

LEGISLATIVE ASSEMBLY OF MANITOBA
Thursday, 24 July, 1980

Time — 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports By Standing And Special Committees . . . Ministerial Statements And Tabling of Reports . . . Notices Of Motion . . . Introduction Of Bills . . .

ORAL QUESTIONS

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

MR. SAUL CHERNIACK: Mr. Speaker, I would like to address a question to the Minister of Finance. The Hansard for the 21st of July is not yet available so I can't give the exact wording, but I believe the Minister undertook to investigate to see whether there are any memoranda which he can make available to us relating to the federal emergency powers dealing with energy authority and the manner in which it would or could dovetail with the our legislation. I wonder if he has looked into that and whether he could report on his investigation.

MR. SPEAKER: The Honourable Minister of Finance.

HON. DONALD W. CRAIK: Mr. Speaker, at the time I indicated that I was not aware of any memoranda that would do exactly what the member had suggested, and I did check on it, there is no one piece of information that will indicate that to the member that I can hand to him. As I indicated at the time, it was mainly bits and pieces and you would have to examine the two acts, one in concert with the other, in order to see how they work together.

MR. CHERNIACK: The second question to the Minister of Finance, Mr. Speaker, in view of the fact that several presentations were made from this side on Bill No. 114, and in view of the delays that are taking place with Hansard and the Minister's being unable to have copies of the transcript I assume, I wonder if I could suggest to him that he make a special effort to get the first run or the unofficial drafts of Hansard to be in a position to respond to points that have been raised on this side when he adjourns debate, or maybe even to have someone else respond to some of these matters before second reading is completed. I wonder if he could undertake to make that effort.

MR. CRAIK: Mr. Speaker, there has been somebody, more than one monitoring the debate in the House, and I think, although I haven't been informed of all of the debate, I will be well apprised of it before speaking on the second reading.

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

MR. BILLIE URUSKI: Mr. Speaker, I direct this question to the Minister of Agriculture. In response to the reference that he made, the letter that he received from the farmers from Minitonas area, the Minister indicated that some of those individuals who had signed that letter were not even farmers with respect to their complaints of not being able to tender on hay, that the Minister reversed the Department's position, could the Minister indicate, after his perusal of that letter, who those individuals are that he has determined are not even farmers.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY: Mr. Speaker, first of all I don't accept the premise or the comments the member made. I did not say that they weren't farmers, Mr. Speaker. I believe I said they were not livestock producers. I should maybe correct that. Apparently some of them maybe are in the production of horses or hogs. I should have maybe said beef cattle. But I was informed one producer was not a livestock producer. I did not say farmer, I said livestock producer. If you want to check Hansard, Mr. Speaker, I think that it clearly states what I said.

MR. URUSKI: Thank you, Mr. Speaker. Will the Minister be corresponding with those producers with respect to the allegations that they have made in their letter?

MR. DOWNEY: Mr. Speaker, I planned on meeting directly with those farmers today at the Swan River Round-up and Rodeo which I was invited to open and be-at, and I'm sorry I am unable to be there because of the debate that's going on in the Milk Control Bill. However, my colleague the Minister of Municipal Affairs will be there and I am sure he will have discussions with some of those farmers and report back to me. I hope they have an excellent time and a tremendous round-up and rodeo in Swan River.

MR. SPEAKER: The Honourable Member for St. George with a final supplementary.

MR. URUSKI: Mr. Speaker, I direct this question to the First Minister. In view of the clear unfairness in the procedure that the Minister of Agriculture and his colleague the Minister of Municipal Affairs have carried on in terms of the not allowing farmers to tender for the hay cutting rights in the Minitonas area after his own staff had promised the farmers that they would have the opportunity to bid, will the First Minister investigate this situation and take this whole matter in his own hands and allow the farmers to have that opportunity?

MR. SPEAKER: The Honourable First Minister.

HON. STERLING R. LYON (Charleswood): Mr. Speaker, I not only do not accept the premise of the question of my honourable friend, I refuse it

completely because it is not factual. The Drought Committee, of which I am chairman, was apprised of the circumstances some time ago of the area of which my honourable friend speaks. The practices that were undertaken on the advice of the municipalities and the advice of the Department of Natural Resources officials there, the Department of Agriculture officials there, working in concert with the municipalities, seemed to any fair and reasonable person the right thing to be doing. The practice that is being carried out is in the public interest; it's fair and equitable.

MR. SPEAKER: The Honourable Member for St. George with a fourth question.

MR. URUSKI: Thank you, Mr. Speaker. My question again is to the First Minister. If he has not been made aware of the recent letter from the producers to the Minister of Agriculture, would he undertake to look at that letter and peruse the allegations that were made, and look at the promises that were made by the Minister's own staff, which he in effect overruled?

MR. LYON: Mr. Speaker, I would be happy to take a look at any up-to-date correspondence that bears on the problem.

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

MR. A. R. (Pete) ADAM: Mr. Speaker, my question is to the Minister of Highways. On Monday I asked the Minister a couple of questions in regard to whether or not a claim for damages would be instituted against Mr. Kreutzer of Plumas, and the Minister replied no. And I asked him if a letter had been sent to Mr. Kreutzer demanding payment of damages, and he again replied in the negative. Mr. Speaker, I want to be fair to the Minister, he perhaps was not aware of what was happening, but I have a copy of a letter sent by the department on the 15th of July demanding payment. I would be happy to send a copy over, and I would like to have the Minister's assurance, if he could give his assurance that claim damages would not be proceeded against Mr. Kreutzer.

MR. SPEAKER: The Honourable Minister of Highways.

HON. DONALD ORCHARD (Pembina): Mr. Speaker, I believe the question that was asked on Monday was, can I confirm if a letter had been sent out, and at that time I couldn't confirm that that letter had been sent out.

Secondly, Mr. Speaker, to the first question, it was my understanding that the member was inquiring as to whether we were proceeding with further court action, and I answered negative to that question, Mr. Speaker.

To answer his last question, no, I cannot give him that assurance.

MR. SPEAKER: The Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson): Mr. Speaker, a question from the Member for St. George

as to the Hydro getting into Anama Bay and Dauphin River. I repeat that part, Mr. Speaker, I think the Member for St. George was busy talking to the Member for Ste. Rose. He asked a question about the possibility of getting Hydro into Anama Bay and Dauphin River. He wanted to know how much progress had been made and where we were at.

Negotiations are in fact taking place between the federal government, Anama Bay and Dauphin River with Manitoba Hydro. Some progress has been made. I understand the federal government is prepared to pick up something in the neighborhood of 170,000 worth of the project. There is some reservation on their part as to whether they should fund the entire project, because a portion of the service that will be provided will be to Metis people and not Treaty people. We are trying to now work that out. It seems to me that if the service goes in it should go into all people.

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

MR. BILLIE URUSKI: Thank you, Mr. Speaker. To the Minister of Labour, can he give the assurance to myself and the people that in the event that the federal government will renege on additional funding over and above the 170,000 that he has quoted, that his department or the province will give consideration to setting up a works' program where the brushing could be undertaken by people from that community or other communities as the unemployment situation in those areas is very high and extreme, and that would cover the community portion. I believe the outstanding amount is some 90,000, and that would be the requirement or the needs that would cover the remaining portion of the funds required to put electrical services into those communities.

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: There are two points, Mr. Speaker. The first one, I understand the philosophy that the member is advocating, that the people within those communities be allowed to work at themselves preparing the right-of-way, but the member should try and bear in mind what I said to him in the first portion of my answer, that we're in the middle of negotiating, and when you're negotiating with another party, you don't tell them in fact, Mr. Speaker, if they don't do what you are asking them to do, that you are prepared to do it yourself. That really puts you in a difficult position when you are negotiating with another party. So I can't give him that commitment now.

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

MR. URUSKI: Thank you, Mr. Speaker. My question is to the Minister of Agriculture. I would like to ask him whether he can advise that there is a likelihood of an embargo, either by his own government or by the federal government, of hay by August 1st from Ontario, that it is likely that hay that is being now shipped in from the province of Ontario, that will be cut off?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, as we indicated earlier, at the time I went to meet the Federal Minister that was one of the issues that had to be resolved. We had permission from the federal government to move hay into Manitoba until the 1st of August, that was new crop hay that was being moved off the field into Manitoba, it doesn't restrict the movement of hay that has been in storage. The flea beetle or the beetle that could cause damage in Western Canada after a period of dormancy would not affect us. That is being monitored on an ongoing basis, Mr. Speaker. There could be some changes that have to take place, particularly as it relates to new hay, however it will not restrict the total movement of hay out of Ontario. Any hay that has been in storage or is cleared to come will still be able to be moved, but there may be some changes, Mr. Speaker, that may affect the shipment of new hay directly from the fields of Ontario, but will be further announced by my department on any administrative changes or any details in that regard, Mr. Speaker.

MR. URUSKI: Thank you, Mr. Speaker. Could the Minister indicate whether he has instructed his staff to make announcements to farmers that they should place their orders immediately, because there is a likelihood of an embargo on the hay from Ontario by August 1st?

MR. DOWNEY: Mr. Speaker, I don't want the public to misinterpret what the Member for St. George is saying, that there will be a total embargo on hay coming in from Ontario, because that is not correct. There is certain hay that has been cut, as I said, new hay that could come under some restrictions for a period of time. So, Mr. Speaker, the department will be putting out information to the ag reps; there may be some slowdown in the process of the movement of hay, but the hay movement will still continue, Mr. Speaker, from Ontario.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE: Mr. Speaker, I have a question for the Minister of Government Services. I wonder if he could advise the House as to why the flags are flying at half-mast today?

MR. SPEAKER: The Honourable Minister of Government Services.

HON. HARRY ENNS (Lakeside): Mr. Speaker, the flags are flying at half-mast from our mast staffs, Sir, in honour of the memory of late Sir Serste Khana, President of the Republic of Botswana. It is customary that we get notified of this by the Secretary of State from Ottawa, and we do the traditional thing by flying the flags at half-mast.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, I would like to direct a question to the Minister of Mines. Some

weeks ago I asked whether we could have the last statement of Tantalum Mines, of which the public of Manitoba are 25 percent owners and really should be 75 owners, except for the negligence of the Conservative administration.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, I will have that circulated today.

MR. SPEAKER: The Honourable Member for Transcona.

MR. WILSON PARASIUK: Thank you, Mr. Speaker. My question is directed to the First Minister. I notice that there have been reports indicating that there is agreement between the provinces and the federal government on a number of areas relating to the Constitution, namely the Senate, the Supreme Court on Equalization. I am wondering if the First Minister could give us a substantive report as to what these areas of agreement are. What is the substance of the areas of agreement?

MR. LYON: Mr. Speaker, no, I can't give a substantive report because no such report exists. The discussions that are going on now, as the honourable member will appreciate, are of a preliminary nature leading up to the First Ministers' Meeting in September which, if I haven't made it clear already, I do not regard as a cliff-hanging meeting because the constitutional questions of Canada are not going to be settled between the 8th and the 12th of September, 1980.

Notwithstanding the pronouncements of the Prime Minister of Canada and some of those who hold similar views to him that this is a make or break meeting. It is not a make or break meeting; it will be one of a series of meetings that will be held.

The preliminary meetings, however, Mr. Speaker, to which the Member for Transcona referred, are making, according to our representative, the Attorney-General, some measurable progress on some of the items which they in turn will be reporting to the First Ministers in due course. There will, of course, be a meeting of the ten Premiers of Canada in Winnipeg starting on the 20th of August of this year, the meeting to take place in this Chamber — (Interjection)— subject only to the prior rights of habitation of the members of the Assembly, of course, Sir. But as an optimist, Sir, I'm rather confident that by that time those having the first right on the seats in this Chamber will have willingly vacated them, having fulfilled all of their obligations to the public well before that time.

But, there is no substantive report available at the present time. As and when we are in a position later on, I expect this fall, possibly when the Committee on Statutory Orders is meeting to deal with the Constitution, any of that documentation that is agreed to and that is in the public domain by that time will certainly be presented to the members of the committee for their purposes and for the purposes of public discussion.

MR. PARASIUK: Does the First Minister envisage any means whereby the general public of Manitoba can make their views known to the legislative committee prior to the September 8th to the 12th meeting of the First Ministers so that these substantive points that are being discussed by the government representatives right now, in secret, can in fact get some public airing and some public response before the formal meeting of the First Ministers between September 8th and the 12th.

MR. LYON: Mr. Speaker, without in any way intending to be facetious, one practical way in which we could get the committee sitting before the September meeting would be for an early adjournment of this House to permit the members of the committee to get on with their work. — (Interjection)— Well, the way I have observed the proceedings of the House for the last week, Mr. Speaker, all members of the House have been extremely busily engaged in the business of the House without taking on any added responsibilities at the present moment.

But, in practical terms, I would have to say to the honourable member, Mr. Speaker, that because of the intensive schedule that was laid down at the behest of the Prime Minister and agreed to, with some serious reservations, by the Premiers on the 9th of June, that is: reservations as to the amount of time that was being devoted for reflection on some of these negotiations that are taking place, and so on; the fact that the meeting in Vancouver terminates today; the fact that the Premiers' Conference takes place in the week of August 20th; the fact that the Ministers go back into conference the week following August 24th; the fact that the Premiers and the First Ministers meet on September 8th, hardly admits of too much time for any thorough canvassing of opinion by our Committee of the House. But I can assure the honourable member that the Committee of the House will be called at the first reasonable opportunity in order to obtain those very opinions that all members of the House want to seek on matters of this kind of substantial importance.

MR. SPEAKER: The Honourable Member for Transcona with a final supplementary.

MR. PARASIUK: Yes, I would like to ask the First Minister if he finds it difficult, for reasons of practicality, to envisage any public input into this constitutional review process prior to the First Ministers Meeting in September, would he undertake to supply to the members, the legislative members of the committee, any substantive documents relating to areas of agreement reached between the provincial representatives and federal representatives regarding very important matters such as equalization; such as the Constitution of the Supreme Court; such as the forum, make-up and functions of the Senate, those areas where apparently there has been substantive agreement already, would affect Canadians very fundamentally and Manitobans very fundamentally, and I think that if we could start the process off of having the legislative members of the committee, at least, receive any substantive documents, then I think that we could do our best to try and ensure that the

public is made aware of some or these points prior to September 8th so that they don't feel that this whole constitutional process has taken place . . .

MR. SPEAKER: Order please, order please. I believe the honourable member asked his question some time ago.

The Honourable Member for Inkster.

MR. GREEN: Yes, Mr. Speaker, to the Minister of Mines. Can he tell us from memory whether the profit of the Tantalum Corporation exceeded 5 million last year?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, I don't know whether the member heard the answer to his first question. I said that I would table the annual report for him today.

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

MR. LLOYD G. HYDE: Mr. Speaker, I have a question for the Honourable Minister of Highways. It has been brought to my attention of a severe outbreak of noxious weeds in the Portage area along the PR 26, and I'm wondering whether the Minister has a program in place that he could deal with this situation before it gets entirely out of hand. And it has also been brought to my attention that it is not only contained to the roadside ditches, but is spreading into the fields of the farmers.

MR. SPEAKER: The Honourable Minister of Highways.

MR. ORCHARD: Mr. Speaker, first off, we have delayed our normal mowing process this year in an effort to make rights-of-way available to whomever should like to bale what available hay there was in the ditch in the right-of-way. That has delayed our normal mowing program somewhat, so that some of the weed problems that the Member for Portage refers to are cropping up now. We are undertaking that mowing program now, because we feel adequate time has been given to take all available hay stocks.

But normally, with noxious weeds, we from time to time engage the services of the local weed supervisors in the local weed districts to undertake special noxious weed problems, and I'll take that question as notice on PTH 26 to see if we have or will be undertaking that co-operation with the weed district.

MR. HYDE: Mr. Speaker, I want to draw to the attention of the Minister the severity of this program. I am concerned because it might not be too long, the way things are going, that we do have chemicals made available today to deal with the subject.

MR. ORCHARD: Mr. Speaker, that problem is not restricted only to PTH 26. We've got one particular weed that has been a problem and we have worked, as I say, with weed control districts in other areas to try to control milkweed, which is a perennial and very resistant to normal weed control methods, and we

are endeavouring to undertake a control program in co-operation with the weed control districts and the farmers in the area, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Churchill.

MR. JAY COWAN: My question is to the Minister of Health, and I would ask the Minister if he has been advised of complaints by representatives of the Manitoba Organizations of Nurses Associations at the Thompson Hospital in regard to what they consider to be a health situation there that is of concern to them and should be of concern to people who are forced to use that particular hospital.

MR. SPEAKER: The Honourable Minister of Health.

HON. L.R. (Bud) SHERMAN (Fort Garry): No, Mr. Speaker, except insofar as I've been told about it by a reporter for the Winnipeg Free Press.

MR. COWAN: Mr. Speaker, I'd ask the Minister, having received that information, whether it be from a reporter or a representative of the association, has the Minister undertaken to investigate these complaints as to clarify the situation and determine in fact if the health care at that facility is deteriorating because of conditions that are currently existing there?

MR. SHERMAN: No, Mr. Speaker, although we've been monitoring the situation through the Manitoba Health Services Commission since the strike began. But I would think that if the spokesman for MONA on site has complaints and allegations of that kind, she would be better advised to place them with my office or the Manitoba Health Services Commission than with a newspaper reporter. However, on the basis that it has been brought to my attention, I will certainly investigate it today.

MR. COWAN: Thank you, Mr. Speaker. We'll look forward to the reporting back by the Minister in regard to those concerns.

I'd ask the Minister of Labour if he has had an opportunity to investigate the situation and the events surrounding the asbestos contamination problem at the Selkirk Mental Hospital and is now able to report back to us, as he had undertaken to do yesterday.

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: Mr. Speaker, I have been advised that the conditions under which people are working at that particular project are quite adequate today.

MR. SPEAKER: The Honourable Member for Churchill with a fourth question.

MR. COWAN: Yes, to the Minister of Labour, Mr. Speaker, we had asked him yesterday if he would undertake to investigate the policy of The Workplace Safety and Health Division in regard to providing instructions to government departments that might be undertaking work that could possibly result in an asbestos contamination problem, and that was the

specific question to which I referred. Has he had an opportunity to determine if there is a policy on the part of The Workplace Safety and Health Division, and if so, what mechanism is in place to ensure that situations where asbestos may be present are dealt with in a satisfactory manner and not the manner with which they were dealt with in the event of the Selkirk Mental Hospital alterations that were made a number of weeks ago?

MR. MacMASTER: Mr. Speaker, I understand that there were a number of subcontractors involved and the information and the procedures that are understood by all were not necessarily passed on down to all the subcontractors. In addition to that, I understand on this particular project that there was extra work that was deemed to be necessary and the subcontractors involved in that possibly were not given the full directions or instructions that they should have been. That series of events has led to the fact that The Workplace Safety people got themselves more deeply involved and found problems here that they normally wouldn't have found under a similar type of operation.

MR. SPEAKER: The Honourable Member for Churchill with a fifth question.

MR. COWAN: Thank you, Mr. Speaker. Well, having been advised that those types of problems can exist and, in fact, do exist unless a systematic process is put into effect to alleviate those problems, to forestall those sorts of problems in the future, I'd ask the Minister of Labour if he is prepared to direct his department to draw up guidelines that will go out to all government departments and will direct his department to direct other government departments to ensure that those guidelines are known by all contractors, subcontractors, government personnel and other workers who may come in contact with asbestos due to the nature of the work they are performing?

MR. MacMASTER: Mr. Speaker, there is no problem adhering to the type of thing that the Member for Churchill is talking about. I have said that exactly what he has outlined is what we hope is in place and those procedures not only exist but will get better. But, Mr. Speaker, you have to appreciate that when you are dealing with a series of subcontractors and part-way through the project a decision may be made to do extra work or a different variety of work, the problem that we sometimes have, that we have always had in life is communicating, and sometimes there is a breakdown. There is no set of procedures that can be in place that can positively say that everything will be as you hope it to be, but the wish of the Member for Churchill happens to be exactly the wish of myself and my department and it's the end to which we've been working for a long period of time. There's no problem with us agreeing with the kind of things the Member for Churchill was talking about because, in fact, we're endeavouring to do exactly those type of things today.

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

MR. URUSKI: Thank you, Mr. Speaker. I have a question to the Minister of Agriculture, since I didn't finish it before. The Minister indicated that the information I provided him was inaccurate. Could the Minister advise his Regional Director in Dauphin — because that is where I received the information; the Regional Director from Dauphin happened to be on the radio, giving this very information out — could the Minister then advise his staff that the information that they are handing out is not accurate in terms of urging the farmers to buy hay now, because there will be a ban on the importation of hay from Ontario?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, I'm sure the staff have been acting very responsibly in the whole process of movement of hay in from Ontario, as well as moving or getting the green feed program in place, the extra work that they've been called upon to do. I informed the House, Mr. Speaker, of what my interpretation of the situation was. I guess that, from what you are indicating, or the member opposite is indicating, is that there could be. I think I explained it fairly fully, the type of hay that could be restricted and why, Mr. Speaker, but it does not mean to say that there could be a total restriction or an embargo put on the movement of hay.

Mr. Speaker, when you start making those kinds of statements, then in fact what can happen is that the price of hay can go up to the producers of livestock in the province and create difficulties. So, I think that it's being handled in a responsible manner by staff. The information I've had is consistent with what I've told the House here this morning.

MR. SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Thank you, Mr. Speaker. My question is directed to the Minister responsible for the Energy Council, and that would be the Minister of Finance. I'd like to ask him if the government of Manitoba is satisfied that the long-term hydrocarbon energy needs of the province of Manitoba are ensured and guaranteed despite the fact that the federal government has given approval to prebuild a gas pipeline in Alberta which would lead to the exportation of natural gas without any guarantees that the Americans will continue the line up into Alaska and that they would swap American gas for Canadian gas, which will now be exported to the United States. Does he feel that Manitoba's long-term energy hydrocarbon needs will, in fact, be guaranteed?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, when the member says hydrocarbons, that's an all-inclusive term. He's talking about oil as well as natural gas, and the question at hand that has just been dealt with by the federal government and the National Energy Board relates only to natural gas. The natural gas supply picture for Canada is promising and adequate. The

same cannot be said for crude oil, obviously, and so the two are different and they have to be excluded, one from the other.

MR. PARASIUK: Mr. Speaker, I can appreciate the Minister's distinction between natural gas and oil. I'd like to ask him, however, whether in fact it is not a policy of this government and the federal government to ensure longer term energy self-sufficiency in Canada and Manitoba, in particular, that it is the policy to try and substitute crude oil with natural gas and that natural gas is somewhat more plentiful, and the future supplies of natural gas are somewhat more plentiful of crude oil. Is that part of the long-term energy self-sufficiency policy of the federal government and this government?

MR. CRAIK: Mr. Speaker, we have supported that principle. We put on it the very strong caveat that we don't want it done at the cost of the upstream customers on the TransCanada Pipeline System, which would adversely affect the ratepayers in Manitoba. But apart from that, yes, we support the principle of displacing crude oil with natural gas.

MR. SPEAKER: The Honourable Member for Transcona with a final supplementary.

MR. PARASIUK: Yes, in view of the fact that there is a relationship between natural gas and crude oil and our long-term self-sufficiency of hydrocarbon energy, and in view of the fact also that the federal government is now going to export this with the tacit approval of the provincial government, can the Minister indicate why, if we are satisfied with respect to our long-term energy needs, why the government of Manitoba is bringing in the somewhat drastic totalitarian measures of The Energy Authority Act; if in fact we are satisfied with the long-term energy self-sufficiency in Manitoba, why are we bringing in this type of Act at present?

MR. CRAIK: Mr. Speaker, it's a good question. And the answer is, of course, that if it were ever to come into play, if the emergency powers contained therein were ever to come into play, which is unlikely but nevertheless a possibility, if you had to guess, it would be with regard to the supply of oil, not natural gas. The only way you could get into a problem on the natural gas side in the foreseeable future would be a series of explosions such as took place in Alberta several months ago, where a station went out of service. But, if the emergency powers were ever invoked, if one wanted to speculate, it would not be with regard to natural gas, it would be with regard to the supply of crude oil to all parts of Canada.

MR. SPEAKER: The Honourable Member for Transcona with a fourth question.

MR. PARASIUK: Thank you, Mr. Speaker. My question is directed to the Minister of Finance. In view of the fact that the government of Manitoba is taking contingency action with respect to possible emergencies with respect to crude oil, is the government then going to proceed with a debt moratorium legislation in the event that, given the present drought that we are in, and farmers finding

themselves in a position where banks are foreclosing on them because of the drought, will the government not take the contingency action of bringing before this legislature debt moratorium legislation which would give it the power to act in September, in October, if that power is needed, as there is a great likelihood it will be?

MR. CRAIK: Mr. Speaker, the two situations, the two conditions, the two intents are entirely different. On the energy side, it's to deal with emergency, if and when it's required to proclaim those kinds of measures. It's not even comparable to look at financial problems that arise from a drought or from whatever other source.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Thank you, Mr. Speaker. Yesterday I asked a question of the Minister of Energy. Unfortunately, he wasn't in the House at the time. Yesterday or the day before, perhaps, it was taken as notice, and that is with respect to the prebuilding of the so-called southern sections of the line that will eventually presumably bring gas from Alaska to the United States, and perhaps he could answer at this time. Did the government of Manitoba take a particular position on this matter before the National Energy Board, and if so, what was that particular position with regard to this one very specific matter?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: The main position we took, Mr. Speaker, was unless the National Energy Board could ensure Manitoba of a supply which would meet a formula that had been established within the province of Alberta, which was a guaranteed 30-year supply for the province of Alberta, unless the National Energy Board could give the same assurances to other parts of Canada, and Manitoba in particular, that we could not support the export of the gas. Now, the National Energy Board has come to the conclusion that that assurance is there, that the supplies are there.

The second position that we took was that to demonstrate to the National Energy Board that depending on what discount rate you wanted to use on the value of the gas in the ground, that you could prove that it would be more beneficial in economic terms to leave the gas in the ground and not even remove it for export, or for any other purpose, and leave it for future purposes.

So those were essentially the positions we took, but the main one was that Manitoba be provided with the assurance by the National Energy Board that we would not have a lesser guarantee of future supply than the province of Alberta, and essentially that's what the National Energy Board concluded in their examination, that the rest of Canada was assured of a supply that was adequate and would basically meet the formula set in the province of Alberta.

MINISTERIAL STATEMENTS AND

TABLING OF REPORTS

MR. SPEAKER: Order please. The time for question period having expired . . . the Honourable Minister of Finance.

MR. CRAIK: I wonder if I could table the report asked for by the Member for Inkster on Tantalum Mining? It's for the year ended December 31, 1979.

MR. SPEAKER: Has the Honourable Minister leave? (Agreed.)

The Honourable Government House Leader.

BUSINESS OF THE HOUSE

MR. MCGILL: Mr. Speaker, before the Orders of the Day, I might just outline the government's intention with respect to the conduct of the Business of the House for the day. It is the intention to adjourn the House at 12:30, and it will stand adjourned until 8:00 o'clock this evening. It is the intention to recall the Standing Committee on Agriculture and on Private Bills this afternoon. Those committees will meet at 2:00 o'clock.

Mr. Speaker, when you reach the point on the Business of the House of calling bills, would you call Bill 114?

ORDERS OF THE DAY

MR. SPEAKER: Order for Return. The Honourable Member for Fort Rouge. Can I get some indication . . . Shall we have this matter stand? (Agreed)

Then we will proceed to Bill No. 114.

ADJOURNED DEBATES ON SECOND READING

BILL NO. 114 — THE MANITOBA ENERGY AUTHORITY ACT

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

MR. CHERNIACK: Thank you, Mr. Speaker. I am pleased that the Minister who introduced this bill is with us today, and I'm pleased that he undertook to acquaint himself with the points which had been made by the Members for Brandon East and Burrows, who have already spoken on this bill.

The points that they made in different ways, I think, are very important, and I will attempt to summarize what I said in the few minutes I had to speak on this bill — Was it yesterday? — to point out that the powers contained in this bill are so extensive that indeed I am critical of the lateness in the session in which it was brought and the complexity of it, which should really invite members of the Legislature to seek guidance and advice from outside of this House to explore the ramifications of the powers. I expressed the regret that when I rose to speak, there was no indication that anyone else was about to rise, and there appeared to me to be the danger that the bill would pass without any comment from the government side and without the closing of debate because, as I say, there's nobody about to rise, and that's why I spoke, Mr. Speaker.

I'm glad now that the Minister of Energy will be closing the debate and did undertake that, before he did so, he would at least acquaint himself with the points that have been made.

Mr. Speaker, I have not made the extensive review of this bill that other members on this side have made, but just casually leafing through it, one notes, of course, as the Minister had said, that there are two separate features to the bill: One is the ongoing powers in the bill, and the other involves the emergency powers. As to the emergency powers, the point made by the Member for Burrows bears repeating in the presence of the Minister, and that is that when he suggested that this was — I'm trying to remember the words of the Member for Burrows, because I think they were apt, although they were also expressive — when he quoted the Minister in introducing the bill as saying that it was designed to dovetail the emergency powers portion of the legislation with the federal emergency powers, the Member for Burrows related attempting to dovetail it between that of a — and he named two different birds, an owl and another bird that had not the same characteristics.

The point is that the most important distinction he made between the two — and the Minister for Energy said this morning that he didn't have available any memoranda for us describing the federal bill — the important point made after the Member for Burrows did investigate the federal bill was that, under the federal legislation, an Order-in-Council passed by the federal Cabinet is only good for seven days, and within that seven days Parliament of Canada would have to be called to approve of it, in emergency session. And that is a recognition by Canada of the importance — I mean by the government of Canada and the Parliament of Canada — of granting this kind of emergency powers to a body outside of Cabinet itself; that how they dealt with it, how they negotiated, whether it was voluntary on the part of the introducing government, to me, is academic. The fact is that Parliament decided that these emergency powers would only be granted on the condition that, within seven days after the declaration by the Cabinet of Canada, there would have to be a session of Parliament to confirm it. And that is, of course, missing on this bill.

I would think, as the Member for Burrows suggested, that if it's important for Canada, it should be equally important for Manitoba, especially since, in my opinion, it's much easier to call an emergency session of the Legislature of Manitoba than it is to call an emergency session of the Parliament of Canada, because of distance and because of availability of a smaller group of people. It seems to me that the Minister ought to consider very seriously the suggestion which I favour, and that is that there should be an emergency session of the Legislature. There have been times in the past when governments of various political stripes have said that certain matters require the attention of the Legislature, one of which would be back-to-work legislation in the case of the withdrawal of essential services of a strike. Now to me, this would have ramifications that are more important — I don't want to say more important — more urgent and more necessary to deal with, and therefore I would say

that the dovetailing should have that feature in mind, that to bring in these tremendous emergency powers it should require confirmation by the Legislature by way of emergency session, whether it would have to be by agreement or by rules or by legislation, to ensure that that kind of emergency session would not involve a Speech from the Throne, it would not involve all the formal features that every session brings upon it.

The alternative, which I don't favour as well but would be sort of the least I would expect, is that if there is to be dovetailing, there should be provision in the legislation to say that the Lieutenant-Governor-in-Council can only make the declaration of emergency after it has been made by the federal government, if indeed there is a dovetailing. Otherwise, it envisages that Manitoba will consider that there is an emergency declaration which Canada does not envision. And since, as the Minister said, it is of — the term just escapes me, well, it's oil, anyway, carbo . . . I forget the technical term of the nature of the product we're dealing with: Petrocarbon, is it? In any event, that's not important. We're talking about oil, where Manitoba is not a producer to any extent, that it should be a national emergency that brings into play the need for a provincial emergency.

Just looking at the powers, there is a lengthy list, from (a) to (l) inclusive, of what the Board may do once the emergency powers are declared, and the powers described there are such that I think would have to be in place at the time the emergency is declared. Because, if indeed it is that kind of emergency, the powers and the requirements to carry out the powers, that is, the requirements spelled out in that section dealing with the orders that are described from (a) to (l) are of such a nature that I assume they would have to be put in place immediately. Therefore, I would think that the board would have to have prepared, at least in draft form, all of these regulations, forms, records and procedural requirements before the emergency is declared. And that being the case, I would think that the requirement should be that a draft or a form of some kind should be available, firstly, to the Cabinet by way of regulation, even though it were in draft form, but one that would have to be approved by Order-in-Council so the public would be aware in advance of the kind of powers the board will want to assume onto itself so that there could be, if necessary, petitions to the government asking for review, consideration by government from outside bodies, in advance of the emergency. I think that that would be not only advisable but necessary.

Under the emergency powers the board will be given power without a hearing to order any person who is a user or is engaged in transportation sale or distribution to cease or restrict the use of the transportation use, sale or distribution. Tremendous powers, Mr. Speaker. I can't fail to call in mind that this kind of power was even given by this current government to the — I forget the exact name, Cattle Breeders Association — amongst their own group and I think dangerous powers. But although this would be done under an emergency, I still point out the power that will be given to a board which is only accountable in the way that it has been appointed.

Another provision under emergency powers is to make ex parte interim orders; same kind of tremendous power. And, there is a section under emergency powers that provides that any person may be required to do or to omit to do anything contrary to the terms and conditions of any contract entered into by that person. That's a tremendous intrusion into the whole contractual field of the Legislature.

Mr. Speaker, could you for a moment envision the response of a Conservative opposition if a New Democratic government presented this kind of a bill to the Legislature. Can you picture their reaction? The Member for Burrows reminds me that he referred to the cadence of jackboots. Mr. Speaker, there is no question that the authoritarian powers envisaged under the emergency powers, in my mind, do not belong to an appointed body, and if, indeed, there is need for such emergency powers, I would say the government should assume them. The government should be responsible for them. The government should do so, not by delegation, but by its own order. And when? On that memorable historic day when the Prime Minister of Canada brought into law the emergency rights to send in the police, to arrest people in Quebec. When was it? — somewhere around 1970. There was a huge outcry, but the Prime Minister was responsible and should have been. I would think that the emergency powers should be exercised by the Lieutenant-Governor-in-Council or by a committee of Ministers acting under the authority of and with the ultimate responsibility to the Lieutenant-Governor-in-Council, and not another body. If the Minister would want to have another body do the actual work, by all means. Under the rest of this Act, that authority has all the power and the responsibility of making recommendations.

I think that if that authority under emergency powers were given the responsibility of reporting and advising to the Cabinet, at least the ultimate responsibility for what was done should be in Cabinet responsible to the people and not to an authority responsible to Cabinet. These are powers that one is accustomed to see, under tremendous emergencies, I agree, and routine in totalitarian states and the least we ought to do is to make sure that it is the government that takes the responsibility, not just of declaring the emergency but of doing all those things which are envisioned that would be done by the authority under the emergency powers.

Mr. Speaker, setting aside the emergency powers, there are a few matters I would like to draw to your attention in the bill, outside it, that would be a power of the authority from the day this bill receives Royal Assent. It will have the power to conduct hearings and investigations, as it deems necessary or as the Minister may direct. In other words, it shall do what the Minister directs it to do but, in addition, it may do anything else it wants to do within the Act, which are large. Because, Mr. Speaker, not only is it studying and recommendation surveys, it also can require any person or category of persons to submit to it such returns of information in such form as it may require. Mr. Speaker, this can well be an intrusion on the private affairs of people, of individuals, of corporations. I am not that concerned about corporations being required to give information relating to the production distribution of

energy and energy resources, but, Mr. Speaker, clearly, there is no limitation that I can see in this Act as to what can be required by way of information. I don't know, some constitutional lawyer might say there is a limitation that it's within the principles of the Act, but that's not the way I read it. It says, without restricting the generality of sections so and so, the authority shall for the purposes of this Act require any person or category of persons to submit to it such returns of information and such forms it may require. I think those are tremendous powers, Mr. Speaker. I think there ought to be some limitations on them. I think, again, it should only be done by the power and authority and responsibility of the government, whichever government it will be. I mean which ever political party is in control at the time.

There is also a provision which is minor, but I just draw it to the attention of the Minister so he can deal with it, is the statement that placing on a contract a stamped signature of the chairman is a sufficient signing thereof. I kind of worry about that. Placing on a contract of a rubber-stamped signature is a sufficient signing thereof, makes me wonder as to who drew this bill. Was it a legislator or was it a person who envisioned that that power would be given to him? Because very often one finds, and I say this openly and with deference and with great respect to the Civil Service, there are times when the person involved in administering a certain program of government, asks for powers beyond that which he should ask, simply because he feels he will use it judiciously and properly. But I think that we, as a Legislature, must put in checks and balances of some kind.

Still under the regular powers assigned to the authority, there are provisions where the authority may, and on the direction of the Minister shall — now that's clear, the authority doesn't need the direction of the Minister to do what I'm going to describe, it may do it on its own discretion but if the Minister requires them to do it, they'll do it as well, so that's two different ways of doing it — shall enquire into or investigate any matter relating to energy and hold such public hearings as it deems advisable or as the Minister may direct. So it has that power to hold any public hearings it likes and, in doing that, has all the powers conferred on commissioners appointed under Part V of The Manitoba Evidence Act. I don't think it's serious, but there's even an exemption from Section 88 of The Evidence Act which deals with publication of the appointment. It may not be serious but it is saying that in this case it's not necessary to carry out that requirement. I don't think that's terribly important but I draw it to your attention, Mr. Speaker.

Then under costs, the board may order, by whom and to whom, any costs are to be paid and by whom the costs are to be taxed and allowed. Mr. Speaker, that means that there's a power to the board to give a judgment for money, to anybody, against anybody, and it doesn't even say they have to be parties to the hearing or involved in the hearing. Now we can conceive of ridiculous things that could be done but I point out that there does not seem to be a limitation on that.

I now skip by the emergency powers, which I've dealt with, go back to the routine powers and draw

the attention of the Minister to certain exceptions dealing with confidentiality. It does give certain authority to communicate some information. I always feel uncomfortable, Mr. Speaker, when whoever draws a bill of this nature says, well now, you know, this may be unconstitutional, I'm not sure that I'm right; I'm not sure that the Legislature in Manitoba has the power to pass what we're asking them to pass, so we'd better protect ourselves, hedge our bets. I believe it could well be so and that I, myself, may have presented a bill with this clause. But I don't know that I have and I must say I am nervous when I see somebody saying, well, if I'm purporting to do more than I have the power to do, then that part that I'm doing that I have no power to do, don't look at it, forget it, just erase it, because what it says is that the provisions of the Act shall be deemed severable and, if any provision is found to be beyond the legislative power of the province, the remaining provisions shall not solely, by reason thereof, shall not also be deemed to be beyond the legislative powers.

In other words, they're hedging their bets. They're saying, if what we're asking for is beyond our power, then what is within our power in this bill, we should still accept as being right. But that really may distort the bill. You see, Mr. Speaker, it may well be that if certain sections of this Act are declared to be beyond the powers of the Legislature, it may well be that it endangers the policy program and principle in the bill, by carrying out a power that is limited by the removal of powers that are beyond the legislative authority and I think, and I seriously suggest and I'm afraid that Speed-up endangers it, I'd like to hear a constitutional lawyer report to committee on what is likely to be a section or a part which is beyond the power of the Legislature, so that we should look at the bill in committee from the context of what it looks like now and what it might look like if certain portions of this Act will be declared unconstitutional and, therefore, will be removed from it. I don't have the knowledge to tell you what would happen, but I certainly, as a member of the Legislature, would like to know from an expert, or a group of experts, not the authoritative but the educated and experienced opinion as to what might be the impact of this Act if certain portions are taken out of it as being unconstitutional.

And finally, I just want to repeat the point made by the Honourable Member for Inkster, who spoke immediately after the Minister introduced the bill, dealing with the subjugation to this authority of powers which have still and are now currently considered to be rights of Ministers of the Crown to refuse to give information.

Mr. Speaker, I happen to be in favour of freedom of information legislation with certain restraints and restrictions but this government and Manitoba has not recognized the right of freedom of information to the broad way it has been recognized in the United States, to the more limited way it has been recognized in Canada up to now and certainly in the light of what is now being proposed by the present government of Canada to the Legislature. But it seems to me that probably the need to give information to the authority, on its written request, of all such reports and information as the authority may require, to this authority, by every member of the

Executive Council, is an unusual power and one again which I think should at least be a requirement on the Lieutenant-Governor-in-Council and I think probably through the Lieutenant-Governor-in-Council. Although I believe there should be freedom of information, Mr. Speaker, I think it should be to the public, if at all, not to a private authority and if to a private authority appointed by government, then I really think it should be the Lieutenant-Governor-in-Council that would decide what information the authority has a right to ask for.

Again, Mr. Speaker, dealing with the freedom of information, I am not convinced, as others are — I'm not dissuaded from it but I'm not convinced — that a court should have the power to decide whether or not information should be given under freedom of information legislation. I'm not convinced of it. But I do favour the idea that a committee of the Legislature should have that authority and that is the restraints I have on the thought of freedom of information. But the next step would be at least the Lieutenant-Governor-in-Council should have that authority.

Now, I'm going step by step backwards, but least of all do I agree with a bill which gives the authority the power to decide and, Mr. Speaker, it is germane, and I'm not going to make a big extensive speech on it but it is germane to that portion of this bill to remind the government that last year a unanimous resolution was passed by this House that the government should consider the advisability of referring to a committee of the House the question of freedom of information legislation, regulation, whatever. This government chose, obviously, by its failure to act in more than a year, chose not to study the question of freedom of information and that is a right of government, although I didn't agree that it was necessary to put in the phrase, government to consider the advisability of. I didn't think that was necessary from the standpoint of our rules, but I'm pretty sure that the resolution would not have passed unless the government forced that phrase in. But the government refused to do that.

I fault the government for refusing to even study the problem and yet, in this bill, they just give the power to the authority to acquire information of this nature. That means that the information received will be shared with an appointed body and will still not be available to the public. How can the public react or, as was pointed out by the Member for Kildonan, even the members wouldn't know. But more than that, Mr. Speaker, these are powers that are not under the emergency section, these are powers that they will have the minute the bill receives Royal Assent and the people affected by the information in the hands of the authority will not have access to that information and will not then be able to present an intelligent brief on the actions of the board related to the information that the board will have taken from Ministers of the Crown and will not necessarily have to reveal to them. So that's a weakness.

Mr. Speaker, as I say, there are other members of this group that have made a more extensive study of this bill than I have, two of whom have already spoken and there may be other speakers and I think there should be. Mr. Speaker, I tell you that the government, which has the power under Speed-up to

push anything through, would be ill-advised to push through a bill of this nature without giving sufficient time for a study by the Legislature. I think that's being given; I don't want to pretend that it's going to take a long time, although I personally would have liked to have had the advice and guidance of people whose opinions I respect from outside of this House and I have not had the opportunity to do it. The reason I spoke yesterday, as I say, Mr. Speaker, was because there was my apprehension, which I believe was fully justified, that the bill was about to be passed in second reading, had I not risen to speak.

Now, I suggest to the Minister that this bill is one of the few very important bills presented to this House. It was presented late. There was little time given to study and no matter how hard we are working and I believe, Mr. Speaker, we are all working within the principle of extended hours and the government is working within the principle of Speed-up, because it has already imposed a form of closure a couple of times . . .

MR. DEPUTY SPEAKER: The honourable member has five minutes.

MR. CHERNIACK: . . . that if they go by the mood of Speed-up, we will find no one speaking on the side of government on this bill, except the Minister closing debate, so that, in my opinion, there will not be an adequate exchange of opinion or information on what I consider to be a bill with tremendous powers, tremendous ramifications, setting aside the emergency powers and then with extraordinary ramifications under the emergency powers. I think that the timing was ill-advised; I think the pressure to pass it would be ill-advised. I would think that it ought not to be passed in this form and I think it requires a good deal of study, not only by us and in committee, but also an opportunity for others to come before the committee which also means, Mr. Speaker, adequate public notice about the nature of the bill. Through our speaking, we are hoping that the media will exercise their responsibility, not their right but their responsibility, to make people of Manitoba aware of what is being proposed so that they can prepare themselves and come to a Committee of the House to deal with these points.

There are matters of intricate nature that I don't fully comprehend. I want advice. It means to me, Mr. Speaker, that if in the spirit of Speed-up, no notice is given but we move right into the Law Amendments Committee to deal with this without proper notice, that it would be a wrongful form of procedure and adverse to the rights of the people of Manitoba and adverse to the interests of the people of Manitoba. That's a grave concern I have, Mr. Speaker, and I recognize what we discussed only yesterday, I think, with the — I never know what he's called now, he's not the House Leader — I gather he's the Acting House Leader, who says, well, it's the duty of every person in Manitoba to be aware of what is before the Legislature and when matters will come before us. It's only through the media and through our own efforts that we could make that possible. We must not frustrate that opportunity.

It may well be, Mr. Speaker, that no one will come to the meeting. I don't know whether the gasoline distributors or the oil distributors know enough

about what's going on to be able to consider whether or not the impact on them will be great enough to express opinions. I don't know whether the other people involved in the retail distribution of energy or power, the wholesale distribution and the producers, whoever they are, have had an opportunity to study this. Mr. Speaker, I don't even know if Manitoba Hydro has had an opportunity to study it. I don't know if the natural gas companies have had an opportunity. I really and very seriously suggest it's not so much a matter of political platform or policy that motivates this bill or which makes us concerned about it, it is just good legislative responsibility that we must carry out and I urge on this government to not only take the responsibility which it must do, but to take seriously its responsibility to make sure that a bill of this tremendous power is adequately studied and reviewed.

MR. DEPUTY SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Mr. Speaker, a general rule that was given me when I first became a member of the Legislature is that you really shouldn't pass legislation unless it was necessary. When I look at a very strong piece of legislation like this which confers tremendous legislative powers to a board, I then ask myself, why do we need it? Just in normal times, this board has tremendous powers and in emergency time periods the powers are just expanded immensely. I asked myself, do we have a hydro shortage? Obviously, the answer is no. Do we have a solar energy shortage? Obviously, the answer is no. Do we have a wind energy shortage? No, we don't have that. Do we have a shortage of hydro carbons? We obviously don't have a shortage of coal in this country; we don't have problems with access to coal. We have a weird situation with respect to natural gas. We have the federal government and this provincial government saying that we have a lot of natural gas. We have natural gas, presumably to ensure our long-term needs, our future needs not only for this generation but for future generations. And I find that terribly difficult to swallow, in view of the fact that over the last ten years the National Energy Board, which has been one of the worst institutions to serve Canadians, has changed its position with respect to energy supplies so very often that Manitobans have found themselves in a situation whereby gas companies have said: Don't hook up another house for natural gas because we couldn't guarantee that it would get natural gas for home heating, and that was only recently.

And yet we find ourselves in a situation where the federal government is approving to prebuild the Alaska Natural Gas Pipeline, telling us, as Canadians, that we have sufficient natural gas for our future needs, and this government, because I asked the Minister questions for a few days running now, this government has acquiesced with that position. It has said: We believe the National Energy Board; we believe the federal government; we do have sufficient natural gas, that is why we have not objected. So, according to this government and according to the federal government, we have sufficient natural gas. There may be problems with respect to petroleum,

although we do know that we do have tremendous supplies of petroleum, heavy oil, the Athabasca Tar Sands, other sources of petroleum.

We do know, also, that it is possible, if we were serious — and we haven't been to date — to substitute natural gas for petroleum with respect to heating, with respect to all stationary uses of energy, but we aren't doing that. We aren't doing that as government, federally or provincially, presumably because we are satisfied that our long-term supply of petroleum is sufficient, because if we weren't, we would be doing some of those things; we would be substituting natural gas for petroleum, but we aren't.

I find that what we have is an Act being brought in by the government supposedly because we have a crisis with respect to energy, and it is being brought in in concert with federal legislation; both are going hand in hand. And what I find so strange is the contradiction of this legislation with the policy and actions of government. The government says we have energy surpluses, that's why we are selling them, that's why we are giving up non-renewable hydrocarbon sources of energy forever, without any guarantees of a swap from the United States in future years; without any guarantees that they will even build the rest of the Alaska Pipeline to get the rest of the natural gas from Alaska and the north slope. So government is telling us we don't have a crisis, we don't have a serious situation, yet the federal government is bringing in their own emergency legislation, and this government, acting in concert with the federal government, is bringing in its own emergency legislation. I find this to be really the height of insanity.

Why is it we are selling, virtually giving away, what in future will be irreplaceable; what, in the future, will be priceless, while, at the same time, we are bringing in emergency legislation to deal with an emergency that we ourselves are creating by our stupidity and by our shortsightedness? It is as if we are saying we are going to bring in a bill for artificial limbs because we, knowingly and willingly, are going to cut off our limbs. And that is the stupidity and insanity of this type of legislation.

If, indeed, we have a crisis let's be honest about it and say, yes, we have an energy crisis, we do have serious shortages, that's why we needed the legislation. In those circumstances, Mr. Speaker, I'd be prepared to support this legislation, despite its very drastic provisions, despite its very drastic powers. I would support this legislation if we have that crisis, and I believe that we probably have that crisis. But, unfortunately, I don't think the government has come clean; I don't think it's been honest in presenting this legislation. If we have a crisis, say we have a crisis; say the crisis is upon us; say that we do face serious shortages; say that we need this legislation, possibly this fall, possibly this winter.

If you look carefully at the legislation, and if you look at the areas which are involved, we're not going to touch hydro; we're not going to touch coal; probably won't touch natural gas right now; petroleum, we can always substitute natural gas for petroleum with respect to stationary uses of hydrocarbons. That leaves one area, hydrocarbon energy uses for motive power, basically gasoline and diesel fuel. Do we, in fact, have the potential of a

crisis there? Because, if we do, that increases the support for this legislation, but let's come clean and let's say why we have to bring in this emergency legislation to deal with gasoline rationing, and not couch it in other terms, well we're doing it on a contingency basis. I know that the federal government has contingency plans for gasoline and diesel fuel rationing.

The Minister comes and says we're doing this in concert with the federal government. This, as an intervention in the economy, is every bit as drastic, if not more so, than wage and price control legislation. And I find it rather strange that the laissez-faire government would take the drastic step for itself of bringing forward very interventionist legislation, legislation which provides for the central distribution and allocation of energy sources. It is a tremendous power being given to government. If it is needed, let's provide for it, but let's at least be honest with ourselves and with the public as to why we need this. Because it really, in the foreseeable future, can only be used in one area and that is the area of gasoline rationing. There has been some speculation in Ottawa that if the federal government doesn't come to an agreement with Alberta with respect to oil pricing, that we may find ourselves in a situation where we may have to impose gas rationing.

I am wondering, when the Minister says we're bringing this in, in concert with the federal government, whether this isn't a contingency in that respect. If that is so, surely we, as legislators; we, as the general public of Manitoba, should be told that that is the contingency. We could quite easily regroup, as a Legislature, with one or two days notice in the fall, if that contingency arose, to pass this legislation. But if the Minister says, I want this contingency legislation in this particular instance, it can only be used in one area if you look at it rationally: gasoline, diesel fuel rationing.

If that is the case, then I think we need far more discussion about this legislation. It is far more serious because the criteria for rationing are very critical. You just don't give the power for rationing without trying to establish through debate, through the legislative process, the criteria for rationing, if it comes to that. Who will get first access; the farmers? I would suggest that they probably do but these are complicated questions. Those people who have to commute to work? Do we say, no you can't, public transportation gets first crack at it, or second crack at it; farmers get first crack at it? What groups do you have? Who needs it most? Because this Act — let's not kid ourselves — this Act specifically calls for the board to make orders for the allocation, rationing and distribution of energy. The specific word "rationing" is used in there when it comes to emergency powers. That is the first power stipulated in this Act. Establishing preferences and priorities amongst users and categories of users of energy, that's criteria. I won't be involved in establishing those criteria, as a legislator, the board will. I don't even know who will be on the board right now. It has the power of interrupting, decreasing or varying deliveries of energy required to be made under any agreement; what is essential service, what isn't; schools versus industry in the wintertime. Very serious repercussions.

Again, the criteria aren't being discussed in the Legislature; those criteria, if required, presumably will be discussed by a board in private, even though this obviously would affect the public interest far more than virtually any piece of legislation that we have had brought before us in the last few years. Indeed, if you look at it and look at the extent to which energy is so important in our lives and the extent to which we have become dependent upon energy, this provides for the greatest intrusion into individual lives that we have witnessed, with the possible exception of the application of the War Measures Act in 1970.

It won't be government doing it. It won't be doing it on the basis of general discussion; it won't be doing it on the basis of open government, open discussion, public participation. This Act provides for the government to declare a state of emergency, as the federal government did in 1970, and to proceed in a very drastic manner. I find it very strange for this government to bring in that type of legislation; I find it strange that we have not had a good adequate explanation of why this is happening. I find it strange when the Minister says, well, I know we are exporting natural gas and yet we are bringing in this emergency legislation, there is a contradiction; yes, that's a good question, but it is there for a contingency purpose, it is there on a contingency basis. That's not a good enough answer.

We could bring in many many pieces of legislation with respect to contingencies. I pointed out the very pressing need for contingency legislation with respect to emergency debt moratorium, if people cannot repay their debt or portions of it, because of the drought. That's not a hypothetical situation, Mr. Speaker, we know we've had a drought; we know we are still in the midst of a drought. What we don't know, at this stage, is whether, in fact, gross income of farmers is going to be reduced on an average of 20 percent or 30 percent or 40 percent; that's what we don't know right now, but we do know it will be reduced. If it is 40 percent, we probably need that legislation, debt moratorium legislation; if it is 30 percent, in stances we still will need debt moratorium legislation; if it is 20 percent, in certain geographical locations of the province, we still will need debt moratorium legislation. But the government won't act in that specific area where the need is quite probable, it is acting in an area where it and the federal government are trying to tell us the need isn't probable, the need is there as a possibility, because they are exporting natural gas. We are not that concerned about the petroleum situation supposedly, because if we were, we'd be launching pretty massive steps right now to use all the surplus gas that we are exporting to free-up petroleum because they are compatible in so many many ways. The one area where you can't substitute right now — you can't substitute hydro-electric power; you can't substitute coal; you can't substitute natural gas — is motive fuel, fuel for transportation of certain types.

I mean, if we were that serious we would be, in fact, electrifying the railway between here and Thunder Bay as a start; we would be electrifying the railway between Winnipeg and Churchill; we would be seriously dealing with the crisis that I believe we are in, and those have been put forward as proposals. Think of all the diesel fuel that the

railways are using up right now that could be freed-up for other purposes, for more necessary purposes of driving tractors which would help create food for us, for public transportation with the city. But, even there, we could be substituting the diesel fuel used by public transit with hydro-electric energy which we have an abundance of and great potential for. If we are in the serious situation that this bill suggests, that surely is what we should be doing. We should be substituting wherever we can with other modes and sources of energy so that we would free up diesel fuel and gasoline for cars, for trucks, for tractors, that is the critical area. We would be not be abandoning rail lines; we would not be trying to promote the transportation of grain using trucks, as Jack Murta has been proposing and as many Conservatives have been proposing; we would be saying let's be more fuel-efficient, let's transport grain via rail. Let's save and conserve and free up petroleum products for the greatest need. And that's not what we are doing as government, we really are doing the exact opposite. We are sticking our heads in the sand, we are saying to ourselves and to everyone else that we don't have a serious crisis with respect to energy supplies. We are doing things very knowingly, with government approval, sometimes at government direction; like the exportation of natural gas; like railway line abandonment, which uses up non-renewable forms of energy, non-substitutable forms of energy and, in fact, deepens the crisis that government says we are not in.

And yet government turns around and brings in emergency legislation. Granting powers that, given the ideological bent of the federal government and this provincial government, they would never ever bring in. They say they are non-interventionists. Well why would they bring in these emergency powers if the crisis didn't exist, and if the potential for the crisis didn't exist. Yet they bring it in and we have no explanations with respect to the energy crisis. Much of what I said relates to medium-term action. Some of what I said relates to long-term action but we have to start somewhere in terms of developing a rational, national energy policy, with rational provincial components.

This legislation which, in my estimation, is being brought in under less than honest circumstances, doesn't do anything to promote a rational, national energy policy, and doesn't do anything at all to promote and develop a rational, provincial energy policy. There are certain things that the previous government did and this administration is doing right now, that I think are important with respect to energy conservation and the deepening energy crisis we find ourselves in right now. Gasohol is a good but limited proposal. We proposed numerous, electrifying public transit, electrifying the railways, creating employment, creating manufacturing here, industry, providing an internal use for a source of energy of which we have an abundance, which we have great potential for and which, right now, is underdevelopment.

None of those actions, however, have really been undertaken and yet we find ourselves confronted at the end of the session, as was pointed out by my colleague the Member for St. Johns, with a piece of very drastic legislation, with little attention being given it because it's the end of the session. It doesn't

affect consumers right now, it doesn't affect the general public right now, but if it doesn't affect it, why bring it in? Unless, as I said, there is the very very real likelihood of gasoline rationing. And there are people who say, and many of them are Conservatives, who say that under no circumstances should we have gasoline rationing.

Well, I think the Conservatives, or the laissez-faire people in Manitoba should be told that this bill provides for gasoline rationing and that is the probability. That's the purpose of it. There are not other purposes that one can determine right now in the foreseeable future, other than gasoline and diesel rationing. I believe that there are circumstances whereby gasoline rationing and diesel rationing may, in fact, be necessary. But, Mr. Speaker, I want to know about those. I want to know about those circumstances now, before I start passing this legislation. I want the federal government to come clean. I want the provincial government to come clean. My colleague talked about freedom of information. We can't get any honest, decent information from the National Energy Board; we can't get any honest, decent information from the federal Minister of Energy. I know that this government has made representation, as had the previous administration to the National Energy Board saying, we want our hydrocarbon sources of energy guaranteed in the future.

Apparently, since we on this side of the House are the only ones objecting to the exportation of natural gas right now, they have satisfied themselves that we don't have a serious situation. But then why bring in the legislation? There is a contradiction here that the Minister has not explained when he presented the legislation; which he has not explained when we've asked him questions; which is up to him right now to try and provide an answer for it. And if he says that there is a contingency, then let's talk about the contingency. Is there a 10 percent chance of gasoline rationing? Have federal officials indicated to him or his staff that they are bringing in federal emergency legislation to provide for the contingency of gasoline rationing and therefore we should do so as well, if that's the case, fine, tell us, because that provides grounds for debating this bill. But if that isn't the case, then frankly, when I look through all the uses of energy and our sources right now, that I see no other purpose at this particular time for this legislation, unless it is just windowdressing and it won't be used.

Now if that's the case, Mr. Speaker, we go back to the first rule, that was told me when I first came to the Legislature and which I agree with, don't pass unnecessary unwanted legislation. If you don't intend to use it why go through this whole exercise of establishing a sort of papier-mache piece of legislation. But if you really need the legislation come clean, tell us we really need it, we do have a crisis. We've made a terrible mistake, we've exported far too much petroleum in the past, we've made a terrible mistake in the past by exporting natural gas; we are compounding our past errors by allowing the exportation of natural gas right now, not to create energy self-sufficiency in the future, but really to balance off our balance of payments problem, which exists; not because of energy, which exists because we have always sold off our primary resources and

imported the finished products from other people. Exporting natural gas only compounds that problem, it doesn't deal with that problem. We have a large federal deficit. Exporting natural gas to try and deal with that deficit in the short term doesn't deal with the deficit in the long term, it only compounds the problem. Because we'll be buying more chemicals, more fertilizers from the United States in the long run. We will, in fact, be selling a lot of employment in the long run. And a lot of our deficit is the result of fairly massive levels of unemployment that we've had in the country over the last number of years. If you have 10 percent, yes, basically 10 percent of your economy underproducing, then we are losing a tremendous amount of production in this country and we are losing a tremendous amount of revenue and that will account for a great amount of the deficit.

If we are caught in the situation where we are giving tax deferrals, without collecting any interest on the tax deferrals, to major corporations, in many instances for energy exploration, that doesn't solve the problem. We shouldn't be giving the tax deferrals, we should be charging interest on tax deferrals if we are giving them and that would go a long way to dealing with some of our federal deficit problems. But we shouldn't export natural gas in order to pay for the tax deferrals that we've given companies to look for the natural gas in the first place. It's a circular problem with very little benefit to the country, in real terms and substantive terms over a 10 or 20-year period.

So, Mr. Speaker, I have tremendous reservations about the bill. But I have greater reservations about the context within which the bill is brought. Because if we are facing a serious situation, which I believe we face, but I can't get enough information from entities like the National Energy Board, from entities like the companies who really control so much of the information regarding our hydrocarbon sources and our hydrocarbon potential, I can't get that information. I asked the Minister if he has any information. He has the arm of government behind him, he has the power of government behind him, he should have more information. If he has information indicating that we are in a crisis; if he has information that indicates that the contingency of gas rationing exists, by all means let us know. Let us then debate certain things, like criteria for gas rationing, if this legislation is being brought in for that purpose. It's not enough, Mr. Speaker, to say that this is a piece of contingency legislation that we are bringing in when it is possible to go through a number of other areas and definitely document other pieces of contingency legislation, which are more necessary right now. I don't believe we've had a satisfactory explanation of this legislation. I believe that this is either windowdressing or it's a very serious piece of legislation, giving very serious powers to government, and in those circumstances, Mr. Speaker, we should discuss those circumstances, we should discuss why we have to confer to government these massive powers and then we should act rationally.

In that situation, Mr. Speaker, although some of my colleagues have said that we shouldn't have this legislation, I would seriously consider supporting it if the Minister can prove the need for it. If he can prove the need for it, I would seriously support it. I

think what I'd like to see happen is to have it laid over so that the public can get a chance to get involved in some of the very serious problems of establishing criteria for allocation if we are in that serious a strait. Because rationing was done during the war, it created great confusion, there was a lot of secrecy, there was black-marketeering, people weren't satisfied with the system, so that if, because we are in such a crisis we need gas rationing, let's surely get as much public discussion regarding the need for it and regarding the rules under which gas rationing will take place before we, in a sense, almost inadvertently and absentmindedly, at the end of the session, pass legislation giving the government, to spring this type of power into action, some time next year, some time this winter or when ever and catching all the public unawares and leading into a situation where the public will have very little respect for a piece of legislation and then we'll seek to undermine it. We, as legislators, Mr. Speaker, can do a much better job of bringing forward serious legislation than has been demonstrated to date with the government's handling of this very totalitarian energy authoritarian Act, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. PETER FOX: Mr. Speaker, I move, seconded by the Honourable Member for Brandon East, debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable House Leader.

HON. EDWARD MCGILL (Brandon West): Mr. Speaker, would you call Bill No. 30, on page 7 of the Order Paper.

ADJOURNED DEBATE ON SECOND READING — PRIVATE BILLS

BILL NO. 30 — THE CANADIAN INSTITUTE OF MANAGEMENT ACT

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I believe the Honourable Member for Logan adjourned this bill for the Honourable Member for St. Johns.

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

MR. CHERNIACK: Thank you, Mr. Speaker, indeed the bill was adjourned for me and I'm prepared to speak on it, although I find my hands are now busy straightening out my Hansards, it'll take me just a moment to get the bill before me.

Mr. Speaker, there has been an understanding arrived at that the professional bills that are on the Order Paper will not be dealt with, but I consider this a professional bill and yet, I gather, that the Member for Crescentwood does not think it is a professional bill. So I want to speak on the aspects which I

consider unwarranted in a bill which is not considered, at least by the Mover, to be a professional bill.

Mr. Speaker, we've had quite a bit of debate, not only in this session but on other occasions, about the impact of giving authority to private groups to regulate themselves, but more than that, to impose obligations and restraints on people other than those who are members of their group. I have little concern about organizations which are given certain powers over their own members if their members are voluntary members who have a right to say, I don't want to be a member of your group, therefore, I can get out of your power by just saying I won't be a member. On the other hand, there are many professional bodies where you have to be a member in order to practice your profession, and once you have to be a member, then of course you must be bound by their regulations. Then, of course, you must look for protection from the Legislature which delegates this power. You must make sure that the Legislature protects you against your own membership.

Furthermore, the general public is entitled to look to the Legislature to protect you, and we, in the Private Bills Committee, are now in the throws of dealing with legislation enacting new Acts for three of the nursing professions. I believe that the committee is working well and working on the basis of trying to assure that the public interest is served and that the members of the organization are both protected and properly in a position of being disciplined.

Now, one would ask why one should be concerned as to why I relate what I've just said to a bill for The Canadian Institute of Management (Manitoba Division) Act. One might say, well, this is just a body of people, who are going to group together and have grouped together and now want status to study, to improve their ability to do their jobs. But, Mr. Speaker, the reason it is a bill in the Legislature and not a method of incorporation under The Corporations Act for a non-profit organization, the reason it comes to the Legislature is that they are asking for extraordinary powers beyond those that could be given under The Corporations Act. That's why I feel that the Legislature must be ever alert as to why it is that we are finding private bills coming before us for us to investigate.

It occurs to me to confirm that this is a private bill, not a public bill and I point out to you, Mr. Speaker, that somebody made the decision that this is a private bill and not a private member's public bill, whereas the other professional bills that appear on the Order Paper are public bills. In my opinion, this is a public bill and that's why it's being brought here, because of the extraordinary powers.

May I first, Mr. Speaker, draw to your attention what I think must be at least a typographical error and at most a very serious oversight. I have never yet seen a bill which says in the preamble, "whereas the persons named in Section 1 have, by their petition," pray that it be enacted, and then the bill then says, as this does, "J.M. Westaway, etc. together with such other persons as may hereafter become members of the Institute under this Act are constituted a body corporate". I have never, to my recollection, seen a bill which appoints one person,

etc., to be in a corporation. My kindest thought is that whoever drafted this bill assumed that the person that was going to type it out would have put in all the names of those people who are on the petition, and that it's the oversight of, firstly, the drafter, who instead of putting all the names in, just said J.M. Westaway which is the first name, etc., intending that all the names be then set out. That, of course, is the fault of the person who typed it and ignored the "etc." as meaning and others, spelled them out, and then the person who reviewed the draft and the person who looked at it and, I suppose, the Mover. Because I think it's an improper way of doing it. I can't conceive that J.M. Westaway, etc., are going to form a body politic. I point that out and it's probably only technical, if I'm right, and can be corrected, but I can't help but point it out.

Mr. Speaker, to what extent is this an extraordinary bill and what I call professional? It sets up membership, four different groupings: professional members, certified members, general members and such other classes as may be authorized by the by-law. It stipulates as to what a certified member is, the person who has completed a prescribed course of studies and passed exams. A professional member is one who has passed a certain additional exams and requirements established by the National Board of Examiners of the Canadian Institute of Management.

Then we get to the essence of it, Mr. Speaker. It now says, a certified member may use after his name the words "Certified Industrial Manager" or "CIM" which, of course, are the initials of that phrase Certified Industrial Manager. He may use that. Then it says, a professional member — a different category — may use after his name "Professional Manager" or the letters "P. Mgr.", indicating he is a professional member of the institute.

Then, of course, there is the peculiar thing here for a private corporation to do, if it were not one which is professional and therefore accountable in the public interest. Then it says that all their books, records, etc., are open for inspection by the public at all reasonable times. Why, Mr. Speaker? What interest should the public have in a corporation which is set up for its own purposes? What conceivable right or investigative concern is there for the public to know what goes on at their meetings? I think because they recognize, indeed, that they are a professional or want to be a professional body with powers over people other than their members.

Incidentally, they also point out that the first board is to consist of the persons named in Section 1, which means Mr. Westaway as the entire board of directors, but that again I think is technical. Then the bill which gives powers to this board includes regulating the admission, qualification, conduct and suspension and expulsion of the members of the institute. Now, Mr. Speaker, why should the public care at all what they do and how they decide who will be a member, who will not be a member? Why should they be concerned? I don't know Mr. Westaway, but apparently he is going to be a one-man board under the way the bill is now drafted and he will then pass regulations deciding how other people join his very exclusive organization.

It also says something that I'm not familiar with. It says the rules of the unincorporated association shall

be deemed the by-laws of the institute. I have never heard of such a thing either, Mr. Speaker. The few members of us here — many of us think we're members of a private club anyway, that is the club of the Legislature of Manitoba — but a few of us could form a little organization, call it what we like, and have rules and then, without presenting the rules, we come here and ask the Legislature to enact that those rules, which we in a coffee shop agreed on, shall be the by-laws of our institute. Then, also, the assets, obligations, undertakings and liabilities of the unincorporated association are vested into this corporate structure. Liabilities, Mr. Speaker; who knows what are the liabilities of an unincorporated association and what are the assets?

I suppose I could be accused of ridiculing some of the aspects of the bill, but that's not why I rose because, frankly, if it were just a private organization without any profession status, without any power over others, I shouldn't be speaking at all.

As a matter of fact, Mr. Speaker, I gather the Member for Burrows, who had expressed an interest in speaking, is not planning to do so now. He, himself, asks a question as to how the Canadian Institute of Management (Manitoba Division) differs from the Manitoba Institute of Management. Apparently there is a difference. However, I'll let that go by.

I come back to what I said about professional societies and why I think that this bill is before us, because it wants power, because it thinks it's a professional society, even though the Member for Crescentwood may not think so, and that is this provision: No person who is not a member in good standing of the Institute shall use or make use of the designation in association with his name of business the words "Certified Industrial Manager" or the letters "CIM" or any name, title or description that implies that he is a member of the Institute.

Mr. Speaker, now we're getting to the power exercised over others —(interjection)— by Mr. Westaway and his group. It now means that we have a certain title called Certified Industrial Manager, but I don't care what it's called. There are no proper names involved in that. It does not say member of the Canadian Institute of Management, to which I can't object. You know, people can put on their letterhead, Member of the Kiwanis, I think they should have a right to do it; I don't think Kiwanis — unless he's lying — would object to that. I think Kiwanis may be proud of the fact that people think it's worthy, that they have so much respect within their organization that a person wants to advertise it.

I would not object if they said, you mustn't say you're a member of The Canadian Institute of Management (Manitoba Division) Act, unless you are. By the same token, I don't think I should have a right to say a shareholder of General Motors Corporation, if I'm not a shareholder of General Motors Corporation. But I don't think that there should be legislation that says that I, for whatever reason, can't call myself a professional industrial manager, or a good industrial manager, or a qualified industrial manager, or a trained industrial manager, or any other number of names, or a certified industrial manager. Because if I am denied the right to call myself a certified industrial manager, then by whom am I certified; on what basis am I certified? Was I

fairly treated by the body that certified me? Did I have proper rights to be admitted to that elite group? Did I have the right to appeal any disciplinary measures?

The answer, Mr. Speaker, is no protection by the public for me in that organization such as we are giving to registered nurses and on that bill we spent hours, Mr. Speaker, evaluating the rights of members and the responsibility to the public. We did this conscientiously and seriously because we said that's a special professional group. I say, Mr. Speaker, that if this were the kind of a group that has the right and is given the right to restrict others from using three words or three letters which have no distinctive meaning of their own —(Interjection)— Mr. Speaker, I'll pose my problem openly. —(Interjection)— Generic. I've been looking for the word "generic" and it escaped me until now. I thank the Member for Kildonan publicly for giving me the word I was looking for.

These are generic words, Mr. Speaker, certified industrial manager. And I object to generic words meaning clearly, having dictionary meanings, certified industrial manager, being denied to anybody other than a member, when we don't recognize it as a professional body, with professional status and with the restraints imposed on a professional body, in terms of dealing with their membership. There are no appeal rights in this Act. There is no description in this bill that sets out the manner in which they will set standards, the manner in which they will regulate admission, discipline, rejection of applications, no appeal rights. In other words, there is nothing in this bill that protects any person who wants this right to use certified industrial manager. And that's why, Mr. Speaker, I had suggested informally, why I also presented to this House the information contained in a memorandum I had sent to the Minister of Health, I'd included this in my list of professional bills because of the points I've already made. I think Mr. Speaker, either it is indeed a bill setting up a professional body, in which case it requires a real good deal of study, and I would think the Minister for Consumer Affairs, who is involved in corporate structure and in consumer aspects, should definitely either give his approval or rejection of this bill. I really think it ought to be withdrawn not only because it has certain structural defects in it which could be corrected, but mainly because, Mr. Speaker, I think it's not just a casual bill to help incorporate a private body, but rather, one that by its very nature requires legislative approval to restrictive powers that it contains within it and therefore, I think it should be withdrawn and reconsidered and presented again. And if it will not be withdrawn and reconsidered then, Mr. Speaker, I will certainly vote against it.

MR. SPEAKER: The Honourable Member for Crescentwood.

The Honourable Member for Crescentwood will be closing debate.

MR. STEEN: Mr. Speaker, in closing debate, I would like to comment on two aspects that were mentioned by the former speaker. He mentions the names on the petition, and on page 1 of the bill, where it says "J. M. Westaway etc.". Well, at

committee stage if the Honourable Member for St. Johns wishes to have the other nine or ten names that were on the petition added to the bill, I have no disagreement with that idea whatsoever.

What this bill is doing is a bill of incorporation for a group or persons who have been together, as a society, for a number of years and what they've been trying to do, as a group, is promote knowledge and skills in the areas of education, pertaining to management. They have been in existence as members of the Canadian Institute of Management for almost 30 years and what they'd like to do is have their own Manitoba Act and be incorporated as a group in Manitoba and therefore, I say this is a bill of incorporation. It is a group of persons that yes, they are managers, and I would imagine that they like to consider themselves professional people, in a sense.

The Member for St. Johns has objections to people using letters behind their names. I can point out two groups to him that I'm aware of, and one is the Chartered Life Underwriters, for example, they can use the word "CLU" after they have completed a course of study. There's the Manitoba Land Surveyors, use "MLS" behind their name and they complete a course of study and therefore, at the completion of such a course, they're able to use letters behind their name. And yet neither of those groups are graduates of the University of Manitoba, but they are affiliated with university-type courses and, after completing a course of study, they're permitted to use some letters behind their names. I don't know what the Member for St. Johns' great hangup is about allowing groups to use a few letters behind their names, after they have completed a course of study, and abide by the rules of that particular group that they're a member of.

At the time of committee, if the Member for St. Johns wishes to have the first aspect of this bill, the other names on the petition added to the bill, as I said earlier, Mr. Speaker, I have no objection. Mr. Westaway or people who were on the petition will be present at committee; if members of the House wish to, at that stage, ask any questions to them, they'll be present and they'll give reasons why they wanted a member of the government side of the House to introduce this bill and to set up their own incorporation in the province of Manitoba.

I personally do not share the same fears that the Member for St. Johns does, Mr. Speaker, and I would recommend that this bill be passed at second reading and go on to committee. And if the Member for St. Johns wishes at that time to amend the first section and add the other names from the petition to the bill, I'll support him. I recommend that the bill go to committee.

QUESTION put, MOTION carried

BILL NO. 55

AN ACT TO INCORPORATE BRANDON UNIVERSITY FOUNDATION

MR. SPEAKER: The Honourable Member for Brandon East.

MR. EVANS: Thank you, Mr. Speaker, this particular bill relates to the establishment of Brandon University Foundation. I have done a bit of research on this and I've spoken to many people, including the University of Brandon, Chairman of the Board of Governors, the President of the University; I've spoken to senior financial officers at the University of Winnipeg and at the University of Manitoba. I've spoken to city officials, including the Mayor of Brandon, on the implications of this particular bill.

There are a number of concerns that I have with it. First of all, it's obvious that I, and I'm sure all members of the House, would favour the University of Brandon obtaining every possible nickel by way of donation and grant that it possibly can receive. So I'm very much in favour of the University being in a position of obtaining as many donations as it possibly can.

Mr. Speaker, my contention is, however, that this is possible at the present time, without this particular piece of legislation. I am not entirely clear as to the purpose of the legislation because, Mr. Speaker, as I'm advised, the University of Winnipeg and the University of Manitoba at the present time do not have foundations separate and apart from their fund-raising organizations within the university. And of course, the Brandon University, itself, is now in a position to receive donations and grants and indeed I'm very pleased to note that in the past year or two there have been some very substantial gifts presented to the Brandon University. I'm very pleased with that and I'm sure the people who brought this forward have the best of intentions and I'm not casting any aspersions in this direction.

But, Mr. Speaker, there is, as I can see it at least, some major deficiencies with the bill that we have before us. To begin with, it is not clear that the funds that would be raised by the Foundation would necessarily go to Brandon University. The way the legislation reads, it is possible that funding will be obtained by this Foundation and not go to the Brandon University. For example, there is reference to the purposes of the Foundation being to promote the advancement of higher education in the city of Brandon and surrounding areas, then the bill goes on, and to improve the quality of the facilities and activities of Brandon University.

Mr. Speaker, the way the bill reads therefore, funds could be collected by this Foundation and not dispersed necessarily for the Brandon University and unless, it's possible that the people who promote the bill, perhaps the President or someone representing the President, will explain that the main intent is to provide the funding for the university, but the way the legislation reads now, funds could be collected and given to some other educational organization or other higher educational program, other than the Brandon University. Now that's in the law. That would be in the bill and that would therefore be permissible if this bill were passed. So that's one objection that I have, Mr. Speaker, to the bill as it is now before us.

The other problem that I see with the bill is that there is no provision for control of the Foundation by the Board of Governors at the Brandon University. There is reference to ex officio directors, being the President, the Senior Financial Officer of the Brandon University, the Director of Development at

Brandon University, and there's reference also to the Mayor of the city. But, the board of the Foundation can consist of up to 21 members and therefore, Mr. Speaker, it is possible for this board not to reflect the wishes of the Brandon University Board of Governors.

Now again, I want to make it clear that I'm not suggesting that there are people of ill-will involved. I'm not looking for controversy. I'm not looking for diversions of opinions and so on, but we're being asked to pass a piece of legislation to go on the statute books of Manitoba, setting up an organization which could conceivably down the line, and even now, could have different priorities from the Board of Governors of Brandon University. And as we know, in this House, the Board of Governors of Brandon University, the majority of whom are appointed by the government of Manitoba, by the Lieutenant-Governor-in-Council. In effect Brandon University being financed by the taxpayers of Manitoba is controlled by a board, the majority of which are appointed by the government and therefore this is the control that the taxpayers have; yet you have a Foundation board here, which in accordance with the wording of the legislation, would be a separate body not in any way responsible to the Board of Governors of the Brandon University. So I can see, a possibility of some divergence. It's possible that the board of the Foundation could have one set of priorities with funds collected and the Board of Governors of the University may have another set of priorities. There may be some legitimate differences but there will not be that control. And therefore it would seem to me that there should be provision for the majority of the board to consist of members appointed by or elected by, if not the Board of Governors of the university, then perhaps the Minister of Education.

Mr. Speaker, you could say well, why should we be concerned, it's a private organization and so on, and it should be entitled to operate as it will. But if you will note, Mr. Speaker, the name of the organization will be the Brandon University Foundation. It is not the Friends of Brandon University Foundation, it is not the President's Committee to Raise Funds for the Brandon University Foundation; it is the Brandon University Foundation. Therefore, we are, in this bill, this organization is trading on the name of Brandon University and yet, as I stated, Mr. Speaker, you may have an organization which will be comprised of a board, not responsible to the university and which could, at some time in the future, have a different set of priorities.

Another problem I see, Mr. Speaker, and incidentally I should point out that the legislation permits the founding members of the board to pass by-laws and these by-laws, among other things, state that they will regulate the appointment and term of office of members of the Board of Directors. In other words, once the Foundation is set up it will be a self-perpetuating body, it will be a self-perpetuating organization.

The other point of concern I have is the exemption from taxation, which is Clause 9, and the Mayor of Brandon has expressed concern about this and I see that I guess we have some copies of correspondence where the President of the University is attempting to assure the city that it was not the intention to take

tax revenue away from the city, or indeed, any municipality. But the way it reads now, once the foundation has property, or indeed, income of any kind, it is not subject to taxation by any municipality or by the province of Manitoba. So, it could conceivably, Mr. Speaker, have some operation, own some business, and if net income were earned, that income would not be subject to provincial tax. You could also envisage the situation where perhaps some farmer may wish to leave his farm to the Foundation and, upon leaving the farm to the Foundation, immediately that particular rural municipality can no longer collect tax from the farm property.

Now, I know it can be stated, well the Foundation will immediately turn it over to the university, and therefore, once it become university property there will be grants in lieu of taxes paid by the Government of Manitoba. But, as I stated, Mr. Speaker, it may be expressed as such, by people of goodwill, but that need not happen. For some reason, it is possible that the Foundation may acquire some property, a building or whatever, for whatever reason, that it is not, at that time, deemed to be advisable to turn it over immediately to the Brandon University. So, therefore, in the meantime that property held by the Foundation pays no tax to the municipality and also, of course, the government of Manitoba is not required to pay a grant in lieu of taxes to that municipality.

Now, it is possible that those who are supporting the bill, the lawyers or the President, or whoever, may wish to come and suggest that this be changed. But, I am wondering, Mr. Speaker, whether this is even legal; whether it is legal for a private organization to have that power. I am not a lawyer, I don't know, but I suspect that there is something here about the rights of the Lieutenant-Governor-in-Council to make reference to tax changes. I don't know whether a private member can bring in a bill that makes reference to tax changes, so that should be a cause for concern for the Legislature.

The other point, again, which I think illustrates that this Foundation may not be raising money entirely for Brandon University is that there is a clause which provides for the distribution of funds in the event of dissolution of the Foundation. Apparently, if the Foundation, for whatever reason, is dissolved, after it pays off all of its debts and liabilities, it will then transfer properties, assets and rights to a recognized charitable institution whose objects may closely, or most closely, accord with those of the Foundation. I say, Mr. Speaker, if this is truly the Brandon University Foundation it should be required that any remaining assets are transferred to the Brandon University, not to a recognized charitable organization.

As I say, I am not faulting the people involved here; I like to think there is goodwill involved throughout and this is not a political matter, it is simply a matter of pointing out what I consider to be some deficiencies, some rather serious deficiencies in the Foundation bill, as we have it here. I would wonder, therefore, because the university can now obtain moneys and is obtaining moneys, so it has not really been explained to me what this bill will do, what power it will give to the university that it does not already have.

It has been said to me that well, maybe there is more flexibility involved. I really have not been convinced that we are going to be giving the Brandon University any greater ability to raise funds; I don't see that. But if we are, I am very legitimately concerned that if there is an organization that is going to raise funds in the name of the university, that it should be controlled by the Board of Governors. Somehow there should be some direction by the Board of Governors of the University, and certainly when it raises funds for other than university purposes. Because that is in the objects here; that's in their purposes that they can raise money for the promotion of advancement of higher education in the City of Brandon, which may not be the university. It makes me wonder whether it is fair and it is proper to use the term Brandon University Foundation. As I said, perhaps there should be a change in name, incorporation of an organization of Friends of Brandon University, or incorporation of the President's Committee to Raise Funds for the University, or whatever.

I hope, therefore, Mr. Speaker, that these matters will be properly explained at the committee, but otherwise, I have some serious doubts whether we would be doing the right thing in passing it, as it is now. I have also been advised by some members of the Brandon University Faculty Association, and I believe one member of the Senate, that they are not too familiar with it. They have just recently seen it and they have some concerns, as well. I don't know whether they will have an opportunity to come to committee but they, too, have some concerns with the bill as it is. And I repeat, we went Brandon University to get every last nickel they possibly can but, as I have said, there are some deficiencies here and I think they are very serious deficiencies. Thank you.

MR. SPEAKER: The Honourable Member for Seven Oaks.

MR. SAUL A. MILLER: Mr. Speaker, listening to the Member for Brandon East, and having read the bill just the other day, I am concerned about this particular private members' bill. It has ramifications far beyond what we normally have to deal with. I am wondering, Mr. Speaker, at the time the bill was introduced, whether you considered or not whether it should not have been accompanied by a message from His Honour, because this is a bill which will affect the revenues of the Government of Manitoba. It exempts the Brandon University Foundation from taxation by the Government of Manitoba, and therefore, I am wondering whether it shouldn't have been accompanied by a message from His Honour and whether, in fact, it isn't out of order, Mr. Speaker.

I can understand the Member for Minnedosa not spotting it but, Mr. Speaker, it seems to me the Treasury Bench should have realized the implications here, and it isn't simply a small matter.

I am wondering, Mr. Speaker, whether you could take this under advisement and report to the House when we next sit. Mr. Speaker, I do not want to lose my right to speak on it; I just feel that this is important enough so that I want to continue to speak on it, but after you have made your ruling.

MR. SPEAKER: Order please. The honourable member has already spoken on it.

The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I wish to rise on a point of order. The member, in speaking, has indicated that the bill makes an exemption from taxation which would reduce revenues to the Crown, and on that basis, Mr. Speaker, the bill is clearly out of order since there has been no message from the Lieutenant-Governor.

Now, Mr. Speaker, I am asking you to deal with the point of order. There is a member speaking but the member is in the course of speaking, and I suggest that before you . . .

MR. SPEAKER: Order please. The hour being 12:30 . . . Unless there is unanimous consent. Is there unanimous consent to continue? (Agreed)

The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, it is an appropriate time, as a matter of fact, for you to hear the point of order because then we all know that the Member for Seven Oaks still has the floor. But, Mr. Speaker, I suggest that not only is the bill out of order because it does not have a message, but you cannot have a bill affecting revenues from the Crown that is not introduced by a member of the Council reporting to the Lieutenant-Governor. I would suggest that you review the bill on that basis so that before the Member for Seven Oaks continues his remarks you will quite possibly have rendered them completely moot, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Minnedosa, on a point of order.

MR. DAVID BLAKE: Mr. Speaker, on the point of order. When you are making your decision, I think probably the bill intends to reduce revenues maybe to the City of Brandon and not actually to the Crown.

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

BUSINESS OF THE HOUSE

MR. JAMES R. FERGUSON: Yes, Mr. Speaker, I have one change to make on Statutory Regulations and Orders. It will be . . .

MR. SPEAKER: Order please. There is a point of order before the House. I will take the matter under advisement.

Now the Honourable Member for Gladstone.

MR. FERGUSON: Okay, thank you, Mr. Speaker. In Statutory Regulations and Orders, Mr. Einarson for Mr. Johnston.

MR. SPEAKER: Are those changes agreeable? (Agreed) The hour being 12:30, the House is adjourned and stand adjourned until 8 o'clock this evening.