching of things, and naturally this is a concern of the Department of Labour but a concern of the government as a whole and I think when you look at some of the things that we've been trying to implement in this present session that research does play an important aspect. We have Bill 7 in the House, we have considerable improvements in the Compensation Act being proposed to you at this time, the new labour code that came through a couple of years ago and the Honourable Minister has mentioned that he's looking for some improvement in the minimum wage, and no doubt that takes considerable research, and I would think that sometimes maybe we should apply a little more research in that area. And just touching on the minimum wage aspect I just want the Minister to be aware that I will be looking for a considerable increase in the minimum wage and I hope he doesn't disappoint me. And when I say considerable I'm talking 60 cents per hour and over, I'm not looking at no nickles and dimes in this particular day and age. So I hope that he's well aware of the position in this particular regard because with the cost of living escalating the way it is today . . . in fact how some of the people exist on the minimum wage today is beyond me and I think that any member in this House would have to agree with that, that that's just an impossible task almost to exist on the minimum wage as it currently is in our province. And the way it's going up almost daily July 1st must seem like a long way off to the people on the minimum wage and I hope that the research that the Minister has said that is occurring at the present time will indicate to him that the minimum wage should go up at the very least, at the very least 60 cents per hour, but I'm looking for more really, truly I am. But if we get 60 cents in the first step we can step it up after that. --(Interjection)-- Fine.

(MR. PATTERSON contd.)

The research is very important in unemployment and employment statistics also and this takes a great deal of manpower, a great deal of time. The Minister and his Department must be congratulated on their efforts in controlling and keeping well in hand the unemployment situation in Manitoba. It's just over three percent and I think that is close to being the lowest in Canada and certainly shows a great effort on their part in that regard, especially in this particular time of the year just when we're coming into the high unemployment season, we're just coming out of the winter season into the summer season, the employment really hasn't picked up yet so I think that research must play a great part in that. And the research must be used to show the problem that we have with the young people coming on to the labour market, I'm not sure whether it was the Honourable Member for Fort Garry that mentioned this or the Honourable Member for Assiniboia that mentioned it when they were talking on this particular subject, that we have a great influx of young people coming out of the universities and high schools on to the labour market at this particular time of the year. But the research has to show the reason for this, the impact, etc. and if we haven't got the expertise to do the research then we can't find the solution to the problem. So once again I would impress upon the Minister to take a look at that particular branch of his estimates and possibly set up some more office space for more people to be employed in that particular aspect of the Department. But we must give some credit I think to the over-all policies of the government for taking care of that particular situation in regard to young people coming on to the labour market. It has been very well controlled and the young people seem to have not been unemployed for any great length of time and we would hope that that trend continues.

Now when you talk about employment and unemployment and if we don't have the research to show what the problem is, then the opposition can criticize us quite legitimately and we can't really have a comeback to it because we don't have the research to point out the effect of the problem. But in unemployment it seems to me that you're damned if you do and you're damned if you don't and how do you work as a government in that particular area. But if we had the real experts on this we could lay the facts and figures in front of the members of this House and certainly avoid a lot of the criticism that I feel is unjustified coming to the Minister of Labour's department. I think that in total the whole aspect of the Labour of Department Estimates is really somewhat of a - I don't want to say it's a shame - but it's really vastly underestimated the importance of the Labour Department in government circles. That's my view of the matter. Two million, 123 thousand dollars. I think that's possibly the lowest estimated department in the entire government setup and to me this doesn't make sense because the Department of Labour is possibly the most important department of the government. Now if you haven't got a good labour force and if you don't have good control of your labour economics then you're not going to prosper as a province; regardless of all the good things of the other departments, if the Labour Department don't function well, if you don't keep the people employed and if you don't keep things moving progressively in that field, all of the rest of the departments of the government will suffer. I would certainly support the Minister if he was to request possibly five times as much in the estimates for his particular department. We got to beef up the Labour Department, we got to make it more operative in this modern society and the research area is where we can do some expanding on this, and possibly when the Honourable Minister brings in his estimates next year he will have the estimates to prove that he is entitled to five-fold of dollars in his department.

The Honourable Minister's been around a long time and I don't think he's allergic to money in his estimates and I am sure that he could spend it quite well in improving the conditions for the work force in Manitoba. I can assure him that he would get no complaints from the labour force if he was to five-fold the estimates of his department, because we've been somewhat critical of him in the past, he's well aware of that, and I think some of the criticism is probably due to him being restricted in the purse strings because he just hasn't had the money to do the job that we've expected him to do. I think if we give him the wherewithal he'll certainly show us that he's the man that can do it.

Also the honourable members opposite were criticizing shortage of labour in the Province of Manitoba and particularly the garment industry, and we have to defend our positions in our department the best way we know how without really all the tools of research to do the job. So in that area we can certainly use quite a bit of help. But when you talk about the garment industry being short of labour supply, I don't think that's a new phenomenon, I think that's a

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chronic thing in the garment industry to be somewhat short of labour and they always seem to have a problem. There is an area of low wage structure in the garment industry and it just doesn't seem to improve with the times, and if we could put some research into that particular area of the provincial labour structure maybe we could show the employers how they could better provide labour for their type of industry. They might be afraid that they would probably end up paying more in wages, but you know high wages have never been something to really criticize because high wages usually have a tendency to return high productivity; and high productivity means a better living standard, means better fed and better dressed workers, and when you get the workers in that frame of mind they're going to be better all around employees.

Where do we get the people for the research? I'm sure that the technical schools and the universities of our province are turning out sufficient people qualified to do the particular job that I think needs to be done in the labour department anyway, and possibly we could help a vast sector of our low wage industries in Manitoba to upgrade themselves, encourage them to expand, encourage them to pay better wages, encourage them to provide better working conditions and not have the continually depressed industry, whether it be the garment industry or any other industry that might need that type of incentive to improve.

Also, the Honourable Member for Souris-Killarney, I believe it was, when he was speaking one evening on a matter that was touching on the labour sector of the province, he indicated that government should stay out of private enterprise and not interfere with them too much. But it seems rather hollow when you hear those type of comments because it doesn't seem to take too long before private enterprise is requesting some participation from government, whether it be in technical help, research help - is that five minutes, Mr. Chairman?

MR. CHAIRMAN: Carry on.

MR. PATTERSON: That's my honourable friend from Radisson, he's always pulling off little jokes on me.

MR. CHAIRMAN: Order, please. Carry on with the debate.

MR. PATTERSON: But that's where we need some . . .

MR. CHAIRMAN: You'll refer to the Chair properly.

MR. PATTERSON: We need some help in the research department in order to combat the type of criticism that the Honourable Member for Souris-Killarney was bringing to our doorstep. If we had the type of statistics and figures to lay in front of him he wouldn't be able to criticize us in that manner. And I'm sure that he's aware of that, it's just that he saw the opportunity and he took it and I guess this is all part of the political game.

But also we need some help in the problem of immigration, and I notice the honourable members opposite are quite critical of it in that particular area.

MR. CHAIRMAN: Order please. We are dealing with Resolution 80, Research. I'd like the member to get to that point. When you are dealing on other than the Minister's Salary you stick directly to the topic before us.

MR. PATTERSON: Thank you, Mr. Chairman. You have to be patient and I'll just show you how research fits into this.

As I was stating to the honourable members that the immigration program - and you can't have a viable immigration program unless you have the research and statistics to back up what you're doing. If you have the research and the statistics then you can say that you don't need the immigration or that you need the immigration of a particular kind. And to me, if we had the research in Manitoba in the Department of Labour it would show that we need the selective type of immigration policy in Manitoba in order to bring in the technical people, the qualified people to perform in the jobs that we are lacking in. Anyone that looks in our daily papers can see where we are really lacking in that type of employees, the highly qualified people; and you have to have the technical help to do that, and if that type of help was in the Research Department of the Labour Branch then I feel that we wouldn't have the problem that we have in this area. We'd be able to point out to the immigration people that this is the type of people we need, this is the type of person that we have to get. So that's how research would help in that field.

In the field of labour relations nothing is more important than research, having the data at hand in order to deal with the situation, I think that possibly this is one of the things that helped out in our difference of opinions with the police force, between the city and the police force; it was the technical help that the Minister of Labour supplied to those particular negotiations that brought about a peaceful resolve of that situation. And if we had had more and

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sooner probably it wouldn't have got to the stage where the honourable members opposite were almost indicating a strike imminently. It was unfortunate that it got to that stage but if we don't have the tools to do the job then we have to suffer the consequences sometimes.

This seems to be quite prevalent in the current hospital situation. If we had a person who was fully knowledgeable in the hospital field, a research person, a technical person, whatever, we could put him on the job right now and possibly it would never have gotten to the stage that it is at this time. I think that government in the future has to start playing a more positive role in labour relations, industrial relations, and do it not at the time of crisis but do it on a continuing basis in order that we won't have these confrontations coming up week by week as they are happening now. The federal department have a great branch in this area. Naturally they got a lot more money than we have but I think we certainly have to do a lot of improvement in this area. You know, you can say well the scene is pretty bad on the federal level at this time, but you know, taking all in all into perspective with the high inflation and everything the problem is really not that bad, it could be a lot worse. So you have to have the type of experts and research people to do the job that has to be done in industrial relations.

In the compensation bill that is before you now, the honourable member explained to you a few minutes ago, this is a real improvement in compensation and I want to make it quite clear to the Honourable Minister . . .

MR. CHAIRMAN: Order please. The honourable member will have an opportunity to debate that compensation bill when the bill is before the House. We're dealing with research. Would the honourable member please confine his remarks to the matter before us.

MR. PATTERSON: I would like to encourage the honourable Chairman to be patient and. . .

MR. CHAIRMAN: I will encourage the honourable member to stay within the . . .

MR. PATTERSON: I have to mention the particular topic in order to . . .

MR. CHAIRMAN: Order please. I will encourage the honourable member to confine himself with the remarks before him, which is research.

MR. PATTERSON: Thank you, Mr. Chairman, research is the only thing on my mind.

I really have to get into research because I want to bring out to the honourable members that the goods in this bill are the results of research. This is what I wanted to get at but he wouldn't wait for me to get to that particular point. You can't bring forward a bill of the stature of Bill 44 unless you have the research to back up what you're bringing in, and your technical people . . . Now just imagine, just imagine if we had the type of research department that I am indicating that we should have, imagine the type of Bill 44 you would have got. It would have been that much better. I'm not completely satisfied with Bill 44 but it's a giant step forward. The Honourable Minister I believe is well aware of some of my hesitations about Bill 44, but this is probably due to the lack of research in his department that I am not being completely satisfied. So if he'd of had the research people to do the job that we thought he should have done then he would have satisfied me, I'm sure. This is what is necessary.

You have to have research in the farm community, in the labour force of the farmers because if you don't have the research there you don't know what type of people that the farm community is looking for, and they need people of expertise nowadays, they don't go out and hire the ordinary labour nowadays, the person has to be highly qualified, technically trained in most instances. This is the type of thing that the Research Department should be doing and should be putting these figures on the desk of our Minister of Labour. I'm just hoping that the members of his department don't think that I'm criticizing them at the present time because I know that they do a very valuable service to the Department of Labour, but you know, one or two men can only do so much and if we haven't got the wherewithal to put more men in there then we're just going to run short. So in order to keep up the good record that we have in rural employment we're going to have to beef up our Labour Department in order to provide the necessary knowledge for the farmers to get the type of people that they're looking for.

This is equally true in the north, too, the Labour Department has quite a bit to do with the northern employment and with the technology and mining nowadays, that the --(Interjection)-- Well naturally the research will show that you have to have those type of employment practices and employment policies.

There's one other point that I want to stress here. I know the Honourable Minister is aware of it and he's probably been researching it for quite a number of years, and I don't know

(MR. PATTERSON contd.)

if he's going to do anything in this session or not, but the research should be sufficient by now. If not then we'll have to get some more people definitely in his department to do it. That is in the field of pensions. Now the matter of pensions has been a rather controversial point in the labour movement. We feel that the portability of pension should be no great problem and I'm hopeful that the research that has been done over the years and the Minister of Labour in his knowledge of this particular field will certainly do something for us in this area, hopefully this session, because we've been waiting for a long time for that.

And just in conclusion, Mr. Chairman, I just want to emphasize the matter of government, management and labour setting up the ad hoc if not permanent, at least ad hoc committee of technical people, experienced people coming under the umbrella of a research department within the Department of Labour in order to keep labour-management relations on the right track in order to upgrade our labour standards in the Province of Manitoba; because if we don't do that we're not going to be keeping up with the times and Manitoba will gradually slip behind and we won't be leading the way in the labour field as we have been in the last three or four years.

Research will show many things in the industrial field. It will show that the work force, the workers, the representatives of labour very soon have to start participating in some of the decision-making of the companies as they're now structured, and the sooner we get that type of input into the productive process of the Province of Manitoba the better off it will be for everybody. But I'm afraid that management are going to be hesitant to accept that approach and they aren't going to do it lightly and that's why we have to have more emphasis on the research, in order to put the facts and figures before management people so that they will not be reluctant to accept that type of prem. . . The whole spectrum of profits falls into this area and if the research will show that there is excessive profit then it is only natural that the work force is going to demand their fair share of the larger pie. But if it shows that the profits are moderate and within the guidelines of the present economy of the province then the workers' demands will be in accordance with that type of profit margin. The workers are not that greedy, they're not out to see the productive process destroyed because it is their bread and butter just as much as it is the government's or management's and we have to put the facts and figures before the populace in order that that type of a productive process can become a reality. So, Mr. Chairman, I . . .

MR. CHAIRMAN: Order please. The Honourable Member for Fort Garry.

MR. SHERMAN: I wonder if the Honourable Member for Crescentwood would accept a question. He's made reference to productive process, I just wonder if in the interests of another productive process in the hopes of getting these estimates through tonight with an eye on the clock, if he would be willing to participate in that exercise?

MR. CHAIRMAN: The Honourable Member for Crescentwood.

MR. PATTERSON: I think the Honourable Member for Fort Garry wants to pass the Labour Estimates. --(Interjection)-- Okay. I just had a couple of other points but I think -- (laughter) -- no, I just want to say that I thank the Chairman for his indulgence, I thank the honourable members opposite and I'm sure that they got the message. Thank you.

MR. CHAIRMAN: (The remainder of Resolution No. 80 and Resolution Nos. 81 and 82 were read and passed.) That completes the Estimates of the Department of Labour. The next Department, Civil Service, will be starting tomorrow.

Call in the Speaker. Committee rise.

Mr. Speaker, your Committee has considered certain resolutions, asks me to report same and begs leave to sit again.

IN SESSION

MR. SPEAKER: Order please. The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Speaker, I beg to move, seconded by the Honourable Member for Rupertsland, the Report of the Committee be received.

MOTION presented and carried.

PRIVATE MEMBERS' HOUR - PUBLIC BILLS

MR. SPEAKER: First item Thursday night, Private Members' Hour is Public Bills. Bill No. 23. The Honourable Member for Radisson.

MR. SHAFRANSKY: Stand.

MR. SPEAKER: Second item, Bill No. 31. The Honourable Member for Crescentwood.

MR. PATTERSON: May I have this stand, Mr. Speaker?

MR. SPEAKER: Second reading Public Bills. Bill No. 45. The Honourable Member for Ste. Rose.

BILL NO. 45

MR. A. R. (Pete) ADAM (Ste. Rose) presented Bill No. 45, An Act to amend An Act to repeal An Act to Validate and Confirm a Certain Agreement Between The Town of Dauphin and The Rural Municipality of Dauphin, for second reading.

MOTION presented.

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

MR. ADAM: Thank you very much, Mr. Speaker. I am sponsoring this bill, Mr. Speaker, as a courtesy to the Rural Municipality of Dauphin as I sponsored a couple of similar bills for the Town of Dauphin a couple of years ago and I am so returning a favour to the Rural Municipality of Dauphin.

Bill No. 45 is a similar bill that was introduced in 1972, Bill No. 22, I believe it was introduced by the Honourable Member for Roblin and for some reason when it got to committee the bill was amended in committee and this is now being reintroduced under Bill No. 45. The effect of this bill would repeal Section 3 of Chapter 86 of the Statutes of Manitoba (1972). Chapter 86 was passed in 1943 and this chapter 86 exempted certain installations belonging to the the Town of Dauphin in the Rural Municipality and would exempt these installations and properties from taxation.

As I recall, when Bill 22 came before committee there were representations made by the Town of Dauphin I believe and at that time, if I remember correctly, the opposition to the bill then introduced by the Member for Roblin was on the grounds that there were certain services that the municipality was receiving from the town which there was no - in lieu of taxes in other words. However I find that there is nothing in Bill 86 to indicate - I can find nowhere in that bill where these benefits that are accruing to the municipality are spelled out. Bill 86 is simply that it exempts certain installations, certain structures and only the land is taxable under this bill.

I have made some inquiries with the people in the Department of Municipal Affairs and I'm unable to find another bill in the province, a similar bill where such an agreement exists. It appears that this is the only agreement in the province that would exempt certain installations from taxation. I am also informed that under Section 197 subsection 10, states that land acquired by a municipality in another municipality is subject to the jurisdiction of the acquiring municipality but the land is subject to assessment and taxation by the municipality in which it lies. Since land includes land and buildings by definition the amendment that was passed in 1972 which had the effect of exempting structures, sewage lagoons and water treatment plants owned by the Town of Dauphin in the Rural Municipality of Dauphin is not consistent with the Municipal Act. So it would appear that the way the amendment was passed in 1972 is in contradiction with The Municipal Act. And insofar as the distribution lines are concerned the R.M. of Dauphin asks only that it has the same power to tax such lands and buildings as any other municipality in the Province of Manitoba.

Now there's no doubt that this is a bit of a controversial bill. Whatever happens to it somebody is going to be unhappy. If this bill passes the Town of Dauphin is going to be unhappy; if it doesn't pass the Rural Municipality of Dauphin are going to be unhappy, and therefore I think that it's incumbent upon this Assembly and we here as legislators to try and do the right thing. And as near as I can see this is, as I mentioned is the only agreement to my knowledge in the Province of Manitoba; there is only one other agreement that I have been able to find and that is between the Municipality of Springfield and Winnipeg where there is an agreement and there all facilities are taxable only they are taxed at a fixed rate. I believe, Mr. Speaker, that if the Town of Dauphin feel that certain benefits are accruing to the rural municipality that is a completely different ball game; if they feel that they have a valid argument here well it's grounds for another agreement. That is what they should do. I do not believe that that should interfere with this particular agreement here. So I would hope that we'd send this bill on to Committee.

MR. SPEAKER: The Honourable Member for Spuris-Killarney.

MR. McKELLAR: Mr. Speaker, I move, seconded by the Honourable Member for Riel,

MR. McKELLAR contd.)
debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: Bill No. 35. The Honourable Member for Morris. (Stand)
Bill No. 40. The Honourable Member for Assiniboia.

BILL NO. 40

MR. PATRICK presented Bill No. 40, The Presbyterian Church Building Corporation Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, I'm informed that the Presbyterian Church Corporation was incorporated under Chapter 107 by the Statute of Manitoba and subsequently in 1968 there was a church building corporation called a "company" was also incorporated at that time. The nature of the work to be undertaken by the company is charitable and not for the purpose of any private gain or profit, it is namely to assist religion and education of religious teachings in the church and the operations of the company are intended to replace the operations of the corporation; and it is the corporation's desire to replace those operations by the company and that's the reason for the bill before the House, that the corporation be dissolved and the people will be before Law Amendments who will be speaking on behalf of the Presbyterian Church and if there's any questions they'll have the answers for the members at that time.

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

MR. D. JAMES WALDING (St. Vital): Mr. Speaker, I beg to move, seconded by the Honourable Member for Gimli, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: Private members' resolutions. Resolution No. 24. The Honourable Member for Fort Rouge.

RESOLUTION NO. 24

MR. AXWORTHY: Mr. Speaker, I beg to move, seconded by the Member for Assiniboia, that

WHEREAS the present and future generations of Manitoba are entitled to a healthy and qualitative natural urban environment, and

WHEREAS the air, land, water and other natural resources are held in trust and exist for the benefit, use and enjoyment of Manitoba's present and future generations, and

WHEREAS existing legislation does not go far enough in giving the public at large sufficient protection and information from which it can judge the impact of development and other activities on the environment, and does not give the individual citizen sufficient legal capacity to enable him to legally resist activities which affect his right to enjoy his environment, now

THEREFORE BE IT RESOLVED that this government consider the advisability of enacting an environment bill of rights which would so include the following basic protection to the citizens of Manitoba:

1. (a) The proponent of any activity which if carried out might have a significant impact upon the present or future benefit, use or enjoyment of the air, land, water or other natural resources of the province shall before the activity is undertaken identify, measure, evaluate and prepare a comprehensive assessment of the following:

(i) the probable primary and secondary impact on ecological systems such as waterfowl, wildlife, fish and other marine life and plants and in the case of urban settings the impact upon the social and community system of the environ;

(ii) any probable adverse environmental effects which cannot be avoided;

(iii) the possible alternatives to the proposed activity including but not restricted to the implications of not proceeding with the proposal;

(iv) the relationship between short term use of the environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources should the proposed activity be implemented.

(b) The assessment document must be published and copies made available to the public at a reasonable length of time before any final decision is made in respect of the

(MR. AXWORTHY contd.)

proposed activity, and

(c) Public hearings into the proposed activity before an independent tribunal shall be held if 100 persons request such hearings of the Minister responsible for the administration of the Act

2. Every person residing in Manitoba in addition to any other lawful right he has, may commence and maintain an action, with the Attorney-General, against any person, corporation, municipality, local government council, agency or instrumentality of the Crown of this province or agent or instrumentality of the Crown of Canada against which suit is authorized for declaratory or other equitable relief to secure the protection of the public's right to a healthful quality recreational use and freedom from contamination of the air, lands and waters subject to the legislative jurisdiction of Manitoba.

3. Any person or anybody conducting or proposing an activity in or on air, lands or waters within the province,

(a) which causes or may cause a hazard to the health of persons in the province, or

(b) which interferes or may interfere with the recreational use of public lands or waters, or

(c) which contaminates or may contaminate the air, lands or waters, or

(d) which unnecessarily interferes with the aesthetic enjoyment of the natural or urban environment, or

(e) which if continued over a period of time may cause an accumulation in the air, land or water of substances including but not restricted to poisonous or noxious chemicals, industrial or municipal waste, debris or gases in excess of a natural restorative properties of the air, lands or waters is subject to an action as specified in paragraph 2.

4. Any activities described in Section 3 of this resolution shall be actionable at the suit of any person upon whom Section 2 confers authority to commence and maintain an action; provided that

(i) nothing shall affect the powers of the Attorney-General of this Province, statutory or otherwise, to proceed against a public nuisance, and

(ii) no decree entered or fact found in any action brought under Section 2 shall bind the Attorney-General.

5. It shall not be a defence in any action brought under the proposed Environmental Bill of Rights Act;

(a) that the defendant possess a permanent licence or statutory authority to engage in the activity or cause the condition of which complaint is made unless the defendant proves.

(i) that the state of technical knowledge is such that the elimination or prevention of the activities or consequences complained of and specified in Section 3 (a) to (e) is physically impossible, and

(ii) that neither the defendant nor any person or corporation exercising any control over the defendant is engaged for profit in the provision of essential services or the necessary production of any substance, thing or form of energy from which the activity or condition complained of results, or

(b) that the activities or consequences complained of results from the activities of numerous persons or entities, no one of which is individually sufficient to cause or create an actionable condition provided that if the interest of justice requires the court may make such orders for the joinder of parties as it sees fit.

6. All other Acts of the province are to be read subject to the Environmental Bill of Rights.

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MR. SPEAKER: Well the Chair has a little difficulty here. This is very general and in some areas vague and in some areas some legal problems are posed. Specifically I would like to refer to the Assembly and ask for their assistance in respect to whether we can recommend something which is contrary to our jurisdiction - which is beyond our jurisdiction I should say, and that is in respect to the Government of Canada. I realize that this is only a resolution but as I said it's in some areas vague and some areas general and in some areas it entertains some specific legality. I hope the honourable members have had a chance to look at it and digest it and would offer me their advice.

MR. GREEN: Well, Mr. Speaker, I must confess to being a bit overwhelmed with the extent of the resolution in that my own resources are taxed to try to discern what parts of it could be in order, what parts of it would not be in order. I had no specific objection to make in reading the resolution. If Your Honour is of the opinion that there may be some precedent that you are concerned with being established then I would have to take the following position: that I have no objection, if Your Honour wishes advice as to what my position would be with respect to the point raised then I would have to . . . give advice. I would however have no objection to proceeding unless you as Speaker felt it was sufficiently important that I make a research on the question and give you my views on it. If that was your will Mr. Speaker, I would do that but I must say that offhand I had no particular objection and I did not direct my limited resources to the resolution as now framed.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, if I may also on the point of order. I do recall quite well that I introduced a bill, a Manitoba Bill of Rights, some two or three years ago and it was also lengthy, almost as long as this one or longer and I had no difficulty. I believe you, Your Honour, had accepted it at that time. Now I understand that in this proposal there is nothing that pertains to the Federal Government, it all pertains to what is the responsibility of the Province of Manitoba so I would state that I see nothing wrong and see that this resolution is in order.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Well, Mr. Speaker, I think insofar as where the Crown of Canada is referred to, where the Crown of Canada would you know have an impact on something under the jurisdiction of the Province of Manitoba I wouldn't think that they're to be considered any differently than any other private organization or government organization in the Province. However, in the earlier part of the resolution where reference is made to water and aquatic life - I don't know if aquatic life is in here but water is certainly referred to - I presume --(Interjection)--yes, it does. It refers to fish directly. This does come under the federal jurisdiction rather than provincial jurisdiction and the resolution does tend to show all of these as being under provincial jurisdiction. However overriding those two is the fact that contained in the resolution is the traditional "advisability" clause which may well make the fact that federal jurisdiction material is contained in it, doesn't make it binding in any way since the "advisability" is in there. So I'd suggest that to delete those things would probably water down the resolution pretty badly and water down the debate.

MR. SPEAKER: I thank the honourable members for their contribution. Therefore I'll accept the resolution.

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable member has fifteen minutes now.

MR. AXWORTHY: Thank you, Mr. Speaker. I will try to make the best use possible. I would like to begin by thanking the honourable members for their comment. I beg the indulgence and apology of the House for having presented such a lengthy resolution. I did it however with a very specific intent in mind and it was purely of solicitude for the interest of other members of the House, particularly the Minister of Mines and Resources who I know is such an overworked and overtaxed individual with all his many responsibilities. I felt that if he was in any way in favour this would save he and his department from drafting legislation because it's already in draftable form. I also felt if, on the other hand, that side of the House was not of a kind opinion to this resolution that the Member from Radisson who is their lord high executioner would of course be on his feet to strike an amendment and I've

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(MR. AXWORTHY cont'd). . .noticed lately that he's become extremely facile in his ability to amend and I wanted to give him a real challenge this time to see what he could come up with. He was very able to cut things short last time we debated a private member's resolution so I thought that this would give him something to really put his scissors to,

Mr. Speaker, the purpose of this resolution I think is fairly clear and I think I'd like to start by first indicating that one thing that is becoming generally recognized in this province and I would say in a much larger community is that the dangers that we must contend with in terms of environmental problems is ever becoming more present and ever more difficult to cope with, that it is not simply a matter of necessarily the negligence of any one level of government, it is simply partially a function that there are increasingly more people in the world, we consume more resources, we burn up more energy, we simply overload the capacity of our environment to bear the burden of human living and this creates unquestionably a major issue of how we can possibly manage our very precious and in many cases very finite natural resources. We have certainly had enough evidence and indication in this province over the last few years of the kind of dangers that can be imposed upon our environment. And I'd like to bring to the notice of the House the historical fact that each generation must contend with or fight for a series of different kinds of rights. That perhaps 75 to 100 years ago people in this House were trying to develop means and instruments of giving spirit and body to the concept of political rights trying to preserve against the basic rights of free speech and assembly. Perhaps 30 years ago or 25 years ago the issue that emerged on the horizon was the issue of economic rights and how could we develop mechanisms and means of insuring the people with security in their economic position.

I think in this day and age, Mr. Speaker, the issue that we increasingly face is the right to survival, the ability of mankind to maintain himself in an equitable and comfortable position in a world in which there is so many demands upon the resources. And what it does pose, Mr. Speaker, is basically this: that the institutions and legalities and mechanisms that we have developed and created to manage our society may not be adequate to the task of managing the specific question of giving spirit and expression to environmental rights. I say that as no criticism of past governments or even existing governments, it's simply a recognition that the world changes and it is up to us as legislators in this Assembly to respect these changes, to attempt to come to grips with the requirement to provide for new instrumentation and a new set of requirements so that we might be able to cope with the problem of environment and try to find a way to insure that the stability of our society is maintained.

I would suggest, Mr. Speaker, that increasingly we hear voices of doom; that there are people who are not irresponsible and I would give for example the famous or infamous if you want to call it, Club of Rome, which over the past two years is composed of prominent businessmen and politicians and scientists throughout the world who prophesy that unless something very drastic happens in the next 20 years the world, the small planet that we exist in will simply cease to operate that there would be simply too many of us consuming too many natural goods and we'll simply suffocate ourselves. They predict that the only way to control that is to increase regulatory state control. Their anticipation is the only way we can manage this problem is if we are able in some ways to centralize and regulate and provide far more restrictions.

Well, Mr. Speaker, I would prefer in this House at least that we try to go in the opposite direction, that rather than just simply wilfully succumbing to that trend or pattern that we try to find ways that we can more democratically manage our environment, to find different kinds of instruments that open up the system but at the same time giving the ability to control our environment. So this is really the purpose and spirit of these measures, is to see if it is possible to develop an environmental bill of rights which has within it two major directions, two major thrusts to see if this can be the beginning or the start of developing a second generation of environmental organizations and instrumentations in this province to give even more sort of facility to the ability of people in this province to both control their environment but to control them in a democratic way.

The first basic thrust is the requirement for environmental impact. That is simply a requirement to have the right to know and to have information about what the impact of major developments and concerns will be. That increasingly we are finding out that the older more conventional notion of measuring hydro projects or express highway systems or nuclear reactors

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(MR. AXWORTHY cont'd). . . or energy proposals or whatever it may be, that the traditional means of measuring it in terms of dollars and cents and costs and benefits is not the real measure because increasingly they are secondary or tertiary kinds of impacts, impacts which have a tremendous impact and significant impact upon the natural environment. And increasingly it's becoming required in order to fully measure the costs and benefits of any action be it by a private or public agency; that we know what those impacts will be, because we can't make proper policy or make proper judgment until we get proper information. So the requirement for impact studies is of absolute essence if we are going to in any way understand and comprehend the consequences of what we do.

I would point out, Mr. Speaker, that this is not necessarily something that would be a first for Manitoba. I would point out to this House that the United States of America has had on a federal level the requirement for impact studies since 1971; and I would further point out as a matter of interest to this House that it was the existence in the United States for impact studies that basically saved our bacon on the Garrison diversion. Because if they had not had the requirement that major public agencies had to publish impact studies which detailed the environmental impact of major public works construction the Province of Manitoba would not have known what the consequences of a diversion would have been and we would be presently sort of blithely sailing along with the prospects of major destruction of our waterways. So it is somewhat ironic that the Province of Manitoba itself was saved by the existence of an impact study that was created by American authorities.--(Interjection)--No, I'm sorry, I have so little time, Mr. Minister, perhaps you can use your own time to bring the point up. So that I think is a major fact that we should look at. Here we in fact were in large part saved by the existence of the legality or the requirement for an impact study in the United States, and it would seem somewhat paradoxical, and perhaps even negligent if we were not now to take that lesson that was given to us very dramatically just over the past two or three months to implement the same kind of program in our own system, so that we would have the same kind of protection and perhaps maybe some day to be able to protect the Americans from ourselves as they have obviously help protect us from them.

I would like to point out even though the time is short, Mr. Speaker, that the assessments that have been done about the way that the environmental impact requirements under the environmental protection legislation in the United States has been now properly assayed and assessed and they find it is not being used wilfully, it is in fact providing a major discipline on the determination of priorities and activities of major federal and state agencies and corporations that come under the federal jurisdiction to the extent that it is also being adopted by state agencies in the United States. And I would sort of quote if I might, Mr. Speaker, from a workshop that was carried on by the Agassiz Centre and brought up the legal counsel for the Council of Environmental Quality in the United States who says that public availability of impact statements and the opportunity for the public to participate in the decision process has contributed to a more open and responsive government. Agencies are now required to explain their decisions publicly when significant environmental impacts are involved and the public has a chance to provide a feedback before the agency's decision is final. This new element of operating "in a goldfish bowl" should contribute to a more careful and conscientious decision-making. That was written by a civil servant who is partially responsible for the implementation of environmental legislation in the United States. If the House likes, I could cite and table other authorities who have come up with similar kinds of assessment of the working of impact studies in the United States.--(Interjection)--No, this is just a symposium that was carried on. They had those gentlemen up speaking to them. Yes, it was carried by the Workshop on the Philosophy of Environmental Impact assessments in Canada. I think that the Federal Government paid for it.

So, Mr. Speaker, I think that the case is very clear, that we simply need information to know what's going on.

Now the second basic point to the resolution is the requirement to change the status of the private citizen in the courts, so that a cross action or an action about individuals can be taken on behalf of environmental matters. This comes into the very tricky and sometimes difficult question of the judicial proceedings, but as it now stands is the action is normally taken by the Attorney-General based upon the concept of public nuisance; but it is important to note that the individual citizen even though he may be in some ways affected by an

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(MR. AXWORTHY cont'd). . . environmental change cannot acquire standing in the court. And we go back to what is now the famous. . . case in Newfoundland where a major corporation dumped chemicals in Placentia Bay; the fishermen on that bay were unable to bring action in front of the courts simply because of the so-called public nuisance clause. The only way to change that is through actual legislation of this Legislature, and it would, I think to begin with again, save the Attorney-General from a great deal of work and grief if he was able to find assistance in the private sector by concerned citizens.

And again I would point out to the interest of the members, that again a similar act is in effect in the State of Michigan since 1970, where citizens now have standing in front of the courts to pursue environmental actions. Since that period about 200 some odd actions have been carried out, and again the assessment - and if I had the time, Mr. Speaker, which unfortunately I don't, I would quote from several sources, which demonstrate again that the benefit has only been a positive one. It has been positive on the part of the administrators who feel that in many cases environmental actions which they would not even foresee have the manpower resources to look after or want to get into are now being taken up by private citizens.

In other cases it's a requirement because the public agency itself is oftentimes the instigator of the development action and therefore it is highly unlikely that an agency, and we certainly know it in this province, is likely to take an action against itself and therefore you need some or require some kind of protection. Again, the point is it simply is a way of providing a basic thrust of the kind of philosophy of democracy which I think should operate. And it is not just the executive of government, not just the Cabinet, not just the Legislature which has a responsibility to make the system work, it is every citizen who has a responsibility to make the system work. That was the philosophy of democracy, contrary to expressions that we have sometimes heard in this House. And that is the point that we're trying to bring about, that this will give the individual citizen the opportunity to provide for the redress of his own grievances by eliminating his inability now to take action on his own behalf.

Now, Mr. Speaker, I propose this resolution, not in the sense it necessarily is going to be ratified totally. I would be happy to have the government take it under advisability, to refer sections of it to the Law Reform Commission, to check out some of the constitutional implications, that the point I'm trying to make is that it is extremely important at this stage that in this country of Canada that we begin to open up and provide a much more sort of sensitive and responsible system of environmental protection, one which gives the private citizen his own rights and the mechanism to exercise those rights. These are not by any means all the exhaustive kinds of mechanisms that could be introduced, and again time prohibits me from going into them.

But the important thrust of these resolutions, Mr. Speaker, is that we must seek out ways to manage our environment and to make sure that every new means and organization and agency that we require, or instrumentality that we introduce, is basically not trying to add more power to centralize executive, but increasingly putting more power and more responsibility back into the hands of private citizens. The courts of this land have not been used as extensively as they could, and there was a series of interesting comments in the Canadian Bar Review, 1973, looking at how the courts themselves and the legal system can become more innovative and more responsible in an age of technological and environmental dangers.

And again the conclusion is that the courts themselves could go much further if prodded and pushed by the legislatures of this land and to eliminate some of the impediments for the movement of private citizens into those courts. Jurists themselves are in many cases asking for that and I would quote sort of from Professor . . . who is a constitutional expert at Osgoode, or Professor Jerry Grafstein who is also at Osgoode, who again are arguing for those kind of requirements. It is simply a matter that we must change our attitude towards the use of the law, that we should make the law work for us and not try to gather power into our hands as some would like to have it. That is the thrust and direction of what we're proposing to do and I think that it simply relies upon having a basic trust and faith in the ability of common people to see their own interest and to take action upon their own interests. I think if members of this House would share that trust and faith in the ability of private people to take responsibility for themselves, then I think that we would begin to find and develop the way to properly control and manage a very serious and important problem of

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(MR. AXWORTHY cont'd). . . environmental quality in the Province of Manitoba.

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

MR. D. JAMES WALDING (St. Vital): Thank you, Mr. Speaker. In the absence of the Honourable Member for Radisson this evening it falls to me to propose an amendment to the resolution.

I would like to compliment the Honourable Member for Fort Rouge on his resolution. It's very long, but he has obviously put a lot of work and research into producing it. He obviously feels very strongly about it.

There are two levels that we might discuss this particular resolution on, Mr. Speaker. One of them is the matter of pollution and environmental control itself, and with that there is probably very little argument. Those two items together, pollution and environmental control have become sort of a motherhood item of late. No one argues against them and everyone agrees that we shouldn't pollute the area and we shouldn't pollute the water and we've got to look after our garbage and recycle everything and this type of thing. Although there was perhaps a little bit of a backlash a matter of a couple of weeks ago when the Clean Environment Commission decided that we wouldn't be spraying the mosquitoes again this year. People weren't so sure that they were in favour of environmental protection when it came to mosquitoes.

But the most important aspect of this, Mr. Speaker, is that part of the resolution covered by its title, A Bill of Rights. I sort of suspect the heavy hand of the Leader of the Liberal Party in this because he is one who has put forward these sort of ideas before; and I believe last year or the year before actually introduced a Bill of Rights into this House in the form of an act. That is the level that I would like to speak on this evening. And I'm not really sure whether the Honourable Member for Fort Rouge properly comprehends what it is that he is suggesting. For he is suggesting, Mr. Speaker, that where large major projects are concerned that the final responsibility for those is transferred from this Legislature to the courts; that any one individual citizen can go to the courts and delay or block or even halt forever something that the democratically elected government of the day has decided to do. So that in the final - where the buck stops in the case of what the honourable member is suggesting is in the courts and not in the Legislature, not with the government of the day where it properly should do so.

I'm not sure whether the honourable member realizes this. He says he fully realizes it. These sort of suggestions about undermining our parliamentary system are not new, they've come before us before and they have been generally roundly condemned before and thrown out as they so rightly should be.

The honourable member probably feels suspicious of this government, about what it might do, as most opposition feel suspicious of most governments at the time. But he should not allow his suspicion of this government to become suspicious of the whole parliamentary process itself which has evolved over so many years to the well-balanced government by consent type of administration that we've moved into today.

The honourable member might well feel that a government might well take a position or a decision which he would consider bad, bad in the public interest, for whatever reason, for advice or stamped into doing something which was immediately popular; that he feels that the court should be in a position to give it a sort of sober second look and say well you know that is the wrong thing to do but it's popular and I the judge will say that this is right and therefore it shall be. It's as possible that governments will make mistakes and poor decisions. That has happened in the past. But we have a remedy for it, and every three, four or five years we have an election, when the people are asked to decide upon what that government has done and to give their verdict.

I tell the Honourable Member for Fort Rouge quite frankly that this sort of amendment with the principle that he is putting forward is quite unacceptable to a New Democratic Party government. I would suspect it would be unacceptable to a Conservative government; and I'm quite sure it would be unacceptable to a Liberal government in power. And I'll tell him for why. Because we could not accept this resolution for exactly the same reasons that this government did not sign a legal agreement with the Manitoba Medical Association, because that would be doing exactly the same thing. Because such an agreement would be subject to a decision by the courts and that the courts could prevent this government from exercising its right to govern. And it was rather strange when that dispute was going on that the Liberal Party at that time did not stand up and say, that yes this government should sign an agreement

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(MR. WALDING cont'd). . .with the Manitoba Medical Association and abrogate its right to govern as far as health policy was concerned. I don't remember hearing a word from the Honourable Member from Fort. Rouge, on that, and we did not hear a word from the Conservative Party on that either because they realized what was at stake at that time.

The honourable member mentioned a couple of different states in his presentation, I forget where they were, but I would suggest that he does not use the example of our neighbor to the south as a model to which we might aspire, for they have legislated or constituted themselves into a sort of a constitutional straightjacket down there. There the judges have the power to thwart the will of the government. The President himself cannot rely on getting through Congress the type of legislation that he wants; the Congress itself is subject to having its legislation vetoed by the President. And even if those two levels of government do agree they are subject to rulings by the Supreme Court itself which as an appointed body can overrule the decisions of the elected Congress and election of the President at large.

It has been suggested by more than a few political observers and commentators in Canada that had we had a similar scandal to Watergate in this country that because of our more responsive and responsible type of government that the government would have fallen rapidly following the breaking of that scandal; whereas the way it is at the moment the governing party is still in power, the President is in power and there's one big upheaval of lack of confidence and impeachment talk and all that sort of thing.

I would like to just sum up the remarks that I've made on Bills of Rights and constitutional powers of elected governments and of judges, with three quotations, very brief ones, by Mr. Justice McRuer, Chief Justice McRuer, Ontario in his report on civil rights. Says on Page 1588: "We cannot agree with a philosophy of government that deprives the people of the ultimate right to determine their own social affairs through democratic processes and transfers the final power of decision in certain wide areas to appointed officials, the judges." Later on he says: "The issue is plain, the question is not confined to whether appointed judges or elected parliamentarians can think up better solutions for complex social issues at the primary level; the issue involves which institution, the high court or parliament has the better title to speak finally for the community at the primary level of social policy decisions and their expressions in appropriate laws." And finally: "The highest recognition of the equality and final worth of human individuals in the realm of politics and law is the right of each to vote on the basis of universal adult suffrage in periodic and free elections where the constituencies are so arranged by population that one man's vote is substantially as great in influence as in others." --(Interjection)--When I'm finished, Mr. Speaker.

So, Mr. Speaker, I would like to move an amendment to the resolution. I will move, seconded by the Honourable Member for Gimli, that the resolution be amended by deleting all of the words after the second paragraph thereof and substituting the following:

NOW THEREFORE BE IT RESOLVED:

1. That this House endorse the present legislation directed to the following objectives:
 - (a) the establishment of a quasi-judicial independent Clean Environment Commission;
 - (b) the adjudication of all specific projects by the Commission to establish limits beyond which such projects would be prohibited from emission of environmental pollutants;
 - (c) the conduct of hearings by the Commission prerequisite to their decision-making and
 - (d) the possibility of appeal from the Commission to the Lieutenant-Governor-in-Council to ensure that social and economic factors can be taken into account by those responsible to the public.

2. That the government give consideration to the advisability of establishing a policy of requiring environmental impact assessment which would be a prerequisite to proceeding with major public projects.

MOTION presented.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, the resolution is very long and very wide-ranging and I think it is a very valuable resolution. I think that a lot of work has been put into it and that it deals with a topic that is extremely important. It deals with a topic that is very complex to find the proper answers to, but I'm sure will help lead us to some of the answers over a

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(MR. CRAIK cont'd). . . period of time. We've seen the field of environment blossom into a major public topic in the last half a dozen years for one reason or another right across the western world, and naturally, I suppose, it has happened more in the "have" nations of the world than it has in the "have not" nations of the world, for two reasons. One is that the have nations have managed to pollute their environment a little more extensively, but secondly also, we find that after society achieves a degree of affluence, it does start to concern itself with things like environmental control, environmental planning. So we've had the emergence, Mr. Speaker, of the issue of environmental matters come before us.

But I think that to indicate that something more specifically has to be done in the way of recognizing procedures for handling environmental projects, one might look at the controversy that has gone on in the United States regarding the pipeline in Alaska, where the environmental movement in the United States - which is very strong and which got well under way several years ago - was able to stall this economic development by court procedures, and the project was stalled for, I suppose now, probably two to four years as the result of the actions of those with an environmental interest. But I think it's also, Mr. Speaker, it's also worth commentary that when the energy crisis emerged and struck in the United States that the environmental movement, once the pinch started to close in on the, or be felt by the public, they to some extent lost their interest in and their priority for environmental protection and a lot of the steam went out of the move that they had going prior to that time, the energy crisis hitting the United States. I think it's rather probably a sad comment in a way on what would appear to be a certain shallowness about the environmental movement, because it is an extremely important topic.

Now, that brings me into the other topic that gets debated here periodically and which I think has been commented on here tonight, and I agree with the Member for Fort Rouge; . . . and his comments on it to a certain extent, is that we somehow feel - and in saying this I know I'm not in agreement with some members of the government nor am I in agreement with some members of the opposition in saying it - but we're over-simplifying the case when we say that the parliamentary system means that the buck has to stop somewhere and that's going to be the party in the government, the Legislature, but primarily the government in power and the Cabinet Minister responsible for certain actions. And I think that while we all recognize that this is a basic principle that is important to our democratic process, I'm afraid that I have concluded anyway that it's much too simplistic a solution to a very complex problem; that somehow there has to be mechanisms developed where there can be public input, and there has to be some mechanism that's more adequate for the input of the people who have a third party interest in all this, not the proposer of a development, whether it's Manitoba Hydro or Abitibi Pulp and Paper Company, nor the person granting the license, which is the government, but the third party interests who have an interest, whether they're a conservationist, a preservationist, an expansionist or a crude growth advocate, or what they are, there has to be some measure of input that they have to be able to get in easier than they can now, because if we simply use the rule of thumb that if the Minister makes a good decision the public will know it because they will reflect it at the polls, and if he makes a bad decision, conversely they will de-elect him, is too gross a simplification of the actual problem, because the Minister is much more likely to be de-elected because he drove down Main Street too fast and got a speeding ticket than he is to have made a bad decision on an environmental issue that the great mass of public interest does not really understand, Mr. Speaker, and I think that that is at the guts of it. We have to develop a system, a mechanism, that more adequately provides for these inputs to take place.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Would the honourable member agree that that mechanism is provided with respect to a great range of projects through the procedure that is established by the Clean Environment Commission, where there are public hearings and everybody who is interested can participate in the hearing. That is with regard to the pollutants that were referred to.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Well, I think the Clean Environment Commission is moving and has moved towards providing more adequate environmental protection, but I don't think the mechanisms are yet complete enough where it's spelled out the rights and obligations. Part of the problem is too under Canadian law, as I understand it, is that there may be a technical problem as far

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(MR. CRAIK cont'd). . . as class action is concerned but there's also a traditional problem that in Canada people don't undertake these sort of actions; in the parliamentary process an action can be ruled out by the court more easily than it can in the United States, and a tradition has been built up that an action involving an environmental issue will not get itself to the courts in the same manner as it will in some other jurisdictions - primarily we're referring here to the United States. So I know that there are legal committees that are looking at this and are doing a lot of research work to try and come up with some sort of a more appropriate procedure where the legal procedures can be brought in to play. There's also the problem that government has traditionally always tended to exempt itself from the scrutiny of its action that it imposes quite frequently on the private individual or on the private company, and generally the actions of government - traditionally - government, whether it's municipal or provincial have always assumed greater powers when it comes to making a decision with regard to environment or impact on environment than they impose on a party that is proposing a particular action. And I would endorse fully some mechanism that makes sure that government agencies come under scrutiny, because I think one government department proposing an action is in a stronger position to deal with another department than an outside group or an outside body or an outside organization has in making a proposed action.

MR. SPEAKER: Order please. The honourable member will have ten minutes the next time we get to the resolution.

The hour of adjournment having arrived, the House is now adjourned and stands adjourned until 10:11 a. m. tomorrow morning. (Friday)