

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 2 July, 1987.

Time — 1:30 p.m.

OPENING PRAYER by Madam Speaker.

MADAM SPEAKER, Hon. M. Phillips: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

INTRODUCTION OF GUESTS

MADAM SPEAKER: Before moving to Oral Questions, may I direct the attention of honourable members to the gallery, where we have 15 students, ages six to nine years old from the Sugar and Spice Day Care Centre under the direction of Ms. Sandy Kendall. The students are in the constituency of the Honourable Minister of Culture, Heritage and Recreation.

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

SPEAKER'S RULING

MADAM SPEAKER: Also before moving to Oral Questions, I have a ruling I would like to present.

On Friday, June 26, 1987, I took under advisement the following words spoken by the Honourable Member for Brandon West during question period:

"Is it the policy of this government to condone the staging of violent demonstrations attended by New Democratic MLA's, to encourage gangster-style violence in an attempt to build support;" and

"I said they (referring to government MLA's) encourage gangster-style violence to promote a bill that is unworthy of the title. They are out there supporting that kind of behaviour."

I have reviewed Hansard and have examined the relevant authorities.

Our Rule 41(1) provides in part that "No Member shall . . . use offensive words against the House, or against any Member thereof."

With respect to the imputation of motives, Beachesne provides that:

"319(3) In the House of Commons, a Member will not be permitted by the Speaker to impute to any Member or Members unworthy motives for their actions in a particular case."

"357(1)(i) A question must not contain imputations."

"359(7) A question must adhere to the proprieties of the House in terms of inferences, imputing motives or casting aspersions upon persons within the House or out of it."

Therefore, I rule that the Honourable Member for Brandon West has used offensive words against other members and has imputed unworthy motives to other members. I, therefore, direct the honourable member to immediately withdraw the offending words. In doing

so, I wish to remind him of the requirement of Beachesne's Citation 325 that he should "retract the offensive expressions, and apologize to the House for the breach of order, in terms large and liberal enough both to satisfy the House and the members of whom the offensive expressions were used."

The Honourable Opposition House Leader.

MR. G. MERCIER: Yes, Madam Speaker, I must respectfully submit that the Member for Brandon West had already withdrawn any language that was unparliamentary and, therefore, I must challenge your ruling.

MADAM SPEAKER: The ruling of the Chair has been challenged.

The question before the House is shall the ruling of the Chair be sustained?

All those in favour say aye; all those opposed say nay. In my opinion, the ayes have it.

The Honourable Opposition House Leader.

MR. G. MERCIER: Yeas and Nays, Madam Speaker.

MADAM SPEAKER: Call in the members.

The question before the House is shall the ruling of the Chair be sustained?

A STANDING VOTE was taken, the result being as follows:

YEAS

Bucklaschuk, Carstairs, Cowan, Doer, Dolin, Harapiak (The Pas), Harper, Hemphill, Kostyra, Lecuyer, Parasiuk, Pawley, Penner, Santos, Smith (Osborne), Storie, Uruski, Wasylycia-Leis.

NAYS

Brown, Cummings, Downey, Enns, Hammond, Kovnats, Manness, McCrae, Mercier, Oleson, Orchard, Roch, Driedger.

MR. CLERK, W. Remnant: Yeas, 18; Nays, 13.

MADAM SPEAKER: The motion is accordingly carried.
The Honourable Member for Brandon West.

MR. J. McCRAE: Madam Speaker, on Friday, June 26, I withdrew any unparliamentary language I might have used that day. As to any motives, I'll leave it to the people of Manitoba to judge the motives of honourable members opposite.

MADAM SPEAKER: There will be a request for the second time that the Honourable Member for Brandon West withdraw any offensive language and any imputation of motives, as outlined in my ruling.

For the third time, I will direct the honourable member to withdraw unparliamentary language and imputation of motives, as outlined in my ruling.

With regret then, I will have to name Mr. Jim McCrae for disregarding the authority of the Chair.

The Honourable Government House Leader.

HON. J. COWAN: It is my responsibility to now move, seconded by the Honourable Minister of Agriculture, that the Member for Brandon West be suspended from the service of this House for the remainder of the present sitting day. It's understood that the suspension will terminate at six o'clock this evening, or earlier if the House should adjourn earlier than that.

MOTION presented and carried.

MADAM SPEAKER: The Honourable Opposition House Leader.

MR. G. MERCIER: Yeas and Nays, Madam Speaker.

MADAM SPEAKER: Call in the members.

A STANDING VOTE was taken, the result being as follows:

YEAS

Bucklaschuk, Carstairs, Cowan, Doer, Dolin, Harapiak (The Pas), Harper, Hemphill, Kostyra, Lecuyer, Parasiuk, Pawley, Penner, Santos, Smith (Osborne), Storie, Uruski, Wasylycia-Leis.

NAYS

Brown, Cummings, Downey, Enns, Hammond, Kovnats, Manness, McCrae, Mercier, Oleson, Orchard, Roch, Driedger.

MR. CLERK: Yeas, 18; Nays, 13.

MADAM SPEAKER: The motion is accordingly carried.

ORAL QUESTIONS

MTS - sheik's promissory notes

MADAM SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Madam Speaker.

Madam Speaker, at earlier committee hearings, the Minister responsible for the Telephone System indicated that on July 2 he would receive the guarantees necessary on a series of payment from the sheik in Saudi Arabia, who was our business partner, which would then consummate the million dollar sale of our investment, our \$20 million investment in Saudi Arabia.

Can the Minister indicate, as of today, whether he has received those guarantees from the sheik, which would partially ensure some additional payments?

MADAM SPEAKER: The Honourable Minister responsible for MTS.

HON. G. DOER: Madam Speaker, as the member opposite is aware, Mr. Curtis did indicate at committee that he believed the 60-day period for the promissory

notes would be due approximately July 2. We have been in touch with our lawyer in Saudi Arabia.

Madam Speaker, we have received the \$1 million Saudi riyals, pursuant to the first part of the agreement. Since that committee meeting, Madam Speaker, we have received on the Epsom guarantees which was also part of the agreement, two payments have been made on the Epsom guarantee which was a potential liability for MTX-MTS of the half million and payments have been made on those guarantees.

We have received money back for the employees who are still seconded to Datacom pursuant to the agreement, and we have received the cash. We have been in touch with our lawyer in Saudi Arabia. Thursday and Friday are holidays in Saudi Arabia. We haven't yet heard whether the guarantees are in, Madam Speaker, but the six promissory notes are in on terms of those payments. I expect to have a fuller answer for committee, I believe, which is scheduled for Tuesday.

MR. D. ORCHARD: So amidst that substantially long answer, the blunt answer, I presume, for the people of Manitoba is that to date this Minister or this government have no guarantees that were part of the sale agreement of approximately \$1.1 million from the sheik and that we do not have those agreements to date, and this is the due date of those promissory notes.

I take it from the answer, there are no promissory notes in place, so that the sheik has not lived up to his commitment as part of this sale and divestiture in Saudi Arabia, by which Manitobans are picking up a loss of \$20 million.

Madam Speaker, could the Minister indicate, since he has indicated the Epsom guarantee has been twice paid, could the Minister indicate how much each of those calls amounted to in terms of Canadian dollars?

HON. G. DOER: Madam Speaker, the Member for Pembina stated that the promissory notes were not in our hands; they are. We have six promissory notes in our hands, so let the record show we have the six promissory notes pursuant to the agreement, contrary to the comment and preamble from the Member for Pembina.

Madam Speaker, also the Member for Pembina is aware that our legal counsel advised us and indeed, through Mr. Curtis, advised committee that if there was any default in the payments pursuant to those six promissory notes that we had a strong and viable option of legal action in Saudi Arabia, which I have discussed with Mr. Curtis and Coopers and Lybrand and which I should tell the House we will take, if that money which is outstanding is not provided pursuant to the promissory notes.

Madam Speaker, the payments of the Epsom guarantee which had been identified by the auditors as a potential liability for some half million dollars Canadian to MTX is - the two payments have been made. I can check the exact amount of money, Madam Speaker, and take that as notice.

MR. D. ORCHARD: Madam Speaker, as I indicated, without the guarantees, the promissory notes are not worth the value of the paper they're written on and would protract legal action which this government rejected in consummating that sale.

Thursday, 2 July, 1987

Non-union health care facilities - enhancement of doctors' salaries

MADAM SPEAKER: Does the honourable member have a question?

MR. D. ORCHARD: Madam Speaker, I have a question for the Chairman of Treasury Board and the Minister of Finance.

On Tuesday of this week, the Minister of Health announced in this House some \$500 million would be made available to community hospitals in order that the salary schedules for emergency doctors could be enhanced, thereby providing Manitobans with much needed emergency services at our various community hospitals in the City of Winnipeg.

Madam Speaker, can the Minister of Finance indicate whether a similar amount of money or more if necessary is also going to be made available to those health care facilities which are non-union and have been discriminated over the past five years by this NDP Government, in that their budgets from the government do not allow them to pay comparable wage rates because this government chooses to discriminate in funding against the non-union facilities? Can the Minister of Finance indicate whether a similar approval of funds will now be made to assure that staff in non-unionized hospitals can be treated equitably as staff in unionized hospitals?

MADAM SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: As Acting Minister of Health, I'll take that question as notice.

In terms of the specifics, my understanding however is that this policy has been in place certainly since the mid-Seventies, and was a policy that was in place when the member was a member of government benches under the Lyon administration.

MR. D. ORCHARD: Madam Speaker, since the Acting Minister of Health has been so generous as to take that as notice, he would also note that, in 1981, the last year of our government . . .

MADAM SPEAKER: Does the honourable member have a question?

MR. D. ORCHARD: Yes, indeed.

Madam Speaker, the differential in funding was not significant to cause the kind of complaints that are happening since five years of discriminatory funding by the NDP has taken place.

MADAM SPEAKER: Does the honourable member have a question?

MR. D. ORCHARD: Madam Speaker, I would ask further to the Minister of Finance, given the policy that this government has passed and is implementing September 1 this year of pay equity, will the Minister of Finance be providing to those non-union facilities - which is not even pay equity, which is pay for work of equal value, not even pay equity - will the Minister of Finance also

make sure that, as of September 1, the discriminatory funding by the NDP to non-union facilities will be eliminated?

HON. W. PARASIUK: Yes, Madam Speaker, I'll take that question as notice as well, and I certainly would like to indicate to the Member for Pembina that he just indicated that the Conservatives were in fact providing a differential in funding. It's now not a matter of principle for the Conservatives, it's a matter of differentials.

Madam Speaker, I think that if one looks at the record, the differentials in terms of fairness between a Conservative Government and a New Democratic Government come out very strongly, all told, in the health care system in favour of the New Democratic Party Government.

MR. D. ORCHARD: Madam Speaker, with the obvious glee on that side of the House of discrimination against non-union workers in the health care field, I find it rather distressing that they would applaud that kind of continued discrimination.

Government policy re health care facilities becoming unionized in future

MADAM SPEAKER: Does the honourable member have a question?

MR. D. ORCHARD: Madam Speaker, my question to the Acting Minister of Health: Does the government policy on funding of health care facilities allow that, should a facility become unionized during the Budget year, would the government provide union funding equivalent to unionized hospitals, should that facility become unionized mid-year?

HON. W. PARASIUK: Madam Speaker, that strikes me as being a hypothetical question in terms of whether, in fact, something should happen but I'll take the question as notice with respect to the policy. I would like to indicate that this government, in terms of health care has provided a level of health care in this country that is second to none, and certainly compares very favourably to the approach taken by Conservative Governments to the west of us, who have slashed health care funding dramatically, while at the same time going on a union-bashing binge as has Alberta, as has B.C., leading to a terrible climate of industrial relations in those provinces, a record of Conservative Government that we as New Democrats don't want to emulate.

Grace Hospital Emergency - contingency plans re closure

MADAM SPEAKER: The Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: Thank you, Madam Speaker, my question is to the First Minister.

Today, the Grace Hospital has announced that effective Friday, July 3, the hospital will be closing the emergency ward from 6:00 p.m. until 8:00 a.m. What

contingency plan does the government have in place for the emergencies that will be going to other hospitals?

MADAM SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: We'll take that question on behalf of the Minister of Health.

MRS. G. HAMMOND: Madam Speaker, again to the First Minister.

Since this is starting this Friday, the closing, this is an emergency and I would think instead of taking it as notice that the First Minister would be getting something done.

Grace General Hospital - restoration of emergency services

MADAM SPEAKER: Does the honourable member have a question?

MRS. G. HAMMOND: Will the Minister assure the citizens of Winnipeg that emergency services will be restored immediately, so that people will not be going from hospital to hospital to try and find emergency care? Since this government has been in office there has been nothing but cutbacks at our hospitals and this is a good example of it.

MADAM SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Madam Speaker, I'll take that question as notice.

I might point out to the honourable member that I think this government is adding some \$118 million to the health care system of Manitoba, which again is in stark contrast to the dramatic cutbacks that are taking place in Conservative Saskatchewan, Conservative Alberta and quasi-Conservative British Columbia.

I know that the Minister of Health is providing the overall policy that provides for a level of service in this country second to none, and I'm quite certain that the Minister of Health is dealing with this particular issue, but I'll take it under advisement and relate it to him.

MRS. G. HAMMOND: Madam Speaker, where has the \$118 million gone? It certainly has not gone to the hospitals.

My question again to the First Minister is, since in the last week or two we have heard nothing but hospital closures and now what we are having are the emergency wards in our province, in our city being closed, will the Minister go out directly from this question period and get something done so that emergency services are restored to Grace Hospital?

HON. W. PARASIUK: Madam Speaker, we've had \$118 million expansion put in for home care, for nursing home care, personal home care, for various outpatient services. Madam Speaker, that's the approach that's been taken. It's an overall global approach that is trying to ensure that we in Manitoba have the continuation of the best Medicare system in this country.

I find it very surprising, the Conservatives on the other side of the House get up day after day and condemn us for having deficits, say that we should be moving to reduce deficits and then, on the other hand, get up and say that we should spend a lot more money in other areas.

Madam Speaker, consistently we have said and the Minister of Health has said that the Conservatives can't have it both ways. They've wanted to have it both ways and I know that members on the other side believe that it's the position of the Opposition to have it both ways, but the people of Manitoba understand that the Conservatives have been sitting on both sides of this particular fence, Madam Speaker, while the New Democrats have been putting forward a reasoned, balanced program with respect to health care.

AIDS - sterilization of autopsy rooms at St. Boniface

MADAM SPEAKER: The Honourable Member for River Heights.

MRS. S. CARSTAIRS: Thank you, Madam Speaker. My question is to the First Minister or to the Acting Minister of Health.

Our society has, in its midst, a deadly disease, AIDS. We must not panic; we must educate and we must protect, wherever possible. Can the Minister or the First Minister confirm that the autopsy rooms at the St. Boniface Hospital are too cluttered to be easily disinfected, and that it would take at least two days to properly sterilize them, and that's not possible at the present time.

MADAM SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Madam Speaker, that's a matter of confirmation. I'm not sure whether that - but I'll certainly take it under advisement. It's a matter that we'll certainly have the Department of Health check into.

AIDS - designation of facility for AIDS post-mortems

MRS. S. CARSTAIRS: Madam Speaker, will the Minister also take as notice a question with regard to the designation, immediately, of a facility for AIDS post-mortems which can be properly sterilized for the protection of all the doctors and staff?

MADAM SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Yes, I think as the Member for River Heights is aware or indeed ought to be aware because she has, as I understand it, talked to the Chief Medical Examiner, the approval, in principle, has been received for the development of a new facility which will probably be located at the University of Manitoba School of Medicine beside the Health Sciences Centre, an excellent facility which will allow us to develop fully up-scale and modernized autopsy facilities and that is under way.

In the meantime, of course, we will do whatever we can within our resources to make sure that the autopsy facilities at the various centres meet the required standards.

MRS. S. CARSTAIRS: With a final supplementary to the Attorney-General, Madam Speaker, can the Attorney-General tell the House when this facility will be started and when it is expected to be completed?

HON. R. PENNER: I'll take that as notice for the Minister of Health, except that I can advise the House that facility has received a fairly high priority in the five-year plan that was approved by Cabinet the last go around. We have the rolling five-year plan. That facility has moved to a high priority.

Inter-City Gas - purchase amount for Greater Winnipeg Gas

MADAM SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Thank you, Madam Speaker. Madam Speaker, I direct this question to the Minister of Energy and Mines.

Madam Speaker, it has to do with the government's proposed takeover of Inter-City Gas. Madam Speaker, you will understand that Manitobans are nervous when this government attacks or attempts to take on major economic initiatives in the private sector, and to give us some yardstick by which we can measure this government's attempt in this latest venture, I ask the following question, Madam Speaker.

It was only about two years ago that Inter-City Gas purchased what we commonly refer to as the Greater Winnipeg Gas Company, although I believe it was actually North Central Gas who were the owners of it. That constituted about 80 percent of the distribution system that is now being taken over by the government.

I think it would be a service to all Manitobans to be able to judge as to the competency and the management of this government if they were to disclose the purchase price of Inter-City Gas. What did Inter-City Gas pay for Greater Winnipeg Gas just two years ago?

MADAM SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Madam Speaker, the purchase, I think, was more than two years ago. It was more in the order of three years ago, and Inter-City Gas not only purchased Greater Winnipeg Gas but in fact purchased a number of utilities from Norcen Industries. So breakouts aren't that easy, but certainly, we have indicated that we will be providing financial information in future. That financial information can in fact be pulled together, but it's a matter of apples to oranges.

I might point out to the Member for Lakeside that I don't see why the people of Manitoba are apprehensive that the government would purchase a natural utility. They weren't nervous, I hope, when the Government of Manitoba purchased the hydro system for the benefit of Manitobans in the past, purchased the Telephone System for the benefit of Manitobans in the past.

Manitoba did not take the opportunity in 1956 to purchase the natural gas system, which it could have, for something in the order of \$1 million. I believe it was the Conservative Member for Iberville at the time who complained that within a year-and-a-half that price had risen to some \$4 million and the Government of the Day had missed the boat years back in ensuring that Manitobans were put in a very good position to be able to control their destiny with respect to natural gas.

MR. H. ENNS: Madam Speaker, if you will allow me the same latitude, Manitobans have every reason to be nervous because, in the 30 or 40 years that Conservative and Liberal Governments ran those Crown corporations . . .

MADAM SPEAKER: Order please, order please.

MR. H. ENNS: . . . never was there \$27 million . . .

MADAM SPEAKER: Order please, order please. Order please.

The honourable member knows that question period is not a time for debate. I allowed the Honourable Minister latitude in his answer, based on the honourable member's first question.

The Honourable Member for Lakeside.

MR. H. ENNS: My supplementary question, Madam Speaker.

I appreciate it is a complex corporate takeover that occurred when Inter-City Gas purchased Greater Winnipeg Gas. I also understand that some \$77 million was exchanged for Class "A" preferred shares. I also know, though, that it is a relatively easy matter to break out what constituted the Manitoba portion of Norcen, which I understand was about 80 percent of the gas distribution network in place.

Now, I assume that the \$77 million covered, as the Minister said in his response, additional assets of Norcen at the time of the takeover. I think it's an extremely critical question to ask this government.

What precisely did Inter-City Gas pay for Greater Winnipeg Gas just two-and-a-half years ago?

HON. W. PARASIUK: Madam Speaker, we have indicated that negotiations are under way and, when the negotiations are completed, the relevant material will be provided to the Legislature. That's clearly been indicated.

Madam Speaker, the people of Manitoba don't have anything to fear with New Democratic Party administration of Crown corporations. It was not a New Democratic Party administration but a Conservative one who signed a contract with a bunch of thieves in Switzerland and didn't remember the contract.

MR. H. ENNS: A final supplementary question, Madam Speaker.

I don't want a future committee of this Chamber, because we're obviously not going to get the details before passage of this bill, to find out that the reason that Inter-City Gas shareholders and principals are so quiet about this is because they're making an enormous unconscionable profit . . .

MADAM SPEAKER: Order please.

MR. H. ENNS: . . . and a rip-off that Manitobans will have to pay for.

MADAM SPEAKER: That was not a question. Question period is not the time to debate. There was no question in that statement.

Flat tax - explanation for drop in civil servants' pay cheques

MADAM SPEAKER: The Honourable Member for Morris.

MR. C. MANNES: Thank you very much, Madam Speaker.

Member businesses of the Winnipeg Chamber of Commerce have stolen a page out of the NDP book by including in the July envelope of pay to their employees a stuffer, Madam Speaker, and that stuffer gives an explanation as to why their net take-home pay will drop significantly this month. Of course, that's related to the flat tax on net income.

My question to the Minister of Finance, Madam Speaker: Will the government be placing in the envelopes of the civil servants' pay cheques a further explanation as to why their take-home pay will be reducing significantly in the July pay period?

MADAM SPEAKER: The Honourable Minister of Finance.

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

I have heard of the plans by the Winnipeg Chamber of Commerce to provide some information to their members to place in pay cheques of employees. I have not seen, nor have they consulted with the government, as to what they ought to be saying.

I find it somewhat strange, Madam Speaker, that when we've had federal tax increases to middle and lower-income people that have far outstripped any changes in taxation that this government has brought in, we have not heard a whimper, not a sound, not any kind of response from the Winnipeg Chamber of Commerce, no circulars sending out to their members or suggestion that they put into the pay cheques. We see no response at increases that were far beyond anything that are contained in this Budget for Manitobans, Madam Speaker.

I would have hoped that the Winnipeg Chamber of Commerce would have correctly pointed out to people the reasons for the increases in taxation, the fact that they were fair and balanced, and maybe it's the fact, from their perspective, that it isn't fair and balanced, that maybe they feel that some of their members are receiving too much of an impact from the taxation, that they're coming back with this kind of a response, Madam Speaker.

Flat tax - amount of decrease in two-week period

MR. C. MANNES: Madam Speaker, given that the Minister of Finance doesn't deny the fact that there

will be a major decrease in take-home pay of civil servants, can the Minister tell us how much that pay will decrease? Using, for example, a \$30,000 annual pay, how much will that pay drop in a two-week period? Could it be as much as \$23.00?

HON. E. KOSTYRA: I would suggest that the member look at the Budget document that was prepared on Budget night. In particular, I would have him look at Table 5 on page D20 which outlines both the positive and negative impact of the tax change that was brought down in the Budget, the impact of the income tax changes coupled with the changes with respect to sales tax, coupled with the cost-of-living tax credit, which is going into effect for people, and the Manitoba tax reduction.

At the same time, I would suggest that he go back a few pages in that same document and do a comparison between what happens at various income levels with respect to the Manitoba tax changes. In Table 3 on page D17, it shows that in every case, particularly at the lower-income level, with one exception, the changes of the federal income tax have been much higher on every income class in Manitoba as a result of federal tax changes in the case as with Manitoba changes. The member giggled at some point about my exemption; the exemption is those at the higher-income level. With the federal tax changes, everyone over \$150,000 has had tax reductions of some \$4,715 as a result of federal tax changes. I suggest the member look at that if he wants to get a fair and complete comparison of tax changes.

Outflow of persons from Manitoba - professional or business

MR. C. MANNES: Madam Speaker, a final supplementary.

Given the fact that again the Minister does not deny my allegation that there will be a decrease of \$23 every two weeks for a civil servant earning \$30,000; my final question, given the fact that there's a noticeable measurable outgoing of Manitobans who are now leaving this province, I ask this question to the Minister of Finance: Is the government at all monitoring the outflow so as to determine what percentage of the people leaving this province are professional or businesspeople, and determining whether or not a large portion of that number leaving is indeed that type of individual who is now pulling up roots and leaving this province?

HON. E. KOSTYRA: Madam Speaker, the details of that kind of question should go to the Minister of Employment Services and Economic Security who is responsible for those statistics. But let me say to the member, as he knows full well, that the majority of migration from Manitoba, indeed as it is from a number of provinces, is to the Province of Ontario which, at the present time, is having a disproportionate share of the economic growth in our country. So it's obvious where there are opportunities -(Interjection)- So it's obvious where people are going for greater job . . .

SOME HONOURABLE MEMBERS: Oh, oh!

HON. E. KOSTYRA: It's obvious people are going where there are greater job opportunities than there are in the Province of Manitoba, just the same as, Madam Speaker, people are not going to places where there are far less job opportunities than there are in the Province of Manitoba.

But let me say to the member, would he suggest that Manitobans ought to do like people in Ontario do, pay significant health care premiums rather than paying it in a much fairer way through the income tax system? Is that what the member is suggesting? Or is he suggesting we put in premiums like Conservative Governments in Alberta and British Columbia have done, or user fees for the health care system? That is the kind of alternative that members opposite are suggesting that Manitobans ought to accept. Manitobans do not want that, and believe that this approach is far fairer than any kind of approach that they would suggest, Madam Speaker.

Dutch Elm Disease - Peter Myer, deadline for removal of trees

MADAM SPEAKER: The Honourable Member for Emerson.

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

My question is to the First Minister and is based on a document that I had forwarded to him, which is an order of the Minister of Natural Resources under The Dutch Elm Disease Act and, with your indulgence, Madam Speaker, a paragraph in there indicates: "In accordance with section 7 of The Dutch Elm Disease Act, you are hereby ordered to remove all elm trees and elm wood so designated for removal, located on the premises and dispose of those elm trees and elm wood by burning until all bark material has been removed or by burying to a depth of at least 25 centimetres below the soil line at your expense by no later than July 9, 1987."

Madam Speaker, this document is addressed to Mr. Peter Myer, who has got a case before the Ombudsman regarding exactly this area and these problems here, and an individual who just won a small debts court action against the government because of false removal of trees on his property, based on the short deadline of July 9, 1987 and the problems that are occurring in this area.

Would the First Minister please intercede and either extend it until it can be properly reviewed and all facts be brought forward, so that this gentleman does not have to go to a tremendous amount of expense to try and correct a situation that is not correctable at all?

MADAM SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Madam Speaker, if the facts are as described by the Member for Emerson, we'll be prepared to consider extending it.

MR. A. DRIEDGER: Madam Speaker, I appreciate that commitment on the First Minister's behalf on the individual here, because if the First Minister will take and possibly consider forwarding that information to the Minister of Natural Resources and having him review that because it seems a very unfair situation.

The Dutch Elm Disease Act - review of

MADAM SPEAKER: Does the honourable member have a question?

MR. A. DRIEDGER: Madam Speaker, my other question to the First Minister is: Would he consider discussing with the Minister of Natural Resources the possibility of reviewing the whole Dutch Elm Disease Act as there are major problems in terms of the administration of the act? Many problems are developing with people who have their trees removed and more damage than are being actually benefited from. I would ask the First Minister whether he would consider discussions about the reviewing of that total act.

HON. H. PAWLEY: Madam Speaker, the principal concern of course is to ensure that the disease be controlled. I know honourable members are all deeply concerned about the spread of the disease and the impact it's had on many wooded areas, particularly those along the Red River and the Assiniboine River. That has to be the principal objective. The Minister of Finance properly points out, in my own backyard, in which I have a number of diseased elm trees right now that are being cut down. So, Madam Speaker, that has to be the principal concern.

Sure as all acts and pieces of legislation of this province are concerned, they must be reviewed and updated within the ambit of that general objective of controlling the spread of Dutch elm.

Dutch Elm Disease - hold put on removal of trees

MR. A. DRIEDGER: A final supplementary to the First Minister then, would the First Minister consider putting a hold on all activities at the present time until there can be a review taking place so there is not ad hoc cutting and removal of trees in areas where it isn't beneficial at all? Put a hold on it for the time being.

HON. H. PAWLEY: Madam Speaker, I would be very hesitant to suggest there be a hold on the elimination or the destruction of further elm trees that are diseased. In fact, in my own backyard, I have two or three now that are diseased. I want to eliminate those trees prior to their affecting a number of other trees in my yard. I would think that would be comparable to a province-wide situation.

No, I'm afraid in answer to the Honourable Member for Emerson, I would not concur with the imposition of a freeze until there is a review put into place in order to examine what should be obvious to all, and that is the need to successfully combat the spread of this disease that has impacted very negatively upon the beautiful areas that we enjoy along the Red River and the Assiniboine River and further back from those two main rivers in the province.

Child Welfare League of America - will Manitoba be a member

MADAM SPEAKER: The Honourable Member for Rhineland.

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

A worker was accused of and fired for not paying attention to allegations made by a girl called Amy about being sexually abused. It is very easy for the Minister to blame untrained workers when it is the Minister's department that is responsible for training workers. The Child Welfare League of America provides training and standards for child welfare programming in support for agencies who are involved with providing service for Native agencies. This is also the only organization that can provide accreditation for agencies providing service for Native agencies. The Province of Alberta is presently availing themselves of this training program in order to achieve accreditation.

My question to the Minister is: Has Manitoba made any attempts to be a member of this league?

MADAM SPEAKER: The Honourable Minister of Community Services.

HON. M. SMITH: Madam Speaker, I was going to say that I welcomed the suggestion of the member, which I thought was going to propose that we look into them as a resource for training, as we are indeed working with the agencies in searching out training resources wherever we can find them, but his question took another line. I will take that under advisement and inform the member whether - again, I think he said, are we a member of the league? However, I will see whether we have any direct relationship with that league and whether in fact staff are aware of whether they could provide appropriate training for us at this point in time.

Child Welfare League of America - support to Native agencies to pursue training and educational programs

MR. A. BROWN: My supplementary is to the same Minister.

What support has the Manitoba Government given to Native agencies to pursue the excellent training and educational programs which are available through this Child Welfare League of America?

HON. M. SMITH: Madam Speaker, Native agencies are under a tripartite agreement and their basic funding, including the funding for training, does come from the Federal Government. There has been some access for those workers to training programs in the province, but we're actively working with that Native agency and others, as well as the general agencies, to develop our training program.

The Family in Motion Conference - contains no sessions regarding Native agencies

MR. A. BROWN: My question is to the same Minister.

A conference in celebration of the 50th anniversary of Family Services of Winnipeg, Incorporated, called "The Family in Motion," slated for October 6, 7 and 8 in Winnipeg does not contain any specific sessions regarding Native agencies.

Does the Minister feel that this area of Community Services does not rate discussion at this conference?

A MEMBER: It probably does. It probably does.

HON. M. SMITH: Madam Speaker, if I understood the question correctly, the member is asking about a conference being sponsored by a volunteer community agency, the Family Services of Winnipeg. Now, their setting of their agenda, I would presume, was their affair. They don't consult with us directly or get approval for their agenda. However, the general issue of cross-cultural awareness and Native child welfare is an element that has been put in all of the training programs that come under our direct responsibility, and I expect it will continue to be a very lively agenda item for many years to come.

Child abuse - justice for persons accused of rape

MR. A. BROWN: Madam Speaker, I have one more question, to the Attorney-General.

It has been many months now since the Amy episode where she was raped repeatedly and, as a result, was found to have venereal disease. My question is: When will these persons accused of raping Amy be brought to justice?

A MEMBER: Good question.

MADAM SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Let me assure the members and others, through him, just as soon as we possibly can. This case has been given a high priority. The Crown Prosecutor's office in Thompson has been working mightily on it, as I advised the Member for St. Norbert the last time I answered that question.

There are problems in putting the evidence brief together because the person in question is not a resident of this province at this time, but certainly there will be no delay once the evidence brief is put together and we can make sure that the charges which are laid are laid as exactly as they can be. The criminal justice system demands that, and we don't want to provide an opportunity for a weak case to be thrown out of court simply because there was a rush to justice, rather than make sure that justice is done according to law.

175th Anniversary of Selkirk Settlement - plans to commemorate

MADAM SPEAKER: The Honourable Member for Springfield.

MR. G. ROCH: Thank you, Madam Speaker. My question is to the Minister of Culture, Heritage and Recreation.

On September 4, it will be the 175th Anniversary of the Selkirk Settlement in Manitoba. I'd like to know what the Minister's department has done or will be doing to commemorate this event?

MADAM SPEAKER: The Honourable Minister of Culture, Heritage and Recreation.

Thursday, 2 July, 1987

HON. J. WASYLICIA-LEIS: Thank you, Madam Speaker.

I appreciate the question from the Member for Springfield and I will be glad come back to him with some of the details.

MADAM SPEAKER: The time for Oral Questions has expired.

HOUSE BUSINESS

MADAM SPEAKER: The Honourable Government House Leader.

HON. J. COWAN: Yes, Madam Speaker, perhaps before proceeding into Orders of the day, I can indicate a number of committee hearings and the dates of the same which have been agreed to between the Opposition House Leader and myself, starting this evening with the Standing Committee of Industrial Relations to continue its consideration of Bill No. 61, which is presently before it. We are now proceeding on a clause-by-clause review of that particular legislation.

Then on Tuesday, July 7, the Standing Committee on Public Utilities and Natural Resources will meet at 10:00 a.m. and at 8:00 p.m., if required, to review the Annual Report of the Manitoba Telephone System to include in that review, of course, the corporation, MTX.

On July 9, the Standing Committee on Economic Development will meet at 10:00 a.m. and again, at 8:00 p.m. in the evening, if required, to review the Annual Report of the Communities Economic Development Fund.

On July 14, again at 10:00 a.m. and at 8:00 p.m., if required, the Standing Committee on Public Utilities and Natural Resources will meet to continue its review of the Annual Report of the Manitoba Public Insurance Corporation.

On Tuesday, July 7, at 10:00 a.m., the Standing Committee on Agriculture will meet to consider bills referred to it, so there will be the two standing committees meeting concurrently at that time.

Madam Speaker, would you please call Second Readings, starting with Bill No. 14 as they appear on pages 5, 6, 7, 8 and 9 of the Order Paper, in the sequence in which they appear?

COMMITTEE CHANGE

MADAM SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Madam Speaker, I have a committee change on the Industrial Relations Committee: Mercier for Connery. (Agreed)

ORDERS OF THE DAY

ADJOURNED DEBATE ON SECOND READING

BILL NO. 14 - THE MILK PRICES REVIEW ACT

MADAM SPEAKER: Debate on Second Reading, on the proposed motion of the Honourable Minister of

Agriculture, Bill No. 14 standing in the name of the Honourable Member for Emerson.

The Honourable Member for Emerson on Bill No. 14.

MR. A. DRIEDGER: Madam Speaker, in speaking to Bill No. 14, An Act to amend The Milk Prices Review Act, I've listened to the various comments of colleagues speaking on that, and you probably are aware that the milk industry is something that's very close to my heart, having been a dairy man for 17 years myself, so I have major concerns.

There are two points that I want to deal with in this bill, in speaking in opposition to this bill. One basically deals with what I regard personally as a personal vendetta of this Minister against the dairy producers of Manitoba. And Madam Speaker, I want to illustrate that by going through a little bit of a case history of what has happened between what has happened in the milk industry and what's happened with this Minister and the industry since the time that he has started dealing with it.

It was during the years of my colleague, the Member for Arthur who was then Minister of Agriculture, when we brought in The Milk Prices Review Act, the commission. Madam Speaker, it was approximately 1980 when the then Minister of Agriculture brought forward that legislation, and at that time the Opposition party did oppose that kind of legislation.

But, Madam Speaker, during the time that we were in government, from 1977-1981, things were peaceful on the milk front, on the milk industry front, among the milk producers. There was harmony between government, between the board and between the producers and, as a result, this Milk Prices Review Commission was brought forward which would basically, at that time, establish a maximum in terms of prices across the province. There was a lot of discussion at that time, even then, about setting a minimum. There was no desire by the industry at all or anybody who really wanted a minimum set at that time.

When I talk of the Minister, Madam Speaker, having in my view a personal vendetta against the milk producers, it was further illustrated by the fact . . .

MADAM SPEAKER: May I remind the honourable member that he's not to impute any unworthy motives for any member's action in a particular case. I would hope the honourable member would tread carefully.

MR. A. DRIEDGER: Madam Speaker, I appreciate your caution on that aspect of it. In thinking over the comments I was going to make, it was extremely difficult for me to come forward with truthful statements and still comply without getting on that marginal line.

It has been my impression that the Minister has not been kind to the milk industry. His interference has been illustrated once before and that was under the transfer of quota where, against the wishes of over 90 percent of the producers, this Minister chose to move forward and impose his own program of transfer for milk quotas.

And, Madam Speaker, the milk producers have never been very happy with this Minister and they haven't always been very kind to this Minister because, at public meetings where he's been addressing the milk

producers, they've come after him with a big stick from time to time. And, Madam Speaker, it is for that reason that this Minister is not treating them very kindly, in my view. So we have this kind of a stand-off that's taking place.

The question I should raise, I suppose, and I would like to have the Minister answer it - and maybe he can do that when he closes debate - is who actually pushed for this legislation that is before us today, the minimum that is being put on? You know, there is nobody who really wants that but he has singled out this one agricultural industry specifically, Madam Speaker, this one agricultural industry, the dairy industry, to impose these kinds of restrictions on them.

I find that there is no justification other than he seems to like to give them a hard time. He did that, Madam Speaker, with the transfer of quotas. He's doing it again with something like this because, Madam Speaker, when this was set up, the idea of having a maximum on there appealed to everybody. I mean, that is an acceptable thing. But why would this Minister want to impose a minimum that is allowed to be charged for milk? I have an idea, Madam Speaker, and I think everybody does. The Member for River Heights made some comments on that.

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

Basically, it is because of one individual, a Mr. Cantor, who has been selling milk as a loss leader. And why would anybody care if milk was used as a loss leader, Mr. Deputy Speaker? It was hoped that when we set up that review commission, you know, from the industry itself, that it might be used as a loss leader to promote the sale of more milk. Mr. Deputy Speaker, this Minister shows us a graph that he runs around with and is trying to show everybody where milk consumption has increased and somewhere, in his vanity, you know - I don't know how you want to explain that - he tries to take credit for the fact that the consumption has increased.

A MEMBER: It isn't even up to where we left office. It isn't even up to . . .

MR. A. DRIEDGER: Mr. Deputy Speaker, this is what I find ironic. We hear all of a sudden something good in the milk industry, aside from this bill, and he is running around saying, look what I've done. See, milk consumption is going up. Mr. Deputy Speaker, I am sure that you - and I want to address these remarks specifically to you so that consideration is given - what bothers me more than anything else, Mr. Deputy Speaker, is the fact that they're putting a minimum on.

Many people who could possibly take advantage of having cheap milk through stores, through retailers, that wanted to maybe use of that to draw on customers, Mr. Deputy Speaker, that could use that milk as a loss leader. Poor people, destitute people, children would probably have access to milk at a cheaper price. But this Minister says no, that can't be done, that can't be done.

Mr. Deputy Speaker, why - comments that we made before already - why would this Minister try and make the consumers pay more? Let's take this in relation to gas, for example. Everybody's concerned about the

price of gas we pay. In fact, we've had the Premier on various occasions, when he thought it was - you know, to better his political picture or posturing to some degree - has talked about bringing the gas prices down. Mr. Deputy Speaker, irregardless which store you go into, if there's a retailer, whether it's a large chain or the average corner store or the average grocery store in the country, if the individual wants to take and buy products for resale, and he knows what his price is when he gets it and he decides to put on a sale of whatever nature, there's no control.

He can sell it, he can give it away if he wants to, Mr. Deputy Speaker. He can give it away. But this Minister has isolated and picked on the dairy industry and said you cannot do that. With milk, we will not allow that. With broilers you can do that; with turkeys you can do that; you can do it with almost anything you want. But in the milk industry, which is a main staple of our society nowadays from child to senior citizen, there's a strong promotion about the aspect of drinking milk and how good it is for your health. There the Minister says, you cannot sell that cheaper, and you can't give it away. That's the other thing.

For example, Mr. Deputy Speaker, based on the way I interpret the bill, if an organization wants to help poor people, they cannot take, buy the milk and give it away. This is the one product that we're going to take and put in an airtight can and we're not going to allow any manoeuvrability in there. But, Mr. Deputy Speaker, can you imagine if a church organization, for example, felt compelled through generosity to give poor children milk in school - I'm using that as an illustration - this act will not allow that. And that is why I ask, Mr. Deputy Speaker, and the question has to be asked, who really wants this bill. Is it only the few appointees on the milk - I'm trying to think of the name of the products marketing council, Natural Products Marketing Council. Are these the individuals, his appointed serfs on there who are basically requesting this because I don't know who else would want it. Certainly the industry doesn't want it; the producers don't want it; the consumers don't want it. Now, who wants it then?

If we're talking of a Minister and a government who say they listen to people, that is not the case here, Mr. Deputy Speaker, that is not the case here. - (Interjection) - Well, Mr. Deputy Speaker, I think it verifies the comments that were made initially, that this is a personal thing with the Minister of Agriculture in terms of the dairy producers, and that is the concept that is out there. The Minister will find out this fall when he has the opportunity to again meet with the various producer groups that the message will come through even stronger than it has in the past. So he's not resolving anything.

But if the Minister would listen to the industry, to the people involved, in his eagerness to get this one individual who's been using the milk as a loss leader, that's what it's all about. It's about Mr. Cantor. Because of that situation, that is why this Minister - and because of the Natural Products Marketing Board saying, well, there are some problems there. It is for that reason, Mr. Deputy Speaker, that this Minister is bringing this in, because there has been no further justification as to why there should be a minimum. A maximum, everybody - that's an accepted thing. That's an accepted thing.

Mr. Deputy Speaker, I mentioned before, this ties in to some degree with the Milk Prices Review Commission, when the commission was put in to establish what the price of milk should be. I can go back further in industry, Mr. Deputy Speaker, when we used to come hat in hand before a board and plead our case and try to get an increase. Now, with the formula in place, it's working well. That part is working well, and it is a fair price that is coming forward; it is a fair price that's coming forward. Then why, why would we go to a minimum on this thing?

Mr. Deputy Speaker, if the Minister had not interfered in the quota transfer business in the industry and there was still value on quota, I could see him probably having some concerns about how the Milk Prices Review Commission would be functioning, whether there could be value added indirectly into the price of milk. But that is not the case, Mr. Deputy Speaker.

Mr. Deputy Speaker, these are points that I wanted to bring forward and put on the record. I feel very strongly that this is bad legislation. Mr. Deputy Speaker, I don't know how closely you scrutinize the bills. There are about a dozen bills that are not good legislation that we're dealing with, and this is one of them. I just wanted to raise my opposition to this kind of legislation.

A government, Mr. Deputy Speaker, that indicates they care, they listen to the people, well, we have had so many, many illustrations and cases where they appear to be listening, but they do exactly the opposite to what the public is telling them. We have found that in case after case, and the same thing is happening again.

Mr. Deputy Speaker, I would hope that some of the colleagues on the government side could see the fallacy of this kind of stupid legislation. I don't want them to necessarily oust the poor Minister of Agriculture, who has enough difficulty as it is, but I'll tell you something. You should reconsider your position on a bill of this nature because most members on the government side don't even understand what this legislation is all about, and I don't think anybody has done any review as to what this legislation is all about.

But I suppose the Minister walks in and, being an old pro there, he takes and cons - pardon the expression, I will withdraw that - he sort of snows his caucus, indicating this is a good bill, we should go with that. Mr. Deputy Speaker, I'm sure that possibly you are almost influenced the same way, I would expect, maybe without really knowing the facts. But, Mr. Deputy Speaker, the area that you represent should be very concerned that minimum aspect of it is removed because the people in your constituency will get the benefit of having stores use milk as a loss leader, sell it for whatever they want.

If they want to sell it for half price, who cares? Do you care, Mr. Deputy Speaker? I don't think anybody cares. Why would you care if milk sold for half price? I think it would be a boon to the industry; it would be a boon to the consumers, but not when it comes to playing games. Then this Minister of Agriculture, he's got his personal thing that he wants to do with the milk industry, and he's doing it, and that's what it's all about because there's no rationale for this.

The Minister of Finance, I think, would be one who could possibly understand the rationalization of doing away with the minimum. Let Mr. Cantor sell his milk

at half price. Let him use it as a loss leader. That's the way our grocery stores on the corner are going to be competing with the big stores. That's the only way.

What this Minister is doing now, he's opposing the consumers, the producers and the small businessman, and is catering to the big SuperValu's, to the big stores; that's what he's catering to. The Member for River Heights indicated that the other day already. It's a bill to help big business. That's what it is. Safeway and SuperValu are the ones that are making the bucks. They don't need to have milk as a loss leader.

Ironically, the thought that crossed my mind when I was coming in today, you know what, if a store wants to take and give away Coke for half price, I suppose the Minister of Agriculture would say then, "Let the poor children drink Coke because it's half price," but milk, they've got to pay the price.

Mr. Deputy Speaker, I could go on at length, I suppose, voicing my opposition to it. I have made my comments briefly, indicating that it is poor legislation. It isn't doing anything other than serving a very select group who have some personal concerns about this aspect of it. It is not serving the consumer, it is not serving the smaller store operator, and it's certainly not inducing anything for the producers who would like to have an expanded milk market. Then, Mr. Deputy Speaker, the Minister of Agriculture sends me this, indicating that milk has gone up and he's going to take the glory for it. I find that ludicrous.

The fact that the milk industry has been promoting themselves and doing a very capable job in terms of promoting if you've seen the ads on T.V. possibly - very good catchy ads - the fact that the health industry has indicated that milk is a very necessary component in our lives right from child to adult, these are the things, Mr. Deputy Speaker, that have created an increase in milk consumption, not this Minister.

I would suggest to the Minister that if he wants to be a conscientious individual, amend that legislation in committee because I intend to oppose it the way it's standing at the present time and oppose it all the way down the line. I would expect the message is going to come from the consumers and producers as well.

Thank you.

MR. DEPUTY SPEAKER: The Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: Thank you, Mr. Deputy Speaker.

I hadn't really intended to speak on this bill but, in listening to the debate, I just found it ludicrous to think that stores would be penalized for selling milk for less than the minimum price or, as the Member for Arthur says, even giving it away if they so choose.

Now there's hardly any store that's going to give milk away, but when you think about children and families, especially where there are single parents, where they are making a very poor wage, and that you would be encouraging your children to drink possibly Kool-Aid, which is loaded with sugar, or Kool-Aid that is loaded with a sugar substitute, because it's much cheaper than milk, surely, in this province we want to encourage the consumption of milk by children.

But if you were a low-wage earner and your groceries are the majority, the biggest portion of your expenses,

and you look at the price of milk and know you're never going to get a sale there, and then you look at the price of any of the soft drinks where they have sales consistently that you can have in your home if you wanted to give your children a treat, surely, with the ads that are on TV, which are just excellent for milk, here we have - I think we're working at cross purposes. We have the industry pushing milk, and yet the government not allowing anyone to give a sale, give a break, and capitalizing on these very ads that are going to make teenagers, especially, think it's pretty good stuff to be able to drink milk and you don't have to go around with a Cola in your hand to look like you're with the in-crowd. I want to compliment the industry for the ads because they certainly have been excellent.

But I think that the Minister should reconsider this particular bill. So if Safeway or SuperValu or anyone want to give a sale on the price of milk, surely that is not going to cut out the sale of milk in inner-city stores that could just as easily put milk on sale as they might put bread, for example. They have sales on meat. There are sales on everything every week except milk, and this is the one product that we want to make sure that our children have plenty of. It's fine for the Minister of Agriculture because he's making a pretty darn good wage and his children can afford to have milk, but that isn't the case with everyone.

I think this is very short-sighted legislation, Mr. Deputy Speaker, and I am happy to be opposing it.

MR. DEPUTY SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Thank you, Mr. Deputy Speaker.

I too wish to rise very briefly and express my surprise, I suppose, and my disappointment in this kind of legislation. Really, honourable members opposite, it is silly legislation. It is foolish legislation. The milk industry in Manitoba is one of the best managed. I pay that as a compliment to supply management. It's the the longest-managed industry in the province in terms of an agricultural food stuff and is doing fairly well, Mr. Deputy Speaker. They have their problems from time to time, as do any other group of primary producers, but I'm not even satisfied that this bill is necessary.

Mr. Deputy Speaker, the Manitoba Milk Control Board, the Manitoba Milk Control Council, or whatever titles, the Manitoba Milk Marketing Agency, have vested in them a great deal of authority. I haven't taken the time to examine precisely just how much authority they have, but I do know that they can withhold milk, for instance, from somebody who they believe isn't living up to the regulation standards that they set for themselves. I don't even think that the Minister really has looked at whether or not this legislation is required.

It is the easy way out, but what a foolish way out, Mr. Deputy Speaker. I mean, really, what a foolish way out to prohibit, in what we like to think of as an open society, somebody who wishes to use a marketing technique that would enable them to use a product, any product, as has already been stated, for the purposes of their own choosing.

There's an interesting graph handed to me by my colleague, the Deputy Leader of our party, that indicates in very graphic form how NDP policies have driven

down the per capita consumption of milk from a high of just a little over 100 litres per capita in '81, down to a low of 97 in '85. That I suppose, is partially attributable to NDP policies. After all, we've had good economic times. It's not that people have had poor times and couldn't do their shopping so the Finance Ministers, the Premier tells us. But, Mr. Deputy Speaker, as I say, a silly bill.

I ask my colleague from the Minister of Workplace Safety and Health or Member for The Pas, what would Mother Theresa think of this bill? What would Mother Theresa think of this bill? We are passing legislation that puts into question her whole life's dedication, which includes giving out milk. In other words, think about it. Mother Theresa couldn't do in Manitoba, with the passage of this bill, what she does in India for the countless thousands of children who need and so appreciate that work. It is just that silly, Mr. Deputy Speaker, that if a private business wishes to reduce or indeed to give away, for whatever reasons, a product, this socially minded, supposedly consumer-minded government will prevent that from happening by putting in a bill like this.

Mr. Deputy Speaker, it is a foolish bill. As I say, I am not at all satisfied that it is necessary, that the same cannot be accomplished by those currently responsible for the running and the operation, and the running of the milk industry through their different agencies, the marketing boards, marketing councils, milk control board, whether or not they could not exercise their own, you know, muscle if they chose to do so, rather than ask this Legislature to pass this kind of legislation. That, quite frankly, boggles one's imagination. I mean it could be any other product. It so happens that the Minister at this instance has chosen milk, Mr. Deputy Speaker.

You know, we don't oppose legislation unless we have given it some serious thought. We don't particularly like to oppose legislation that is introduced by a Minister of Agriculture because we have a substantial number of rural and agriculturally involved members in this House. Mr. Deputy Speaker, we encourage or want to see encouraged any facet of the agricultural industry such as the milk industry that, thanks to their organization and thanks to their own promotion, is doing reasonably well and does not really require, does not really need this heavy hand of government as a further step of intervention.

We will be opposing this legislation, Mr. Deputy Speaker. We will be offering an amendment to it during the committee stage. We simply don't think it's necessary.

A MEMBER: Hear, hear. Well said.

MR. DEPUTY SPEAKER: There being no other speakers, the Honourable Minister of Agriculture will close debate.

HON. B. URUSKI: Thank you, Mr. Deputy Speaker.

I thank all members for their comments, even though I don't agree with any of them. Mr. Deputy Speaker, I will want to -(Interjection)- the members opposite, I'm talking about, that I don't agree with any of their comments. I shouldn't say - there may be one or two in there that we will certainly want to consider further.

I'd like to make a few brief comments in respect to points raised by members opposite today. The Member for Emerson accuses me of a vendetta on the milk industry. Mr. Deputy Speaker, let's understand the issue we have today. We have Conservative legislation that we are amending, not NDP legislation. It is their legislation. We didn't bring in a bill to amend The Milk Control Act. They were the ones who brought in the bill to throw out the old Milk Control Act.

Mr. Deputy Speaker, we've had a number of revisionists speaking on this legislation today. We've had the Member for Lakeside; we've had the Member for Pembina; we've had the Leader of the Opposition speak earlier; and the former Minister of Agriculture, who brought in the bill, who tried to revise the facts of history as to how this bill came into being.

Mr. Deputy Speaker, it was the former Minister of Agriculture and some of his colleagues who accused members on this side of not supporting the legislation, and not supporting changes to the milk control system that did not subject the farmers to the previous appeals to the Milk Control Board for price increases in terms of managed supply. Mr. Deputy Speaker, we did not fight against those changes in their legislation that we're now amending. We did not. They have tried to make the case that somehow we did. What we did not support and what we are amending today is, in fact, the whole question of deregulation that they put into place in 1980.

We had the Member for Lakeside and the Member for Pembina say that, during NDP times, milk consumption went down. Mr. Deputy Speaker, those are the very years that their policies came into being. That's when milk consumption went down, when we had deregulation. We had those great price wars and the competition that they all believe in, in the marketplace. What happened to milk consumption? Mr. Deputy Speaker, 100 litres in 1981 per capita, going down until 1984, dropping down to 97.6 litres per capita consumption.

Mr. Deputy Speaker, not until we moved with controls to bring back some sanity in the marketplace did consumption in Manitoba rise, and it rose from the low of 97.6 litres per capita to a high of 100, and it's risen even more. It has gone beyond 103 litres; it's going to 106 litres. Mr. Deputy Speaker, Manitoba's milk consumption under controls has increased at an all-time high of any province in the country.

Mr. Deputy Speaker, there is no province in Canada whose consumption of milk in the last number of years has increased higher than Manitoba's. Why? Primarily because, Mr. Deputy Speaker, primarily because of controls, because consumers have had a steady supply of milk at reasonable prices.

Mr. Deputy Speaker, Conservatives in this House have said well, we'll support maximums but we don't want those minimums. Mr. Deputy Speaker, they have just, I guess, repudiated everything that the Alberta Conservatives, that Conservatives in the Province of Alberta and past legislation - Mr. Deputy Speaker, for the last number of years in the Province of Alberta, the Conservative administration has milk control prices on minimums only. Do members opposite know that?

Mr. Deputy Speaker, they have in Alberta. They're not worried about consumers in Alberta, it appears, but they do control the minimum price of milk, they

don't control maximums. And here we have the so-called Conservative concern for consumers. They and the Member for River Heights, the leader of the Liberal Party, Mr. Deputy Speaker, the Member for River Heights spoke in this House and said that advertising is what will increase milk consumption. Mr. Deputy Speaker, advertising will increase milk consumption, but what she didn't realize is that the advertising on milk, which is good advertising and I support, that is on television, is there right across the country. It's not only in Manitoba, it is everywhere.

We have, by amendments to this legislation - and, Mr. Deputy Speaker, it's their legislation. That's the irony of the whole thing. It's their own bill that we're amending. It's not our legislation that we're amending; it's their legislation that we're amending.

Mr. Deputy Speaker, we have brought in minimum prices because we believe - and I've said it in my remarks earlier and I will want to go through some of their remarks - but the Member for Emerson spoke and said that I have a vendetta. Mr. Deputy Speaker, I have no vendetta for the milk industry; I have never had.

In fact, Mr. Deputy Speaker, the milk industry, in terms of legislation, the milk industry supports this. The producers support this legislation. The chairman of the Milk Marketing Board has come out publicly and supported this legislation. Several smaller processors, Mr. Deputy Speaker, have also supported this legislation. Mr. Deputy Speaker, the Canadian Federation of Business - and I want to quote from their press release and I want to indicate. They released their press release: "The Canadian Federation of Independent Grocers supports the work of the Milk Prices Review Commission and also the latest amendments proposed by the government." So much for their supporters in business.

Mr. Deputy Speaker, I want to go on and I want to be fair because they looked at it. "Some people argue," and I'm quoting from the press release of - I received it on June 30, Mr. Deputy Speaker. "Some people argue that a free market would bring cheaper prices. That is not the case, as indicated by Ontario, where the price of a litre of milk is as high as \$1.39 versus 88 cents to 94 cents in the Province of Manitoba." They have milk sales in the province of Ontario. And I go on to quote: "Cheap sale prices in some stores would mean higher prices overall and very high prices in rural Manitoba." So much for their defence of rural Manitoba, Mr. Deputy Speaker, and the grocers know that. The grocers know that, that it is rural, northern and small grocers in Winnipeg who in fact, paid for, those consumers paid for the price wars in milk. And it's your consumers, Mr. Deputy Speaker, who would suffer with no controls in prices.

Mr. Deputy Speaker, what occurred prior to the controls that we imposed? The margins for the large retailers were 20 percent and more. That's what the large retailers received in rebates on milk prices. Now, they are in fact regulated to 14 percent to 15 percent. They may like 14 percent to 15 percent, but they liked 20 percent or more even better, Mr. Deputy Speaker, and that's really the issue. And none of the small stores that those Conservatives say they represent could have commanded that kind of a rebate.

Contrary to statements made by the Leader of the Opposition, the Member for Pembina and others, that

this is an anti-Cantor bill, it is not so. Mr. Deputy Speaker, this bill is aimed at none other than SuperValu. They are the ones that have been charged, not once but on a number of occasions. They are the ones who, Mr. Deputy Speaker, have flaunted the control system. It just happens, Mr. Deputy Speaker, that Mr. Cantor falls into that whole process and the Opposition can use him as a good whipping boy to say we're against small grocers. Mr. Deputy Speaker, we are not against grocers.

This bill, if anything, will allow for greater, true free enterprise to be able to flourish in the milk market. True advertising and true promotion will, in fact, be enhanced by this legislation. They don't like free enterprise, Mr. Deputy Speaker. They want free enterprise for the rich or, I should say, Mr. Deputy Speaker, they want free enterprise for the small, and socialism for the big and wealthy. Controls for them will do a good thing. That's true Conservative philosophy, Mr. Deputy Speaker, free enterprise for the poor, socialism for the rich. That's Conservative philosophy.

Mr. Deputy Speaker, I wanted to make a couple of other points on the bill. There is one comment that the Member for Fort Rouge made about northern pricing, Mr. Deputy Speaker, that we will have to look at closer, that really we have to deal - (Interjection)- River Heights, I'm sorry, the Member for River Heights made. We will have to look at the question of greater monitoring in Northern Manitoba as to milk prices.

Mr. Deputy Speaker, what actually happened, I think the Member for Arthur talked about milk prices, or let's see - yes, the Member for Morris, I guess, talked about in effect the current administration is saying, "The unfortunate will eventually pay more," that's I think, quote, his comments. Mr. Deputy Speaker, in effect, the fluid milk marketplace in this province really doesn't have an exceptional track record in terms of pricing. Mr. Deputy Speaker, members should be reminded that during the controls and up until '84, we allowed their decontrols from 1980 to '84 to work. That's where our consumption went, Mr. Deputy Speaker, when . . .

A MEMBER: You said the economy was doing so poorly, and that was the reason for . . .

A MEMBER: Really, you know, you confuse your own argument so often, you should sit down.

HON. B. URUSKI: Mr. Deputy Speaker, when decontrols were on and there was a one-time producer price increase and it increased about 5 cents a litre, members don't want to remember that. The marketplace at that time saw fit to increase milk by as much as 20 cents a litre. Producers got 4.5 cents to 5 cents, they raised the price up to 20 cents a litre.

Mr. Deputy Speaker, the marketplace and all its actors were involved in wholesale rebate that really had gone out of control, and it was at the expense of local processors, independent retailers, rural retailers, and many consumers, both urban and rural, especially those. Mr. Deputy Speaker, I believe that this bill - and it's their legislation that we are in fact strengthening. It's kind of ironic to have Conservatives oppose their own piece of legislation because they would be controlled.

I guess that's consistency on their part, Mr. Deputy Speaker. And they berate two-price systems, but yet they're prepared to accept, as I am, a two-price system on wheat. They have argued with no difficulty that saying wheat prices should, in Canada, for domestic purposes, should increase to an all-time high, and I accept that, Madam Speaker.- (Interjection)- Pardon me?

A MEMBER: Can you import milk into Canada from the United States? You restrict that, don't you?

HON. B. URUSKI: Mr. Deputy Speaker, we restrict the importation of wheat as well.

A MEMBER: You do not.

HON. B. URUSKI: Yes, we do.

Mr. Deputy Speaker, they are as consistent on this legislation as they are on many other matters. Their colleagues in Alberta support minimum prices, in fact, have legislated minimum prices and don't legislate maximums. These Conservatives are prepared to legislate maximums and not minimums, total consistency within the Conservative Party, Madam Speaker. And I think we will see, and it's been proven out, the graph is very clear in what decontrols have done and what controls have done. The proof of the pudding is in the actual consumption in Manitoba. And so I suggest that rural Conservatives rethink their position on this issue.

MR. DEPUTY SPEAKER: Is the House ready for the question?

MR. D. ORCHARD: Mr. Deputy Speaker, are further comments appropriate at this time?

MR. DEPUTY SPEAKER: I have not recognized the honourable member. There is a vote going on.

The question before the House is the motion that Bill No. 14 be now read a second time. Is it the pleasure of the House to adopt the motion?

QUESTION put, MOTION carried.

MR. DEPUTY SPEAKER: The Honourable Opposition House Leader.

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

Could the vote be recorded on division? The Member for River Heights has indicated she wishes to be recorded as opposed.

MR. DEPUTY SPEAKER: Is that agreed? So ordered, on division.

Debate on Second Reading on the proposed motion of the Honourable Attorney-General, Bill 25, The Discriminatory Business Practices Act. (Stand)

On the proposed motion of the Honourable Minister of Environment, Bill 26, The Environment Act. (Stand)

On the proposed motion of the Honourable Minister of Environment, Bill 28, The High Level Radioactive Waste Act. (Stand)

BILL NO. 35 - THE CHILD AND FAMILY SERVICES ACT

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Minister of Community Services, Bill 35, An Act to amend The Child and Family Services Act.

The Honourable Member for Rhineland.

MR. A. BROWN: Thank you, Mr. Deputy Speaker.

This bill is in the name of the Member for Assiniboia who has stood the bill for me, so he will not be speaking on this bill.

MR. DEPUTY SPEAKER: Is that agreed? (Agreed)
The Member for Rhineland.

MR. A. BROWN: I have studied this bill and I really have had no presentations coming my way which have strong objections to the passage of this bill. This bill does provide that status Indian children are registered under The Indian Act rather than as a band membership, and I am sure that that is going to make it easier to determine whether a child is a status Indian or a band member. I can see where this wording would conform with the federal Indian Act.

This bill also allows the courts to waive the time limits when an extended family applies for adoption. The present legislation requires such application to be made within 12 months of placement, or after three years of continuous care.

Mr. Deputy Speaker, I do have some concerns in this particular area. I would like to refer the Minister to a letter which she received, of April 3, 1987, by Lynne Bracken and Joe Bracken, who expressed their concerns regarding private adoption. They did have a great deal of difficulty with their particular adoption case and I'm sure that the Minister must have read this letter. I don't know if she recalls it at the present time, but there were a number of concerns expressed in that particular letter which was written to the Minister, which she should be paying attention to.

For instance, if the current procedures protect the minor birth mother under selective adoption, then they must protect her in the same degree under private adoption, because they really are one and the same.

We seem to have been creating some difficulties when private adoptions are concerned, and I can see where the Child and Family Services would want to know which home a child was being placed in, that they would want to make sure that this home received the approval and met all the qualifications that an adoptive home should meet. But in this particular letter, it was absolutely ridiculous, some of the problems that this couple encountered.

I think that one of the areas, for instance, where there could be a change made, the bonding process between child and mother is always considered to be a very important process. Now, the way that the bill reads at the present time, this bonding process has to occur away from the adoptive home. In other words, there has to be a mutual place, presumably a hotel room, where the mother and the child can be together in order that this bonding process can start. This to me, Mr. Deputy Speaker, is a ridiculous process and I don't really see why. I cannot see any particular reason why things of this nature ought to occur.

There are many other areas of concern expressed in that particular letter and, if the Minister is going to check her files, she is going to see that some changes ought to be made in the matter as far as private adoption is concerned.

I welcome the power given to Child and Family Services to authorize a search of records of former wards who have reached 18 years of age for information which may enable reunion of adult adoptee's siblings. There are many persons who have been adopted who would like to know who their real parents are and, if there is no objection on both sides, then I think that we should make that information available to them and we should assist them as much as we possibly can.

With those few remarks, Mr. Deputy Speaker, I would be willing to have this bill pass on to committee.

MR. DEPUTY SPEAKER: There being no other speakers, the Honourable Minister of Community Services will now be closing debate.

HON. M. SMITH: Mr. Deputy Speaker, I appreciate the support that the critic has given to the amendments.

With regard to the one question that he has raised, I think a letter of response has already gone to that family, but I'd be happy to take up the issues with the critic in person and make sure I've understood his concerns.

We are always reviewing these acts to see whether there is room for improvement and I think that would be the correct way to deal with his question. Again, I'd like to see the act proceed to committee stage.

QUESTION put, MOTION carried.

MR. DEPUTY SPEAKER: Debate on Second Reading on the proposed motion of the Honourable Attorney-General, Bill No. 38, An Act to Amend the Law Society Act, standing in the name of the Member for Fort Garry. (Stand)

BILL NO. 40 - THE HUMAN TISSUE ACT

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Minister of Health, Bill No. 40, The Human Tissue Act, the Member for Pembina.

A MEMBER: Go after them, Don.

MR. D. ORCHARD: No, that's the next bill. Thank you, Mr. Deputy Speaker.

We've had The Human Tissue Act amendments before us now for a couple of weeks. Let me indicate to you that I and members on this side of the House are supportive of the broad intent of the Human Tissue Act. I guess we approach that from the same approach that members opposite in government do and members of Manitoba's society in general do, that being from the standpoint that from time to time, due to an unfortunate death, through the modern medical technology of organ transplant, someone in Canada and indeed someone in North America may receive life from that death.

That is a principle and a process that is supported, I think, universally. I have to say, Mr. Deputy Speaker, that Manitobans as individuals, support the donating

of their organs upon death more than any other group of people in Canada. The Province of Manitoba has a record high number of donating citizens in this province. I think that speaks well for the kindness, the openness, the true generosity and desire to preserve life and to assist even in the most tragic of times that truly reflects what Manitobans are in their hearts.

Mr. Deputy Speaker, that fact came out very, very dramatically some three weeks ago wherein I attended, I had the pleasure of attending a breakfast sponsored by the national organization promoting donations of organs for transplant purposes in Winnipeg. That national organization held a breakfast some three weeks ago, and it was attended by several members of the House, both sides of the House, all sides of the House if you will.

Mr. Deputy Speaker, I have to tell you that they ran that breakfast extremely well. What they did is they explained the program in general of a voluntary organ donation by individuals as they're living, making that designation, particularly on their drivers' licences, but as well, this national organization also has a card, a wallet-sized card, that can be carried by an individual indicating that individual's desire to have any or all of his organs in his body used for medical purposes, including transplant, upon that individual's death, untimely or otherwise.

But Mr. Deputy Speaker, I guess what was terribly emotional and moving about that breakfast was they had a number of individuals at that breakfast who were on both sides of The Human Tissue Act issue, the donation of organs issue. They had surviving relatives of individuals who had met untimely deaths and their organs were used to provide needed transplants to other individuals across Canada and thereby, through their tragedy, their loss, their untimely death in their family, someone somewhere in Canada or in North America received the gift of life through a transplanted kidney, a transplanted heart.

They had one parent there who described the very tragic and emotional circumstances of losing her son at the age, I believe, of 11 years old because he was struck while riding his bicycle. That mother, on her own, made the decision, through the grief of losing her son, to donate that child's kidneys and heart and at least two other individuals today enjoy a quite normal lifestyle as a result of that transplant.

I have to tell you, there were an awful lot of handkerchiefs out while she was speaking. It was an incredibly emotional statement she made, an incredibly moving statement, and it brought me right home to the kind of decision-making she must have gone through as a parent losing her son, because my son is 14 years old this year and I just can't conceive of the depth of emotion one would go through in making that kind of decision.

Her presentation, for anyone who was there and had the opportunity to listen to it, would give you the kind of strength you need to make that decision if you found yourself in that unfortunate circumstance. She said that today she has the picture of her son, but she also has the knowledge that her son lives in at least two other individuals who were granted that precious gift of a transplanted organ and continue fairly normal and certainly full lifestyles as a result of that.

On the other side of the coin, at that breakfast, they had donor organ recipients there, people who had

received in one case a heart transplant some several years ago, once again because of the untimely death in a car accident, in this case, of an individual. That lady would simply not be alive today had it not been for the untimely death of another individual whose family made the decision that his heart should be made available to transplant.

Transplanting of organs is relatively new medical technology, and the operation itself is a very, very expensive operation. Of course, the expense varies depending on which organ is transplanted. The heart transplant is an extremely expensive surgical procedure. In this day and age, I presume, where all governments are faced with decisions on how to fund and what should be funded, the question of course has to come up. Are we not pushing medical technology beyond what God the Creator intended in that we are now taking and providing life through this miracle operation, really, of organ transplants?

There may be the legitimate question asked: Is that an area that we should continue to fund in greater and greater amounts and thereby placing financial constraints on the whole medical funding system?

Well, I suppose that's a question that has to be addressed and will be addressed over the next number of years. But on the positive side of that argument comes the full knowledge that when you successfully transplant a heart, you probably have taken that individual out of the health care system, because people suffering from a very serious terminal heart disease are spending their last number of weeks, if not months, in very expensive health-care facilities. So on the one hand, the operation is costly, but on the other hand the provision of medical care in the last few weeks and months for that individual also is expensive, and I suggest that there may well be an equative trade-off, if you will, of those costs.

But more important to recognize is that the individual so successfully receiving a transplant becomes a productive individual in society, becomes one who can return to work and contribute to the economic health and well-being of our country, our province, and certainly to their own families in the case of kidney transplants, and the waiting lists for kidneys are very, very lengthy because kidneys are not readily available.

Now, kidney transplants, one can't call them routine because it's a very serious operation, but kidney transplants are very, very successful and there is clearly and unquestionably an excellent use of medical technology, because anyone who has a member of the family who has suffered from any kidney disorders and have had to have themselves or someone in their family utilize the dialysis that's available as a substitute for a functioning kidney know the kind of trauma and problems that presents and how disruptive that is to a normal and productive lifestyle. On the cost side, the dialysis program, of course, is quite an expensive and prolonged backup procedure to non-functioning kidneys for those who can avail themselves of dialysis.

So in the kidney transplant arena, there is no question that is a very cost-effective use of limited medical funds because the individual receiving that kidney can return very, very quickly to a very normal, healthy and active lifestyle and career, and thereby contribute to the community and to the province and to the country.

So, Mr. Deputy Speaker, we have to support all efforts that would enhance the availability of those precious

organs because the demand for them is increasing, and increasing quite substantially. The one provision in this bill that is a good provision is the enabling legislation which allows doctors, when they know that their patient, the attending physician knows that the patient is terminal and is not going to live and that certain of the organs that that patient has would be very, very valuable in terms of the donation program for recipients to someone waiting, the doctor can suggest to the relatives and indeed, if the patient is capable of understanding, suggest to them the option of making their kidneys, their eye tissue, their hearts available for donation. Mr. Deputy Speaker, I think that having that in this bill will enhance the availability of needed organs. So we support that enabling of physicians to make that request in the very final hours of a dying patient's life.

Mr. Deputy Speaker, as with all pieces of legislation, there are things in it that are controversial and this is no exception. The one controversial area that I have some difficulty with and will pursue in terms of direct questioning with the Minister when we have this bill before committee is the presumed consent aspect that is enabled in this legislation.

The presumed consent extends to eye tissue and it currently is in place right now for a pituitary gland. The presumed consent, as I understand it, that's in the bill is that, where a post-mortem is being performed on a body, the physician performing that post-mortem can remove the pituitary gland unless he has reason to believe that the individual would have not wished that or his immediate family had not wished that. Under that presumed consent, the pituitary gland can be removed, and it's being extended by these amendments to also eye tissue in the case where the lenses are indeed needed for transplant operations.

Mr. Deputy Speaker, I guess that presents some concern in that I believe, from reading the act, and although I don't want to refer directly to clauses in debate on Second Reading, but there are two flaws that need to be answered, and possibly need to propose an amendment at committee stage, that decision being made depending on the answers we receive at either closing of debate or in terms of the committee process.

The section of presumed consent that I have just identified doesn't apply under certain circumstances. One of those circumstances is if the physician or the person performing the post-mortem on the body, for the first exemption, has reason to believe that the deceased, if living, would have objected. Now that sounds reasonable, but the problem is that presumes that the physician performing the post-mortem knew the individual upon whose body he is performing the post mortem. I think that's a very useless presumption because we're talking about a population of 1 million and we're talking one physician.

I think the cases in which that presumption of knowledge by the attending physician or person doing the post-mortem is very, very rare and, in effect, I say a useless exemption because, after all, ask yourself logically how many persons performing post-mortems would know the individual, when living, on whom they are performing the post-mortem. It's almost a lottery-type chance that he would know him and be able to not remove the pituitary gland and now the eye tissue because he knew that person, when living, would not have allowed that.

The second exemption to the presumed consent is if the deceased's nearest relative objects. Now that sounds fair and it is fair, because that is the guiding rule which prevents, for instance, the removal of a kidney or a heart from a deceased person's body if the relatives, in absence of a signed driver's licence or consent card. In the absence of that, if the relatives object, then no organ shall be donated.

Mr. Deputy Speaker, in the case of presumed consent for pituitary gland and eye tissue, it sounds as if the protection is there and that the deceased's nearest relative, if they object, could prevent the removal of those two pieces of tissue.

But in the other cases, there appears to be a requirement to seek out and ask the nearest relative, for instance if there is no consent card, whether the kidneys should be donated or could be donated. But in the case of the pituitary gland and the eye tissue, there is no onus on the person performing the post-mortem examination to contact the nearest relative to see whether that individual would have objected, and to see whether that relative would have objected on behalf of the deceased person. You see the subtle difference, and that is where I think we need clarification.

I believe that we may well have to propose to the Minister of Health that there be an onus on the person performing the post-mortem that they attempt to contact the nearest relative. That way, the presumed consent would be a much more workable system, because we are breaking new ground here when we have The Tissue Act. I don't think that we want to have, Mr. Deputy Speaker, circumstances where, after the fact, a relative makes the headlines in the paper saying that, you know, this presumed consent is wrong because that individual never would have allowed that to happen to his or her body, and we as the relatives, had we been contacted, never would have allowed it. I can see some potential difficulties here. They're difficulties today because the donor process is growing and fledgling. I think we don't want to have anything, any black marks or any potential disputes which may inhibit or prevent that growth of individuals willing to be donors.

So that's one concern I have in terms of this legislation. First of all, of the two exemptions, the one is virtually a useless one because it presumes the person performing the post-mortem knew the individual before death. The circumstance of that is extremely rare. Secondly, I believe there should be an onus on the individual physician attending to at least make an attempt to contact the nearest relative.

Mr. Deputy Speaker, you see, in the definitions of the act, it further complicates this scenario of presumed consent that I put forward. In the definition of "unavailable," it is said that "absence or other cause" is unavailable. I believe that may well need tightening up in terms of definition because, once again, there's no spelling out in this act and I don't see where it can even be spelled out by regulation where a physician has to make so many efforts to contact the nearest relative, etc., etc. They can go on the basis of the definition of unavailable, meaning simply absent or other cause, and other cause, we don't know what that means, whether they're on holidays in Mexico or holidays in Europe, whether that's another cause which would prevent contacting the nearest relative.

These are rather important things to have spelled out more clearly in the legislation, because another

section of the bill holds that it provides protection from liability. In the case of a scenario where I've described that an organ is removed and, after the fact, after the use of the presumed consent, there is no vehicle by which the relatives of the deceased have recourse on that removal of that tissue because a section of the bill provides protection from liability under the act.

This act is structured, I submit, strictly to protection of those removing the tissue in the case of presumed consent. I think we need to discuss that just a little bit more before we pass it. I say that, recognizing and supporting the concept of tissue and organs being made available for transplant, but I don't want a piece of legislation that we pass today maybe being ahead of what the general population will accept and, thereby, not enhancing the availability and increasing the availabilities of organs for transplant, but maybe in some way curtailing their availability by moving too quickly with too few protections in place.

The other section which I find that I will be asking clarification for of the Minister is - I'm going to break the rules, Mr. Deputy Speaker, and refer specifically to section 3(5)(b) so that the Minister - the policy in the section 3(5)(b), it deals generally with the situation where a body is in the possession of presumably the coroner or someone else in a capacity to have physical possession of that body. An autopsy presumably is going to be performed. It appears as if section 3(5)(b) will allow an override of previous protection wherein relatives are to be contacted etc., etc., next of kin or guardians are to be contacted for authority to remove organs for transplant. It would appear as if section 3(5)(b) will override that. And if that's the case, then I think there has to be, if I interpret the legislation correctly, I think that is an area that has to be clarified to assure that an attempt again is made to contact the nearest relative and not carry almost presumed consent through section 3(5)(b). I'm not sure that's the intent of the act, and I'm certainly not absolutely certain that's what would happen from following section 3(5)(b).

Mr. Deputy Speaker, the other area that I will be asking clarification for is clarification on the exemptions. There is a section in the act in which the policy of no trade in cadavers is possible in the province, and it involves offence and penalty and, i.e., no one can basically buy or sell human tissue or sell whole bodies, etc., etc. There'd be no trafficking in the bodies of dead persons or tissue from bodies.

But there is an exemption to that wherein payment can be made both to the physician removing the organs and also to the relatives of the deceased. I indeed intend to seek clarification on that to see whether that exemption, how far it can be carried out, indeed, to possibly encourage the profiting of traffic in organs for transplanting and I want to know the rationale for that exemption to trading and why we would have in there any compensation whatsoever.

It does go against the principle that has long been established in this province, for instance in terms of blood donors, that there shall be no reimbursement for donating blood. Now, that's contrary to the American system which pays donors to donate blood and, as anyone knows who has followed the newspapers recently, there are currently charges being laid against a homosexual - I believe he's a homosexual - who has AIDS who went to a blood bank and sold blood that

he knew was contaminated with the AIDS virus. He did it because, of course, he was being paid for his blood, presumably. That system has often been criticized as being not nearly as good as the Canadian system wherein no one is paid for blood donations. And I, quite frankly, concur. I believe our system is much superior and it has, to date, generally met the needs of the Canadian population and others in terms of availability of blood. I would be concerned if this exemption would allow us to get into the trafficking in body tissue and organs.

So, Mr. Deputy Speaker, with those remarks, I simply ask the Minister in closing debate or when we're at committee that those are the areas that I would like to have clarified and will be posing those kind of questions. But to reaffirm what I said earlier on, this legislation can be supported generally by our side of the House. We have some reservations, as I've already mentioned and if this legislation allows a growing awareness of the necessity and the need for people to be donors of organs upon their death and thereby provide life to sick individuals in this province and in this country, then I think we'd all want to support the premise of the legislation which would allow that to happen. Certainly, anybody who had attended the Winnipeg breakfast sponsored by the national organization promoting the donation of organs for transplant - it was a very emotional presentation that was made there by a number of individuals - you would have no difficulty supporting the broad concept of organ transplant, because it does indeed preserve life in death, Mr. Deputy Speaker.

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

MR. G. MERCIER: Mr. Deputy Speaker, just a few brief remarks with respect to this bill. I certainly concur in the remarks of the critic, the Honourable Member for Pembina.

Mr. Deputy Speaker, I'm wondering whether this bill does not go far enough, frankly. It seems to me, in all bluntness, once you're dead, gone, and buried, the only reason for which I would justify that organs could not be taken or the body could not be used is if there were religious reasons and the person, the deceased had, prior to his or her death, in writing stipulated that for those religious reasons, they did not wish their body to be used or if, as the act states in part, the medical examiner, for reasons of investigation as to the cause of death, the Chief Medical Examiner was of the view that the body had to be retained for that investigation.

Other than that, Mr. Deputy Speaker, I think once we are no longer here, I think the body should be used for its most useful purpose, which is to provide organs or whatever to living people. That's the principle upon which I would approach this act, Mr. Deputy Speaker. If there were no specific direction in writing from the deceased prior to his or her death that they wished the body not to be used, or the Chief Medical Examiner, for his or her own reasons, for investigative purposes made a decision that was appropriate, then I believe the body should be used.

Thank you, Mr. Deputy Speaker.

QUESTION put, MOTION carried.

**BILL NO. 42 - THE CONSTRUCTION
INDUSTRY WAGES ACT**

MR. DEPUTY SPEAKER: Debate on Second Reading on the proposed motion of the Honourable Minister of Labour, Bill No. 42, An Act to amend The Construction Industry Wages Act, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: I give leave for him to speak.

MR. DEPUTY SPEAKER: By leave, the Member for Pembina; is that agreed? (Agreed)

MR. D. ORCHARD: I appreciate the leave so granted by my honourable friends on the opposite side of the House, and the Minister of Finance indicates he bit his tongue. Many, many wage earners in the province wish he would have bitten his pen before he put it to the Budget papers, so they would have bigger take-home pay.

Mr. Deputy Speaker, An Act to amend The Construction Industry Wages Act, I don't know whether any of my honourable friends in the government have actually read this act and know what they're asking the House to pass.

This is another one of the bills that we've got from the Member for St. James. Let me just, for the edification of members opposite, explain to you what the Member for St. James, the Minister of Labour, the former Telephone System Minister responsible, what his record in this House has been.

Mr. Deputy Speaker, this is the same Minister who's bringing in this bill, this Act to amend The Construction Industry Wages Act, is the same man who sat there deaf, mute, and incapable of understanding while the Telephone System squandered \$30 million. This is the same Minister who has brought us Bill 61, an act that's currently before committee, which has split the union ranks, which has split the NDP caucus, which has split the whole labour relations community, and he's brought it in to be paternalistic to Bernard Christophe and some of his union friends.

This Minister of Labour's reputation in legislation and ability to be a Minister responsible is so severely discredited that I'm surprised members in government would allow him to bring in Bill 42, and that's why I made my opening comment that I question whether any members of the government have read this bill. Because surely, if they had read this bill, they would have to agree that this is another one of the boondoggles of the Member for St. James, a bill that will cause untold problems.

On the other hand, Mr. Deputy Speaker, seldom do the NDP allow such notable members of their Cabinet as the Member for St. James to do things completely unaware. After all, once having been dubbed one of the Premier's Cabinet of the walking dead, the Member for St. James, joined by that notable Member for Gimli, the Minister responsible for MPIC, they probably do watch the legislation that the Member for St. James as Minister of Labour brings in. If this government is actually supportive of the powers that are in this bill, then they are indeed a very, very bad government because, if they want these kinds of powers around

the Cabinet table, I suggest that no one in Manitoba wants them to have those kinds of powers.

Some of the powers that I want to refer honourable members to opposite are contained, for instance, in the amendment to the definition of construction. Construction can now include decoration, repair of buildings, and a number of other projects and includes such related activities as the Lieutenant-Governor-in-Council, by regulation, deems necessary to include within the definition "construction." Now, what are we doing here? Why do we want Cabinet to have, by regulation, the power to define what is construction?

Let's first of all understand where this bill applies. This bill applies as a guideline for setting the wage schedules on major construction projects - it used to be - on major construction projects throughout the Province of Manitoba. For instance, the construction of Limestone falls under the minimum wage requirements of The Construction Industry Wage Act, and I would submit that the pay rates at Limestone far exceed the minimums that are set annually by regulation as provided in this act. But Mr. Deputy Speaker, the NDP are now going to have decorators fall under this act. Now that means, when you bring in someone to wallpaper your living room and maybe some of the people in the galleries were going to have someone come in to wallpaper your living room, and giving the mentality of this government where everything has to be unionized, everything has to be done by the unions, well, if you happen to hire a contractor who was non-unionized and they happen to want to hang your wallpaper for \$6 an hour, by regulation, this group and government can go into the Cabinet room in the northwest corner of this building and pass a regulation saying that your little independent wallpaper hanger can't do that for \$6 an hour. He has to pay \$12 or \$14 an hour. Well, you know what that will do to the cost of wallpapering your living room. It'll more than double it.

What are we doing? Why are we so concerned that someone doing decorating, hanging wallpaper should fall under The Construction Industry Wage Act? Why are we so concerned that someone who may renovate your kitchen, put in new kitchen cupboards, a small contractor, again non-unionized, why do we want to have those businesses engaged in the repair of buildings to fall under this wage act? Well, I think I know why. The tradition has been in the building trade unions - and this has happened in Western Canada. It started a number of years ago in the United States. What had happened is that the highly unionized trades in the construction industry were driving the costs of construction on office buildings and major construction projects clearly through the roof. Those buildings, those housing projects were getting beyond the afford of many Americans.

When those construction projects were becoming so increasingly expensive, driven by the unionized wage demands of the trades unions involved in the construction, those projects got unaffordable. What happened is that in competition to the unionized construction firms, many non-unionized firms came up with sufficient capacity to undertake the construction of those houses, those office towers, those power plants. Because they were using non-unionized tradesmen - readily available, willing to work - and they were paying

them substantially less, presumably, than the unionized wage rates, they were able to build that building or that power plant at a much lesser cost. In the end, the consumer paid much less for the services from the company purchasing that building or that power dam. What happened in the United States was a virtual demise of the unionized construction industry.

Now in Western Canada, the similar thing has happened. It's happened in a combination of the trade wage rates getting so high that projects were too expensive to undertake and weren't being done so there was high unemployment and, with high unemployment, those very unionized tradesmen sought jobs in non-union shops. Those non-union shops in Alberta, B.C. and elsewhere in Western Canada were able to bid effectively and bring projects in much more economically.

Basically, what has happened in those jurisdictions, both south of the border and west of us - I can't speak for east of us - is that you now have a very competitive construction industry where projects are coming in at a lower cost, projects are affordable, projects are going ahead. What we had, quite frankly, was the free market operating as it should. When a group of people who are unionized made too high a wage demand and they priced themselves out of the market, the free marketplace came along and said, well, we will undertake to build this with non-unionized workers.

The same workers, most of the time, who worked for the unionized construction companies, the same workers who were unemployed because they priced themselves out of the market, willingly went to work for non-unionized construction firms. Construction went on, jobs were created, projects come in economically and the economy rolled on. That's what happened when the free market was allowed to exercise its ability to control costs that get too high.

Now what's going to be the circumstance in Manitoba? Well, the circumstance in Manitoba is now this NDP Government with its pro-labour union bias, this NDP Government that has Mr. Hudson regularly in to see them as president of the MFL, this NDP Cabinet and this NDP Labour Minister that have regularly meetings with Mr. Christophe to see what he needs in terms of legislation, are now passing amendments to The Wage Construction Act which will disallow that very private sector decorator from hanging wallpaper in private individuals' homes unless they pay the construction industry wage rate that they have set. Whether it's unionized or not, that's the power that's granted here.

There will be no free market at work in the construction industry in Manitoba with this legislation. The unions are free to price themselves wherever they wish in Manitoba, because this government and this Cabinet with this legislation can go behind closed doors at the behest of the president of the MFL, Mr. Hudson, at the behest of Mr. Christophe, at the behest of any of their union leaders and say, XYZ Construction Company has just cut us out of a job because they're using non-union labour, as the NDP call it "scab labour" - and I object to that terminology, but that's NDP terminology, that's NDP "newspeak." By Cabinet directive, they can put that non-union construction firm out of business by coming in and declaring them part of this act.

I simply ask the common sense question: Is that fair? Is that fair to interfere in that way in the free market system in Manitoba? Is it fair to protect your union friends further with this bill? Why do you need to do that, other than the fact that they are running the same risk in Manitoba that they've run already in Alberta and other provinces and where they have already run themselves and priced themselves out of the market in the United States? This NDP Government responds to the labour union leaders, and those labour union leaders see the free market system taking jobs away from the union.

Now, I am very specific here, not jobs away from the worker, not jobs away from the union member as a worker, but jobs away from the union. And why are the union leaders worried about that? Because, Mr. Deputy Speaker, the moment a trade unionist is unemployed and is not on a union job, the union leaders do not have the check-off to pay their salaries. This is very much vested-interest legislation to preserve the salaries and the lifestyles of the union bosses in Manitoba against the operation of the private free market system that built this country.

This is probably one of the worst pieces of legislation we're going to deal with in this Session, dealing with many bad pieces of legislation such as we are. This is such an incredible attack on the free negotiation of the private sector, and the private sector and the free market system. This is one of the biggest attacks that the NDP have placed upon it, ICG being a major attack, the takeover of ICG. But now this NDP government wants, not by debate in this Legislature - heavens, no - they have enabled themselves to walk behind the Cabinet door and redefine construction, which can include decoration, repair of buildings, or anything else that Cabinet decides.

A MEMBER: Demolition.

MR. D. ORCHARD: My colleague says, "demolition." Agreed. These people could prevent a non-union, private sector business starting up in the demolition business from bidding and successfully tendering and contracting on demolition work. The act provides by regulation, if you read on page 2 and 3 of the act, that the Cabinet, the Lieutenant-Governor-in-Council may make regulations for "defining for the purposes of this act the type, class, or size of project in the construction industry that are major building construction projects." I mean, they can determine whether building one house is a major building construction project and impose these wage rates on the workers building that house.

They can also go and by Order-in-Council, without debate in this Chamber, include within the definition "construction," such other related activities as the Lieutenant-Governor-in-Council deems necessary. This is incredible powers to be granted to you as a Cabinet with very pro-union ties, and I suggest pro-union ties with a vested financial interest around the Cabinet table. As I mentioned, no labour union leader wants to see a non-union construction project go ahead because, if it's non-union tradesmen who are building that office tower, then the union doesn't get a check-off from that trade unionist, from that employee. When they don't get the check-off, they don't have the money to pay

their salaries as union leaders, to pay their expenses as union leaders.

(Madam Speaker in the Chair.)

This government has a vested interest in this bill because this government receives funding directly from the trade union movement. The N.D. Party, as a political organization, receives money from the unions to support their political future.

Madam Speaker, anything that detracts from the union movement takes dollars away from the NDP. There is indeed a conflict of interest in members of the NDP supporting this bill because this bill is designed to enhance trade unionism in the Province of Manitoba, and thereby assure the N.D. Party more financial support by the trade unions. Now what can be more clearly a conflict of interest when you have a financial vested interest in legislation you're passing? Each of you do. I don't see too many members opposite who did not have some union shop stewards, some union hired campaigners, working on your behalf in the last number of elections that you've ran in. You've all had them. Those are paid for by the union movement.

Madam Speaker, this act further goes on in terms of allowing the definition of words. For the purpose of this act and any regulation made thereunder, again, the Lieutenant-Governor-in-Council may, by regulation - in other words, behind the closed doors of the Cabinet room without debate in this Legislature, this group of puppets for the union leadership can go behind there and define any word or expression used in or included in the definition of construction, or the definition of the sector to which this act applies. This is behind closed doors. Now, I ask you, if that is powers that we should grant to a pro-labour union boss, group, around a Cabinet table? I say no. I suggest to you that - well, I don't know who I can speak for because on that side of the House - I know who I can speak for - the Member for Lac du Bonnet. The Member for Lac du Bonnet is sort of a regular fellow.

A MEMBER: Really?

MR. D. ORCHARD: Well, he used to be a regular fellow.

MR. A. DRIEDGER: You should see some of the latest word we have on him.

MR. D. ORCHARD: Madam Speaker, the Member for Lac du Bonnet, representing Beausejour as he does, we can have a contractor in Beausejour set up business to undertake the renovations of peoples' houses or hanging wallpaper in houses in Beausejour because they're decorating those peoples' houses. If that growing, fledgling business in the Member for Lac du Bonnet's constituency happens to run afoul of some union leader, in that his employees tell the organizer for a labour union they don't want any truck or trade with the labour union and they don't want to be unionized employees, they're quite happy where they are, the union boss can come to the Minister of Labour who's sponsoring this bill and say we've got a problem in Beausejour. We've got this little contractor who won't cooperate. his employees won't cooperate with our organization drive. They don't want to be union

members. We want you, by definition, to define the renovations and repairs that private constructor in Beausejour is doing as construction, and we want that to be part of The Construction Industry Wages Act so that we can impose on that contractor, that small, growing contractor in Beausejour, wage rates that are provided by this bill annually.

Now if that man has gone out and bid a number of jobs basis \$8 an hour for his employees and finds out he has to pay \$12, he's going to go broke. Those are the kinds of powers we're allowing and we're granting if this act is passed. I don't believe that anybody would want those kinds of powers in any Cabinet, let alone an NDP Cabinet where they've got their close, political ties with the labour unions.

Now, Madam Speaker, what else has happened in this bill? Well, not only does it allow the Cabinet to roll almost any kind of construction activity into the provisions of this act, whether the employees want it or not - that's the power granted under this act - anybody who offends the provisions of this act is now subject to a fine of not less than \$500 if he's a corporation and not more than \$10,000.00. I mean, they've incredibly increased the fines and penalties in this act. Again, it's by summary conviction, which is a very slick process of providing for very simple, clean-cut conviction and requirement of payment of fine.

Madam Speaker, for what reason are we making these amendments? The Minister of Labour certainly never gave any reason when he brought them in, but then the Minister of Labour of course never really explains fully what he's doing, and whether he knows or not is always the question we ask. In this case, I suggest he knows.

Now my honourable friends, I know, will say, well, are you against employees getting higher wages because that's been the tenor of my argument on this. Well, there's no question that no one is against, no matter what your political stripe is, a person getting more wages. But if you enforce this act as you can, from behind the doors of Cabinet without debate, by regulation, by Order-in-Council, without debate in this Chamber, without any debate whatsoever, you can impose this act on unwilling private sector contractors and their employees. Now the employees may be happy for a month until they find out their employer has gone broke because they have been forced to come under this Construction Wages Act and their jobs are no longer there.

So no one is against someone being paid more, but what we're against in this act is the perversability to have a Cabinet go behind closed doors and change the rules of the game unilaterally without consultation, without debate, and without consideration of the consequences on the business upon which those wage levels are so imposed or its employees. And they will do it solely at the behest of the labour union leaders in this province. That's who wants it. No one else wants this.

I don't know of anybody who has demanded these amendments to The Construction Industry Wages Act. Maybe someone over there of greater knowledge than the Minister of Labour can tell us. Who asked for these? Who asked for these amendments? Was it the Chamber of Commerce? Was it the Heavy Construction Association? Who gave these amendments to the

government to have them bring them forward now? We won't get an answer on that because the Minister of Labour and his colleagues in the N.D. Government will not stand up and tell us that the labour union leaders of the province wanted this legislation, because that would prove the point we've made on so many occasions, that the NDP only do what the labour unions wish them to do.

Madam Speaker, we have a great deal of concern over this bill. It grants enormous unilateral power to the Cabinet. The Lieutenant-Governor-in-Council can do almost anything necessary to put private sector contractors out of business, to deny them access to the free marketplace of open and competitive bidding.

This legislation is designed to prevent some savings to anyone contracting to renovate their house, to decorate their house, or even to build a house.

Again, Madam Speaker, with regret, I have to say that this legislation is anti-consumer legislation and this time it is brought forward at the behest, again, of the union leaders of this province, to an NDP government that can't say no to the labour union bosses, because no one else asked for this legislation. No one else wants this legislation except the NDP and the labour union leaders.

I would think, Madam Speaker, that having a chance to read this legislation, maybe even some of the people in the backbench, maybe the pair of three in the backbench might give some consideration to the enormous powers that this grants to the Cabinet and might say, hey, enough is enough. We don't need to have this because no one is asking for legitimate and reasoned purposes.

Madam Speaker, I simply urge my friends in government to not proceed with this bill. It grants too many powers to the Cabinet. It grants too much power over the construction industry, an industry which over the last several years has provided some degree of stimulus to the economy of the Province of Manitoba. Given that background, why would you want to impose upon it any restrictions that would thwart that kind of contribution to the economy and that kind of growth that the construction industry has experienced over the last number of years.

I would urge my honourable friends in government to not proceed with this legislation. It's yet another bill brought forward by the Minister of Labour that should be withdrawn, Madam Speaker.

Thank you.

MADAM SPEAKER: The Honourable Member for Ste. Rose.

MR. G. CUMMINGS: Madam Speaker, I would like to add a couple of brief comments on this bill.

I have seen too often, since I became part of this Legislature, where we have passed laws that are enabling legislation and simply don't have the safeguards and don't have the controls in place to make sure that, somewhere down the road, someone might choose to abuse the authority that is given in the act. I see this act, as so ably outlined by the Member for Pembina in the last few minutes, as being that kind of a dangerous situation.

Madam Speaker, I saw this summer, just in the past couple of weeks, where at the municipal meetings, we

saw civil servants, a very good civil servant as it happened, trying to explain how it was that legislation that was presented two and three years ago, and which apparently was not going to cause any problems for agriculture, apparently would not cause problems for rural Manitoba, all of a sudden now indicating to the councillors and to the farmers of rural Manitoba that they should be, in all likelihood, preparing to lay out and register all drainage ditches on their property.

All of a sudden, the regulations that were applied to an act which, when it was brought in place, we were definitely assured would not be interfering with the opportunity for independent operators to be able to deal in a reasonable and unencumbered manner with the good husbandry of their land are now being told that through regulation they are going to have to become involved with registration of any drainage works. When asked if a complaint would cause the works in question to be considered for removal, it was suggested that in fact this could happen.

Now you might ask: Why am I talking about drainage ditches when we're talking about construction wages? I simply want to make the point, Madam Speaker, that this bill, the more I read it, the more I become concerned along the lines that this is entirely enabling, that there is no indication of what the regulations that will be attached to it could say. There are no restrictions on what those regulations could say. Where it does not specifically refer to particular types of construction, it says, "or any related activities that the Lieutenant-Governor-in-Council may deem necessary to include." I think that line in itself is enough to ask that this bill be withdrawn. It certainly must be reconsidered by those who have brought it forward.

The changing of the definitions that are included in the items near the end of this bill indicate that it is totally discretionary on the part of the Cabinet, and I would request that the government reconsider and withdraw this bill.

MADAM SPEAKER: The bill will remain standing in the name of the Honourable Member for St. Norbert. It's agreed? (Agreed)

BILL NO. 46 - THE CHARTER COMPLIANCE STATUTE AMENDMENT ACT

MADAM SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 46, standing in the name of the Honourable Member for St. Norbert.

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

I have just a few brief remarks. In general, this bill amends a number of statutes in order to allow for people to affirm as well as swear oaths and, to that, of course we would have no objection. It also makes a number of minor changes in legislation respecting ages and their eligibility to do certain things under the different statutes referred to.

I think the bill, certainly with respect to all of those amendments, could be passed onto committee, but there's one section that I would like to refer to, Madam Speaker, that seems to be going somewhat further than what the provisions of The Criminal Injuries

Compensation Act say at the present time. In order to deal with the policy involved in this matter, Madam Speaker, I must refer to the actual definitions.

The existing provisions of The Criminal Injuries Compensation Act provide that a person shall be deemed to be a spouse for the purposes of this act if, although not married to the other person, he cohabits with another person as man and wife and they are known as such in the community where they live, and if (a) the relationship is of some permanence, and (b) a legal impediment exists to their marriage.

Now that definition, Madam Speaker, is repealed and another definition is included in section 7 of this act which goes much further in terms of making a person deemed to be a spouse eligible for benefits and, in the legislation we have before us, there is in fact no reference to living as man and wife, only a reference to a relationship in which the person was dependent upon the deceased victim for support, and refer to "or otherwise a situation in which they live together during the entire period of one year and there is a dependent child born of the relationship." This change in definition goes a great deal further than what is in the existing legislation, and I think, Madam Speaker, we would ask that the Attorney-General provide us with some estimate of financial projections for compensation as a result of such a significant change in the relationship.

Other than that, Madam Speaker, I think that the - well, there's one other section too that I refer to and it's under The Health Services Insurance Act in which there is a change in definition of "dependent." The present legislation refers to a dependent being a person 19 years of age or two years older and who is attending a university, secondary school - and here we have "and who is no more than two years older than 19" removed from that section, and again we'd like to know what the financial implications of the change in that definition are.

Other than that, Madam Speaker, I believe that this bill could be passed and go onto committee for detailed examination.

QUESTION put, MOTION carried.

MADAM SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 47, standing in the name of the Honourable Member for Assiniboia. (Stand)

On the proposed motion of the Honourable Attorney-General, Bill No. 48, standing in the name of the Honourable Member for Fort Garry. (Stand)

On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs, Bill No. 49, standing in the name of the Honourable Member for Fort Garry. (Stand)

BILL NO. 51 - STATUTE LAW AMENDMENT (TAXATION) ACT, 1987

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Finance, Bill No. 51, the Honourable Member for Morris has five minutes remaining.

MR. C. MANNES: Thank you very much, Madam Speaker.

In the five minutes remaining, I'd like to go through some of the projections that we made some time ago as to where this province finds itself.

Madam Speaker, if one looks at the rate of interest rate expenditures over the last six years, one starts off at a base in '81-82 of \$95 million. That number now has increased to roughly \$500 million. Madam Speaker, if you make an assumption that's going to continue to grow, not at the 15 percent per year that it has, but only 10 percent, such that our interest cost next year is \$550 million, if you make that assumption and you assume that the NDP continues to increase expenditures at the rate of 8 percent to achieve a balanced Budget by 1991, this government would have to increase revenue sources by 41 percent. That's one scenario.

Secondly, if you looked at an expenditure growth of 4 percent over the next number of years, 4 percent annually, and you plugged in revenue growth rates at 7 percent for the next three years, 5.5 percent in '91-92, and 4 percent, which honestly I don't believe the economy could sustain, at that time you still would have a deficit - and hear this, Madam Speaker - in 1993 of \$1.1 billion, growing from the 450 up to that point. Again, because of the fact that our interest rate is growing at a rate - and I've indexed it only at 10 percent - but if it were to grow over such a significant fashion, Madam Speaker, you can see why this government has no hope.

The other three scenarios that we had, Madam Speaker, had to do with a restraint scenario, and here - and I serve notice to the Minister of Finance - if he can hold his expenditures in the area of 3 percent increase over the next three years and yet continue to have a 6 percent revenue growth, by way of the natural growth plus increased taxes, Madam Speaker, the Minister of Finance then can balance his Budget in 1993, but it takes a combination of those two factors, the fact that expenditures can only increase at 3 percent and yet revenues have to increase 6 percent per year.

Madam Speaker, looking at another scenario whereby real growth in the economy is at 3 percent, reflected by revenues growing at 4 percent and where expenditures grow only at 3 percent, at that time the Minister of Finance, were he to be in power, could bring the deficit down to \$300 million. Madam Speaker, in my view is where the NDP is trying to take this province over the next year is that hopefully they're going to try and remove their expenditure rate of growth down to 6 percent - I would hope lower, but I don't think they will - with a revenue growth again at 7 percent for the next three, 6 percent after that, and 5.5 percent after that, all of them manifesting themselves in some major tax increases. That would allow the Government of the Day to maintain the \$450 million deficit that we have more or less now at that same level.

Madam Speaker, one final comment before I finish this debate. We've had a number of people individually report to us that they were expecting a 2.5 percent increase, basis a negotiated agreement with the Federal Government, particularly - in these cases, they were federal civil servants - and that was to come into effect July 1, today. They looked at their pay cheque or did a little analysis, one or the other, and because of the deductions that would go with them moving them to a little higher tax bracket plus the net impact of the

provincial flat income tax, Madam Speaker, those civil servants federally, as of today, have less take-home pay than they did in the month of May. That's the legacy that has been left by this Minister, Madam Speaker, and I dare say there will be more testimonies to that degree over the next number of weeks. Naturally we'll bring them forward to the attention of the Minister of Finance.

Thank you.

MADAM SPEAKER: The Honourable Member for St. Norbert.

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

I wish to make a few brief remarks further to comments from the Member for Morris, Madam Speaker, because it was just a few hours ago this afternoon that I received a call from one of my constituents who works with the Federal Government who was supposed to have a 2.57 percent increase go into effect on his July 1 cheque.

After the normal deductions, Madam Speaker, and after application of the Minister of Finance and this government's new net income tax, the employees are simply furious that their net salary is now less than it was before the pay increase of July 1 as a result of this government's tax measures. That is something that we're going to see throughout the province over the next few months, Madam Speaker. Taxpayers, I think, have had enough, and what they have had and what they should realize now is that this is the cost of socialism. This is the cost of having an NDP Government in power for the last six years.

They're now taking in this bill and in their Budget some \$368 million in increase in total taxation in one year from the taxpayers of Manitoba, Madam Speaker. This is the price Manitoba taxpayers have had to pay for their activities over the last six or seven years. These poor tourists, Madam Speaker, who are here with us today, when they go to buy something - and this is something that I have found Manitobans, it's a small matter but they're extremely upset about it, young families who now have this 7 percent tax imposed on takeout food. Families over the past weekend, families celebrating Canada Day yesterday go and buy chips and a soft drink for themselves and their families, and the Minister of Finance imposes a 7 percent sales tax on everything on take-out food. It's simply absolutely atrocious, what they're doing. But Manitoba taxpayers are now aware of the reasons why they should vote against this government.

Madam Speaker, the net income tax, the increase in the sales tax, the application of 7 percent to takeout food, and all of the other taxes are the cost of having this government in power. And what's happening? We still have a \$415 million deficit. They take \$368 million in additional taxation from Manitoba taxpayers this year. We still have a \$450 million tax deficit after five half-billion dollar deficits in each of the preceding five years, the credit rating reduced three times. In spite of all of these increased taxes, the Attorney-General shuts down the RCMP in Winnipeg Beach, in Deloraine, in Reston. The Minister of Health is closing 48 beds permanently in my constituency, in the Victoria Hospital, 98 over the summer at the Health Sciences Centre, at the St.

Boniface Hospital, at the Brandon General Hospital, hospital beds being closed throughout this province, emergency services at the Grace Hospital extremely curtailed.

This is a government that said that they were going to restore the health care system to Manitoba in 1981, Madam Speaker, and it has been significantly and violently curtailed in terms of services to Manitoba. All of the while, we're paying more and more and more for less and less and less and going deeper and deeper in debt. That's what the socialists have done to Manitoba.

MR. D. ORCHARD: Right on, right on.

MR. G. MERCIER: Some day soon, Madam Speaker, Manitobans are going to come to the same realization that people in England came to when the Labour Party did what they did to England, because these people are doing the same thing to Manitobans. You pay more and more for less and less and go deeper in debt under the socialists. I think it was Winston Churchill who defined socialism as distributing misery equally amongst all the citizens, and no more accurate definition of socialism under the NDP could be made than Winston Churchill did in that definition, Madam Speaker.

This government has been absolutely atrocious to Manitobans and now we see, in recent days, an outflow, a migration of people from this province to the Province of Ontario. The Minister of Finance stood up today in an unbelievable statement, Madam Speaker, when he said well, they're going to better jobs in Ontario.

MR. D. ORCHARD: Shame.

MR. G. MERCIER: You know, one recollects - and no doubt the Government House Leader will recollect - the statements that were made when they criticized the Conservative government of 1977-81 when people left to go to Alberta, because that's where the economy was booming. The economy was booming then, Madam Speaker, in Alberta.

MR. D. ORCHARD: It's going down in Manitoba right now . . .

MR. G. MERCIER: And they said that was not a justifiable reason. But I can attest to this Minister of Finance that, since their Budget I have had numerous people in my constituency phone me, dozens phone me that neighbours were moving out of this province, not just to Ontario but to Saskatchewan, Alberta, B.C., because of the tax regime that this province was imposing in addition to everything else and the whole economic climate.

Now, what kind of an attraction can you have to industry when, and without imputing any motives, when you have four government MLA's lining up with picketers in a demonstration. I'm not imputing any motives to the members, Madam Speaker. They sure know where the government's coming from. Is anybody going to invest in this province with that kind of attitude when there is an obvious assumption, Madam Speaker, as to where the government sympathies lie?

But we're losing businesses, Madam Speaker, they're quietly leaving this province, investment is quietly

leaving this province. It takes a number of years regrettably, and regrettably it takes even longer to get them back. This government is doing again to this province what the Labour Party did to England, until people realized the error of their ways in their voting patterns in that country. Regrettably, they've got another three years before there's an election. One can only imagine what is going to take place.

What happens, Madam Speaker, if there is a recession in this country which may occur through no fault of this government or any other government but international financial reasons, Madam Speaker? We've got a \$415 million deficit and they're taking an extra \$369 million in taxation in one year, which is a 20 percent increase, out of the pockets of Manitoba taxpayers. What are we going to do when the crunch is on if the government has to spend money in times of a recession? We acknowledge on this side, that is something that can occur and where the government has an obligation to react. We won't be able to react, Madam Speaker, to anything like that.

Now these tax bills, these increases in taxation, Madam Speaker, regrettably also come at a time when this government increased the hydro rates of some 9 percent, increased the telephone rates 11.5 percent this year, because they deliberately chose to avoid making the proper increase in telephone rates prior to the election of 1986 in which they were publicly rebuked by their own Public Utilities Board for doing that, so we've had to have an 11.5 percent increase in that area this year. We've had the Autopac premiums increased, Madam Speaker, the Workers Compensation Board fees increased.

In one way or another, those annual 20 percent increases in premiums which have been going on for a number of years affect employees in one way or the other, affect the costs of goods and services. They simply have to, because any employer has to pass on his overhead to the consumer so that the consumer is paying twice for what is happening in that particular field. Fees for government services have been increased significantly in this Budget, Madam Speaker - all of these happened - then, as of July 1, a 2 percent tax on net income.

The government seems to think, Madam Speaker, that there is no bottom to the taxpayers' pockets. By some magic, they can keep spending and spending as much as they want to and the taxpayers can keep paying more and more and more. It's simply not true, simply can't go on, Madam Speaker.

But what happens, the Planning and Priorities Committee of Cabinet gets expanded. The incompetent Deputy Minister of Community Services who bungled the whole area under that department for three years gets promoted to be the secretary of the Planning and Priorities Committee at some \$70,000 a year. And they've advertised for a secretary.

You know, the political patronage goes on and on and on and is expanded more and more and more, while services to people get diminished. But is any Minister over there lacking one or two executive assistants, a political hack appointed as a Deputy Minister or an Assistant Deputy Minister, or executive director or special assistant in their department? Those jobs go on and on and on in this province under this government, Madam Speaker. The public services go

down, but the political patronage increases and, the longer they're in government, the salaries go up higher, the number of positions are expanded more and more and the public pays more and more.

A MEMBER: What a sorry lot.

MR. G. MERCIER: I think, Madam Speaker, there is a leave to dispense with Private Members' Hour.

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

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

What this bill also does, of course, Madam Speaker, is part of the duplicity of the government. The increase in the payroll tax - and the government has done this once previously - announced what appeared to be, for the times, relatively significant increases in government grants. Those, of course, occurred before the Budget. Then the Budget hits, Madam Speaker, and the payroll tax is not reduced or waived but is expanded by 50 percent so that, particularly to institutions like universities and hospitals and to non-profit operations like day care centres, churches and different organizations like that, they suffer a significant loss in their operating account with the applicability and the increase of the payroll tax which is again, as we've said for a number of years, an insidious tax, a tax on employment and something that simply does again, wherein we're the only province in addition to the province of Quebec that has a payroll tax, certainly is another factor in not promoting investment in this province.

Of course the Minister of Finance will stand up and say well, you know we could impose a hospital premium tax as they have in some other provinces. But what I think the Minister of Finance has to do, and I think he probably has done whether he'll admit it or not, is that if you look at each area of taxation, we are either the highest or near to the highest in each one of those areas and there is very little room for this government to further increase taxes. That's why we're one of two provinces that has the payroll tax. The list goes on and on, Madam Speaker, in terms of this province being either one of a few provinces to have a certain tax or being at or near the highest level of taxation in all of the other varieties and classifications of taxation.

Madam Speaker, this bill is one which I think this side of the House will have no alternative but to oppose because this government has not carried out its obligations in a responsible way. Over a series of five or six years, it has not controlled expenditures in the sense that it should. It has not established proper priorities for spending; it has not controlled the deficit. The increase in the interest cost now is simply remarkable. We've gone from some \$100 million to nearly \$500 million in interest costs alone, Madam Speaker, out of our annual Budget. It could and may very well get worse with the high percentage of foreign borrowings that this government has chosen to get involved in.

The net debt since 1981 has increased from \$4,000 per capita to \$9,000 per capita. Madam Speaker, it's almost incredible to think that, in some five or six years,

this government could have placed this province in the financial position that it has. It is, Madam Speaker, irresponsible for them to have done so because someone else is going to have to some day pay a high cost to get out of this problem. That's why, Madam Speaker, I don't believe this side of the House can support the provisions of this bill.

It's been a government, Madam Speaker, that is now, in my view, certainly excessively taxing Manitobans and is going to offer less and less services. The future residents of this province are going to pay even more dearly than current ones are in order to remove themselves from this extremely bad financial administration.

Thank you, Madam Speaker.

MADAM SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Madam Speaker, I move, seconded by the Member for St. Norbert, that debate be adjourned.

MOTION presented and carried.

MADAM SPEAKER: The Second Reading on the proposed motion of the Honourable Minister of Finance, Bill No. 52, standing in the name of the Honourable Member for Morris. (Stand)

The Second Reading on the proposed motion of the Honourable Minister of Finance, Bill No. 53, standing in the name of the Honourable Member for Morris. (Stand)

On the proposed motion of the Honourable Minister of Energy and Mines, Bill No. 56, standing in the name of the Honourable Member for Lakeside. (Stand)

On the proposed motion of the Honourable Minister of Urban Affairs, Bill No. 58, standing in the name of the Honourable Member for Roblin-Russell. (Stand)

On the proposed motion of the Honourable Minister of Health, Bill No. 59, An Act to Amend The Mental Health Act, standing in the name of the Honourable Member for Pembina. (Stand)

BILL NO. 60 - THE ANATOMY ACT

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Health, Bill No. 60, standing in the name of the Honourable Member for Pembina.

MR. D. ORCHARD: Madam Speaker, given that Bill 60 is a companion bill, if you will, to the previous bill, The Human Tissue Act, and given that we've passed the first bill to committee, we would do a similar passage of this bill.

QUESTION put, MOTION carried.

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs, Bill 62, standing in the name of the Honourable Member for St. Norbert. (Stand)

BILL NO. 64 - THE HIGHWAY TRAFFIC ACT (2)

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Highways, Bill No. 64, standing

in the name of the Honourable Member for Turtle Mountain.

The Honourable Member for Ste. Rose.

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

This bill, Madam Speaker, has some aspects to it that are quite supportable and, as much as we need to control the indiscriminate sale and registration of motor vehicles that have been repaired from salvage and which may not have been repaired in the manner that (a) puts them on the road in a road-worthy condition, or (b) they may end up being repaired and being put up for sale and the consumer and the purchaser ends up in a buyer-beware situation. Given the nature of damage that can be done to vehicles under these circumstances, then obviously a consumer can be very badly misled and certainly can have on their hands a situation where it's very difficult, almost impossible, for them to get the best possible value for their dollar or get the use of the purchase that they have made.

But it seems to me, Madam Speaker, that this bill only addressed part of the problem. It addresses the problem in relationship to the salvaged vehicles, but it does not address the problem that I believe is long overdue in being corrected in this province, and that is the problem of vehicles being sold through private sale, vehicles of any type being sold through private sale, whereby they are not on a consistent basis being asked to produce a safe motor vehicle certificate.

This bill could very well be used to address that problem, that is one that is of an ongoing nature and one which we believe should be corrected. We have a situation where we spend millions of dollars to improve the safety of our highways. We spend millions of dollars on enforcement of laws in this province that would increase the safety of the motoring public, increase the safety margin of the vehicles that are on the road. It seems to me it's not unreasonable that we should be expecting, through the vehicles such as this act or through the use of an amendment to the act such as this one, where we could address the larger problem of vehicles being sold and the purchaser not having either the requirement to produce a safe motor vehicle certificate or the vendor being required to produce a safe motor vehicle certificate.

The regulations or some clauses that are attached to this bill, when we talk about the permanent identification of salvage vehicles and the enforcement of the law covering the identification of those vehicles is good, but it only refers to those vehicles in the Manitoba Public Insurance Corporation that would be required to be embossed and to be permanently identified at that point. As I'm sure everyone in this Legislature is aware, there are vehicles that are traded virtually from coast to coast in this province. To look at the origin of vehicles that are traded and come forward for registration and are driven in this province, after having received a Manitoba registration and licence, is virtually unpredictable about what the source and the history of the vehicle might be.

So, Madam Speaker, although we appreciate the thrust of the bill and we are encouraged to see that

Thursday, 2 July, 1987

the salvaged vehicles under MPIC will be more carefully controlled and the enforcement of bringing those vehicles back to standard and identifying them so that the people who purchase them are well aware of what they are getting, and that the buyer will not be so much in a position of being totally in a "buyer beware."

I would suggest that the Minister and the department should be considering the myriad of other vehicles out there that are not being controlled through the sales from private vendors. I would be interested to see the Minister bring forward amendments to this bill in order to provide for that and to make it a lot more difficult for vehicles that are substandard to be put on the road in our province.

A MEMBER: You'd support that?

MR. G. CUMMINGS: That's what I said.

I see the Minister of Agriculture is nodding his head sagely on the other side and, as a former officer of the law, as I understand it, I'm sure that he understands what I'm talking about in terms of vehicles that can be registered through private sales and simply cannot live up to the standards.

There's a clause here in this where we refer to the onus being on the owner or the purchaser to provide for the provision of a safe motor vehicle certificate upon request of the Registrar. The clause says that it may be required to provide a certificate to the Registrar.

I really wonder why the Minister, in introducing this bill, has allowed the word "may" to stay in that clause. It would seem to me, and I would recommend, that the word "shall" should be replaced in that clause, and therefore the regulation would be considerably firmed up in asking people, when they go to register their vehicle, to provide the proof that it is as indicated and that it is safe to go on to the roads of our province.

Madam Speaker, I would like to end my remarks at this point and see this bill go before the committee for closer scrutiny and, in fact, I would look forward to the Minister bringing in amendments along the lines which I have suggested in the last couple of moments. In fact, I hope that he might consider at committee choosing that opportunity to amend this bill and tighten up the restrictions on the salvage vehicles and other vehicles that we are registering for use on our roads.

MADAM SPEAKER: The question before the House is Second Reading on Bill No. 64.- (Interjection)- Is that agreed? That wasn't indicated at the beginning. Is that agreed, to leave it standing in the name of the Honourable Member for Turtle Mountain? (Agreed)

On the proposed motion of the Honourable Minister of Municipal Affairs, Bill No. 65, standing in the name of the Honourable Member for Emerson. (Stand)

On the proposed motion of the Honourable First Minister, Bill No. 66, standing in the name of the Honourable Member for Lakeside. (Stand)

BILL NO. 67 - THE OFF-ROAD VEHICLES ACT

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Highways, Bill No. 67, standing in the name of the Honourable Member for St. Rose.

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

Again this bill that we have before us is a new direction for the control of off-road vehicles in our province and there are many aspects of this bill that are, again, supportable.

I would like to point out a concern that I have regarding the inclusion of the snowmobiles, along with all the other off-road vehicles, the concern that I know was taken very strongly to the Minister and to his department about the concerns that the snowmobilers of Manitoba and all those users, organized and otherwise, who take advantage of this recreational sport and are very concerned about the direction that this bill may be leading them.

Quite simply, with the regulation and increased restriction that is being brought in to control the use of ATV's in this province, there becomes a concern on the part of that organization and concern on our part as well that we are going to see a situation where, if the local authorities wish to regulate off-road vehicles in their municipality and wish to restrict the use of the vehicles on roadsides, for example, within the municipality or in certain areas that they would normally operate, the snowmobiles are being caught in the same net.

The Minister, I know, in introduction of this bill, strongly believes that it is no problem to separate the two, but as we have said about several other bills that have been brought in not only this year but I'm sure in many years past, the regulation that is attached to the bill afterwards is what causes people more difficulty than the original intent of the bill. I think we have here another perfect example of that type of problem.

The snowmobile is totally a winter-use vehicle and what we are controlling through this act and regulating through this act are all of the off-road vehicles, a myriad of descriptions and a myriad of uses and abilities to travel on off-road terrain, but what we have is a situation where the environmental damage that may be done by one type of ATV, as opposed to another, is not the same.

The Manitoba Snowmobile Act, the act that the snowmobiles have been regulated and registered under up to this point, is an act that has been incorporated into this bill, but what we have now got is a situation where those who are operators of snowmobiles, and I believe very correctly feel that they will now be discriminated against because they will be lumped in with vehicles that can be much more environmentally damaging because they do not have the snow to protect them from the damage that they would do to the ground cover of the particular terrain that they are on.

Certainly, I think that this bill has cast a very, very wide net and, to that extent, I hope that we will see some amendments and some separation of the different types of vehicles in the manner in which this bill is applied and the form in which it will finally be passed.

There are several aspects to this bill which need to be questioned. Certainly the intent to protect young people from injury, from operation of vehicles that have the capability of speed and impact beyond which they might be prepared to handle, beyond which might be their capability to handle, certainly receives complete and full support from the members on this side, because there's certainly no need for young people in this province to suffer injury, failing proper operation of

their vehicles, and failing the proper supervision when they may be operating those vehicles under conditions that could lead to injury to them.

One question that needs to be asked is the complying of the construction of homemade vehicles, and how far the regulation of this act will go in enforcing the limits of the act to those backyard mechanics who like to get involved in the construction of - a perfect example, I guess, would be a go-cart, which certainly isn't a licenseable vehicle under this act but yet seems to be included in some manner in the way in which is referred to as a four-wheel vehicle that would be operating other than on a public right-of-way.

I believe that the act in the application of its regulation regarding trespass, and refers to the need for operators to have permission in the right of trespass, but we need some clarification, Madam Speaker, as to where this act draws the line between privately owned land and Crown land and Crown lands that are leased, and which act has the overriding authority in the requirement of the operator to obtain permission.

There is no doubt that there are many landholders out there and certainly, I think, any citizen who has suffered from trespass of uncaring and insensitive individuals who would be out on private property with ATV's and possibly damaging the ecology as well as damaging the property, who are having their concerns largely addressed. But there needs to be some clarification as to what the dividing line between Crown lands and the ability of the leaseholder to restrict access to those lands with these type of vehicles.-(Interjection)-Well, certainly the Member for The Pas is correct when he says, "with difficulty," because while regulation is one part of it, to enforce the regulation is the second part, and that is a much greater concern.

Madam Speaker, if I could return for a moment to my concern about the inclusion of the snowmobiles and the inclusion of the vehicles that are used for the commercial operation, fishing operations that may be on the lakes, may be an extension of the farming operation. Certainly it is agreed and understood, and I think proper that, where the equipment being used is an extension of the agricultural endeavour, that equipment should be licensed and that it should be correctly identified and that there should be an operator of an eligible age to have a licence to operate on the roadway and to be able to operate that equipment without a helmet during the time which is being used in agricultural endeavours.

But there needs to be some clarification as to the bombardier type of vehicle that is being used for fishing operations and whether or not those vehicles are totally and completely included in this regulation. I hope that the Minister will be able to address that question as to whether or not those vehicles will be designated in such a manner as they will have to be insured, licensed and operated under the restrictions of this act.

Madam Speaker, there is one other concern that I would like some clarification of, and that is that where a vehicle is being offered for sale and the equipment does not comply with all the safety standards as required under the regulation of this act. There does not seem to be any allowance for the trading and the buying and selling of machines between individuals who may want to purchase vehicles that are no longer road-worthy, but to have the opportunity to have them

repaired. I believe there may be some parallel between that question and the concern that was raised in Bill 64 where the vehicle that is not totally road-worthy or totally equipped under the compliance of this act should still be able to be sold, but not necessarily receive a licence, registration and insurance.

The other question I would like the Minister to address is the minimum safety equipment requirements and where the act refers to the fact that where lights would only be required where the vehicle is in operation after sunset, and it would appear to me that we need some clarification in those sections and perhaps that could be supplied as well.

The other question that needs to be addressed, and there is no question on this side and there seemed to be no question when this bill was introduced that there was a safety requirement and that there was a question in this province about whether or not we could stop the injury and danger to the young people who are operating ATV vehicles. But if that is the case, why is it that we are now waiting another year from this fall before this act would come into effect? So it seems to me that while the act is being justified on the basis of a certain set of reasons, those reasons do not extend to the implementation of the act as expeditiously as possible.

Madam Speaker, the comments that I have put forward on this bill at this point are only some of the concerns that we have regarding the implementation of this bill. There are concerns that some of my fellow members hope to raise when the opportunity arises for them regarding the insurance and regarding several other clauses within this act.

I want to emphasize for the record that we are equally as concerned on this side about the safety of the young people and about safe operation of all off-road vehicles in this province. What we have here is an all-encompassing bill that casts a very wide net. I believe that, with some appropriate amendments, we could make the bill so that it applies in an even-handed manner across the province.

I think also, however, we need to be conscious of the fact that off-road vehicles of any type fall into two categories, one of which is recreational and one of which is operational for business purposes. I hope the Minister will consider the fact that those vehicles that are put forward for recreational purposes, if they are restricted to the point where they cannot be used, such as my concerns earlier expressed about snowmobiles, then we are in fact taking a step backwards.

We want to be sure that those who use the vehicles, a snowmobile in particular, have the safety equipment, that they comply with trespass, but let's not put them in a position where we have to force all of these vehicles out onto predetermined tracks and trails out through the countryside. Manitoba is not in any position in my mind to set up a total network of designated snowmobile trails throughout the province, as has happened in Quebec. We do not have adequate facilities in this province for trikes, dirt-bikes to go to use for recreational purposes. Those facilities may evolve as the impact of this bill comes into place, but we are going to severely restrict the use of those recreational vehicles into very concentrated areas, and the implementation of this bill may very well force people to seek out or to encourage organizations to develop

parks, if you will, for this type of activity because, particularly in the area of snowmobiles, it is not a recreation if they cannot continue to use the roadsides, if they cannot continue to travel considerable distances to enjoy the outdoors of our province.

I cannot emphasize too strongly the concerns that those people who have spent in many cases many thousands of dollars to become involved in this sport, to have the opportunity to enjoy the outdoors and to have the opportunity to get away from the city, get away from their home residences, no matter where they might be, and at the same time do it with very little environmental damage and very little problems to the community at large. If they become restricted in various communities along with the other ATV's, albeit inadvertently as it might happen in some municipalities, what this bill could do is set up a confrontational situation between the users of various types of recreational vehicles. And that in itself, I believe, is enough of an impetus to ask the Minister to consider the fact that the present Snowmobile Act is working well, and that it would be well to amend it to include some of these regulations, but to put it all together under one act. While I know the department and the Minister are adamant that it need not be a problem, the example that we've seen in the United States of America, where snowmobiles and off-road vehicles of all types have been lumped together under similar legislation, shows that in fact they do get caught in the same net and that we will have difficulties down the road.

I think that the idea of allowing snowmobiles a little bit more freedom by legislation, if we are putting through this type of a broadly sweeping act, will maintain the use of that recreational vehicle, that sporting vehicle if you will, and at the same time allow us to control those very dangerous situations that young operators and some rather unique vehicles can cause, where they become uncontrolled, become mixed in with other traffic on public property, and those sorts of things that we wish to avoid.

Madam Speaker, I'll wrap up my remarks by stating that this bill has a certain element of repugnance to those on this side who believe that overregulation is equally as damaging as no regulation. I hope that the Minister will take a very serious look at the extent that the regulation combines all of the facets of recreational vehicle use and bring in some amendments in the committee that will allow us to all enjoy the recreational vehicles that are available to the public, but enjoy them safely and at the same time enjoy them in a manner that will not be damaging to the environment or disturbing to the other members of the public around us.

And if we can accomplish those amendments in committee, then I think that we will have a much safer system in Manitoba for the operation of these vehicles and for the use of them in a recreational manner.

MADAM SPEAKER: The Honourable Member for Arthur.

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

I rise to make a few comments on the off-road vehicle legislation and I think, Madam Speaker, first of all we

have a pretty massive piece of legislation here. It's a fairly all-encompassing document of legislation which is before us, and I would think each member should take a bit of an opportunity to pay some attention to it.

One would have to wonder at the sincerity of the government though in what they're really trying to accomplish. Again it would appear that it's another form of taxation on the public and an attempt to, through the Department of Highways, take more taxpayers' money in than to seriously try to attempt to solve a problem.

Madam Speaker, I am not clear as to what restrictions are placed on off-road vehicles, and it's maybe explicit in here, but I haven't been able to pick it out as to what responsibility there is to people who own off-road vehicles when it comes to using totally on private property, as to whether or not they're compelled to register and to buy a licence even though that piece of off-road equipment may never get to public property or to roadways. If in fact that is the case, I think maybe it should be reconsidered. And I guess there's no question in my mind, as there is in the general public's mind, that safety has to be the No. 1 concern.

However again, Madam Speaker, we cannot totally legislate total protection from all dangers and all equipment that's available for the use of individuals, whether it be on public property or an individual's own private land. If they're trying to reach into the protection of individuals with their own private property then, Madam Speaker, I think it's an unnecessary move which the majority of people would find somewhat repulsive.

I would like to know from the Minister how many off-road vehicles there are in the province. I would like to know how much revenue will be collected from the registration of those vehicles, and really what kind of a revenue-bearing source that this will be for the province, because I can assure you that's what I think the intention of it is, to a large degree.

I really wonder if the Minister has read, in detail, the legislation that he has presented. I don't think he truly understands it. But there's one point I want to make, Madam Speaker, and I haven't got it directly before me. I know we're not supposed to deal in specific terms, but there's one principle which applies to this legislation that I would hope the Minister would talk to his colleagues, the Minister of Agriculture and the Minister responsible for Crown lands, about. Because, Madam Speaker, for years now, we have been requesting that individuals renting Crown land for the purposes of production of livestock or any other agricultural use, that they be given the authority to allow or disallow individuals who may, in some way, affect the livestock production which is taking place on that unit.

We've had from this government, Madam Speaker, opposition to that. We haven't had the cooperation from the government dealing with that particular aspect, that they have never given to the leaser, the operator of property, the right to restrict entry by hunters and that type of thing. However, Madam Speaker, if we go to this legislation, the Minister of Highways has now given control, which I don't disagree with - which I agree with totally - to the operator of Crown land which is leased, which I agree with.

Madam Speaker, the question is now brought forward to the Minister of Agriculture and the Minister who's

responsible for Crown lands: Are they going to do the same thing for hunting, for operators of livestock operations where they don't want hunters entering indiscriminately, that they have to, first of all, go to the leaser of the land?

For off-road vehicles, they have to do it, Madam Speaker. Operators of off-road vehicles have to get permission from private landowners and they have to get permission from Crown land tenants. So I would think the same principle should apply, Madam Speaker, for the individuals who want to enter Crown land to hunt. And I'm just trying to highlight in the legislation where it says that.

But I suggest to the Minister of Highways and Transportation that he make representation to his Minister of Agriculture and the Minister responsible for Crown lands, because the same principle should apply in all cases. In fact, Madam Speaker, I would think that there shouldn't be any difference between an off-road vehicle operator than that of a hunter, because in some cases it will be the same person. In other words, what I am reading in this legislation, Madam Speaker, is that if a person is hunting and using an off-road vehicle, they have to get permission from the Crown land tenant to go on the property, whereas they can walk onto the property or drive a truck or some other form of vehicle for the purpose of hunting.

So there is, Madam Speaker, a major inconsistency, and I would hope that the Minister of Highways and Transportation -(Interjection)- thank you. There we are, Madam Speaker. It's in section 32(1), which I'm prohibited from making any specific references to, but I'll do it in general terms, in principle, and it's on page 19 in case you want to bring me to order, Madam Speaker, that I would ask that the Minister of Highways, the Minister of Municipal Affairs - no, not the Minister of Municipal Affairs - the Minister of Agriculture and the Minister of Natural Resources, sit down and come up with some form of consistent policy. I'm not suggesting that they should talk the Minister of Highways out of what he is doing, but I think the Minister of Highways should say, look, I am now prepared, "on Crown land allocated by lease or permit, without the express or implied consent of the lawful occupier of the property, unless the operator is otherwise lawfully authorized to enter such land." So what he is saying, he is disallowing an off-road vehicle from going onto leased Crown land without the operator's permission, yet the Minister of Agriculture and the Minister of Natural Resources said that anybody can enter it whether it's for hunting or other purposes.

So it just again shows you, Madam Speaker, the inconsistency of this government, a government that doesn't know what they're doing. I put that on the record, Madam Speaker, and I would hope, on behalf of those people who are renting their land from the Crown for the use of livestock production and/or other agricultural purposes, they be given the right to allow or disallow entry to that property by their permission as is being done on off-road vehicles. All we're asking for is fairness in the same direction, and I would hope that the Minister would proceed to encourage his colleagues to do so.

Madam Speaker, again, my concern is that it is a pretty all-encompassing piece of legislation. It is massive. It really is massive, and I know the Minister

has made some comments about his concerns about safety. I'm not so sure, Madam Speaker, that legislation is always the best tool to protect people's lives and safety. In fact, Madam Speaker, recent reports that have come out dealing with the saving of lives and the use of seat belts were somewhat different than we initially were told when the introduction of legislation dealing with seat belts and helmets was brought in, that it was going to be the piece of legislation that forced people to do up their seat belts and wear helmets, that it was going to be the great saviour. Well, Madam Speaker, according to recent reports and studies, that's not so, although we were led to believe, as legislators, prior to the introduction of it, that it was going to work in some magical way.

Madam Speaker, the same thing applies - (Interjection)- The Minister of Environment who from his seat comments again to make . . .

HON. G. LECUYER: I'm asking if it causes deaths.

MR. J. DOWNEY: The Minister asked me if it causes deaths. Well, Madam Speaker, the best protection for people who are driving any kind of vehicle is defensive driving. I don't care whether you're driving an off-road vehicle or whether you're driving a registered normal motor vehicle. Caution, safety and defensive driving is the best policy, and education can't be beat.

Madam Speaker, I make one specific reference to what happened today when I was travelling to the city, that a car was attempting to pass me at an intersection where there was a solid line.-(Interjection)- No, Madam Speaker, I didn't speed up. What was happening at an intersection was a car was turning into the lane which he was using as a passing lane and, being very observant as to what was happening, I pulled over onto the shoulder of the road to allow the individual the full access to the road. It would have been a direct head-on collision, Madam Speaker, if that hadn't taken place.

The seat belt wouldn't have saved those individuals, Madam Speaker, in a head-on collision. The seat belt, well, Madam Speaker, all it would have done was to tie them in to see their final fate. That's all that would have happened, Madam Speaker. They would have been tied straight to one another; that's what would have happened.

So I say there are some specific cases that, yes, seat belts work; no, seat belts don't work. That is always going to be a debatable point, but defensive self-preservation, common sense, Madam Speaker, is always ahead of any socialist legislation that is not brought about because of their major concern for the public. Their major concern at this particular time is the big grab of money - well, I should put it in this way: No. 1, their political image is what they're looking after first; No. 2, the tax grab and the fees to support that political desire to be in power - that's really what their objective is - and No. 3, is the public protection and concern. That's how it works in their priority list.

No. 1, is the election of the New Democratic Party; No. 2, the tax grab and the user fee to support them to that position; and No. 3, the taxpayers or the public come third in their concern. That's their list of priorities, and I don't mind putting it on the record.

So, Madam Speaker, I asked the Minister whether or not he has truly read this all-encompassing

Thursday, 2 July, 1987

legislation. Yes, we're for safety, but we're not for an unnecessary tax grab, an unnecessary grab of money on behalf of off-road vehicle users.

I asked the Minister and the government to tell us how many off-road vehicles there are. I asked him how much revenue it will bring in and I asked him if any of that money will be used to educate off-road vehicle users. Madam Speaker, that's the kind of use that I would hope the money would go for, but it won't. I can assure you that it won't. It will again go to buff up and polish the image of an incompetent New Democratic Party. That's what the money will be used for, be squandered for some ill-conceived socialist program which is not in the best interests of the taxpayers, but in the best interests of re-election of an incompetent government, Madam Speaker.

That's what this legislation or the revenue from this legislation will do, Madam Speaker, and it's deplorable, because they aren't putting the interests of Manitobans first. They're putting the interests of the New Democratic Party first, rather than the interests of the people of Manitoba. Yes, Madam Speaker, as important as it may be to help Manitobans, that isn't the reason why it's here. It's to help the NDP Party and to get money for their use.

Madam Speaker, I would hope that we don't have to hire - and I'm sure that we will have to - a whole mass of individuals to enforce this legislation. It will be interesting to note, I note in part of it that they are giving authority. I notice they are giving authority to locally elected - it says in here some place - they are giving power to the locally elected people to enforce this legislation. I think it's important we have a little bit more explanation as to that because after all, Madam Speaker, when you provide or give authority to people in whatever jurisdiction, one would want to know how that authority is going to be used.

I suggest, Madam Speaker, that when you give authority willy nilly to individuals, in certain circumstances, that power can be abused and we do not live in a society in this province where, at the will of a government because they bring in what is - and as I said, all-compassing legislation as far as off-road vehicles - that power is given to inspectors or individuals who may, and I say may, Madam Speaker, abuse that power.

We can't support that, and I won't support that, Madam Speaker. Everybody has to be accountable for their actions, whether it's a government bureaucrat, whether it's a peace officer, whether it's an elected official. Madam Speaker, I am held accountable for my actions and activity.

The Minister of Government Services, Madam Speaker, should be accountable for his actions and his activity and isn't, Madam Speaker, because of his inability to cover up for the former Minister responsible for the Workers Compensation, the Minister of Environment, a very, very interesting position which he finds himself in a lot of wrongdoing by the former Minister of Workers Compensation, Madam Speaker, a lot of mishandling of the employers' money by the former Minister, the Minister of Environment; political influence by that Minister, Madam Speaker, and that's why we want accountability in this legislation. We don't want to pass power on to individuals who are going to abuse it and not be accountable, as is the current Minister responsible for Government Services trying to cover up for the former Minister responsible for Workers Compensation.

Madam Speaker, I look forward to the comments and the response of the Minister before I take a position as to whether or not I will be supporting this legislation.

Thank you.

MADAM SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Madam Speaker, I move, seconded by the Member for Gladstone, that debate be adjourned.

MOTION presented and carried.

HOUSE BUSINESS

MADAM SPEAKER: The Honourable Government House Leader.

HON. J. COWAN: Yes, Madam Speaker, on a matter of House Business. It's been agreed between the Opposition House Leader and myself, early in the afternoon, that the Standing Committee on Municipal Affairs would meet on Tuesday, July 7, at eight o'clock in the evening to review matters referred to it.

MADAM SPEAKER: Is it the will of the House to call it six o'clock?

The hour being 6:00 p.m. then, the House is now adjourned and stands adjourned until 10:00 a.m. tomorrow. (Friday)