

## LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, February 2, 1990.

The House met at 10 a.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### INTRODUCTION OF GUESTS

**Mr. Speaker:** Prior to Oral Questions, may I direct Honourable Members' attention to the gallery where we have from the Myrtle-Roland Cub Pack, 20 cubs. They are under the direction of Gordon Cameron. This cub pack is located in the constituency of the Honourable Minister of Health (Mr. Orchard).

On behalf of all Honourable Members, I would like to welcome you here this morning.

### ORAL QUESTION PERIOD

#### Racist Label Pins Legal Intervention

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, sexism breeds sexism, and racism breeds racism. First it was pins and a document suggesting a hunting season on our aboriginal peoples, and now it is an offensive, racist calendar. Will the Premier (Mr. Filmon) now override his Attorney General (Mr. McCrae) and order the laying of charges against the distributor of racist pins in the Province of Manitoba?

**Hon. James McCrae (Minister of Justice and Attorney General):** The issue of the lapel pins has been dealt with by the department and discussed in this House. The issue of the horrendous billboard poster, whatever—handbill—has been dealt with and is being actively pursued by the Justice Department. The issue of the racist calendar that we learned of yesterday is also being dealt with in a manner that recognizes the seriousness of this matter.

I do take offence at comments I read today by the Honourable Member for Kildonan (Mr. Cheema) about the application of the law in this province.

I really thought, Mr. Speaker, that everyone - (interjection)-

**Mr. Speaker:** Order, please.

\* (1005)

**Mr. McCrae:** I really thought that everyone in this House felt as I did. I think the opportunity presented to the Honourable Member for Kildonan (Mr. Cheema) yesterday was missed and abused in the sense that I thought we were all pulling on the same oars and pulling in the same direction here.

**Mrs. Carstairs:** I do not think the Minister for Brandon West (Mr. McCrae) can in any way know the shoes that this gentleman is walking in or the gentleman up there, because he has not experienced it.

#### Racist Charges Legal Opinion Request

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, the Attorney General (Mr. McCrae) indicated that he had a legal opinion giving a justification for why charges could not be laid by his department, but so far he has refused to table that opinion, thereby denying to the citizens of the Province of Manitoba the so-called criteria by which he will or will not lay charges.

Will he now table that legal opinion, because we believe that the calendar certainly must meet any test of a racist document?

**Hon. James McCrae (Minister of Justice and Attorney General):** I said to the Honourable Leader of the Opposition (Mrs. Carstairs) that the matter of the calendars is extremely disturbing. I learned of the matter yesterday through a discussion with a newspaper reporter. I asked the reporter to be as co-operative as he could with the authorities to try to track down the origin of that particular piece of material.

I do not really think the Honourable Leader of the Opposition can stand here today and be believed when she suggests that somehow I am not pursuing this matter, as I have pursued other matters in the most responsible and the most caring kind of way.

The references to the Honourable Member for Kildonan (Mr. Cheema) and the Honourable Member for Rupertsland (Mr. Harper), I suggest, are not appropriate in this circumstance.

#### Racist Label Pins Private Prosecution

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, the Criminal Code clearly gives the Attorney General not only the right to lay the charges himself but also the right to allow an individual or another group to lay a criminal charge.

The Attorney General has refused to allow B'nai B'rith to lay and prosecute the charges. Why, on what basis, is he denying an independent group the right to go ahead with this prosecution?

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Speaker, these questions have been answered. Perhaps the Honourable Leader of the Opposition (Mrs. Carstairs) was not listening, for whatever reason, we can only speculate.

The opinion we have is that the lapel pins do not cross that line, in legal terms, of promoting hatred or promoting genocide or any of those ugly and odious things that I thought all Members of this House were in agreement upon with regard to these issues. The use that the Honourable Leader of the Opposition is putting this issue to in this House is reprehensible in my estimation.

### Legal Intervention

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, there are 10,000 Sikhs living in our community, there are thousands more blacks and Chinese. All of them are held to ridicule by this particular pin. Now we watch our aboriginal people put to further ridicule and our Sikh population put again to further harassment.

The children of these communities, Mr. Speaker, must face teasing and ridicule on a daily basis. Why will this Government not take an overt act and either prosecute themselves or allow an individual group to prosecute in order that the Government can clearly and profoundly say, this is unacceptable in the Province of Manitoba?

**Hon. James McCrae (Minister of Justice and Attorney General):** The Honourable Member does not listen, Mr. Speaker. The answer to the question has been given a number of times. No one is any more offended by these materials than Honourable Members on this side of the House.

Is the Honourable Leader of the Opposition (Mrs. Carstairs) suggesting that what I am saying is not true? Is that what she is saying? Make your position clear, Madam, because these are pretty serious allegations you are making about the motivations behind Honourable Members on this side of the House.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please.

### Legal Opinion Request

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, the Minister has the opportunity to take an action. He is refusing to take the action, but he will not table the document upon which he is basing that action. On what grounds is this Minister taking the action he is taking and refusing B'Nai B'Rith the opportunity to pursue this charge?

**Hon. James McCrae (Minister of Justice and Attorney General):** If the Honourable Leader of the Opposition would take the time to read Beauchesne's 6th Edition, she would know that it is inappropriate for that type of legal opinion to be tabled in the House.

\* (1010)

The other point is that when we are dealing with criminal charges, criminal activities and the investigations of them, this issue has been gone around before, here and elsewhere, that where we have parties who are not charged, it is clearly inappropriate to make public results of police investigations on any and all people in our society. Is that what the Honourable Leader of the Opposition is suggesting, because that is the logical extension of her question. It is totally inconsistent with the position she and her sidekick, the Honourable Member for St. James (Mr. Edwards), took with regard to the issue related to CSIS.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please; order, please.

### Charter of Rights and Freedoms Equality of Rights

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, despite comments made by the Attorney General, I believe that all Parties and every single individual Member of this House is concerned with the protection of the Charter and freedom of rights for every Manitoban and Canadian.

Mr. Speaker, Section 15(1) states in that Charter, and I quote: Every individual has the right to equal protection under the law without discrimination, based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

There are those in our society right now who would deny some of our citizens that equality of treatment in our nation and in our province.

Will the Premier (Mr. Filmon), along with the Attorney General (Mr. McCrae), review this erupting example of racism almost daily in our province, in the light of the Charter of Rights and Freedoms? Will they take every action that a Government can take to prevent the continuation of this in our society?

**Hon. Gary Filmon (Premier):** Mr. Speaker, every single Member in this House is offended by racism, is offended by discrimination and actions that denigrate and insult people of whatever background in our society in this province. We abide by and support the Charter of Rights and Freedoms and all of the laws of our land. That is the responsibility of the Attorney General (Mr. McCrae) and us as a Government.

What the Leader of the Opposition (Mrs. Carstairs) is suggesting is that we take the law into our own hands, override the legal opinions of the law officers of the Crown and do what she suggests we ought to do as a demonstration of our offense at this rather than be guided by the legal opinions of the law officers of the Crown.

In the case of the pins, the legal opinion said that we had no grounds on which to act. She is suggesting that we override that legal opinion and the laws of this country and act in any case to satisfy her political needs, Mr. Speaker. I believe that is wrong and that the people of this country want to be guided by our laws and want to be law abiding citizens in all respects and not have any Government or any politician override those laws.

### U.S. Grain Export Subsidies Federal/Provincial Discussions

**Mr. Gary Doer (Leader of the Second Opposition):** Mr. Speaker, I have a question to the First Minister. This week we raised the issue of the proposal of the President of the United States for the 60 percent subsidy on U.S. grain and its devastating affect on the western Canadian and Manitoba farmer.

We were disappointed that the Premier (Mr. Filmon) passed this on to his Agriculture Minister (Mr. Findlay), because we think this is an issue. It is one of the most important industries in our province; it affects families

directly and indirectly in every community of our province.

My question to the Premier is: has he contacted the Prime Minister of the country to ask the President of the United States to withdraw this proposal before the U.S. Congress next week? Has he initiated any contingency plan, which was announced by the Premier of Saskatchewan yesterday in Regina? Well, what action is the Government taking to preempt a devastating proposal on the Manitoba economy and Manitoba families?

**Hon. Glen Findlay (Minister of Agriculture):** Mr. Speaker, there is absolutely no question that should what is put in the paper come to pass, it would be devastating on Manitoba agriculture and western Canadian agriculture.

The Minister of Agriculture federally, Mr. Don Mazankowski, and the Minister of Trade, Mr. Crosbie, have taken strong objection to what has been put on the table by President Bush in the United States. As I said the other day, through the process of GATT discussions we think they are positioning themselves. In the event that they should materially follow through with that threat, we will be taking a very strong position as a country of Canada in terms of objecting to that.

\* (10 15)

We in western Canada as provinces will be asking the federal Government to offset the impact through a special grains program if that does come to pass. So we have to position ourselves to reduce the impact with our international negotiations. If it should come to pass, I think that we are in a very serious stage with regard to the future ability of us to export competitively on the world market.

**Mr. Doer:** Mr. Speaker, the Premier of Saskatchewan and the Leaders of the Opposition in Saskatchewan and all across western Canada are treating this as the most important issue facing western Canada, and I agree with them.

My question to the Premier is: why has he not contacted the Prime Minister, assuming that he has not in terms of my questions for the last couple of days? Why has he not contacted the Prime Minister and made this the major issue in Canada-U.S. relations today, because it will have a devastating affect directly and indirectly on every Manitoba family? We are already getting predictions that grain prices and farm incomes will be in decline next year in western Canada without the U.S. subsidies. This will have a devastating affect on western Canadian farmers and communities throughout Manitoba that rely on our farm income and our farm industry.

My question to the Premier (Mr. Filmon) is this: what is the Government-led contingency plan? Are we talking about a plan like Saskatchewan has proposed, a billion dollar contingency plan, or are you going to get in touch with the Prime Minister to get a hold of George Bush to stop this proposal four days from now?

**Hon. Gary Filmon (Premier):** Mr. Speaker, I know that the Leader of the New Democratic Party (Mr. Doer)

would not be aware of it, because I am sure he does not pay attention to these matters. But the provinces of western Canada have consistently taken the position—and indeed he can read communiques from the Western Premiers' Conferences—that we support the federal Government and want to work co-operatively with the federal Government to go to the GATT meetings to ensure that the subsidies that are being put in by Europe and the United States that are so devastating to our grain producers in western Canada ought to come to an end, that the major battle and the battle ground will take place at GATT, and that we have to get rid of these unfair subsidies that are so devastating and negative to our producers in western Canada. We have consistently taken that position.

I spoke with Premier Devine not too long ago on that matter—I believe it was just before Christmas—about our concerted and joint position to work with the federal Government to be involved in the GATT round of discussions to try and get rid of all of these subsidies.

As has been indicated by our Minister of Agriculture (Mr. Findlay), we believe the United States is doing this to take a position with respect to those future GATT round discussions so that they too can ultimately lead to the removal of these subsidies, because no one, no Treasury, can afford, even if they are as large as the United States, to continuously be subsidizing their grain producers. We certainly cannot in western Canada, and we need to have the concerted support of all of our Governments, federal and provincial, to get rid of these GATT subsidies.

### Free Trade Agreement U.S. Grain Export Subsidies

**Mr. Gary Doer (Leader of the Second Opposition):** Mr. Speaker, we believe that this action of the U.S. Government contravenes Article 701 of the Free Trade Agreement, a question I asked on Wednesday in this House.

My question to the Premier (Mr. Filmon) is this: does he believe that this contravenes 701 of the Free Trade Agreement, dealing with subsidies between the two countries on agricultural products? If he does believe it contravenes Article 701 of the Free Trade Agreement, why has he not contacted the Prime Minister to get in touch with George Bush four days before that goes before the Congress?

Why should we be playing economic chicken with the livelihood of Manitoba and western Canadian farmers, Mr. Speaker? Why are we not taking strong and decisive action now like they are in Saskatchewan rather than just waiting for what the U.S. Congress is going to do next week in terms of treating Manitoba farmers like ping pong balls in this fight?

**Hon. Jim Ernst (Minister of Industry, Trade and Tourism):** Mr. Speaker, the Ministers of Trade for Canada met with the Honourable John Crosbie, the federal Minister of International Trade, just before Christmas to deal with the issues of subsidies.

Mr. Speaker, as I indicated in the House during questioning on the negotiations for subsidies, the

indication was that Canada and the United States have agreed under the Free Trade Agreement to deal with subsidies starting in 1991, that the year 1990 would be used to do two things: prepare for subsidies negotiations in terms of developing all of the information about subsidies right across both of our countries and prepare for whatever results come from the GATT discussions which will be concluded later this year.

\* (1020)

So, Mr. Speaker, my colleague, the Minister of Agriculture (Mr. Findlay), has indicated that as far as the United States is concerned, we are of the view that they are positioning themselves for the GATT discussions later this year in an attempt to draw to the attention of both the European Economic Community and other countries which subsidize grain exports that we cannot continue with this kind of grain export policy across the world. Nobody's treasury, the European Economic Community, North American, or anywhere else in the world can afford to continue this kind of havoc amongst the exporting nations of this world.

### **U.S. Grain Export Subsidies Federal/Provincial Discussions**

**Mr. Gary Doer (Leader of the Second Opposition):** My question is still to the First Minister (Mr. Filmon). Why have we not contacted the Prime Minister of this country in the strongest possible terms? This proposal is not 1991 or it is not 1992 in GATT; it is February 7 or 8 next week in the U.S. Congress. The proposal is going to Congress right now.

My question to the First Minister is: why have we not treated this in the highest priority way? It is one of the major industries in this province. There is no question that grain prices will fall about 40 percent if this goes through. There is no question it is a breach of the Free Trade Agreement. Why are we not saying through the Prime Minister we should withdraw from the Free Trade Agreement if the Americans are not going to live up to their part of it?

**Hon. Gary Filmon (Premier):** Now we finally get to the point of the Member's questions, that we withdraw from the Free Trade Agreement. He takes it back to a battle that he is not willing to acknowledge is finished. The reason we do not have to make contact is that we are in continuous contact on this matter. Trade Ministers are meeting regularly on the matter. Agriculture Ministers are meeting regularly on the matter. The Premiers have agreed through their communique that the subsidies have to end, that our consistent position as a nation has to be to get rid of these subsidies because we cannot afford to fight with each other's Treasuries on the subsidy basis to subsidize the sale of grain throughout the world.

That position has never varied one iota. The Government of Manitoba has consistently said it through every Minister involved in the process. What we now have to do is ensure that the Government of the United States, along with the Government of Canada, go to those GATT rounds with one desire and

goal in mind, and that is to get rid of these subsidies whether they occur in Europe, whether they occur in the United States or anywhere else in this world. They cannot be tolerated.

### **Provincial Auditor North Portage Development Corp.**

**Mr. James Carr (Fort Rouge):** Mr. Speaker, I have a question to the Minister of Finance (Mr. Manness). It has come to our attention that a mortgage agreement was signed in 1986 between the North Portage Development Corporation and Cadillac Fairview. The terms of repayment seem to be extraordinarily generous, that the interest rate was somewhere around 5 percent and that there would be no interest paid on the mortgage until all principal had been repaid, which seems to be a very unusual arrangement.

My question to the Minister of Finance is this: since the Provincial Auditor has been asked to investigate the relationship between the North Portage Development Corporation lending agencies and the village at Portage Place, would he make a point of including in the Provincial Auditor's mandate a good hard look at the relationship between the North Portage Development Corporation and Cadillac Fairview?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, I am sure the Provincial Auditor, given the latitude that he has been given with respect to this inquiry, will pursue all courses and will ask those questions.

**Mr. Carr:** I would like to thank the Minister of Finance for giving us that assurance.

### **Public Accounts Committee North Portage Development Corp.**

**Mr. James Carr (Fort Rouge):** I have a supplementary question. When this political Party was in Opposition, they made a point of saying as often as anybody could hear that private citizens ought to be called in front of a legislative committee when there were political questions to be asked and answered. Why is this Minister of Finance now, when the public is very much wanting answers to important questions, refusing to allow the chairman -(interjection)- Mr. Speaker, the Premier (Mr. Filmon) is—

**Mr. Speaker:** Order.

**Mr. Carr:** I do not know why the Premier does not let us get our questions out so his Ministers will have a chance to answer them.

What has changed, now that this Party is in power, that they will not allow those of us who sit in this Chamber to ask questions of the legislative committee?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, as I indicated to the Member yesterday, if he wants to change the rules of this Legislature such that we are going to set up a U.S. Senate type of

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interrogation system, then that should be done within the Rules of the House.

When we asked to have a question put to officials, the Manitoba Telephone System with respect to the MTS—the Crown corporation is wholly-owned by the citizens of this province. That Crown corporation comes before a standing committee of this House, and indeed that was the proper place at which those questions were to be asked. Those officials are answerable through Government and through Opposition through the standing committee system. They are answerable to those types of questions.

What the Member here is suggesting is that we use the powers today, which have not been totally defined yet within a legislative context within the Province of Manitoba and just drive out and pull everybody off the street and make them answer questions. At this point in time, this Government is not going to follow that course of action.

**Mr. Speaker:** The Honourable Member for Fort Rouge.—(interjection)— Order, please; order, please.

**Mr. Carr:** Mr. Speaker, the Minister of Finance (Mr. Manness) is in an odd mood. His comments are outrageous. We are asking the Government of Manitoba to ask the president and the chief executive officer of a corporation, which is one-third funded by the taxpayers of Manitoba, to appear in front of a legislative committee—

**Mr. Speaker:** Question, please.

**Mr. Carr:** Why will the Minister of Finance (Mr. Manness) refuse that opportunity to the people of Manitoba?

**Mr. Manness:** Mr. Speaker, I do not know how clear I can make it. Obviously, there is no standard as to this new area of joint jurisdiction with respect to funding and with respect to responsibility.

If one wanted to speculate, would one for instance demand that federal Government officials, who are also party to this, be demanded to come forward and to give evidence at one of our standing committees? If one wanted to really speculate, would they demand that the mayor of the City of Winnipeg come forward and give evidence? That is the path that this Member is trying to take our standing committees.

Indeed, if Members wanted to speculate, do they go back to a former federal Minister and demand that person come forward and give evidence because of some action he may have been involved in some four or five years previous? That is the course that this Member wants this standing committee—we will not allow our legislative institutions to be used in that fashion.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please.

## Manitoba Liquor Control Commission Advertising Policy

**Mr. Speaker:** The Honourable Member for St. Norbert.—(interjection)— Order, please. The Honourable Member for St. Norbert.

**Mr. John Angus (St. Norbert):** My question is for the Minister responsible —(interjection)—

**Mr. Speaker:** Order, please.—(interjection)— Order, please. Order. Apparently the Honourable Minister of Health (Mr. Orchard) and the Honourable Member for St. James (Mr. Edwards) would like to carry on some sort of a conversation—outside the Chamber, please. The Honourable Member for St. Norbert.

\* (1025)

**Mr. Angus:** Mr. Speaker, my question is for the Minister responsible for the Manitoba Liquor Commission (Mr. McCrae). Information that has been made available to me from the Liquor Control Commission—it appears that the advertising expenditures from April 1 to December 31 include \$14,915 advertising wine festivals, and only \$3,700 advertising for a safe grad and \$5,000 advertising against drunk drivers.

Mr. Speaker, I was wondering if the Minister would be kind enough to explain this discrepancy and the policy direction that he has been giving to the Liquor Control Board in terms of their priorities.

**Hon. James McCrae (Minister responsible for The Liquor Control Act):** Mr. Speaker, the Honourable Member forgets about other thrusts that are being made with respect to antidrinking and driving legislation and the fact that the Government has made a lot of efforts. I think it should also be noted that the broadcasting industry is spending a fair amount of money to put on public service announcements with respect to drinking and driving. The question the Honourable Member raises I will take up with the Liquor Control Commission and satisfy myself that the numbers he is giving are accurate. We know that preambles from Honourable Members are very, very often inaccurate, so it is safe to check things out before you comment on allegations brought forward by Honourable Members opposite.

## Standing Committees Manitoba Liquor Control Commission

**Mr. John Angus (St. Norbert):** Mr. Speaker, it is interesting that the Minister of Finance (Mr. Manness) has advised that there are standing committees. This particular committee where I would rightfully like to ask these questions has not met since November 2, 1989. When is this Minister, the Minister responsible for the Manitoba Liquor Control Commission, going to call that standing committee so that I can ask these legitimate questions at the appropriate time?

**Hon. James McCrae (Minister responsible for The Liquor Control Act):** We remember the legitimacy of the Honourable Member's questions one morning at

2:30 a.m., Mr. Speaker. If the Honourable Member wants to have a matter of House Business raised with me, he should do so through his House Leader. His House Leader is nodding his head as that as being the appropriate way to do it. I suggest that is the appropriate way to do it.

### Scheduling

**Mr. John Angus (St. Norbert):** When my House Leader asks him, as has been asked a number of times, he may bring up the question of, when are we going to have the MPIC meeting, the last one which was October 31? When are we going to conclude the MDS meeting? Mr. Speaker, when are these people going to hold these—

**Mr. Speaker:** Order, please; order, please. The question has been put. The Honourable Government House Leader.

**Hon. James McCrae (Minister responsible for The Liquor Control Act):** The Member is wrong, Mr. Speaker. The Opposition House Leader (Mr. Alcock) has not asked a number of times that those committees be called.

**Some Honourable Members:** Oh, oh!

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**Mr. Speaker:** Order, please. The Honourable Opposition House Leader, on a point of order.

**Mr. Reg Alcock (Opposition House Leader):** Not only, Mr. Speaker, have I inquired about the calling of those committees, I have asked for regular meetings that the—

**Mr. Speaker:** Order, please. It is a dispute over the facts.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please. The Honourable Member does not have a point of order. The Honourable Member for the Interlake.

**Some Honourable Members:** Oh, oh!

### Springhill Farms Limited Hog Market Implications

**Mr. Speaker:** Order, please. Order. The Honourable Member for the Interlake has the floor.

**Mr. Bill Uruski (Interlake):** To the Minister of Agriculture (Mr. Findlay), yesterday in his response to the Member for Fort Garry (Mr. Laurie Evans), the Minister indicated that the recent deal that his negotiator made, to keep six bidders in the marketplace instead of five, as Springhill Farms had closed, Mr. Speaker, the Minister misrepresented the situation, leaving the impression with all of us that the deal kept

this bidder in the marketplace, and it does not. This is a precedent-setting deal, that we have had to bypass the bidding system in this province.

Mr. Speaker, I ask the Minister: is he now prepared to reveal the terms of this precedent-setting agreement? Are farmers in this province really having to buy what I would call a "pig in a poke" when they will not know what they are going to receive for the hogs that they are selling through the system?

**Hon. Glen Findlay (Minister of Agriculture):** Mr. Speaker, I find it absolutely incredible that over the course of time we have been criticized because Springhill might close and that bidder would disappear from the marketplace and there will be no place to kill 11,000 hogs a week in the Province of Manitoba. A deal was struck so that plant stays open to kill 11,000 hogs per week, and at the same time a brand new market for those hogs has opened up in the Province of Quebec with a very strong company who employs some 1,600 people and already has eight plants in Quebec.

That company will be buying hogs on the Manitoba market in place of Springhill, so we kept a number of bidders there. When 11,000 hogs a week go to Quebec, that means that where those hogs were presently being sold in Manitoba and northern United States and western Canada, that market is now open for the other people in the business in the Province of Manitoba to move into that area and sell even more hogs that are raised in the Province of Manitoba.

**Mr. Uruski:** I wish the Minister would not baffle me about his great agreement but tell us what this agreement is. I want the Minister to tell us whether he is now prepared to instruct the board to provide the similar agreement to all the packers in this province, seeing that he has given a sweetheart deal to Quebec to bypass the bidding system in this province. Is he prepared to allow the same kind of a deal to Manitoba processors? If it is such a good deal for producers, let him say so.

**Mr. Findlay:** I find this absolutely incredible that a former Minister of Agriculture stands up and says we should instruct and inhibit and get involved in the private sector in terms of arrangements that they arrive at for their own better interest.

The hog board runs the Dutch clock auction in this province. The hog board is open to any company that wants to come and strike a contract arrangement in terms of purchasing hogs. They have had negotiations in that direction with any number of companies to this point in time.

\* (1030)

If they have struck that kind of a contract deal with Olympia of Quebec, the door is completely open for any company to come in and further that discussion for contracts between the hog board and themselves for acquiring hogs. Two different companies have contacted me in that direction and are pleased to know the door is open for them to get into that discussion.

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### Agreement Details

**Mr. Bill Uruski (Interlake):** I want to know from the Minister: who is going to be placed at a disadvantage, is it the Manitoba producer or is it the Manitoba processor, by this sweetheart deal? I want the Minister to tell the public, because it was his negotiator who signed the deal. I want to know on behalf of Manitobans what the deal is. Why is he hiding this deal?

**Hon. Glen Findlay (Minister of Agriculture):** This deal was struck between two private companies involving the hog board as a supplier of hogs. That is a deal, and if they want to release it, they can release it. The Government will not release that deal. We precipitated the process by putting a negotiator there that brought the sides together, and I can tell you, anybody who had any interest in purchasing or getting into an arrangement at Springhill had an opportunity in the course of the discussions over the past number of months. The producers of Manitoba are winners in this process. The processors are winners in this process, as my previous answer. The consumers of Manitoba are winners; everybody is a winner in this deal, particularly the Province of Manitoba.

### Springhill Farms Limited Hog Market Implications

**Mr. Speaker:** The Honourable Member for Fort Garry.- (interjections)- Order, please.

**Mr. Laurie Evans (Fort Garry):** Well, Mr. Speaker, I think it is necessary to pursue this Springhill issue a little further. I am afraid the Minister of Agriculture (Mr. Findlay) is picking up some of the habits from the front bench where he can circumvent the questions, Mr. Speaker. What we want to know from the Minister is, and it is very simple, if Olympia guaranteed a certain number of hogs weekly off the top and if are they circumventing the bidding procedure. If they are circumventing it, how is the price calculated for those hogs that are going to the Olympia factory?

**Hon. Glen Findlay (Minister of Agriculture):** I cannot believe that the Member for Fort Garry (Mr. Laurie Evans), a professor at the University of Manitoba, wants to try to put innuendo into a positive deal for the Province of Manitoba and the hog producers of Manitoba and the processors of Manitoba who believe—

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please; order, please. The Honourable Member for Fort Garry is attempting to hear the answer from the Honourable Minister of Agriculture. The Honourable Minister of Agriculture.

**Mr. Findlay:** Olympia has struck a deal with the Manitoba Hog Producers' Board which is a board that represents the hog producers of Manitoba. That board has unanimously agreed that whatever contract was put on the table is appropriate and reasonable and

responsible. On that basis they have approved it with Olympia, and they have kept the door open for any other company that wants to come in and lay on the table a contractual arrangement to establish the price of hogs that is beneficial to the hog producers of Manitoba. On that basis, I believe they made the right decision.

### Pricing Formula

**Mr. Laurie Evans (Fort Garry):** Mr. Speaker, I was informed yesterday by Manitoba Pork that the formula was based on the eastern market. What is that formula? How is the price calculated on the basis of the eastern market? It is a simple question, and the Minister should be able to provide that.

**Hon. Glen Findlay (Minister of Agriculture):** Mr. Speaker, I am not privy to the details of that contract, because it is between the hog producers and the processors. I do not believe that the Minister of Agriculture and the Government should be interfering with private business arrangements. That is the decision they made. They have the responsibility for that decision. They have the responsibility for implementation. They have the responsibility for reporting back to their producers. I think that that is the appropriate way to manage that industry in this province. I will not interfere with that industry, not now or in the future.

### Purchase Plan

**Mr. Laurie Evans (Fort Garry):** Well, Mr. Speaker, we are told it is a good deal, but there are no details of the deal. My question to the Minister is simply this: there is inference in the press releases that Olympia may at some time in the future purchase all or part of this Springhill Farm operation. Is that laid out in the contract, or is this just speculation in order to make what is a relatively poor deal look good on the surface?

**Hon. Glen Findlay (Minister of Agriculture):** I cannot believe that that Member said, a poor deal. Those words are now on the record. I will use them against him forever and a day. That is an arrangement of a private nature, and he wants all private deals out in the open. If they were ever Government—

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please; order, please. The Honourable Minister of Agriculture has the floor, not the entire front bench. The Honourable Minister of Agriculture.

**Mr. Findlay:** Mr. Speaker, as part of the contract it is my understanding that Olympia has the first right of refusal of any offer to purchase the plant over the next three years. On that basis, we expect that they probably will exercise the option to purchase and build the plant into further processing to a larger kill of hogs and expand their opportunities of export markets.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order. Order, please. The question has been put, the question has been answered.- (interjection)- Order, please.

## Mentally Handicapped Employment Programs Funding

**Mr. Speaker:** The Honourable Member for St. Johns (Ms. Wasylycia-Leis) has the floor.

**Ms. Judy Wasylycia-Leis (St. Johns):** My question is for the Premier (Mr. Filmon). On January 15 in this House I asked the Premier about funding concerns facing Premier Personnel, an agency to help mentally handicapped individuals gain access to competitive employment. He said he would look into it. He did. This agency has now been told that funding has been cut back to zero. They have gone from 75,000 in 1987-88 and 30,000 in 1988-89 to zero in 1989-90.

Would the Premier ensure that funding is reinstated for Premier Personnel and for the mentally disabled people of this province who want to find gainful employment?

**Hon. Gary Filmon (Premier):** Mr. Speaker, I will take that question as notice on behalf of the Minister of Family Services (Mrs. Oleson).

**Mr. Speaker:** The time for Oral Questions has expired.

\* (1040)

## ORDERS OF THE DAY HOUSE BUSINESS

**Hon. James McCrae (Government House Leader):** I am calling the Law Amendments Committee—

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please; order, please. I am sure Honourable Members would like to hear this announcement.

**Mr. McCrae:** The Law Amendments Committee will meet on Tuesday at 10 a.m. to continue consideration of Bills 63, 64 and 83.

I will be discussing with House Leaders arrangements for other committee meetings, as I often do.

Mr. Speaker, would you call the Bills in the following order: 31, 77, 78, 57, 82, 59, 60, 19, 84, 35, 56, 80 and 6; and the remainder as listed on the Order Paper.

## DEBATE ON SECOND READINGS BILL NO. 31—THE LABOUR RELATIONS AMENDMENT ACT

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Labour (Mrs. Hammond), Bill No. 31, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, standing in the name of the Honourable Member for Elmwood (Mr. Maloway).

The Honourable Member for the Interlake.

**Mr. Bill Uruski (Interlake):** Mr. Speaker, I would like to speak on Bill 31, and let the Bill remain standing in the name of the Honourable Member for Elmwood.

**Mr. Speaker:** Is there leave that this matter remain standing in the name of the Honourable Member for Elmwood (Mr. Maloway)? Agreed.

**Mr. Uruski:** I wish to take part in the debate on Bill 31. It appears to me that the Government's motives in Bill 31 have to be questioned in bringing forward the repeal of the process of final offer selection. Mr. Speaker, I question their motives. This appears to be a move designed to follow through commitments made to what I would consider big business, commitments made to the federal Government to follow through and attempt, by whatever means, to weaken the labour movement in this province.

\* (1050)

The free trade deal that was signed really puts the workers of this country in what I would call a struggle to survive in a process that is tended to bring about the levelling of working conditions, wages and benefits right across North America. In fact, the results of that process are starting to come to fruition and workers are feeling the negative impacts of job layoffs, companies moving, working benefits going down and having to take cuts in their wages. As a result this move just adds to the pressure that is being put on workers across this province.

Mr. Speaker, one really does not know why the Government wishes to remove these provisions. In the press release of the Government one of the positions taken by the Government about the intent to remove final offer selection was to shorten—at least they said that the intent—and I will quote this: Hammond said that while the intent of final offer selection, introduced by the previous Government in January of 1988, was to shorten work stoppages there is no evidence that this has been the result.

That was not the intent of the previous Government to bring in final offer selection. It was to try and promote harmony and to facilitate the bargaining process to prevent work stoppages, not to shorten work stoppages.

Final offer selection is gone if there is a work stoppage. It has not worked. It has not been used. For the Government to make a statement such as this is fallacious if it is not mischievous, because in fact that was not why—when there is a work stoppage, when a strike is in place, it means that all bargaining has not worked, it means that final offer selection is long past, it has not been used. For this Minister of the Crown to write in a press release that this was the main motion is mischievous to say the least.

Mr. Speaker, she talked about in this press release that almost 80 percent of the stoppages we had in this 10-year period lasted 50 days or less, but of the 11 experienced in 1988 six lasted from 77 to 99 days. In all six of these long stoppages application for FOS has been made.

Mr. Speaker, final offer selection is a tool that can be used by both sides and in fact has been used by

both sides in the process to try and facilitate an agreement without a work stoppage. That is really the intent and has been the intent of the legislation. For the Government to in fact say that no this does not work and we do not want it in place, I can only indicate and question the motives as to who they have made a deal with, or who are they pampering to in this process. Mr. Speaker, I question the motives of the Government in this whole issue.

Mr. Speaker, there was in '88—I am just looking through the statistics—30 applications that I am aware of made to the Labour Board to look at the process of final offer selection. The latest statistics are higher than that. In fact to date 72 applications were received. The status is as follows: five selector decisions filed, three for the union proposal and two for the employer proposal. So here in the current situation you have a real balance. You have had three worker proposals being acceptable when a selector was agreed upon, and you have two employer proposals that were acceptable, and decisions and work stoppages were prevented. A strike did not have to occur and peace and harmony reigned in the workforce.

But for the Government and Members of the Liberal Party—now I am not sure where the Liberal Party is on this one, or maybe it is because some of them are saying, yes, we are going to repeal—

**An Honourable Member:** The Member for Radisson is pretty good. He says it is working good.

**Mr. Uruski:** It is working good with the Member for Radisson, okay, okay, I did not want to—

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**Mr. Speaker:** The Honourable Member for Radisson, on a point of order.

**Mr. Allan Patterson (Radisson):** On a point of order, Mr. Speaker, the Member for The Pas (Mr. Harapiak) is putting words in my mouth to the effect that I said final offer selection is working well. I did not make that statement.

**Mr. Speaker:** Order, please. That is a dispute over the facts. The Honourable Member does not have a point of order.

**Mr. Uruski:** Mr. Speaker, would I be putting words in the Member's mouth if I said that he indicated that it was a noble gesture and it was a good try? Would that be putting words in the Member's mouth? I do not want to do that, but—

**An Honourable Member:** What did you say Al? Are you supporting it?

**Mr. Patterson:** Mr. Speaker, I do not have Hansard in front of me, but if I recall I said it was an experiment. It could be called a noble one if one so wished.

**Mr. Speaker:** Order, please. I should remind the Honourable Member that a point of order should be

raised to bring attention to the Chair and the House of breaches of the Rules.

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**Mr. Speaker:** The Honourable Member for the Interlake has the floor.

**Mr. Uruski:** Mr. Speaker, I am pleased that the Member for Radisson (Mr. Patterson), the spokesperson for the Liberal Party on these matters, has now at least indicated that it was a worthwhile experiment.

If one was a scientist and did a number of tests on a particular formula, now I want to take the Member's comments and put myself in a position of one in a laboratory. If he looked at a particular test, and here we had 72 tests, 72 different opportunities to test a process, Mr. Speaker, whether that test from a scientific point of view would be called valid, would it be called appropriate, would it be called in fact successful in terms of a scientist?

Of those 72 applications, seven of those are in the process where the selector was appointed and a decision is pending. So 10 percent are still in the mill. We are still working on 10 percent of those tests. It seems to be working well because both parties have agreed on a selector. So at least up to this point 10 percent of those tests are in fact in motion and everyone seems to be happy and there is no work stoppage. So you consider at least 10 percent of those are in motion and the test is going well. Right? I would venture to say that anyone would argue that is the process it is going to.

Now let us take the other group, four dismissals. Well, something fizzled in the test and we just threw them right out, so four of them, roughly 5 percent, maybe 6 percent of those tests, did not work out. Somebody, the scientists screwed up, they did not put the right ingredients and the right mix was not there and we threw those four tests out. That is okay, that is in the process of errors and omission in the process of scientific data. Mr. Speaker, I am using the Liberal Party's comments to make my remarks to this Bill because it will be interesting how they will vote on this legislation.

Now let us go even further. Mr. Speaker, 49 of 72 parties reached agreement prior to the selector appointment decision or withdrawn, which means that everything went well without requirement of going to final offer selection because they knew that process was there, but they were able to negotiate and reach those agreements. So five-sevenths of the process operated as normal in the work environment, so these tests from a scientific point of view would have said, we really did not require, the chemistry was good, the chemistry was working, all the ingredients in both parties were ideal and we settled it without using the need for this experiment. Right? I would think that the Member for Radisson (Mr. Patterson) would agree to that process, that it went well and that has been the normal process. The essence of this is really between the 50 and the 72. The last 30 percent is where the crunch on this legislation comes into play.

\* (1100)

Mr. Speaker, there are no results awaiting a vote. There is one test awaiting an appointment, that is still in the actual process of doing the analysis. The test and the experiment appears to be working well. There are six pending with no order or dismissal issued today, so there are six experiments still in motion. We really come down to the first twelve, the five in which decisions have been rendered. Three went with the worker proposal and two went with the employer proposal, and no work stoppage. So what is the problem with the Government and what is the problem with the Liberal Party in this case? One really does not understand, other than a philosophical bent of the Government to in fact undo a process that has been made available to workers and employers in this province to try and facilitate an orderly agreement, free and open collective bargaining without the need to resort to a work stoppage.

Mr. Speaker, if in five applications, in five experiments, it has been successful for both sides of the proponents, what is wrong with that? If we can stop or prevent, not stop, because we are not stopping, we are preventing work stoppages for five, I would consider that an acceptable result, a success from the point of view of chemistry in terms of doing experiments.

(Mr. William Chornopyski, Deputy Speaker, in the Chair)

We have a number of students who I am sure take chemistry in their courses and would say, hey, if 50 out of 70 did not require to do the test, and we are down to 20, and five out of that 20 worked very well without the need of breaking up the experiment and going into some real troublesome analysis, that is 25 percent, a quarter. What is wrong with having a quarter of the experiments being successful on both the employer and the employee's side in terms of labour management relations? That would be a success from any scientist's point of view.

Mr. Deputy Speaker, I do not know what the difficulty is with the Government or the Liberal Party on this issue, that they would not want to at least have a quarter of the working relationships and agreements between management and labour allowed to go their natural course without the use of strikes. This process, final offer selection, has in fact allowed that to happen.

An additional seven, Mr. Deputy Speaker, are in the process of experimentation. Seven selectors were appointed, and they are in the mill. Decisions are pending. Here is another one. Four of those applications were dismissed. Where The Labour Relations Act said that bargaining was not being utilized, free and open collective bargaining was not being performed or in fact in place in four cases, either on the part of labour or on the part of management, their applications were thrown out.

Mr. Deputy Speaker, that is fine. The message to those groups is, get back to the table, and let us have some serious bargaining in this employer-employee stalemate. Let us get down to some serious business and not go through using a process that is only meant

as a last resort to prevent strikes or lockouts. That is really in essence why this legislation was put into place.

Mr. Deputy Speaker, I really question the motives of the Government, but particularly the motives of the Liberal Party, or at least some spokespersons of the Liberal Party in this respect.—(interjection)—I do, because I was very pleased with the comments of the Member for Radisson (Mr. Patterson).

Now, if there has been a change of heart on the Liberal Party about saying, look, maybe we should take another look at this question and say, well, is it so bad, has it been so bad on labour relations in this province, has this option—as the Member for Radisson agreed to say that this was a noble experiment. Well, how can one interpret that? Is now the Liberal Party through their spokesperson saying, yes, we are open to changing our mind on this one? We are open to allowing this to keep in place.

Then I suggest, if that is the case, let the Liberal Opposition today get up and say, look, leave this thing in place. Then the Government, the House Leader (Mr. McCrae), can instruct his Minister of Labour (Mrs. Hammond) to withdraw this Bill. I mean, let us cut out the debate. If the Liberal Party here is prepared to in fact say, we are prepared to allow this experiment to go on a little further, get up and say it. Get up and say it, and then their House Leader can say to their Minister of Labour, look, it is not going to pass, the majority of this House says, let us continue with this experiment. The Minister of Labour can then be instructed to withdraw that Bill and everything will be done. The debate will end and the House can adjourn a lot earlier than probably the Government would want to anyway. Let us cut out the charades, let us cut out the debate.

The onus is really on the Liberal Party because some have been on this side of the fence and some have been on that side of the fence. That picket of that fence must do a fair bit of damage, or at least, depending on who is tugging on which side of that fence, will cause a lot of damage to those who are riding that fence.

Mr. Deputy Speaker, for one who has been in this Chamber a number of years, one can see that minority Governments generally work to the benefit of Manitoba citizens, and on this one the real dilemma—and they should sort it out—is with the Liberals. Go back to your caucus rooms, sort it out. If there has to be some bloodletting or some debate, get it over with and do not leave this thing hanging, because I know that some of your Members, some of the Members of the Liberal Party, are what I would consider reasonable people, some of them, obviously there are some who are philosophically hidebound on this issue, to say, we are going with big business, we are going with free trade on this one because this one is pampering to free trade. This one takes away the ability and the right of workers and employers to come up with a settlement without a strike, puts one more option on the table for both parties.

I suggest that if the Member for Radisson (Mr. Patterson) has any clout as Labour spokesperson in that Party, he should call his troops together, bring

them back to the caucus room and say, let us decide this, and let us decide this quickly. It appears that he is now leaning in the way to say, yes, this is a noble suggestion, let us continue with this experiment.

So, Mr. Deputy Speaker, I say to the Member for Radisson, get your Members back to that caucus room. Come out, make a statement whether it is today or next week, and let us cut out this debate. We will end this Session at least, I venture to say, two weeks sooner if the Liberal Party comes out with a position and says, we have changed our mind, we are now saying that this experiment of final offer selection should continue. Then the Minister of Labour (Mrs. Hammond) will be instructed by their House Leader, withdraw the Bill or let it die. Do not call it anymore. Why continue this charade if they are going to support this legislation or at least say, well, we are leaning in that way? - (interjection)- My time will be up fairly soon, and I am hopeful that the Liberal Party is prepared to speak after I am finished.

**An Honourable Member:** How many have?

\* (1110)

**Mr. Uruski:** I do not know how many. How many of the Liberal Party have in fact voted, two only two? Two have spoken. Oh boy, oh boy, Mr. Deputy Speaker, chaos. Two have spoken, one on one side and one on the other side of that picket fence. Do you know what happens if that picket fence is sharp? Boy, oh boy, look out. What is going to happen?

But, who is the spokesperson for the Liberal Party? Who really is that spokesperson? Is it the Member for Radisson, the Liberal Critic who said this is a noble experiment? What kind of message does that leave you with? A noble experiment, well as a scientist I would say, I can continue my work. Somebody says this experiment is noble, so if someone gives you that kind of encouragement, one would say, hey, we are going to support the continuation of this legislation.

But is that the way it is going to be played out by the Liberal side? Is there now a muzzle on other Members to speak? Is this really where they are at? We had one, as I gather, one speaking for and one opposed. Is that what is going to happen on this legislation? Are you going to allow it in your own caucus room, Mr. Deputy Speaker? No, I am sure not. You are a good North Ender who knows that he has a lot of workers in his constituency who want to at least have that option of coming to the table to prevent strikes, because that is essentially what final offer selection does. If you cannot quite agree through the normal process, there is one more option, but not as the Minister of Labour (Mrs. Hammond) has said, this is to shorten work stoppages. That was fallacious, clearly fallacious and mischievous on behalf of the Conservatives, because it is not true.

Final offer selection was not brought in to shorten work stoppages. Once a work stoppage is there, forget it, it is gone. The opportunity to reach an agreement at the bargaining table is gone.- (interjection)- The Minister of Labour says, we know. If the Minister of

Labour knows why it was brought in, why did she not at least make an honest statement in her press release. Why would her statements not be accurate, because it is true.- (interjection)- That is the difficulty.

Here is, not Bernie Christophe here, well, let us look to the Minister of Natural Resources (Mr. Enns). Who has applied for final offer selection? - (interjection)- Here we have the Minister of Natural Resources saying this is the "Bernie" Bill. First applicant, Rural Municipality of Springfield and the International Operating Engineers. Is that Bernie? No. Blackwoods Beverages, Manitoba Food and Commercial, that is Bernie. Yes, Mr. Deputy Speaker. Hudson's Bay Company, Manitoba Food and Commercial Workers, right; Hudson's Bay Company again, that is Commercial Food Workers; Modern Dairies, Flin Flon - (interjection)- Pardon me? No, I am going to go through it. Let us go through them all—

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**An Honourable Member:** Mr. Deputy Speaker, on a point of order.

**Mr. Deputy Speaker:** The Honourable Member for Flin Flon, on a point of order.

**Mr. Jerry Storie (Flin Flon):** The Member for Interlake is attempting to give a very cogent dissertation on the merits of final offer selection in the Province of Manitoba. It is very difficult to hear when the Member for Pembina (Mr. Orchard) continues to chide other Members across the Chamber and interfere in that eloquent discourse. I would ask you as Deputy Speaker to ensure that all Members can listen to this important debate.

**Mr. Deputy Speaker:** A dispute over the facts is not a point of order.

**Hon. Donald Orchard (Minister of Health):** Mr. Deputy Speaker, did the Member for Flin Flon have a point of order?

**Mr. Deputy Speaker:** I thank all Honourable Members for their advice and I would ask the Honourable Members—the Honourable Member for Wolseley.

**Mr. Harold Taylor (Wolseley):** Mr. Deputy Speaker, on the same point of order, there have been problems over these last two weeks from that same Member for Pembina (Mr. Orchard), whether it has been in debate or whether it has been in Question Period. I would hope the Deputy Speaker will take note of the lack of decorum by that Member and the interference that has come from that Member and the lack of respect that Member has shown to other Members of this House and to the Chamber itself. Thank you.

**Mr. Deputy Speaker:** The Honourable Minister of Natural Resources (Mr. Enns), on the same point of order.

**Hon. Harry Enns (Minister of Natural Resources):** While it is entirely possible that the Member for Pembina

(Mr. Orchard) may have been interfering in the debate, I want it clearly put on the record that I was merely filling in the important and cogent portions that were missing from the speech from the Honourable Member for Interlake (Mr. Uruski), by reminding all Honourable Members why this Bill was given birth in the first instance.

**Mr. Deputy Speaker:** Once again, I thank all Honourable Members for their advice. I would ask those Members that wish to carry a private conversation to carry it outside the Chamber, please. The Honourable Member for Interlake has the floor.

**Mr. Uruski:** Mr. Deputy Speaker, I am assuming that these interjections will not detract and take away from my time. I do not defend the Member for Pembina, the Minister of Health (Mr. Orchard) in terms of interruptions, but this time I have to say that he was not involved in the interruptions. I have to say that.

Mr. Deputy Speaker, I will go on because I think the Minister of Natural Resources (Mr. Enns) and the Minister of Labour (Mrs. Hammond) really want to say that the overwhelming number of applications—and I have I think 30 here. I will go through them because I really want to deal with that, because while there will be a large number of Manitoba food and commercial workers' applications, I do not believe that they are in the overall more than half or thereabout. If they are, so be it, but I will go through them all.

We had the Vista Park Lodge, Manitoba Food & Commercial Workers; we had the Indian and Metis Friendship Centre, Manitoba Food & Commercial Workers applicant; Faith Enterprises Inc., the Manitoba Food & Commercial Workers; Cy's Tom Boy, Manitoba Food & Commercial Workers; Domgroup Ltd., operate under the Dominion Stores, Manitoba Food & Commercial Workers; Imperial Parking, Labourers International Union; B-A Construction, T.E.L. Council of Manitoba Teamsters; Borland Construction, T.E.L. Council of Manitoba Teamsters; Fisons Western, United Food and Commercial Workers; Molson Manitoba Brewery, United Food and Commercial Workers; Associated Beer Distributors Limited, United Food and Commercial Workers; Portage la Prairie Mutual, Artic Drugs, A.E. McKenzie, all three are United Food and Commercial Workers; Souris Modern IGA, United Commercial Workers; Hudson Bay Mining, United Steel Workers; Unicity Taxi, United Food and Commercial Workers; Brokenhead Municipality, International Union of Operating Engineers; Argyle R.M., International Operating Engineers; Protelec Limited, International Operating Engineers; Domtar, Retail and Wholesale Department Store Union; Rural Municipality of Lorne, Operating Engineers.

\* (1120)

Mr. Deputy Speaker, while there has been of these 30 that I have had, these were all '88 applications, where the Members of the Government wanted to kind of chastise myself and Members on this side, to say this was the "Bernie" Bill. There are one, two, three, four, five, six, seven, eight, nine, 10. A third of the applications are from different unions, a third of the applications

of these 30 that I have. Yes, a third. The Tories can say what they want, but if a third of those applications are from other workers, then let us look at who is involved in the work force of the United Food and Commercial Workers. Who would be the overwhelming majority of members in the United Food and Commercial Workers? Would it not be women who are generally clerks at retail outlets?

Mr. Deputy Speaker, taking away, what I would say, an option for women in the work force who are struggling to maintain their position, taking that option from the predominance of women, coming from a Minister of Labour (Mrs. Hammond) who happens to be a woman herself, the proponent of this Bill, is like a slap in the face. It is, and I say that in the sense, here you are the majority of the work force, who they call "Bernie's" Bill, are in fact women in the work force—

**An Honourable Member:** No, that is not true.

**Mr. Uruski:** Well, Mr. Deputy Speaker, now the Minister says it is not true. Who are the majority of clerks in the Retail Clerks Union if it is not women? Now just look at the scenario, you have many women looking for whatever kind of work they can find. They form the largest part of our work force and generally the lowest paying jobs in our work force. Discrimination has been rampant in the work force. Governments have had to come up with pay equity schemes to try and bring up the position, which primarily is of women in the work force, in terms of their selling positions.

Here we have a Bill that allows women, the majority of whom are women in the work force, an opportunity to settle an agreement or a disagreement with their employer without going out on the picket line, without having to fight the possibility. I am using the two-thirds of the applications. The two-thirds of the applications are; I have never said that they were not, because I did not know who made the applications.

Let us look at the results and who the impact of this Bill will be on, whose position in the marketplace will be attacked. It will be of women. The position of women in the marketplace will be attacked. Who has in fact used the majority of this Bill? Others have, but for a Minister of Labour (Mrs. Hammond) to stand up and say I am in support of women is not correct, it is just not correct.

I wish the Liberal Party would get off the fence, make their position clear that they in fact are prepared to allow this experiment to continue, as the Member for Radisson (Mr. Patterson) has stated. I say to them: make your position clear, get off the fence, tell the Government that we are going to allow this experiment to continue, this noble experiment, as the Member for Radisson has stated. Then the Government will be forced to withdraw this legislation, and we can continue to have greater peace and harmony in the work force. Thank you very much

**Mr. Deputy Speaker:** As previously agreed, Bill No. 31 will remain standing in the name of the Honourable Member for Elmwood (Mr. Maloway).

Friday, February 2, 1990

## BILL NO. 77—THE CEMETERIES AMENDMENT ACT

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs (Mr. Connery), Bill No. 77, The Cemeteries Amendment Act; (Loi modifiant la Loi sur les cimetières), standing in the name of the Honourable Member for Radisson (Mr. Patterson). Is it agreed that the Bill remain standing—the Honourable Member for Radisson.

**Mr. Allan Patterson (Radisson):** Mr. Deputy Speaker, I would like to take this opportunity to make a few remarks on the record about this Bill No. 77 and ultimately the companion Bill No. 78, which both address the same broad topic.

I must admit, Mr. Deputy Speaker, I rise with some trepidation to speak on these two Bills, because I am afraid I might be accused of having a love-in with my Honourable cigar-chomping friend, the Member for Portage la Prairie (Mr. Connery), on these matters.

This essentially is a positive Bill. It is a certain amount of housekeeping with a few short matters of substance. This society of ours is what we, by and large, call a free enterprise society. It is not completely so. It is actually what has been called a modified free enterprise society in that the state does have involvement in it in certain areas and rightfully so.

Matters of life and death, Mr. Deputy Speaker, are of vital importance to all of us as individuals and as a society of course. Here we are concerned with The Cemeteries Amendment Act and later on with The Prearranged Funeral Services Amendment Act with the matter of death which is going to come to all of us, an event which is one, at times, of considerable stress to those close relatives or friends of the departed who are left. Again, depending on our particular religion or one's individual views on matters such as this, it is important that we have cemeteries, mausoleums, columbariums or whatever.

This is something, Mr. Deputy Speaker, that is not best left to the completely unfettered free enterprise market. Therefore, we have had of course, historically, the church as well as the state involved in these matters of cemeteries and disposal or preservation or burial of the deceased. It is a matter that does need some reasonable regulation by the state and, to some extent, some involvement at the municipal level largely in operating cemeteries and so on.

This, as I say, is a matter for some significant state regulations and involvement to protect individuals and groups in times of particular stress, and to see that those that are deceased are taken care of in a manner that they would wish.

\* (1130)

One thing, I have not travelled extensively in western Europe, Mr. Deputy Speaker, not at all as a matter of fact, but I have travelled in the Scandinavian countries. One thing I was struck with in particular in those countries were the cemeteries in the churchyards, many

of them, of course several centuries old. They were kept in absolutely immaculate condition. It was a pleasure just to drive by them, let alone wander through some of them and see tombstones that were two, three, four hundred years old. Of course, in those countries there is state involvement, there is the state church, and state funds are put into the church cemeteries. They are a depository of the whole culture of a community or a country.

Here then, in this particular Bill No. 77, The Cemeteries Amendment Act, a relatively short Bill which arranges for refunds for prearranged cemetery services, something that had not existed before, it is now a right for an individual who has entered into an arrangement for prearranged cemetery services to, later on, if he or she wishes to withdraw from that arrangement, to get an appropriate proportionate refund from the vendor.

Also, you might look at this as also part of The Consumer Protection Act, because that is the purpose of some of the changes here. The money for any prearranged cemetery service is to be placed in trust, and if the customer does cancel the service they would be refunded with accrued interest.

There is also a regulation end to prohibit the canvassing in hospitals or nursing homes or senior citizens' care homes, to prohibit the canvassing by salespersons of inmates of these homes or their relatives, if they happen to be in those homes visiting for the sale of this type of prearranged cemetery service.

This is beneficial then to consumers, Mr. Deputy Speaker, and at the same time and in no way is it detrimental to business, because they are all sound, ethical business practices in any event. Especially, these are needed for those who are affected by death in times of their sorrow and their stress.

Another change, more or less a housekeeping one you might say, in the Act is to provide for stiffer penalties for non-compliance with the Act.

Again, and this is something I have said many times before, Mr. Deputy Speaker, if there are going to be penalties for performing a prohibited act, or for not conforming to a desired Act, the penalties should be stiff enough that it will after the first event tend to prevent any further behaviour along the same lines.

As I said, the penalties should be more than a slap on the wrist, they should not be particularly draconian or unconscionable, but nevertheless they should be stiff enough that the individual or institution concerned sits up and takes notice. With those few comments I would like to thank you for this opportunity, Mr. Deputy Speaker.

**Mr. Jim Maloway (Elmwood):** Mr. Deputy Speaker, I am very pleased to rise this morning to put a few comments on the record relative to Bill No. 77, The Cemeteries Amendment Act. I did initially want to make some comments on the comments just finished of the Liberal Critic in the area of Consumer and Corporate Affairs. The Member initially began by apologizing for a supposed love-in with the Minister on this Bill. I wanted

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to remind him that in fact this love-in extends to one Mr. Al Mackling who introduced this Bill over two years ago. I guess Al Mackling has been vindicated by the all-Party support shown by this Bill.

I suppose we ought to look at where the Liberal consumer policy really is. I mean the Member sort of summed up the Liberal consumer policy as we know it at the moment when he talked about his wanderings through the graveyards of Europe looking at the 300-year-old tombstones, because that is pretty much where the Liberal consumer policy is in this province right now. The critic, and we have spoken in the past, does embrace some of the initiatives that we would like to bring into this province, but unfortunately he is having some difficulties with some of the other Members of his caucus.

The Minister himself however shows no such bashfulness in that area. He comes right out and says that he is not interested in supporting consumer legislation in this province that would move us into the 1990s. We have to really look at the Government's absolute lack of commitment in the area of consumer and corporate affairs in this province, Mr. Deputy Speaker.

The fact that after the 1988 election the Premier (Mr. Filmon) simply tagged the department on to one of many that the Attorney General had at the time is the first indication of where Consumer Affairs would rank in this Government. The fact of the matter is that only after this caucus initiated some efforts, initiated some different innovative ideas in the area of Consumer Affairs did the Premiers see fit to take Consumer Affairs away from the Attorney General, who had done nothing, in fact had cost them, because he made the Government lose the initiative in this whole area. By the time the Premier had moved the department away to the current Minister it was too late for them to recover the ground they had lost. So they had to come up with a bit of damage control here and they are still sort of I believe working that out, because on the one hand they would like to support some of the initiatives that we are proposing, but on the other hand they do not want to look as though we are sort of calling the shots in that area. I think that time will tell how it finally shakes out.

The fact of the matter is, Mr. Deputy Speaker, that if you look at the initiatives that this Government has taken in the area of Consumer Affairs, you find that under the first Minister nothing was done, nothing at all. Under the second Minister they have taken a few tentative steps that were initiated by the previous Government. Let us look for a moment at some of the areas that they see as initiatives in this area. They have brought in The Prearranged Funerals Act, The Cemeteries Act, two Acts that were brought in by the previous Government. They have a minor amendment to The Securities Act. They had the real estate fund that was set up, which was also from the previous NDP Government. All of their current initiatives before the House are either previous NDP minor amendments that they are now bringing in or are Bills that they have simply photocopied that we introduced last year.

I draw your attention to The Business Practices Act which has been before the House now for two Sessions.

We introduced it two years ago, which would provide for sweeping powers to the Consumers' Bureau to act in the event of unfair, unscrupulous business practices that are uncovered in this province. It is an area that needs serious attention. It is an area in which seven other provinces have acted in the past. This Government finally, after two years, after our Party introducing a Bill in fact twice, all this Government has been able to do is simply photocopy our Bill, change the name from Unfair Business Practices to The Business Practices Act and bring it in and they cannot even do that right. In fact they are now in committee on it and they are having the business community making representations to them, suggesting that these are very intrusive measures that somehow should not be tolerated in the current Conservative environment when in fact Governments of all political stripes and other Parties have brought in similar legislation.

In the area of Bill No. 63, The Consumer Protection Amendment Act, the Minister once again simply photocopied a Bill that we had before the House last year which provided for the extension of the cooling-off period on direct sales from four days to ten days and the restriction on service contracts that they had to be annually renewable rather than lifetime memberships.

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**Mr. Deputy Speaker:** Order, please. The Honourable Member for Radisson, on a point of order.

**Mr. Patterson:** Mr. Deputy Speaker, I stand to be corrected, but it was my understanding that the Bill we are addressing is 77 not 63 or 64.

**Mr. Deputy Speaker:** That is correct. We are debating Bill No. 77 and the Honourable Member did not have a point of order. The Honourable Member for Elmwood has the floor.

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**Mr. Maloway:** Mr. Deputy Speaker, well I think my comments are very relevant to the point here. The fact of the matter is that critic, the Liberal Critic, stood up here for three minutes to address Bill 77 and in fact talked about touring cemeteries in Europe and looking at 300-year-old tombstones.

As I had indicated before, that sums up the Liberal policy in the area. They do not -(interjection)- Yes. It is a policy that is 300 years old. They do not have a consistent consumer policy. Their major contribution is to have the critic stand up and intervene and try to suggest that somehow I am not talking about consumer policy.

The fact is that Bill 77 does deal with consumer protection in this province. That is what it is all about. The only Member in the Liberal Caucus who seems to know anything about consumer policy is the Member for Wolsley (Mr. Taylor). The Member for Wolsley is the only Member of the Liberal Caucus who seems to show any kind of interest or any kind of understanding

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of Consumer Affairs in that caucus. He has demonstrated it in the past in committee.

\* (1140)

I think we have to look at not only where the Liberal Caucus is, because they are no better than the Government in this regard—and I had indicated in the whole area of consumer affairs that the Government is bringing in minor amendments that the NDP introduced before, similar to this Bill. Their major initiative is the Business Practice Act. Another initiative is a minor amendment that we brought in last year extending the cooling-off period to 10 days from four.

After only four committee hearings the Minister now tells me that on the basis of one representation before the committee he is going to introduce an amendment now going back to the original seven day proposal that we made last year in the first Bill. That does not show a lack of foresight on the part of the Government by any stretch.

Mr. Deputy Speaker, I had indicated before that we had a very big interest in the area of Consumer and Corporate Affairs. The fact of the matter is that the Liberals and the Conservatives—when it comes to a proposal of ours to institute a ban on cheque-cashing fees on all Government cheques where do the Liberal Party and the Conservative Party stand on this area? The critic for the Liberals suggests that somehow an up to 6 percent limit on cheque-cashing charges should be allowed. Is that something that shows any innovation and support of consumers in this province?

The Liberal Party is suggesting that a person who has a \$1,000 cheque should be paying up to \$60 to cash a Government cheque in this province. I really feel that was a statement the Member will probably live to regret and probably will withdraw in the future, because I really do not think that if he thinks about this whole issue enough that he himself will realize it is not a very, very sensible position to take, to suggest that poor people should be paying up to \$60 to cash a \$1,000 cheque. That is absolutely ridiculous.

Where is the Government in this whole area? They, on the other hand, suggest—and the Minister speaking to this Bill back on January 17 suggested, in Hansard, that the amendments to The Cemeteries Act that we have proposed will be beneficial to the consumers of the province. In other words these amendments, he sees them as beneficial to the consumers of the province, but where does he stand on a ban on cheque-cashing charges on Government cheques? He is nowhere to be found on that issue. In fact, he does not support it. Where is his support of consumers? Where is his support of poor people in this province? It is an absolute sham.

Let us look for a moment at the question of lemon law whereby the manufacturer, not the car dealer but the manufacturer, would have to replace a vehicle that proved to be a lemon, or would have to refund the money. Where is the Government on that issue? Where is the Liberal Opposition on that issue? We have had representations, we have had phone calls, we have letters from people in fact who are declared

Conservatives, who have been victimized when they purchased cars that fell apart practically on the way home from the car dealer, and they want this Government to act.

The Government themselves, the current Minister of Housing (Mr. Ducharme), in the past, the critic when they were in Opposition, when he was addressing consumer legislation as the critic, what did he do? He spoke about one issue as the critic in two years—we have the Hansard—and it was about the need for lemon law. Where is the Government now? Where is the Government today on that issue, Mr. Deputy Speaker?

**Mr. Deputy Speaker:** Order, please. Order. I would once again ask the Honourable Member—Bill No. 77 is before the House and under debate, and not the lemon law or anything to do with automobiles.

The Honourable Member for Elmwood has the floor.

**Mr. Maloway:** As I had indicated, the Minister, when he spoke to Bill 77 back on January 17, had indicated that The Cemeteries Amendment Act would be beneficial to the consumers of the province. I had indicated that I agree with him that there is some benefit to this legislation. The fact of the matter is that there is a benefit to consumer legislation in general in this province. This Bill No. 77 is simply part and parcel of consumer legislation that this Government is bringing in. We do not feel that they have been innovative enough. We do not feel that they have moved in the areas that are necessary, that people want them to move.

They are content to look back to measures that should have been done a number of years ago, and they are not innovative thinkers in this area. We have encouraged them to look ahead into the 1990s, and we have noted that the Member for Wolseley (Mr. Taylor) is one of the few Liberals over there who seems to understand what is going on in Consumer and Corporate Affairs. There are one or two Members of the Conservative Government who are understanding of the issues involved, but they are few and far between. Unfortunately they are not the critics and they are not the Ministers and they are not the Members of the front bench.

(Mr. Speaker in the Chair)

The suggestion is that in fact they have been outflanked in the whole area and that is why they are ignoring the area of Consumer Affairs. Mr. Speaker, we have tried to offer some initiatives in the area that we feel would be timely and innovative, in fact, in all cases have been adopted by other jurisdictions both in Canada and the United States. We feel that as part of a package of consumer legislation that the consumer legislation is not complete in Manitoba with The Cemeteries Amendment Act. It is not complete.

It should include things like the lemon law, which we have indicated 45 of the 50 United States have. The Conservatives, when they were in Opposition, campaigned for that measure and where are they now? When they come to Government, they have a totally different attitude in this area. In the area for advertising

directed to children under the age of 13, where are they in that area? That has been part of the Quebec consumer legislation for 10 years. In fact it was challenged by Irwin toys on the grounds that it was unconstitutional. That case was resolved last year in favour of the Government in Quebec. Well, where is the initiative on the part of the Minister or the Liberal Critic, although his Leader odd days or even days agrees with the proposal. Where is the initiative on the part of the Government to now, after that court case has been decided, take the necessary steps to put a ban on advertising to children under the age of 13? Where is the initiative? This Government just does not seem to have that type of initiative.

\* (1150)

The manufacturer's suggested retail price was also part of a Bill that we introduced last year, and the Minister deleted it. Why? Because he could not get it through his caucus. But yet, of the representations that we have to our caucus, phone calls that we get, letters that we get, indicate that there are a number of people that would like to see the manufacturer's suggested retail price affixed to the window, and we have taken action and we have brought in those measures.

**Mr. Speaker:** Order, please; order, please. I am having a great deal of difficulty in trying to figure out which Bill the Honourable Member is talking to. I believe the Honourable Member has been recognized to speak to Bill No. 77, The Cemeteries Amendment Act. I would ask the Honourable Member to keep his remarks relevant to the question which is before the House. The Honourable Member for Elmwood.

**Mr. Maloway:** Thank you, Mr. Speaker. The fact of the matter is that The Cemeteries Amendment Act is something that we do agree with and for the Member for Assiniboia (Mr. Mandrake), who probably has no knowledge of what is in fact in this Bill, or what the intent of the Bill is, I want to take a few minutes to explain to him what this Bill is all about.

In fact, Mr. Speaker, the fact of the matter is that the requirements of the Act will be that monies will have to be held in trust. We agree that is a very good provision. Another very important part of this Bill is that the interest should accrue to the purchaser of the service and not the funeral home concerned. The third very important part of this amendment is to prohibit canvassing or soliciting in hospitals and nursing homes and senior citizen homes, and this particular measure I believe has been passed by the Ontario Legislature restricting door-to-door canvassing, and it has also evidently been the case in Saskatchewan and British Columbia.

The fact still remains that this Government's consumer program is very, very thin. The fact still remains that we, in supporting this Bill and passing it on to committee, have yet to see any real innovative thought on the part of the other two Parties in this House regarding consumer legislation in general. It is fine for the Member, the critic, and once again the Liberals are on both sides of this issue. I am sure that

in The Cemeteries Act, even in The Cemeteries Act there will be deep division in the Liberal Caucus. The critic has now said that they support The Cemeteries Act. He has talked about touring the cemeteries in Europe and looking at the 300-year-old headstones in there. I am sure his Leader tomorrow will come up with another version and say that, well, the critic does not know what he is talking about, we have had a representation from the funeral directors and they have another view on this. Of course, the Liberals will trot off in a different direction, as they have done on so many different issues.

The motor dealers, they have been in the pockets of the motor dealers from Day One. They take a position on the retail price stickers one day, and then Lefty Hendrickson from the Motor Dealers Association takes them in, lays down the law, and they are on the other side of the issue the next day.

The Leader of the Liberal Party (Mrs. Carstairs) takes the—

#### POINT OF ORDER

**Mr. Speaker:** Order, please. The Honourable Member for Radisson, on a point of order.

**Mr. Patterson:** Mr. Speaker, on a point of order, the Member for Elmwood (Mr. Maloway) seems to be off and wide-ranging again. I understood we were talking about cemeteries. I do not know where the motor industry enters into it.

**Mr. Speaker:** I would like to thank the Honourable Member for Radisson (Mr. Patterson), and I would like to caution the Honourable Member for Elmwood (Mr. Maloway) one more time to keep his remarks relevant to Bill No. 77, The Cemeteries Amendment Act.

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**Mr. Maloway:** Mr. Speaker, the fact of the matter is that the Liberal Critic is very sensitive on this Bill 77 on The Cemeteries Act because he himself recognizes how limited their vision is in the area of consumer affairs. With reference to Mr. Hendrickson, the Motor Dealers Association president, I did not mean to suggest any ill motives on his part. He is doing the job that he is elected to do, representing his association. The fact of the matter was that he made a very good presentation to us the other evening. He was wrong in his assessment that motor dealers were going to have to pay for lemon cars. It is in fact the manufacturers. He is clear on that now, and I think that we may see a different attitude on his part.

Mr. Speaker, the fact of the matter is that in the areas that really count, that are emerging in consumer protection legislation, the Liberal Party is void. I am dealing with Bill No. 77, The Cemeteries Act.

I notice the Members of the House have the same fun at committee stage as well. For years, when we were in Government, we allowed the most wide-ranging debate. I recall sitting in committee when the human

rights amendment was dealt with and there were 200 presenters from all walks of life. At no point did anybody suggest that those people limit their range of comments, their range of thought, but somehow in an area where both Parties are a little sensitive, consumer affairs, where they have nothing to say, they are constantly trying to rein me in, whether it be in committee, whether it be in the House, in needless sort of interventions by the critic. I wish they would be more constructive and more innovative in their thought.

I think that come the next election, and there will be an election, the Liberals are going to have to answer for their lack of positions on consumer affairs. That leads in again to their problems in getting their caucus together. They have the critic who says one thing one day on consumer affairs. The next day, the Leader in the area of advertising to children—the Leader one day says that she supports a ban on advertising to children under 13, then a couple of days later they go to caucus on the matter. Izzy Asper and Global TV intervene behind the scenes, and the next thing you know they are not interested in that proposal any more. That is the limit to their—their attention span is very, very limited in that area. They know a good idea when they see it. They support it to get the press, and then a couple of days later one of the interest groups intervenes, whether it is the Motor Dealers Association, whether it is Global TV, intervene and whip them into line. That is a fundamental problem with the Liberal Opposition; that is a fundamental problem. Now they are trying to interrupt again, Mr. Speaker. They are trying to stifle debate and stifle -(interjection)-

#### POINT OF ORDER

**Mr. Speaker:** Order, please; order, please. The Honourable Member for Assiniboia (Mr. Mandrake), on a point of order.

**Mr. Ed Mandrake (Assiniboia):** On a point of order, Mr. Speaker, I have sat here for the past 30-some-odd minutes. The Deputy Speaker, yourself, have asked this Member for relevancy to this Bill. Again this Member has taken a slide off a big, deep slope and he is on a tangent all over the place.

\* (1200)

I think if he cannot maintain relevancy, Mr. Speaker, please, ask him to sit down. Thank you very much.

**Mr. Speaker:** I would like to thank the Honourable Member for Assiniboia. I would like to caution the Honourable Member for Elmwood (Mr. Maloway) of our Manitoba Rule 39, that the Speaker, after having called the attention of the House or the committee to the conduct of a Member who persists in irrelevance or repetition may direct him to discontinue his speech.

I would caution the Honourable Member for Elmwood (Mr. Maloway) and I would ask him to keep his remarks relevant to Bill No. 77. The Honourable Member for Elmwood.

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**Mr. Maloway:** Mr. Speaker, as it turns out, I was planning to wrap up anyway, but I do not want to give the Member for Assiniboia (Mr. Mandrake) any satisfaction in knowing that somehow he stopped me dead in my tracks, because he made such a terrific intervention here, as he is wont to do. In actual fact, I suppose his intervention did have the desired effect.

The fact of the matter is that we are dealing with the general, broad principle of the Bill. I think it can be said on perusal of Hansard that I have dealt with the general area of Consumer Affairs. I have not gone off into international affairs or the purviews of the federal Government or any other areas not related to Consumer Affairs.

The fact of the matter is that Bill 77, The Cemeteries Act, is under Consumer and Corporate Affairs. It is under the purview of the Minister. It is under the purview of the Liberal Critic, and that is the area that I am dealing with, Consumer Affairs. It is obvious that they are sensitive. You can tell that when they have nothing to say about the subject. They have nothing on the record, no innovation, no direction. All they can do is stand up and intervene on relevancy questions.

Mr. Speaker, with that in mind I would like to conclude my comments on this Bill and recommend that we send it off to committee.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I was only wanting to put a very few words on the record and I must admit in part because of some of the remarks that the Member for Elmwood (Mr. Maloway) has stated.

Mr. Speaker, on the principle of the Bill itself, we have talked about the purchase of prearranged funeral lots. This Bill protects the ability for someone to be able to regain their deposit, plus the interest which they are entitled to have, if by chance they decide to cancel. It also prevents salespeople from canvassing in our hospitals and our nursing homes and our senior citizens homes. I do not think that any of the three political Parties would oppose something of this nature.

What really concerns myself, this being a consumers' Bill, is the Member for Elmwood's accusations that the Member for Wolseley (Mr. Taylor) is the only one who is concerned about Consumer Affairs in the Liberal Party Caucus. Au contraire, Mr. Speaker, that every Member of the Liberal Caucus is very concerned about the Consumer Affairs and the consumers of this province.

Had the NDP Member for Elmwood (Mr. Maloway) had the same concern that my colleagues and our caucus have for consumer-oriented Bills, he would have been bringing forward consumer-oriented Bills when they were in Government.

On that note, Mr. Speaker, as the critic for Radisson (Mr. Patterson) has said, that this Bill does address a very real and needed concern and I, too, support this Bill. Thank you.

**QUESTION put, MOTION carried.**

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### **BILL NO. 78—THE PREARRANGED FUNERAL SERVICES AMENDMENT ACT**

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Co-operative, Consumer and Corporate Affairs (Mr. Connery), Bill No. 78, The Prearranged Funeral Services Amendment Act; Loi modifiant la Loi sur les arrangements préalables de services de pompes funèbres, standing in the name of the Honourable Member for Radisson, the Honourable Member for Radisson.

**Mr. Allan Patterson (Radisson):** It gives me pleasure to rise to, briefly I might say, address this Bill. I would like to demonstrate to the Honourable Members to my left, particularly the Member for Elmwood (Mr. Maloway). He has been accusing us of having no concern for consumers which is a completely erroneous statement.

I will demonstrate that I do have some concern for the environment and conservation. I do not intend to speak for some 40 minutes on something entirely unrelated to this Bill, and therefore take up the valuable time of all Honourable Members in this House, and also to conserve some paper in Hansard, and thereby conserve the forests of Manitoba and other parts of Canada.

This Bill on prearranged funeral services, Mr. Speaker, essentially most of what I have had to say has been already said a few minutes ago, or would have been a few minutes ago but for the address of the Honourable Member for Elmwood (Mr. Maloway). I will not take up any further time with repeating those remarks. They are already on the record.

I will simply address some of the items in this particular Bill, Mr. Speaker. The fact that for prearranged funeral services the money will now go into trust until the service is either performed or a refund is requested. Also, any interest that the payment accrues will go to the customer rather than to the funeral home. This is good and entirely reasonable protection for the consumer. We therefore commend it. Again, as with the previous Bill, there are stiffer penalties applied for non-compliance with the provisions of the Act. My former comments on Bill No. 77 apply equally to this one. Therefore, we consider this Bill to be a positive one and we would pass it along to committee. Thank you, Mr. Speaker.

**Mr. Jim Maloway (Elmwood):** Mr. Speaker, I move, seconded by the Member for Flin Flon (Mr. Storie), that debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 57—THE PENSION BENEFITS AMENDMENT ACT**

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Labour (Mrs. Hammond), Bill No. 57, The Pension Benefits Amendment Act; Loi modifiant la Loi sur les prestations de pension, standing in the name of the Honourable Member for St. James (Mr. Edwards). Stand.

Is there leave that this matter remain standing? Agreed.

### **BILL NO. 82—THE DANGEROUS GOODS HANDLING AND TRANSPORTATION AMENDMENT ACT**

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Environment (Mr. Cummings), Bill No. 82, The Dangerous Goods Handling and Transportation Amendment Act; Loi modifiant la Loi sur la manutention et le transport des marchandises dangereuses, standing in the name of the Honourable Member for Inkster (Mr. Lamoureux). The Honourable Member for Inkster.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I had adjourned debate on behalf of the Honourable Member for Wolseley (Mr. Taylor) and I will give the floor to him.

**Mr. Speaker:** The Honourable Member has spoken to the Bill? The Honourable Member for Wolseley.

**Mr. Harold Taylor (Wolseley):** I am very pleased to rise this Friday morning, Friday afternoon now, and address Bill No. 82, The Dangerous Goods Handling and Transportation Amendment Act. I am glad to see that I did not catch the front bench napping.

**Hon. Clayton Manness (Minister of Finance):** You never have in the two years of being here.

**Mr. Taylor:** The Honourable Minister of Finance (Mr. Manness) says, and I never have. I wish that were the truth. Unfortunately, I have occasionally caught what sounded like snoring coming from yonder benches but not this morning obviously or this afternoon.

Anyway, Mr. Speaker, we have a serious Bill before us here. This is an area of which I have had some exposure to over the years. It is a matter that is considered very serious by the public of Manitoba. The issue here is, as our society has become more complex and more technically oriented we are handling more and more dangerous materials of all sorts.

We have here a Bill which will amend the existing Dangerous Goods Handling and Transportation Act by the increasing of penalties that would be more appropriate to the infractions that might occur by people—pardon me, there seems to be a little bit of a conflag over in the NDP benches here—who are inappropriately handling and transporting and storing of dangerous materials of various sorts. This is an area of expertise that is relatively new in this country. There have not been until quite recent years, in any jurisdiction of Canada, special Acts just to deal with dangerous goods handling and transportation.

\* (1210)

Now the Minister of the Environment (Mr. Cummings), when he first introduced this Bill a couple of months ago, spoke of the need to increase penalties up to \$1 million in one section of this Bill and up to \$500,000 in another portion of the Bill, those are for corporations, and to increase to \$50,000 and \$100,000 for penalties under another section of this Act. These are fairly significant increases over what is in the existing legislation.

The Minister said that he wished to do this for two reasons. He wishes to do it first of all to make this Act consistent with The Environment Act as he proposes to amend it as well. We dealt with that under Bill No. 81 just the other day.

It was earlier this week we talked about the other aspect of the motivation to change these penalties. That is, and I would quote that the Minister said that he did not want to leave a perception that people have a licence to pollute, we want the increase in penalties to send a clear message to polluters. The message is that the Government considers pollution of the environment to be a serious problem worthy of strong action. It is no longer cheaper for industry in Manitoba to pollute and pay the fine than it is to spend the money to eliminate pollution, and our Government is prepared to take strong action on behalf of the environment.

I would applaud the Minister of Environment (Mr. Cummings) for saying those things. I would applaud him. I said I would applaud him, but I do not because of the fact that there has been no action taken.

This Minister has levied almost no charges under The Environment Act of Manitoba, almost no charges whatsoever, and we have the infamous case of the diesel fuel spill, a massive diesel fuel spill on the new construction site for the Conawapa Dam, a construction site being prepared now with a tank farm in place in which there was a massive loss of diesel fuel in which that Minister stayed three charges, three very serious charges, and then levied charges of \$198 on two more minor offences.

The inconsistencies from what was said on the amendments to The Environment Act and what has actually taken place, what is practised by this Government, by that Environment Minister, belie the reality. The words are—

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**Mr. Speaker:** Order, please. The Honourable Member for Flin Flon, on a point of order.

**Mr. Jerry Storie (Flin Flon):** It may be my imagination, but I believe I smell smoke. Do we have smoke alarms in this building, and are they activated? I am sure that I can smell smoke.

**Mr. Speaker:** On the point of order raised by the Honourable Member for Flin Flon, yes, we do have smoke alarms; and, no, I do not smell smoke and if anybody could it would be myself, because as the Honourable Member is quite aware I have kicked the habit the last two weeks, so I would be able to smell it. There is no smoke in the Chamber at this time.

**Mr. Taylor:** Mr. Speaker, I also smell smoke, but I suspect it might be from the Government benches, because they are getting a little burnt up about some of the comments I am putting on the record. In any case, without the alarm sounding I will continue.—(interjection)—The Minister of Environment (Mr. Cummings), from his seat makes a disparaging comment, but I will continue undiscouraged.

It is unfortunate that we have the example of the fine words by this Government and the total lack of action when it comes to The Environment Act, and it is I would suggest possibly not dissimilar here. We have here an Act that is going to amend the existing and fairly recent Dangerous Goods Handling and Transportation Act by putting these penalties in place. I do not argue with the penalties being increased. I would argue for them. I would argue for them, and I think it is the right sort of a Bill to put forward. I would hope we are not going to see the same infamy in the future with The Dangerous Goods Handling and Transportation Act, either in present form or shortly to be amended, that we have with The Environment Act where there are almost no charges levied whatsoever by this province. This is in marked contrast to the practice going on in other jurisdictions.

I will leave that for the moment and go on to another area of concern. As I mentioned, it has not been very long that Canada has had in each of its jurisdictions, at the provincial level, the federal level and at the Territories, specific Acts dealing with this matter. It is a very recent area of specialized development. There is across the country a protocol between the various jurisdictions dealing with the sorts of things that are contained in our Act that is being proposed to be amended, a protocol that has not been in place for very long. In fact I do not think it would even be three years old yet, a protocol that was a massive undertaking I would suggest, Mr. Speaker, in the whole area of dangerous goods handling and dangerous goods transportation.

It took the sincere effort of officials and specialists in every jurisdiction to be able to bring together that protocol for dangerous goods handling and dangerous goods transportation. There has always been, however, a leerness about that protocol, a leerness in that it was a new initiative totally, something that had never been seen in Canada. Anything of its nature had not been seen for the most part in any other jurisdiction in the world.

The fact that we have a federal type context in Canada makes the issue just that much more complex. If we had a unitary system of Government, as they do in places like Great Britain or Sweden, it would be a much simpler matter. There would be a single piece of legislation. There would not be the need for a protocol. In Canada there is always a minimum of 11 pieces of legislation and often two more for the Territories as well if they are not covered by federal legislation.

It is a complex situation. The experts that did advise and worked on developing of the protocol for 1986-87 said, we think it is a really good first effort, but we know there are loopholes. We know there are matters that are covered off. We know that there is the potential that the documentation that will be used when a truck is moving something like PCBs from Manitoba into southern Ontario for some reason—I use that as an example, we had of course a very unfortunate one a few years ago transferring PCBs the other way—but the question would be, if the documentation that is employed in legalizing that shipment is not filled in properly, will there be some method to catch an infraction?

\* (1220)

Is the machinery of Government in place, Mr. Speaker, which will cover off any fallacies in the present protocol, any fallacies that exist within the documentation process? I do not see anything of a review nature, of that sort of thing in any way. We see here with this Act, strictly speaking, the changes in penalties to make this Act consistent with the about to be amended Environment Act, and I criticized the Government and I criticized the Environment Minister for not improving The Environment Act. I said, there are loopholes in that Environment Act that you can drive a D-9 Cat through.

Well, there are loopholes, Mr. Speaker, in this Act that you can drive a dangerous-good-laden semi through that should have been reviewed, because the dangerous goods handling and dangerous goods transportation protocol, the national protocol, has been in place for almost three years now. The time has been there to find out where there may be problems, where things are not as tight as they might be, where mechanisms need to be tightened up, where communication channels should be opened and clarified. That sort of thing is not reflected, however, in any way in this Act.

So what we have is the right sort of environmental window dressing being introduced, but not with any detailed substance to say what other matters might be looked at. The whole issue of dangerous goods handling and dangerous goods transportation is not an easy subject to deal that. That is why it took so many years to develop the national protocol with all the players involved from the 11 jurisdictions. It was an area in which people had to do learning. They had to find out about what were the potential problems handling some of these materials, and handled they had to be.

It was difficult in that they did not have always example mechanisms to say, oh well, that is how it was done before; it was done over here in this fashion, therefore, we will just take that example and use it. They had to develop much of this first hand. That made it difficult. There also was a whole training program that had to be developed for dangerous goods handling and dangerous goods transportation. I remember very clearly, when I was with the federal Department of Transport, the area I was in was on the air side, aviation, and whole special training programs had to be set up first of all within the Department of Transport so that the officials knew what to do in this new area of concern.

Then it had to be done for the industry as a whole, Mr. Speaker. That was not an easy process, in fact, it came that we did not even have enough people to do the teaching with the proper skills as teachers. They may have technical knowledge, but that does not make you an instructor, somebody that can get a message across. So they had to bring in consultants to develop training programs, then they had to work with the industry such as the airlines, such as the truckers that would come to the airport, the courier services, Canada Post, and they had to deal with the security people on the airports, the private security people, the city police, the town police involved, the RCMP, whoever would be the appropriate security force, so that they would know what was going on in this new area of concern.

There were similar things required on behalf of each of the provincial highways departments, no different for Manitoba. Manitoba Highways and Transportation had also to develop programs for the trucking industry. The trucking industry within a province is completely within the jurisdiction of that province, and trucking between provinces is a joint jurisdiction between the federal Government and the provinces involved. Those programs were set up, but where has been the review of that? Certainly, those programs could not have been fault free. Certainly, they could not have had areas where they could have improved. Certainly, there are not areas that were not covered off at all.

There would have been time to do that review to improve what was a good first initiative, but certainly not one that was not without some faults. There have been grumbles from the industry and there have been grumbles out of the bureaucracies involved that maybe there are other ways we can do it and do it better, things we should have done that were not done at all. The chance was, Mr. Speaker, to carry out that exercise and to see before us today a Bill No. 82 which would reflect the improvements required, improvements that are necessary for the better and safer handling of dangerous goods and the transportation of the same.

Instead we see here, Mr. Speaker, purely an Act dealing with penalties. I think it is going to be incumbent upon the Minister of the Environment (Mr. Cummings), along with his colleague, the Minister of Highways and Transportation (Mr. Albert Driedger) in this province, to speak in committee to that fact of why do we see such an abbreviated Bill before us today.

I would suggest the reason we see such an abbreviated Bill before us today, one which only proposes the strengthening of penalties—I might say again I am not opposed and the Liberals are not opposed to that, we wholeheartedly support it—the reason is that we are dealing again with a Government that does not deal forcefully, sincerely in a pro-active sense with the environment.

We are dealing with a Government of lip-service environmentalists. They keep saying the right words. I guess their Premier, as a former environment Minister, has got that message across. The window dressing is there. The attempt at having a green image is there, but when you scratch the surface, Mr. Speaker, it is true blue underneath. They are not environmentalists at all. That is why the phrase “lip-service environmentalists,” because I think it best describes the reality of what has come out of this Government over the close to two years that they have been in power.

It is not that we always had the best leadership prior to their coming to power. That is certainly the case. We have seen too many instances unfortunately where the ball was dropped or action not taken when it could have been taken by their predecessors, but that is history. The public of Manitoba, in fact all Canadians, expect the environment to be a watch word, for the environment to be a top priority of any Government at any time.

**An Honourable Member:** Right.

Friday, February 2, 1990

**Mr. Taylor:** I am glad to hear the Honourable Minister of Natural Resources (Mr. Enns) agreeing with me so forcefully from his seat. It is unfortunate that his recent forest strategy, that he brought forward this week, will be conducted not at the beginning of their term but halfway through their term, after they have already commenced the licensing process for the two biggest forest licences in the province and which will cover off some 90-95 percent of the accessible, viable commercial forest in Manitoba.

A little bit of putting the cart before the horse. It is the wrong way around. Why was this not initiated, for example, in the fall of '88? Do it in the fall of '88 before you do the licensing of Repap, before you do the relicensing of Abitibi-Price, because there will be no other viable, accessible commercial forest of any amount once those two licences are in place. I predict they are probably going to be in place before this summer.

Meanwhile, as we go through this dog and pony show through the communities of Manitoba saying: we are open Government; we want to talk about the environment; here are the sort of things we want to do. It will bespeak the lie though of the fact that they will be going through the licensing process or have completed the licensing process while they are doing the strategy.

The strategy work if done properly is not an overnight thing. It is the sort of thing that would take a year or two to do right. I do not think this Government has put its thinking cap on as to, first of all, how they should do it. They do not have the Natural Resources Department, which is the administrator of the forest—it is not the cutter of the forest but it is the administrator

of the forest—should be a proponent in this exercise. They should not necessarily be the whole one that carries out the exercise. They should be put under scrutiny, Mr. Speaker, but it shows where the thinking is by Conservatives on the environment. They do not think that they should be put under that sort of scrutiny. They do not think they should be doing the forest management strategy before they issue the forest management licences. No, they are going to issue the licences first and have those forests tied up for years and years and years with potentially backward and non-progressive forest management practices in place while they do the forest management strategy exercise and ask Manitobans for their opinion.

\* (1230)

Mr. Speaker, window dressing is all that one can call that. We have the same thing here. The right sort of action is being done in Bill No. 82 by increasing the penalties, but where is the rest of the detail of the improvements that are needed for dangerous goods handling and dangerous goods transportation legislation and regulation in this province.

It is not there and I will be interested to ask more questions in further detail of both the Minister of Environment (Mr. Cummings) and for the Minister of Highways and Transportation (Mr. Albert Driedger) when this comes forward in committee discussion. I look forward to that debate. Thank you.

**QUESTION put, MOTION carried.**

**Mr. Speaker:** The hour being 12:30 p.m., this House is now adjourned and stands adjourned till 1:30 p.m. Monday.