

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
8 p.m., Monday, May 31, 1976

BILL 57 - AN ACT TO AMEND THE LABOUR RELATIONS ACT

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY presented Bill 57, an Act to amend The Labour Relations Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, the bill to amend the Labour Relations Act contains an extensive number of changes to improve the legislation dealing with employee-employer relations and collective bargaining in this province. Amendments are being proposed following a careful review of the existing Act in consultation with the parties of interest, and individuals from the general public. Manitoba's existing Labour Relations Act it will be recalled was introduced in 1972, and became effective from the beginning of the following year. It has therefore been three and one half years of experience with this particular Legislature as a basis for evaluating proposed changes with the amendments that are before us.

This is in addition of course to the many years of experience we have had with industrial relations under other legislation elsewhere in Canada and in the province too, prior to 1973. You may recall, Mr. Speaker, that I personally initiated a review of legislation in 1974 by inviting labour, management, and other interested parties to submit recommendations as to how they believed the laws could be improved. A summary of these recommendations which I had received, was distributed in January of 1975 to all members of the Legislature and made available to the general public. In December of last year, I issued a paper outlining possible legislative changes the government was then considering. In the time since then, the Industrial Relations Committee of the House met to hear recommendations and representations from interested parties after the proposals in the paper, and to express any further views they wished to submit.

The Labour Relations Act was adopted in 1974, and was based on several important policies of the government. These policies were to establish provisions to protect the principle of the right of individual employees to join unions if they so desired; a reciprocal right of employers to form organizations if they so desired, was also established; prohibitions against practices interfering with these rights and the effective enforcement and remedies where such practices are permitted.

The Act was also made expressively intended to encourage the growth of unions in the province, in the belief which we held and still hold, that collective bargaining is the best means available to determine wages and working conditions mutually acceptable to employers and employees. These provisions included measures to facilitate certifications of unions, and to consider and establish the best means available to determine the processes under which these working conditions should and could be achieved. These provisions included measures to facilitate the certification of unions, and to increase union security through compulsory check-off of union dues.

The Act also made conciliation a voluntary procedure stressing the policy of the government that the parties should have the responsibility of resolving their disputes between themselves without third party intervention. In addition, the Act reflected the government's view that the possibility of a strike or a lock-out should operate as the strong inducement it is for employers and unions to comply to collective agreements. The provisions in the bill now before the Legislature do not depart from these basic policy aims. They are consistent with those aims and in fact reinforce them.

The bill repeals the whole of Part One of the existing Act and sets forth new provisions dealing with unfair labour practices and infringement of rights. The substance of virtually all of the sections in the existing Act are retained in the bill, though different in form and language in some cases.

Additional unfair labour practices are provided for in the bill. For example, there's one, that an employer must not indicate to an employee his objections to unions, or his preference of one union to another, or otherwise interfere in the promotion of a

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(MR. PAULLEY (cont'd) . . . . union when a union is seeking certification or establishing membership; and employers and unions must not discriminate in regard to employment against employees and are exercising their rights including the proceedings under the Act of the Legislature that are paramount, that there is, there must be, in these provisions sufficient provision for the protection of individuals.

Also contained within the bill, there are provisions that the Labour Relations Board be empowered to award employees up to \$500 awards even though they may not have suffered loss of income from an unfair labour practice. Such an award would be a form of compensation for the infringement of a person's rights and would also penalize an employer or a union for committing an unfair practice.

The bill also proposes, that although employers may do such things as permit a union's business during working hours, or providing transportation to unions, they must not use their influence in the establishing of any particular union; and that there must be consideration given alike to all unions, and no employer can discriminate against any particular union.

It's also proposed in the bill that the period when an employer may not change wages or working conditions, may not be then be extended by the Labour Board beyond 90 days following certification, but not longer than a further 90 days.

Many of the provisions in the new Act carry forward what our considerations are, to establish firmly in the labour relations within the province a greater opportunity for more common understanding and more fair competition between labour and management in reaching collective agreements; and at the same time, the major purpose of the amendments to the legislation is to aid in extending further collective bargaining within the province as a whole.

There are many provisions contained in the Act which may seem peculiar to members and which we are venturing into for a first time. Other provisions within the Act revert back to the Act as it was prior to 1972. I refer to the percentage required for certification or decertification of unions. Prior to the '72 Act there was the provision of 50 percent for certification and decertification. The '72 Act changed that to 35 percent. The present Act returns the percentages in these cases to 50 percent. I point this out as an indicator to members of the Assembly and the public generally, that this government is prepared to amend its legislation in the light of reality and also in the light of changing conditions. When this proposal was first considered, it was suggested to us that really we're just turning the clock back and are not really slapping ourselves in the face because of the change. The answer to that of course was no, and also that is contained in the Act, an indication of our willingness to make amendments where amendments are needed.

One of the topics of a great discussion which has taken place in Manitoba and elsewhere has been the matter of the adoption of a piece of legislation which was first adopted in British Columbia and referred to as the First Collective Agreement. Many unions in Manitoba and elsewhere have found difficulty in obtaining collective agreement with unwilling employers. In British Columbia provisions were made by legislation whereby a union could apply to the Labour Board for the establishment of a first collective agreement after receiving permission from the Minister of Labour. A few occasions arose in our province where there were indications that there was resistance of a firm nature by the employer. Under our present legislation, where a union is certified, there is a period of 90 days following certification, during which an employer cannot change the working conditions prevailing unless by agreement with the union until a period of 90 days has expired and then the employer is home-free.

We found on a number of occasions in Manitoba, or at least it appeared to us, that some employers were changing the ending of the 90-day no-change period under the legislation before a change could be made, in order to discourage the employees in their respective employ to join or to stay with the unions. As a result, in some cases it appeared that sufficient changes were made to discredit the union and to discourage the employees from maintaining membership. Representations were made to the government to enact similar legislation here in Manitoba to that prevailing in British Columbia.

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(MR. PAULLEY (cont'd) . . . . . We had always held to the basic principle that there should be no compulsion in collective bargaining, that the parties themselves should reach agreement after due negotiations. However, despite adhering to that basic principle, we found that there were employers who were prepared to proceed otherwise. So we gave consideration to first of all adopting similar legislation to that prevailing in British Columbia. And after that consideration, we felt there were different ways in which the same could be achieved without the full compulsory objectives of the British Columbia legislation. And you will find contained within the bill before you, a proposition which gives to the newly certified unions and the employer a slightly different approach in reaching agreement; not the compulsory certified agreement, but a working code acceptable to management and to labour without being imposed upon them directly through legislation. The basic idea is that the present 90-day provision under which there can be no change without consent by the board or by the union, will be continued and possibly can be extended a further 90 days, during which no changes can be made. Following that period, where an employer has made changes without consultation with the organization, the organization can take a look at the changes that the employer has brought into effect and indicate that they would be in a position to accept those changes in what would be called a code of agreement, subject to the scrutiny of the Labour Board. The reason for this approach is that it would, to us at least, indicate whether or not the two parties were really seriously bargaining in an endeavour to reach agreement, to indicate that by changing working conditions of employees within the working unit, and not extending them under a collective agreement to all under the union bargaining agent, would be an indicator of faith or the lack of good faith in the principle of bargaining. You will find more details of this proposition as you read the Act.

There are other provisions in the amendment that you have before you, which gives an indication of the philosophy of this government. You will find as you read the amendment, an indication that has been suggested on many occasions, that the Labour Board should have greater authority in labour matters in the Province of Manitoba and that there should be less constant reference and referrals to the judiciary for decisions in labour matters.

You will find as you read the amendments to the Act provision whereby, where there are changes in ownership of a firm, or even of a union, there's greater protection for the employees concerned. You will find in the Act that there is a limitation on the period of time before referral can be made to the courts, and this is being done in order to expedite court hearings where they are required under labour legislation.

In the Act you will find a provision where, when a conciliation officer is established either by request of the union management or both, or by the Minister, that once appointed, that conciliation officer has the authority to call the party together to try and conclude a collective agreement, unlike the present time where there is no direct authority or compulsory authority in that regard.

I realize, Mr. Speaker, that I have wandered considerably in some of the text that I have before me, and that in many respects my introduction of this bill for second reading is not too coherent. However, may I indicate to you, Sir, and to the members of the Assembly, that the content of the proposed amendments have not been lightly arrived at, that it is only after deep and detailed consideration that the changes are made to our present legislation. We are proud that the legislation that we have at the present time is among the best legislation in the Dominion and on the continent. This is not sufficient however, Mr. Speaker, to say that there is not room for improvement. I firmly hold to the belief that in the present legislation, together with the amendments that are being proposed, no good employer need fear the labour laws of the Province of Manitoba. They are not directed, as some would indicate, because to quote some, that we are predominantly a labour dominated government. I think, Mr. Chairman, the attitude of labour officials in approaches to the government recently since the legislation was proposed in Ottawa is an indication that we are not dominated by the labour groups and that we are not unfair either - to take up from what my honourable friend mentioned about a certain newspaper - we're not unkind, Mr. Speaker, even to that particular newspaper.

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(MR. PAULLEY (cont'd) . . . . The only desire that I have to that particular newspaper is not one of bias against the Free Press but one merely of wanting to put them on the straight and narrow and just path insofar as the treatment of their employees is concerned. That's my only desire and as far as my friend, the . . . of the family, the same would go as far as I am concerned with them.

But as I say, Mr. Speaker, I realize that in my remarks tonight on the introduction of this bill, I've been most incoherent in many respects in the presentation of this bill. I do want to say to all of the members of this House and to the public as a whole there is but one desire, there is but one concern that we have in the Province of Manitoba: just and fair legislation for labour for employer, for government and the public as well and we are firmly convinced, Mr. Speaker, that the turmoil that is existing in labour rights and labour fields today right across Canada and across the North American continent and other continents as well can be based on the fact of the rules of the game not being fair to all of the players. I would suggest, Mr. Chairman, I would suggest that if the same rules of the game that we have adopted and are going to adopt in the Province of Manitoba for fair play to all were adopted, we wouldn't have the intolerable working conditions that we have in many areas today.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: I move, Mr. Speaker, seconded by the Honourable Member for Morris, that debate be adjourned.

MOTION Presented and carried.

POINT OF ORDER

MR. SPEAKER: The Honourable Member for Portage la Prairie.

MR. GORDON E. JOHNSTON (Portage la Prairie): I'm speaking on a point of order. In view of the fact that we're at Speedup, could the Minister give us --(Interjection)-- Well we will be. In view of the fact that we will be in Speedup, could the Minister give us a copy of his speaking notes this evening?

MR. SPEAKER: The Honourable Minister of Labour on that point of order. The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, when a request like that is made we ask for an immediate printing of Hansard and perhaps that could be available tomorrow. I wonder if that could be available. I ask the Speaker. It was done on a previous occasion. On this bill, which is of some importance, if we could have an immediate printing of the sheets.

MR. SPEAKER: There is a draft report in each caucus room usually the next morning.

MR. GREEN: Will it be there tomorrow morning?

BILL 68 - THE NUISANCE ACT

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: I wonder if I could have leave of the House to introduce a bill second reading, pertaining to The Nuisance Act. I won't press the point but if honourable members would allow me to introduce that bill tonight it's been distributed. Each member has a copy of it.

MR. SPEAKER: Bill number which? Is it agreed? (Agreed) The Honourable Attorney-General.

MR. PAWLEY presented Bill 68, The Nuisance Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

MR. PAWLEY: Mr. Speaker, over the last number of years, particularly the last decade or 15 years, there has been a constant development, residential development, particularly in the area surrounding the City of Winnipeg in Manitoba and this has brought about an urban-rural conflict. The urban-rural conflict takes form in many different

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(MR. PAWLEY (cont'd) . . . . . ways. When it develops without proper land-use control, without sufficient planning legislation that conflict can demonstrate itself in many different ways. Of course it can be shown by way of 1) too much strain upon public facilities whether they be schools or recreational facilities, 2) stress upon assessment or 3) insofar as conflict which develops between feedlot operators and pork producers and residents that have built in the general area of the pork producer or the feedlot operator.

Now we have before us a bill which attempts in its own way to deal with some of the problems which a pork producer or a feedlot operator can face, problems which are encountered by him without any expectation that they might occur. The bill before us provides for the removal of any action based on nuisance for any odour resulting from business or any operation as defined within the legislation itself if there has been concurrence with all the laws municipally and provincially and federally as listed within the legislation itself.

So for instance if a farmer has abided by all land-use control law - municipally, provincially - if he has obeyed The Public Health Act or its regulations, the Clean Environment Act or its regulations, or any other law or provision pertaining to the province or the municipality and has not been in breach of any law, then the legislation before us prevents actions arising from nuisance pertaining to odour only. Now there has been in the Province of Manitoba within the last year actions which have been brought successfully in the courts in Manitoba against - in one case I'm thinking of - the Springfield Hog Farm case, a pork producer. An action was brought successfully for payment of damages, an injunction preventing that pork producer from continuing his operations.

Now there certainly may be instances, Mr. Speaker, where in fact there is breach of law, where in fact there is sufficient basis in order to successfully claim for damages or for an injunction to prevent the continuation of an operation. But if that action is to be brought I think it should be based upon some clear, precise, defined breach of existing statute or law, not on the basis of the ancient law of nuisance in which, under that ancient law of nuisance, is included odour, sensitivity of nose. So that in fact we have in Manitoba the experience of such a successful action.

Now with the development of proper land-use control zoning regulation, this type of urban-rural conflict ought to be minimized in the future. But the fact is that we are now living with situations which have been created because of the lack of such laws, lack of such legislation. It is for that reason, Mr. Speaker, that I think there are some existing operators that deserve protection as long as, as I've indicated earlier, they do not breach existing provincial or municipal laws. If there is excessive abuse in any instance then that excessive abuse by an operator or entrepreneur farmer can be properly regulated and controlled through the Clean Environment Commission. I emphasize that this legislation pertains only to nuisance actions brought to the courts in respect to odour only. The rest of the bill, section by section, I think is self-explanatory and I leave it now for debate in the House, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Speaker. I've listened very carefully to the comments of the Attorney-General and I'm sure that the House Leader is going to thank me for my comments at this time. He has already indicated that and I hope that when I'm finished he is still going to applaud me for those comments. I think that the question of nuisance in this House is certainly of prime concern and when it comes to a question of odour it is even of greater concern. Mr. Speaker, that is the reason why I have chosen to speak at this particular time on this bill.

Sir, as I look at the content of this bill and as I look at the predicament of this particular government at the present time and the fact that they have in this province conducted, for two years, public forums dealing with land use and policy which the Minister of Agriculture has not formulated in any direct way to provide policy. I commend the Attorney-General for stepping in at this particular time and saying, well if the Minister of Agriculture has no policy at least I'm going to have a policy here. I commend him for it that at least there is somebody on the other side that is willing to show

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(MR. GRAHAM (cont'd)) . . . . some leadership in this province. Now it may very well be that that leadership is only in the field of odours. . .

A MEMBER: That's where it's most needed.

MR. GRAHAM: At the same time, Mr. Speaker, it does show that there is some leadership in this province and I want to at this particular time thank the Attorney-General for showing leadership in the field of agricultural policy when our Minister of Agriculture has totally ignored and actually thrown up his hands and says that he is now bereft of any ideas and policy for rural Manitoba. So I commend the Attorney-General for showing that type of leadership at the present time.

Sir, the Land-Use Policy Committee or the Land-Use Committee that has met for the last two years has heard many briefs from many different segments of society. I think that anyone who attended those various hearings and who followed closely the presentations that were made by the various segments of society, and they were varied; in the first year that hearings were held I think we saw a genuine concern expressed by the farming population in Manitoba. Unfortunately I don't think that that view was expressed was one that was entirely in agreement with the Deputy Minister of Agriculture so we saw a second go around that occurred in this province and that occurred a year later.

Now that gave the Deputy Minister and also the Minister of Agriculture and some of his colleagues, it gave them one year in which to assess what had transpired at the previous hearings. It also gave them one year to organize and to bring forward those views at the various hearings that they themselves wanted to hear. So I think it served a very useful purpose as far as the government was concerned to carry on those hearings for a second year. We heard various briefs in that period, briefs that covered a wide range of opinion, many of them orchestrated by the various NDP associations throughout the province, to the point where we had a hearing in the Town of Virden where we had the leader of one NDP Association riding after another standing up and presenting the briefs on behalf of the New Democratic Party in that area. --(Interjection)-- We even had one from the United Church who was a former NDP candidate in the federal riding. But that's all right. Democracy is a wonderful thing, Mr. Speaker, and it does provide the type of forum that is, I think, so urgently needed by the present government. It gives them the opportunity to properly orchestrate the type of results that they want to hear.

When one or two of them step out of line then there is a little bit of concern. So we found that when one of the ex-candidates in a federal election stands up and suggests that even graveyards should be plowed up and planted down then there is a little bit of concern that maybe we're carrying this a little bit too far. I suggest, Mr. Speaker, that at that time the hearings rapidly came to a close and we moved to another community.

But at that time, Mr. Speaker, there was a concern expressed, and it was expressed in various communities, about the effect in the various rural municipalities of the rulings of the Clean Environment Commission. It was of grave concern and I think that this transcends all political boundaries because it was expressed by some of the NDP as well as others, about the effect of odour. So, Mr. Speaker, I think that the Attorney-General was astute enough to jump in where the angels fear to tread and the Minister of Agriculture was unwilling to do anything, the Attorney-General says, well I'm going to do something, and we now have before us The Nuisance Act.

I sort of commend him for that because he wants to get onside with the people if an election is just around the corner and I'm suggesting that it may be closer than some of us want to really consider. But the Attorney-General is going to lead the pack and he is going to come forward on his white charger, the White Knight, and he is going to lead the crusade against odours in this province. So I think that it is appropriate that we on this side recognize that and I'm going to tell you Mr. Speaker right now that I am not going to oppose the Attorney-General on this particular issue. I commend the Attorney-General for his actions in trying to eliminate odours in this province. I commend him for that action and I say to him that while he is very concerned about the odours that may occur in the Department of Agriculture and he wants to clean that up, and that's a very good program, I also suggest that perhaps he should look at some of the odours emanating in his own department and try and clean them up too. So, Mr. Speaker, for

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(MR. GRAHAM cont'd) . . . . those reasons I fully endorse this bill that will eliminate odours in the Province of Manitoba.

MR. SPEAKER: The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Mr. Speaker, I move seconded by the Member for Assiniboia, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Ah, here, we're going to have a speech.

MR. ENNS: With the permission of the Honourable Member for Portage.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: I have the briefest of contributions to make to this debate prompted by none other than the Member for Morris, simply to indicate to the Honourable Attorney-General, "He who farteth sitteth in his own pew."

MR. SPEAKER: The motion has been passed unless the honourable member wishes to speak. The Honourable Member for Rock Lake.

MR. HENRY J. EINHARSON (Rock Lake): With the permission of the Member for Portage.

Well, Mr. Speaker, while the press is hot I think maybe I should like to just make a few brief comments in regard to this Bill 68 referred to as The Nuisance Act. My colleague from Birtle-Russell commented on the Minister of Agriculture, how he somehow must have lost all faith in his colleagues on that side of the House because it's a short bill and we were able to peruse it very quickly.

I'd like to carry it a step further than just the Minister of Agriculture, Mr. Speaker, and say that the Minister of Mines and Resources should be included in this because we have in the past few years been dealing with a number of problems and apparently the Attorney-General has suddenly seen fit to try to do something about a serious problem that exists in rural Manitoba. I don't know whether the Minister of Mines and Resources has lost all faith in his future political career but anyway, Mr. Speaker, I can think of some problems that have been created in rural Manitoba when we talk about odours. If you go and visit a farmer who produces hogs and if you are down with the flu badly there's nothing better than to go into a hog barn and probably get a whiff of that odour and probably the best medicine that you could possibly get, Mr. Speaker. But you know, Mr. Speaker, --(Interjection)-- yes, the Honourable Minister of Public Works hears so much about the swine flu and probably the swine in their natural form could provide the best medicine that the Minister of Public Works could get if he wanted to visit one of those farms if he was indeed in trouble with the flu.

Mr. Speaker, we've had some serious problems in rural Manitoba. I don't know all the details but I can think of one area in the central part of Manitoba where a family wanted to set up a business other than farming, a sort of a resort area which catered to the travelling public. They wanted to establish where farms were right around them. I know they came to me and I advised them, Mr. Speaker, that they wanted to beware of the Clean Environment Commission and the Act the way it operates under the present government. I wasn't informing them any kind of information that would be derogative in any way, shape or form; merely to inform them that they should be made aware of the laws as they now stand today in this Province of Manitoba. Unfortunately that was not done. They established a business and as a result of the odours - and I rather think that this could be a case that could be applied to this bill. Had this been legislation at that time, it would not have affected the farmers who have been there so many years. All of a sudden they are faced with not being protected because of the odours coming from their farms, whether they be in the cattle business or whether they be in the hog business.

Mr. Speaker, I commend the Attorney-General for bringing in this kind of legislation. I'm wondering if he's had so many complaints that they were such that the government could no longer ignore what was failing under the Clean Environment Act. That's something that I know if we go to committee there are people who are interested in this who might make comment and we will be prepared to question them insofar as this bill is concerned as opposed to the protection that can be made available under the Clean

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(MR. EINARSON cont'd) . . . .Environment Act. I'd be interested, Mr. Speaker, to hear comments from people in the Province of Manitoba when this bill goes before committee. I think it is something that is very interesting. It's unfortunate, Mr. Speaker, there are people in the Province of Manitoba who have been unduly hurt economically in the past few years because of the kind of legislation.

I can think of one particular farmer who had a hog farm on one side of the section of his land; someone bought a piece of ground, maybe half or three-quarters of a mile away, somebody from the city who wanted to live out in the country, and having done that purchased a piece of ground to put a home on and found that there was odors coming their way at various times if the winds prevailing that day would bring those odors. As a result, Mr. Speaker, that person could lay charges against that farmer and this is the sort of thing that I would assume has been going on and probably this is the kind of complaints that the Minister has been receiving.

I merely want to say that because the Minister of Agriculture has not acted, the Minister of Mines and Resources has not acted, probably never had the kind of legislation that they were able to act. Only because Bill 68, namely The Nuisance Act, comes into play is legislation going to be provided whereby if the farmer is in business that he is not going to be put out of business because someone doesn't like the odor that comes from his particular farm whether he's in the hog business, whether he's in the cattle business, or whatever. This, Mr. Speaker, is something that concerns us and I merely want to say, Mr. Speaker, that if anyone wants to make comments to the bill when it goes before committee, I will be very interested in hearing it because it will give us an opportunity to pose questions if there are some things that may concern the agricultural industry. As long as this is not going to create a worse situation for those people who have been affected in the past number of years then I certainly support it wholeheartedly.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Well, Mr. Speaker, I wonder if the Honourable the Member for Portage la Prairie would permit me to speak at this time. I do so, Mr. Speaker, because of the total ignorance of the Honourable Member for Rock Lake as to how this bill comes about. When I tell him how it comes about, it will shatter all of his beliefs as to who one can rely on and how one should deal with it and the Member for Birtle-Russell as well.

This bill comes about because, Mr. Speaker, after we passed legislation seeing to it that regulations under the Clean Environment Act would make sure that nobody would be encroached on if they were following those regulations and after we passed a bill and upset an appeal, upset a decision of the Clean Environment Commission - whereby we were permitted to have an appeal - indicating that Springfield Hog Ranch, which was zoned for a hog ranch, which was not doing anything wrong and I brought it up in this House. They were not doing anything wrong; they were not disobeying any laws; they were zoned for that use; the man was using it for that use; the Clean Environment Commission said that there was an odor there and they made an order against that ranch. We brought legislation into the House changing The Clean Environment Act providing for an appeal to the Minister. We reversed the Order on the Springfield Hog Ranch and said that if the residents in that area did not like it, they could - and members of this House passed it - they could enact an abatement program, move the hog ranch, and pay for the cost of moving. After we did those things, or during the course of it, action was taken in the Court of Queen's Bench - the place that my honourable friend thinks that all the good laws are passed, and the Member for Birtle-Russell - saying that the Legislature of this province by passing those laws interfered, or said the Minister interfered with the Order of the Clean Environment Commission. The Legislature passed the law; Mr. Justice Wilson made a decision causing an injunction against the Springfield Hog Ranch and \$10,000 in damages. After what we had done in this House, it would indicate that the man was behaving perfectly properly.

But the judges thought that what we had done interfered with the courts of the law. It was the courts that said that we should sue the farmers, not this Legislature. As a matter of fact the courts called it ministerial interference by preventing the suit or by saying that he should not be sued and by upsetting the decision of the Clean Environment Commission. It's listed in the Judgment as ministerial interference.

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(MR. GREEN cont'd)

So it was not this Legislature that gave rise to this legislation, nor was it any land use committee, the Member for Birtle-Russell, it was what we consider a bad decision of the judiciary which says that a man shall pay \$10,000 damages and get out of business even though nothing that he is doing is against the law. That's why this legislation is being passed, not because of any laws that were passed by this Legislature that interfered with some people. As a matter of fact we did the reverse. Mr. Speaker, we did the reverse. The honourable member in his ignorance suggests that I had nothing to do with this, that we were the ones who were going after farmers. If you'd only watch the legislation you will know that we brought in legislation which made it possible for those people to continue if they were not breaking any laws. The courts over there, in spite of that legislation, awarded \$10,000 damages against a farmer who was operating a hog ranch. That's why this bill is before the House. It's before the House because we feel that there has been judicial interference with what has been the decision of the Legislature, not because we have stopped these farmers but because there is no decision of the Clean Environment Commission which has stood which forced the farmer to go out of business. The decision that forced this farmer to pay \$10,000 and go out of business was in the courts and the courts expressed disapproval with what we had done. Therefore we are now expressing disapproval the other way and we have a right to pass such laws. I'm glad that the honourable member agrees with it and I'm glad that the Honourable Member for Birtle-Russell agrees with it and I'm glad, Mr. Speaker, that the Member for Lakeside agrees with it.

Our department has made regulations with regard to hog ranches which permit their existence and the Clean Environment Commission order dealt strictly with odor. The appeal came to us, we reversed it and in spite of that reversal the Court of Queen's Bench awarded \$10,000 damages against a farmer who was disobeying no laws whatsoever. So we are saying we don't think that that is what should happen to a farmer who is disobeying no laws whatsoever and that's not as a result of our laws, that's as a result of what I consider - and I have a right to consider it - as a wrong decision of the Court of Queen's Bench.

MR. SPEAKER: The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, I shall be very brief. I support the concepts of the Minister that just spoke and those members supporting this legislation on our side. It's again a reminder to this government of "bum" legislation which we in this speed-up right now, when we're in the throws of this short-time for research, short-time to check it out, we can again commit the same type of an error that was committed in that clean environment legislation.

MR. SPEAKER: Order please. The Honourable Minister.

MR. GREEN: The honourable member requested leave to introduce the bill; we did not ask it to be spoken to tonight; we are not asking for anybody to rush into legislation. You can take as long as you like.

MR. McKENZIE: Mr. Speaker, you know and I know and the members of the Legislature know how the House Leader operates when he gets that resolution passed. And we have evidence on record . . .

MR. SPEAKER: Order please. Order please. The Honourable Minister.

MR. GREEN: Mr. Speaker, on a point of order. I have no power to request the honourable member to proceed with legislation. That is the subject matter of the House. We've been in speed-up for two months at different times and I have always indicated that I want members to consider the bills and to not rush into debate, to debate them very carefully, and I still say that.

MR. SPEAKER: Order please. I should like to indicate to the Honourable Member for Roblin, to the Honourable Member for Roblin, this bill is here by leave of all the members so therefore there is no need to criticize the debate on it. The Honourable Member for Roblin.

MR. McKENZIE: . . . debate, I'll not speak any more.

MR. SPEAKER: The Honourable Member for La Verendrye.

## BILL 68

MR. BANMAN: Well, Mr. Speaker, I hesitate in getting up to speak because I think the bill is becoming sort of a nuisance to the Minister who introduced it. I would like to lend my voice of support to the bill. During the Estimates of the Minister of Mines and Resources, Environmental Management, during the examination of the Clean Environment Commission Estimates I think I spoke with regard to this particular problem facing especially the farmers in the fringe area around Winnipeg and I don't intend to deliberate that point too much longer.

It has been a problem to people in my constituency because of people coming out and building houses in rural Manitoba and not exactly appreciating the smell that some of the particular farming operations were committing. Again, as the Minister mentioned, it has caused problems for some farmers who were there basically first and I think the legislation in that respect is good.

I would ask the Minister when he is closing debate to possibly tell the House what effect this will have on industries. I refer specifically to industries in a built-up area, like for instance the expanding area of a town or a city. What effect will this bill have on that? We have some industries of course just on the fringe area of towns and villages within the Province of Manitoba who have certain abattoirs and this type of operation continuing. This bill, as I read it, and the Minister can clarify that later possibly, would this then exempt the same people from any odor causing problems. As long as they comply with the Clean Environment Commission, will this prevent any of this type of thing from happening? I would just want an explanation on that. I notice that it doesn't just apply to the farming people but it applies to any business or industry undertaking in the Province of Manitoba. So when he's closing debate, I wonder if he can mention that.

As I mentioned before I will support the bill. I think it's a good piece of legislation whether we're in speed-up or not and I hope that the bill will receive third reading.

MR. SPEAKER: The bill will remain in the name of the Honourable Member for Portage la Prairie as adjourned. The Honourable House Leader.

. . . . Continued on next page

RESOLUTION - RULES

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable the Attorney-General, that the amendments to the rules of the House as reported to the House on Friday, March 5th, 1976, from the Committee of the Whole be finally adopted.

MOTION presented.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, this report was adopted some time ago. I did not move the resolution because there was no need for it. We seem to have been progressing so well. I hope that the moving of the resolution will not change the nature of the House. The report was adopted and we debated it at that time.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, I rise only to support the resolution. We've had two sessions now experienced with the new rules and I would think that even the most pessimistic of doubting Thomases when the new rules were introduced, would now have to come to the conclusion that the method that we have used in dealing with the Estimates of this House has facilitated the passage of the Estimates, has enabled us to conduct a far - I say "us" I mean the opposition - to conduct a far better examination of the Estimates than ever before, has not precluded participation on the part of any member from any side of the House, which has been somewhat novel in light of the experience that we had prior to that time.

I think best of all it has created a feeling of a desire to get along with the business of the House, removed a great number of the recriminations and the debates on procedure that were almost a part of the restrictions that were imposed under the old rules. If there's one lesson to be learned from the application of the new rules it is that the more you remove restrictions, the greater the tendency for people to use a lot more common sense and a great deal more good judgment in the conduct of their own affairs. I rise only to point that out in the hope that the government will take the lesson to heart, not only this government but I think governments all across this country and indeed throughout the free world will learn the lesson that the more restrictions that are removed, the more you allow free men to use their minds and their abilities to the advantage of the people of this country, the better it will be for mankind. And the imposition of restrictions have never done anything more but breed more restrictions.

We have demonstrated in the simple application of the new rules that the removal of those restrictions creates a better feeling between individuals. It leaves their mind free to exercise better judgment in the manner in which you conduct your affairs. But most of all it removes the fear on the part of members of this Chamber that somebody is practicing the game of one upmanship all the time. That can't happen under the new rules. Everybody has the right and everybody has the opportunity to exercise his rights in this place to the fullest without any restrictions other than are imposed by common sense.

I hope, as I said earlier, that the lessons that we've learned and the simple application of the new rules to this Chamber can be followed in the removal of much of the restrictive legislation that is currently on our statute books today. Because I think we will find that the removal of restrictions will enable people to conduct their affairs much better than they have in the past. I want to particularly thank the House Leader who I think to a large extent, at some urging on my part to accept the proposal that was made and to give it a fair trial, I believe he has done that. I think he's come to the same conclusion that all of us have who have experienced the new rules and the reason that he's introducing this legislation right now is that he's come to that conclusion. I think that it's a credit to the House Leader and those who surround him that they've given the rules an opportunity to be tried and having given them that opportunity they have discovered that they work. Strangely enough, they do work.

QUESTION put MOTION carried.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I may indicate that I want to go into Ways and Means to deal with the Estimates of Revenue and then go as far as I can with the Capital Supply Bill. So I would move, seconded by the Honourable the Attorney-General, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to

## RESOLUTION - RULES

(MR. GREEN cont'd) . . . . consider of Ways and Means for raising of the Supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee of Ways and Means with the Honourable Member for Logan in the Chair.

COMMITTEE OF WAYS AND MEANS

MR. CHAIRMAN: Order please. Resolved that towards making good certain sums of money for Capital purposes the sum of \$397,393,200 be granted out of the Consolidated Fund. Agreed? (Agreed)

Main Supply motion. Resolved that towards making good certain sums of money granted to Her Majesty for the Public Service of the Province for the Fiscal Year ending the 31st day of March, 1977, the sum of \$1,129,613,200 be granted out of the Consolidated Fund--pass. Committee rise and report. Call in the Speaker.

Mr. Speaker, your Committee of Ways and Means has passed certain resolutions and begs leave to sit again.

IN SESSION

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

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I beg to move, seconded by the Honourable Member for Point Douglas, that the report of the committee be received. MOTION presented and carried.

BILLS NO. 61 and 79 - CAPITAL

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER (by leave) introduced Bill No. 61, an Act to Authorize the Expenditure of Moneys for Capital Purposes and Authorize the Borrowing of the Same; and (by leave) Bill No. 79, an Act for Granting to Her Majesty Certain Sums of Money for the Public Service of the Province for the Fiscal Year Ending the 31st Day of March, 1977.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, by leave, while the bill is being distributed and to save time - I think it's a common sense thing to do - I would indicate to honourable members that in order to be able to deal with this subject matter this evening rather than have to wait till tomorrow it was necessary to bring forward a form of bill, in this case Bill 61, which had one error in it, and consequently the Department of Finance had arranged for the printing of a second revised draft, but that would not be available until tomorrow or the next day. This bill is perfectly in order, with one exception, and so I would point it out to all honourable members, it's the deletion wherever it appears in this bill of the \$850,000, which we explained the other day, relating to Leaf Rapids Corporation, which we indicated at Capital Supply Committee consideration was to be deleted, so if honourable members will take that as given and make that deletion wherever reference is to the Leaf Rapids Corporation, delete the amount and make that change mutatis mutandis, then I think we can proceed with this unrevised bill.

MR. SPEAKER: Is it agreed? The Honourable First Minister.

MR. SCHREYER (by leave) presented Bill No. 61, an Act to Authorize the Expenditure of Moneys for Capital Purposes and Authorize the Borrowing of the Same, for second reading.

MR. SPEAKER: MOTION presented. The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, without unduly holding up the procedure of the House at this stage, there are a few comments that have to be made with respect to passing Bill 61 dealing with the capital authority requirements for the years 1976-77 that are contained within Bill 61 currently before us.

## BILLS 61 and 79

(MR. ENNS cont'd) . . . . .

Mr. Speaker, it's not my intention to repeat what has become indeed a traditional position of the opposition, that is, of Her Majesty's loyal opposition over the past six or seven years. We find ourselves in a somewhat different position this time around, Mr. Speaker, and that's what prompts me to rise; that belatedly, and perhaps with the help of a former paid employee of this government and a former Federal Cabinet Minister and a consultant of this government, the Liberal Party has chosen to begin to express similar concerns that have been expressed repeatedly from the day the fundamental and basic changes were made with respect to Hydro development in this province, and the capital requirements that those changes brought with them. Mr. Speaker, I have no intention other than to do but to place into the record our continuing objection, our continuing concern about the heavy front end loading that that abrupt change in Hydro policy and Hydro management, in the decisions that were made in the year of 1969-70 that took place with what we regard as undue haste and under a great deal of political pressure.

As I said Mr. Speaker, I welcome the concern of the Liberal group that belatedly now finds itself in a position of having to support essentially the position that the Conservative opposition has taken for all these years in opposition. I agree with the comments made by the Honourable Minister of Mines and Natural Resources, that to us it's no secret - the fact that a report that was somehow labelled with the aura of confidentially all of a sudden drew special notice or attention doesn't basically change or alter any of the facts. The fact of the matter is, Mr. First Minister, and I speak to him directly through you Mr. Speaker - is that the Opposition continues to believe what we believe to be sound judgment and sound arguments by competent people, that that change in scheduling - and I choose my words very very cautiously in this sense, as the First Minister is the first one to remind us that all these things sooner or later would come to pass, that certain dams, certain regulatory works would sooner or later have been built - but Mr. Speaker, the First Minister is a politician like I am and he should be the first to recognize and understand that timing as in politics is an essential ingredient in the development, in the high capital costs of Hydro development, the sequence of timing of major capital programs. And that is in essence, our argument, Mr. Speaker. Our argument doesn't consist of whether this dam should be built or should not be built, it's a question of what was the natural sequence of certain things to happen and when was it incumbent upon the Province of Manitoba to lay out \$100 million as compared to a billion dollars for a Limestone or Long Spruce Plant.

Mr. Speaker, we continue to believe that had the initial good advice been followed and the initial projects and program followed, that sound engineering advice provided for this province and for Hydro, we would not be faced with the discouraging escalation of Hydro costs for all our users in Manitoba. Indeed, Mr. Speaker, we would be in that most enviable of all positions of continuing to enjoy the lowest Hydro rates in this country. Much has been made, Mr. Speaker, and I'm indebted to the remarks made by the Chairman of Manitoba Hydro at one of the Public Utility Committee hearings this session, and one should never too easily pass over the information that one gleans from these meetings. It's been the contention of this government from Day One that, for instance, Lake Winnipeg Regulation always figured into the scheme of things, back to 1966, back to the advice offered by the late Dr. Stephens. Mr. Speaker, that's quite correct, that's quite correct. The critical testimony provided to us during the committee hearings of this session of that committee was the question of at what level of the lake could Lake Winnipeg be conceivably used as a power reservoir. If you could resurrect Dr. Stephens at this time and suggest to him that the lake level of 717 to 720, certainly Dr. Stephens was enough of a power engineer to recognize the value and the benefit of that kind of regulation of Lake Winnipeg. The political reality however was that that of course was impossible. That political reality began to see through to Hydro planners in the years 1966, 67, 68, 69 --(Interjection)-- Certainly. No, not politics, people, communities, Gimli, Riverton, Lake Winnipeg Beach, environment, even in those days, prior to the whole South Indian Lake hassle, these questions were taken into account. And why should they not be taken into account, I ask the honourable

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(MR. ENNS cont'd) . . . . Minister of Mines and Natural Resources?

Mr. Speaker, that position the Chairman of Manitoba Hydro - and I haven't got the reference material in front of me, but to me it was a very important moment during that committee hearing because the suggestion has always come forward by the First Minister in this government that because initial discussions, initial planning stages, Lake Winnipeg regulation was part and parcel of the program and therefore these fundamental changes could be made. The fact of the matter is, Mr. Chairman, for the same reasons that Dr. Stephens abandoned, and he did abandon that scheme, the same reasons this government has had to accept acceptable levels for Lake Winnipeg regulations. Mr. Speaker, those acceptable levels means a minimal power output at a cost that is just so out of reason and so out of touch with what the original estimates are that I predict, Mr. Speaker, that the expensive capital outlays at the north end of Lake Winnipeg, Jenpeg Station, will far outweigh any of the follies committed by governments of Manitoba - and I use it in its plural sense - CFI, Saunders and Flyer put together. Put together.

I hate to even introduce this subject, Mr. Speaker, I'll leave it for another debate, another bill, like 56 for instance - but those flat bellied Soviet turbines would be put to better use on the Assiniboine River, quite frankly, than they are at the north end of Lake Winnipeg. The fact of the matter is, and that's my reason for rising on this bill, that the tremendous escalation in cost that we are facing with respect to Hydro in this province comes as a result of those hasty decisions made when this government in its fledgling years decided that they could with a 20-page report change 15 and 20 million dollars worth of Hydro engineering and research. The fact that we are now faced with having to build billion dollar plants, billion dollar plants instead of hundred million dollar plants, the fact that we could be bringing on to stream power as we in Manitoba need it, instead of building billion dollar plants so that we can sell cheap power to the Yanks, that, Sir, rests on your shoulders, and I'd be quite happy to have it rest on your shoulders but unfortunately I and every other Manitoban has to pay a 20 percent, a 30 percent, a 40 percent, a 50 percent increase in his Hydro bill every month that he gets his bill. That, Sir, rests on the shoulders of none other than the First Minister of this province and on the NDP Party that governs this province.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. EINARSON: Mr. Speaker, I listened very carefully on the comments my colleague from Lakeside made and I thought they were very appropriate, so there's just a few comments that I would like to add, Mr. Speaker, just to prove what my colleague from Lakeside has just said, from what we are getting from the people across this Province of Manitoba in regards to our increased costs in Hydro rates. This is a very important problem, Mr. Speaker, that the people of Manitoba are telling us about, and while I said I was going to be very brief, I would like to give the First Minister one example, and I'll challenge the Minister of Mines and Resources to say whether I know what I'm talking about in this particular case. Mr. Speaker, we've had many complaints from the citizens across this province, where they've suddenly found the Hydro rates have increased at a tremendous rate, and particularly what they call the demand rate - and the comments that my colleague from Lakeside has just made to this First Minister, through you Mr. Speaker, is very very appropriate at this time.

We've been saying this for quite some time, but it seems to be falling on deaf ears insofar as this government is concerned. And I would like to give one simple example, Mr. Speaker. A resident in a small town in the central part of Manitoba who was a barber by trade decided to - he thought he could help increase his revenue a little bit - set up a dry-cleaning laundromat, and not only he hoped to make some economic gain which would assist him in his barbering business, because he, you know what's happening to the barbers or has been for the past number of years, the younger generation haven't seen fit to get their hair cut as often, but this particular individual decided to add to his business a laundromat business in the way of dry cleaning. I was informed that in March of 1975 his Hydro bill was \$272.00, and he was earning X numbers of dollars in that one month; in March of 1976, one year later, his Hydro bill for that business was \$428.00 which was an increase, just in one year, of \$156.00, Mr. Speaker.

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(MR. EINARSON cont'd) . . . . Plus the fact that he indicated that he pays a five percent tax on that Hydro rate as well as the five percent tax on his business. He notified the district supervisor and of course the district supervisor goes down and investigates. He said, the best thing I can tell you, sir, is that you are going to have to increase your charges on your dry cleaning or failing that, if you find that the people who are doing business with you feel that they can't afford any higher rates and probably won't cater to your business, then, he said, you're going to have to go out of business. This, Mr. Speaker, is something that's happening in some areas of the province where businesses are involved.

Also, Mr. Speaker, I might say that our community clubs where they are sponsoring community rinks, sports arenas that depend on Hydro for winter use and because, Mr. Speaker, of the demand rate it is creating a very difficult and burdensome problem to many people throughout this province. So, Mr. Speaker, I wanted to put this particular case on the record because the individual who gave this to me said it was perfectly within right to do so. I don't know whether the government is going to investigate to see what they can do to try to alleviate some of these very burdensome increased costs in Hydro rates, or whether they are going to blunder on in the way that they have been going and in the way that they are going. Because, Mr. Speaker, we are in a very difficult situation.

While we talk about borrowing money to develop our natural resource - I can understand that being done, Mr. Speaker. But it's like any business. You can capitalize to the point where it's not going to be a paying proposition. As long as you've got the taxpayers to foot the bill then I say, Mr. Speaker, our future generation that is very close ahead of us is going to have a burdensome problem if this government doesn't see ways to make some changes and alleviation insofar as our Hydro rates are concerned in the Province of Manitoba.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BANMAN: Thank you, Mr. Speaker. I wish to make a few brief comments with regard to the requirements that Manitoba Telephone System is asking for. I know the constituents in my riding have asked me many times to explain certain things and I think one of the problems we face out in our riding is the capital construction hasn't kept up with the growth of the area. I have certain smaller places, such as Mitchell and Richer which are growing at a fairly rapid rate and because of the installation problems the loading of the lines is such that we're getting up to 12, 13 people on one line and it's causing problems for the people out there.

I think that I would like to make a plea to the Minister to maybe sit down with the planners in his particular department or ask the planners to possibly give us an overview of what they expect or anticipate will happen within that particular area over the next couple of years. We've seen, as I mentioned, a phenomenal growth. Even in the Town of Steinbach, for instance, we've experienced a certain amount of difficulty because of the total loading of the lines in that town and as a result some of the houses that were built within the original square mile of that particular town found themselves in the position of not being able to get telephone service and it took a while to get that.

I have a particular problem in another part of my riding where we have a waiting list as far as people are concerned. The government has mentioned and says that one of their policies is the stay option or the decentralization option and I think what is of concern to many people in rural Manitoba that instead of encouraging the people to stay and build in rural Manitoba, the different problems encountered with getting telephones and different utilities is causing people all kinds of hassle and causing all kinds of problems. As I mentioned there is one area where people have waited apparently as long as four or five months now and are still on the waiting list waiting to get service. People in the Minister's department have notified me and said that they are spending some more money on capital construction and they will be helping this problem.

I would point out to the Minister - I think I made a similar speech in 1973 when I came into the House and the problem still seems to be there. The planners

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(MR. BANMAN cont'd) . . . . for some reason or other admit that the growth rate has been phenomenal and they just haven't been able to keep up with the installation. I'm wondering if the Minister maybe couldn't have somebody on site in that particular area that has the pulse of what's going on in there. Do we have planners in that particular area who are looking and sort of carrying a watching eye on the particular program because the capital funding I realize is an expenditure that will have to be undertaken to give the people the proper service they require.

The other thing I might just mention is that many of the citizens find it difficult to see why they are on a line which has 13 people on it or they can't get service and yet the MTS is spending \$10 million on a computer service while they are waiting for their telephones. I would at this time just urge the Minister to make sure that we do have proper planning in that particular area and ensure that people when they do build, within a reasonable time can at least expect to get the service and get service where possibly they could have four or five people on the line instead of 13 or 14.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, I beg to move, seconded by the Honourable Member for Virden, that the debate be adjourned. .

MOTION presented and carried.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER presented Bill 79, an Act for Granting to Her Majesty Certain Sums of Money for the Public Service of the Province for the Fiscal Year Ending the 31st Day of March, 1977, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: I wondered if the First Minister was going to make any remarks. That is the Appropriations Bill and I don't know whether I should allow that bill to go through tonight. I wondered if the Minister wanted to use up the remaining 15 minutes. If not, then I will have to take the adjournment.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I would find it difficult to use up 15 minutes on debate on second reading or introductory remarks on second reading of this bill given that it is precisely the same subject matter which has been the subject of the Estimates process for the greater part of the session. If the Honourable Member from Morris would rather that we not proceed with it this evening then I would submit that he could adjourn it and then we could proceed to consider Supplementary Supply in Committee of the Whole.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, it appears as though there are two or three on this side of the House that want to speak on it so perhaps we can just continue to debate until 10 o'clock then.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Well, Mr. Speaker, . . .

MR. SPEAKER: The Honourable First Minister on a point of order.

MR. SCHREYER: Do I understand that the gentlemen from the other side would prefer to deal with Bill 79 now rather than go into Committee?

MR. JORGENSEN: We can use up the remaining time that we have now on Bill 79. I just didn't want to see it passed tonight for obvious reasons. If there is somebody who wants to speak on it now then we'll just let the debate continue until 10 o'clock.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well in that case, Sir, I would have a brief statement but it wouldn't certainly take up the 15 minutes - at which the honourable member opposite may adjourn or proceed to deal with it. If in the event, Sir, speaking to the point of order, that he wishes to adjourn then I would ask if it will be okay to proceed into Committee of the Whole to consider of Supplementary Supply. --(Interjection)-- All right, Mr. Speaker.

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(MR. SCHREYER cont'd)

Other than for the amounts involved, all sections of Bill 79 which is now before us are the same as the equivalent sections of The Appropriation Act of last year with the exception of Section 3 which has been revised and Section 6 which has been added. This has necessitated the renumbering of the remaining sections.

Section 3, subsection 1 provides authority to transfer year-end unexpended balances of certain Appropriations to the Capital Division of the Consolidated Fund. This section does not contain a reference to the resources development and construction as did the 1975 bill since no funds are requested for 1976-77 by the Department of Renewable Resources and Transportation Services.

Section 3, subsection 3 is new for 1976-77 and provides that revenues from other governments related to expenditures of moneys transferred to the Capital Division shall be credited to the Revenue Division of the Consolidated Fund as an entry known as Shared Cost Receipts of the department originally authorized to expend those moneys. The past practice, until this change, was that recoveries were formerly credited to the Capital Division as unallocated recovery.

Section 6 is new for this coming year and provides authority to make expenditures for or in respect of any agreement with the Government of Canada, in anticipation of the agreement being entered into notwithstanding that the agreement has not been entered into as yet and notwithstanding that it may never be entered into. Now, if I may explain that, Sir. We are at a time of the year when we still - although we would have expected confirmation of the success of negotiating a Canada-Manitoba Shared Cost Agreement with respect to Western Northlands, the negotiations have proved very difficult and very problematic. It is however far too premature to pre-suppose that it will not be entered into later this year. In the event that it is we need the authority so we are asking for it even though it is by no means consummated yet. In the event that it is not the authority would not be such that we could act upon it.

Sections 6, 7 and 8 of The Appropriation Act (1975) have accordingly been renumbered in this year's bill as sections 7, 8 and 9. With that, Mr. Speaker, I have indicated pretty well the nature of the substantive changes from the format of the previous bill.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, dealing with Bill 79 I want to probably deal in reverse order with the changes that have been suggested in this bill by the First Minister. Mr. Speaker, I realize that there are certain difficulties in dealing with items in a bill where debate on second reading should deal strictly with principle but, Sir, seeing as how the First Minister has used the leniency of the House and has designated certain sections by number, I hope, Sir, that you will allow me the same latitude to refer to sections by number in dealing with this bill.

I want to deal, Sir, with Section 7 of the bill which deals with lapse of appropriations. Sir, I think it is commendable in this day and age that the general tenor of the approach that has been taken in this House towards the granting of authority to government is recognized as it is in Section 7 where basically it says that all the authority that has been asked for in this House by the numerous hours that we have spent in Estimates has been granted in this bill and if there is any unexpended capital at the end of the fiscal year that authority shall then lapse and the money shall be returned to the Consolidated Revenue. I think that is, Sir, a very sound and basic philosophy that should be applied and is applied to most of the money that is concerned in this bill. We know that the authority that we have granted through the close examination of the Estimates of this House will be spent during the current year that is still before us and at the end of that fiscal year if there is unexpended capital it will be returned to the Consolidated Revenue. That is basically what Section 7 of the bill says.

But, Sir, then we go back to other sections of the bill and we find there are certain exemptions. We also find, Sir, that there is certain authority that is being asked for that is anticipatory and is basically hopeful rather than factual. Here I refer to the problems that this government has had with their relations in the Federal House in

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(MR. GRAHAM cont'd) . . . . Ottawa. We have been asked, Sir, on numerous occasions throughout the Estimates to approve certain allocations of funds which are dependent to a large extent, Sir, to federal participation and we have really no assurance that that federal participation will occur.

Here again, Sir, I express the concerns of Manitobans much as the First Minister has expressed those concerns because we are approaching an era, Sir, in Canadian politics when the relationship between federal, provincial and municipal politics is becoming very closely, entwined. Now the Premier has made a fairly important issue here that he has committed certain provincial funds which are dependent on federal participation. But I ask the First Minister at this time if he, in expressing that concern, has shown the same concern to municipal governments that he is expressing today on behalf of the Provincial Government in their dealings with the Federal Government. And I say to you, Sir, that it is vitally important that when you start expressing the concerns with the Federal Government about their relationship that exists in provincial affairs, then you have to show that same concern for those that are not able to express their views in this Chamber. And I refer in particular to the municipal governments. And I've heard the First Minister on numerous occasions, Sir, expressing his disappointment, maybe his disillusionment and his frustrations with the negotiations that he has been conducting with the Federal Government on behalf of the people of Manitoba. And I think they are very valid in many cases, but I also want to know if the First Minister is, at the same time, listening to those people who are involved in the municipal level of government, who are expressing to the First Minister of this province many of the same concerns that he is expressing to the Federal Government and whether he is paying as much attention to the viewpoints of municipal governments as he expects the First Minister of this country to pay to the viewpoints expressed by the Province of Manitoba.

I say it has to be a two-way street. And I'm not opposed to the approach taken by the First Minister in his many, what shall you call them, pleadings to the Federal Government for greater provincial cost sharing, but I would hope that he would pay the same attention to the pleadings of the municipal governments in their approach to the provincial government for the same type of programs as he is pleading to the Federal government. I think it's important that we maintain in this province a strong municipal form of government, and that strong municipal form of government can only be achieved if we have a good financial base for them to operate on. A base that gives them sufficient incentive to carry out their work in a proper manner, and also in a realm that gives them sufficient authority to make the decisions that rightfully belong at the municipal level. Mr. Speaker, I say that now because I have always been an advocate of a strong form of municipal government, and I would hope that the present government will listen to those that are pleading for that strength that is necessary for a good viable municipal government to be successful. So Mr. Speaker, I would hope that the First Minister will listen to those municipal people and study very carefully some of the proposals that are put forward by those municipal governments, so that they can achieve the type of government that they desire for their people in a manner that is consistent with the type of format that is essential in a municipal government.

Mr. Speaker, having dealt with that, I would now like to move on to another section of the bill, which to me, Mr. Speaker, is even of more importance. I deal, Sir, with Section 3 of the bill which does, Mr. Speaker, allow the government certain immunity when it comes to the transfer of funds from one fiscal year to another, and that Mr. Speaker, is that problem. --(Interjection)-- And that's not the only problem we have right now, Mr. Speaker.

MR. JORGENSEN: Mr. Speaker, it is my understanding we are not in speed-up, the hour of adjournment has arrived, 10:00 o'clock.

MR. SPEAKER: Order please. Order please. I'm afraid that's not what the Chair has interpreted. The motion was agreed to by the honourable members the 10:00 o'clock hour is now waived. The only information I've had from the House Leader is that he would waive the 10:00 o'clock start tomorrow because he had a committee slated, but otherwise we're into speed-up because the House agreed to it. The Honourable Minister of Mines.

## BILIS 61 and 79

MR. GREEN: Well, Mr. Speaker, I'm sorry that I was not more explicit, but I thought by the very fact that we didn't have a separate sitting this evening that it was sort of assumed that we would be on extended hours tomorrow, in which case I was going to advise the House that we would not be meeting in the morning because of a committee meeting. But I agree with my honourable friend, that what I had understood was that we would be going into extended hours tomorrow. However before there is any adjournment, the First Minister would like to make an announcement.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker . . .

MR. GRAHAM: Mr. Speaker, on a point of order.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: I'm willing to allow it to stand as long as I'm not denied finishing my remarks.

MR. SPEAKER: The Honourable First Minister. Order please. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, if I sense correctly what the understanding is of procedure this evening, that the Honourable Member for Birtle-Russell, although he's calling it ten o'clock, he has time remaining and he has not exhausted his opportunity to continue.

MR. SPEAKER: Correct.

MR. SCHREYER: On that basis, Mr. Speaker, may I ask then if there is consensus of the House to grant leave to deal with Supplementary Supply which has been distributed quite some time ago. I have no idea how long it might take, but it would expedite proceedings if we could attempt to deal with Supplementary Supply this evening.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, we have no objections to completing Supplementary Supply, which we anticipate would take quite a few moments.

MINISTERIAL STATEMENT

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, before I move the requisite motion to have you leave the Chair, I have a statement to make, by leave. Given the facts, Sir, that there was concern expressed in recent days, and certainly was evidenced in the question period this afternoon with respect to the very looming possibility of a strike commencing at the International Nickel Plant at Thompson at midnight this evening. I am advised through my colleague, the Minister of Labour, that in response to a telegram which I dispatched this afternoon, that the Local of the International Steel-Workers of America have agreed to hold off any strike action until the 15th of June. Between then and now it is hoped that it will be possible to arrange for a formal appeal to be made pursuant to recent amendments to the Federal Anti-Inflation legislation, to make appeal to the Governor-General-in-Council, and I have indicated in the telegram that should such a formal appeal be initiated that I would lend support to the case to be made having to do with the undeniability of historic relationships. So as a consequence, I am happy to announce that there is not imminent strike action.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: All I wish to say, Sir, is that we welcome the announcement just being made by the First Minister. I think it fairly conclusively proves the point that we were attempting to make this afternoon, that the government does have the responsibility and the government does have the jurisdiction to act in this particular case, and we're happy to see that they took that kind of action.

COMMITTEE SUBSTITUTIONS

MR. SPEAKER: The Honourable Member for Gladstone.

MR. JAMES R. FERGUSON (Gladstone): Mr. Speaker, in the interim period, I'd like to ask leave, that we have a couple of name changes on the Committee of Law

## COMMITTEE SUBSTITUTIONS

(MR. FERGUSON cont'd) . . . . Amendments tomorrow morning. I'd like to substitute Mr. Sherman of Fort Garry for Mr. Jorgenson of Morris.

MR. SPEAKER: Agreed? (Agreed) Would the Honourable First Minister make the motion to go into Supply, and then I can . . .

MR. SCHREYER: Mr. Speaker, I move, seconded by the Honourable the House Leader that you, Sir, 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 Logan in the Chair.

COMMITTEE OF SUPPLY - SUPPLEMENTARY

MR. CHAIRMAN: Order please. I refer honourable members to their Detailed Supplementary Estimates that was distributed some time ago.

Resolution 1 - Law Courts (f)(1) Salaries, \$136,900--pass; (f)(2) Other Expenditures, \$70,500--pass. Resolution 1: Resolved that there be Granted to Her Majesty a Further Sum not Exceeding \$207,400 for Attorney-General--pass.

Resolution 2 - Rent Stabilization: Resolved that there be Granted to Her Majesty a Further Sum not Exceeding \$673,700 for Consumer, Corporate and Internal Services--pass.

Resolution 3 - Financial Support - Public Schools: Resolved that there be Granted to Her Majesty a Further Sum not Exceeding \$6,764,800 for Education--pass.

Order please. We can't proceed page by page. They're separate resolutions.

Resolution 4 - Finance: Resolved that there be Granted to Her Majesty a Further Sum not Exceeding \$5,000,000 for Finance--pass.

Resolution 5 - Health and Social Development - (b) Manpower and Program Review and Development (1) Salaries, \$59,000--pass; (2) Other Expenditures, \$173,100--pass; (e) Care and Treatment of Adult Offenders; (4) Operation of the Public Safety Building, \$500,000--pass; Alcoholism Foundation of Manitoba, \$75,000--pass. Resolution 5: Resolved that there be Granted to Her Majesty a Further Sum not Exceeding \$807,100 for Health and Social Development--pass.

Resolution 6 - Occupational Safety and Health (a) Salaries, \$110,900--pass; Other Expenditures, \$58,500--pass; Resolution 6: Resolved that there be Granted to Her Majesty a Further Sum not Exceeding \$169,400 for Labour--pass.

Resolution 7 - Mines, Resources and Environmental Management. Resolved that there be Granted to Her Majesty a Further Sum not Exceeding \$1,100,000 for Mines, Resources and Environmental Management--pass.

Resolution 8 - Water Management (c) Planning (1) Salaries and Wages, \$120,900--pass; Other Expenditures, \$119,100--pass; Resolution 8: Resolved that there be granted to Her Majesty a further sum not exceeding \$240,000 for Mines, Resources and Environmental Management--pass.

Resolution 9: Operation and Maintenance of Provincial Buildings and Grounds. Resolved that there be granted to Her Majesty a further sum not exceeding \$730,000 for Public Works - Operation and Maintenance of Provincial Buildings and Grounds--pass.

Resolution 10: Urban Affairs - Administration. Resolved that there be granted to Her Majesty a further sum not exceeding \$200,000 for Urban Affairs--pass.

Resolution 11: Canada-Manitoba DREE Agreement. Resolved that there be granted to Her Majesty a further sum not exceeding \$2,644,000 for Canada-Manitoba DREE Agreement--pass.

Committee rise. Call in the Speaker.

Mr. Speaker, the Committee of Supply has passed certain resolutions, directed me to report the same, and beg leave to sit again.

IN SESSION

MR. DEPUTY 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 the report of the Committee be received.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I move, seconded by the Honourable Minister of Labour, that you, Sir, do now leave the Chair and the House resolve itself into a Committee to consider of Ways and Means for raising of the Supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee of Ways and Means with the Honourable Member for St. Vital in the Chair.

COMMITTEE OF WAYS AND MEANS

MR. CHAIRMAN: Resolved that towards making good Certain Further Sums of Money granted to Her Majesty for the Public Service of the Province of the Fiscal Year ending the 31st day of March, 1977, a sum of \$18,536,400 be granted out of the Consolidated Fund. Agreed? (Agreed)

Committee rise. Call in the Speaker.

Mr. Speaker, the Committee of Supply has passed certain resolutions, directs me to report same and begs leave to sit again.

IN SESSION

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

MR. WALDING: Mr. Speaker, I beg to move, seconded by the Honourable Member for Gimli, that the report of the Committee be received.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable First Minister.

BILL NO. 73

MR. SCHREYER introduced Bill 73, an Act for Granting to Her Majesty Certain Further Sums of Money for the Public Service of the Province for the Fiscal Year ending the 31st Day of March, 1977.

MR. DEPUTY SPEAKER: The Honourable First Minister.

MR. SCHREYER (by leave) presented Bill 73, an Act for Granting to Her Majesty Certain Further Sums of Money for the Public Service of the Province for the Fiscal Year ending the 31st Day of March, 1977, for second reading.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I move, seconded by the Honourable the Minister of Renewal Resources, that you, Sir, do now leave the Chair and the House resolve itself into a Committee to consider and report on the following: Bill 73, an Act for Granting to Her Majesty Certain Further Sums of Money for the Fiscal Year ending March 31st, 1977.

MOTION presented and carried and the House resolved itself into a Committee of Supply with the Honourable Member for St. Vital in the Chair.

COMMITTEE OF SUPPLY

MR. CHAIRMAN: Page by page? Page 1--pass; Page 2--pass; Page 3--pass; Schedule A, Page 3. Page 4--pass; Page 5--pass; Preamble--pass; Title--pass; Bill be reported.

Committee rise. Call in the Speaker.

Mr. Speaker, the Committee of Supply has considered Bill 73, has directed me to report same and begs leave to sit again.

IN SESSION

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

MR. WALDING: Mr. Speaker, I beg to move, seconded by the Honourable Member for Gimli, that the report of the Committee be received.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable First Minister.

BILL 73, by leave, was read a third time and passed.

MR. DEPUTY SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I move, seconded by the Honourable the Minister of Labour, that the House do now adjourn and stand adjourned until 2:30 tomorrow.

MOTION presented and carried and the House adjourned until 2:30 Tuesday afternoon.