



First Session - Thirty-Fifth Legislature  
of the  
**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

39 Elizabeth II

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fifth Legislature**

**Members, Constituencies and Political Affiliation**

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARR, James	Crescentwood	Liberal
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Gulzar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CONNERY, Edward, Hon.	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack, Hon.	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP

## LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, November 30, 1990

The House met at 10 a.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

**Mrs. Shirley Render (St. Vital):** Mr. Speaker, I beg to present the petition of the Winnipeg Canoe Club, praying for the passage of an Act to amend The Winnipeg Canoe Club Incorporation Act.

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**Mr. Eric Stefanson (Kirkfield Park):** Mr. Speaker, I beg to present the Second Report of the Committee on Economic Development.

**Mr. Clerk (William Remnant):** Your Standing Committee on Economic Development presents the following as their Second Report.

Your committee met on Thursday, November 29, 1990, in Room 255 of the Legislative Building to consider the October 31, 1989/88 Auditor's Report and Consolidated Financial Statements of A.E. McKenzie Co. Ltd.

Mr. Dale Smeltz, chairperson, Mr. Ray West, chief executive officer and Mr. Ken Robinson, vice-president, Finance, provided such information as was requested with respect to the Auditor's Report, the Consolidated Financial Statements and the business of A.E. McKenzie Co. Ltd.

Your committee has considered the October 31, 1989/88 Auditor's Report and Consolidated Financial Statements of A.E. McKenzie Co. Ltd. and has adopted the same as presented.

**Mr. Stefanson:** Mr. Speaker, I move, seconded by the Honourable Member for St. Norbert (Mr. Laurendeau), that the report of the committee be received.

**Motion agreed to.**

**Mrs. Louise Dacquay (Chairman of Committees):** Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the Honourable Member for Sturgeon Creek (Mr. McAlpine), that the report of the committee be received.

**Motion agreed to.**

### INTRODUCTION OF GUESTS

**Mr. Speaker:** Prior to Oral Questions, may I direct the attention of Honourable Members to the gallery where we have from the Pinkham School twenty Grade 5 students. They are under the direction of Andrew Radawetz. This school is located in the constituency of the Honourable Member for Burrows (Mr. Martindale).

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

\* (1005)

### ORAL QUESTION PERIOD

#### Federal-Provincial Relations Responsibility

**Mr. Gary Doer (Leader of the Opposition):** My question is to the Premier.

We have been making suggestions to this Government for the last two and a half years dealing with federal-provincial issues. We have suggested to the Government that they try to get Economic and Regional Development Agreements in place prior to the last federal election. We have not gotten an ERDA today. We have suggested that they get their cultural grant program in place and negotiate it before the last federal election.

We have suggested that they get the ACCESS programs in place before the last federal election. We were told, oh, do not worry, we will get more money than even the NDP got. Then we recommended to the Government that they have an early evaluation of the Core Area Agreement program so they could go to the table with a position—oh, do not worry about that, Mr. Speaker.

We also asked the Government to take a pro-active stand on health care funding cutbacks, but the Premier went to the First Ministers' meeting last year and ignored our warning, said we were

fearmongering and applauded the Prime Minister for his action on health care funding. We recommended that the Premier take a position on VIA Rail, Mr. Speaker—nothing. Now we have recommended the Premier take a position on open skies.

I would ask this Premier, who is in charge of federal-provincial relations in the Conservative benches over there?

**Hon. Gary Filmon (Premier):** Mr. Speaker, that is a preposterous preamble that we have just heard, as most of the preambles are, filled with inaccuracies, riddled with nonsense.

The reality is that the federal Government has obviously carried on in the tradition of former Governments, former Liberal Governments, in continuing to cut back on obligations. The federal Government has transferred, in terms of economic development and stimulus regional programs, dollars out of the former Economic and Regional Development Agreements using vehicles such as the Western Economic Development Agreement as being the vehicle by which most of their regional development funding has come to this province.

We have been successful, yes, in getting the SDI, Southern Development Initiative, which the former administration could not or would not do, and that has supported many, many communities or will support many communities in development of infrastructure.

In a variety of other areas, Mr. Speaker, it is very clear that the federal Government is treating Manitoba no differently than it is every other province in the country. They have eliminated ERDAs with the exception of a very small umbrella of which we have received our share. They have eliminated all sorts of other federal-provincial, cost-shared agreements. We are not happy with that.

We are not happy with the reductions in transfer payments for health care, for post-secondary education. We have said that, but those began under the Trudeau administration. In fact, more of the cuts during the decade of the '80s were made by the Trudeau administration than were made by the Mulroney administration. The fact is that is the reality as a result of the kind of situation that they are facing. We will continue to work to get benefits for Manitoba.

**Mr. Doer:** If we look at the bottom line numbers, you are hundreds of million dollars out, Mr. Speaker,

from where we were a couple of years ago. Those are the bottom lines, not the rhetoric.

### Transportation Industry Open-Sky Policy

**Mr. Gary Doer (Leader of the Opposition):** My question is to the Premier. We have been calling on this Government to take a pro-active stand wherever jobs in Manitoba are concerned. Mr. Speaker, excuse me -(interjection)-

**Mr. Speaker:** Order, please; order, please. The Honourable Leader of the Opposition has the floor.

**Mr. Doer:** Joe Hill over there, Mr. Speaker, it seems. See which way the Member is going to vote on The Labour Relations Act.

**Mr. Speaker:** Order, please; order, please. I would remind the Honourable Member we refer to all Honourable Members as an Honourable Member.

**Mr. Doer:** Mr. Speaker, the Liberals are turning left again. I cannot keep track of them.

Mr. Speaker, I have a very serious question. The Minister of Transportation, who has not taken a position in this House, or the Government has not taken a position in this House, is now as I understand it pencilled in to make a presentation later today to the open-skies policy.

I would ask the Premier: What is the position of the Manitoba Government dealing with the 3,600 jobs in Manitoba that may be affected by an open-sky policy with the United States?

**Hon. Gary Filmon (Premier):** The Member chooses to operate in fearmongering rather than to operate in fact. We do not choose to operate in fearmongering. We choose to operate in fact. That is why the presentation that the Minister of Transportation -(interjection)- well, you said that there were going to be all the losses in jobs in reservations and ticketing for Air Canada. It did not happen. Thanks to you, a lot of people were put in fear and jeopardy and that did not happen. That is the kind of irresponsibility that NDP Members bring to this House day after day after day. We will not do that, Mr. Speaker.

**Mr. Doer:** Mr. Speaker, again the Premier does not have a position or cannot articulate a position.

\* (1010)

### Transportation Industry Open-Sky Policy

**Mr. Gary Doer (Leader of the Opposition):** I would ask the Premier, two days ago he said he could not do it because he did not have enough time to analyze the results. Well, Mr. Speaker, the Province of Saskatchewan had enough time. Even Don Getty had enough time to put a brief into the open-skies policy. They took a position at the federal-provincial forum, the federal forum.

What is the position of the Manitoba Government with the federal task force that is going through Manitoba? Will the Premier please tell us what his position is and what the position of his Government is on this issue, a position that other provinces have taken before the same committee with the same amount of time? They did not have to get pencilled in either, Mr. Speaker.

**Hon. Albert Driedger (Minister of Highways and Transportation):** Mr. Speaker, I take offence at the fact that the Member indicates that we were pencilled in. We made the normal arrangements for myself to appear before the Commons committee this afternoon. I intend to be there. I also have a letter from the federal Minister of Transportation indicating that we have till December 30 to make our position known to him. I will be making arrangements to meet with the federal Minister personally, hopefully around the third week in December when we will put our position before him.

### Core Area Initiative One-Year Extension

**Ms. Jean Friesen (Wolseley):** Mr. Speaker, my question is for the Premier.

We assume that this Government has spoken to their federal counterparts since Mr. Epp announced his freeze on federal funds for Winnipeg.

Will the Premier clarify for this House whether the federal Government is contributing any additional monies for the extended year of the Core Area Agreement, or are the three levels of Government simply spreading their contributions over six years instead of five?

**Hon. Gary Filmon (Premier):** Mr. Speaker, the Member for Wolseley knows full well that is exactly what is being discussed at the meeting between the Minister of Urban Affairs (Mr. Ducharme) and the federal Minister and the mayor of the City of Winnipeg. That is the process that takes place, that

we go forward with those discussions. They are meeting today to make those arrangements and to have those discussions.

### Public Hearings

**Ms. Jean Friesen (Wolseley):** Mr. Speaker, my second question is for the Premier.

The Government has indicated it will be holding five public meetings between January and March to consider the next phase of the revitalization of the core.

My question is: What steps has the Government taken to inform the community of these hearings? Did the Government actually plan to leave these hearings until the last minute, the eleventh hour, or are they merely an afterthought?

**Hon. Gary Filmon (Premier):** No, Mr. Speaker.

**An Honourable Member:** I wonder what Premier Bob would say.

**Ms. Friesen:** I think Premier Bob might be answering questions.

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

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

### Analysis

**Ms. Jean Friesen (Wolseley):** My final question is for the Premier. He has said that the province is conducting its own analyses of the effectiveness of the Core Area Agreement. Could he tell us what the nature of these analyses are? Are they merely financial? When is he going to table them in the House?

**Hon. Gary Filmon (Premier):** No, Mr. Speaker, they are not merely financial. The results of those analyses will be communicated publicly at an appropriate time.

### AIDS Education Prevention Programs

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, it has become obvious in this celebration of AIDS Week—and what a strange word to use when we talk about celebrating a deadly disease—that the principal victims of AIDS and of HIV positive are no longer those who can be, by some, condemned of their lifestyle either because of sexual orientation or because of the drug use of the victim. The excuses have run out. The innocent victims now are children and women.

Can the Minister of Health tell this House what AIDS prevention programs in terms of public awareness and/or education are presently, that is today, in our communities going on in Manitoba?

\* (1015)

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, my honourable friend's question is no doubt stimulated because the Department of Health has sponsored a Women and AIDS Conference which commenced yesterday and will wind up approximately at noon today.

That has gathered together a number of individuals from across this nation to focus on AIDS as a reality beyond the original high-risk groups, namely women, because it is a Women and AIDS Conference.

Mr. Speaker, that is to provide in Manitoba information, education, an open forum for discussion so that we can reinforce the kind of educational programs that we have undertaken in the last two years through schools; through the ministry of Health and our regional offices; through the production of what was said to be the most direct and best public advertising on the risks of AIDS, involving not high-risk groups but a young couple in terms of the advertising, television and radio; in the production of our AIDS pamphlet translated into a number of languages identifying clearly that AIDS is a potential risk to more than those traditionally believed to be high-risk groups.

This Government has a number of initiatives, some of them put in place by the previous administration, some of them new, all reinforcing in the education and the prevention aspect the risk of AIDS to all Manitobans.

### Family Life Curriculum

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, the reality is, because we do not have a family life compulsory education program in the Province of Manitoba, that thousands of children in Manitoba are denied information about how they can prevent AIDS, because discussion of prevention is not permitted in the AIDS curriculum. It is only permitted in the family life curriculum.

Can the Minister of Health tell this House what pressure he has placed on the Minister of Education (Mr. Derkach) to ensure that these programs are compulsory so our young people have the

necessary prevention information available to them?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, the issue of AIDS is one that has been taken very, very seriously by this Government not only in the ministry of Health, but in my colleague, the Minister of Education's (Mr. Derkach) portfolio.

I want to tell my honourable friend that I believe it was approximately one year ago that my colleague the Minister of Education brought forward probably one of the most progressive presentations to school-age children that I have ever seen, dealing with the issue of AIDS, from understandable and common sense and realistic approach in terms of providing basic information to children I believe as young as Grade 6, Grade 7, based on a family setting, very, very good educational material.

Those are available, it is my understanding, throughout the school system, and they build and reinforce what we are doing in AIDS education and prevention in the ministry of Health through our institutions, in the City of Winnipeg through Regional Services and through advertising and other methods of providing information, education to the citizens of this province, Mr. Speaker.

**Mrs. Carstairs:** We have to be blunt about this, and if you cannot tell an eighth grader that the use of a condom will prevent AIDS, then you are not teaching AIDS education, and you cannot do that in the Province of Manitoba unless those children are being given family life education.

What initiative has the Minister of Health taken to ensure that the family life education component, which works hand in hand with the AIDS component, is compulsory, because at present it is not in the Province of Manitoba?

**Mr. Orchard:** Mr. Speaker, I will leave the answer of the initiatives in the school system to my honourable friend the Minister of Education (Mr. Derkach).

I want to tell you, you know my honourable friend, the Liberal Leader, in her questions has failed to recognize that there are initiatives already taken by this Government. Did you not see the television advertising that we have put out? Well, my honourable friend rolls her eyes and shakes her head. Obviously she is not interested in the—

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

### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** Beauchesne's is very clear in terms of answers, and it is also out of order for the Minister to refer comments directly to a Member and engage in debate during Question Period. I would ask you to call the Minister to order.

**Mr. Speaker:** I would remind all Honourable Members that questions and answers should be put through the Chair.

\* (1020)

### Social Assistance Rate Increase

**Mr. Doug Martindale (Burrows):** Mr. Speaker, my questions are for the Premier, since the Premier is so fond of comparing Ontario and Manitoba.

In Ontario the new Minister of Social Services has acknowledged the income shortfall of people on social assistance and the growing use of food banks by increasing the basic social assistance rate by 7 percent, increasing the shelter allowance by 10 percent and using a \$54 million fund for employment creation for disabled people.

My question is: Does the First Minister acknowledge that Manitoba social assistance rates are totally inadequate, and would the Minister increase social assistance rates above inflation and match his counterparts in Ontario?

**Hon. Gary Filmon (Premier):** Mr. Speaker, if the Member opposite would like comparisons that are valid for Manitoba, I will tell him to check and see how social assistance rates were dealt with under the former NDP administration.

Here is an example of what NDP people do with respect to the poor and the vulnerable when they are in power, not when they are in Opposition offering anything and everything, but when they are in power: 1984, the increase that they provided was 3 percent—3 percent, Mr. Speaker, at a time when the CPI was increasing by 7.5 percent—7.5 percent; 1985, the NDP increased social allowances in Manitoba by 2 percent at a time when the CPI went up by 3.8 percent, half the CPI, two years in a row—half the CPI increase; 1986, they increased social allowances by 2.8 percent when the CPI went up by 4 percent—2.8 when it went up by 4 percent.

There you have it—3 percent, 2 percent and 2.8 percent in three straight years under the NDP. That is shameful, Mr. Speaker—shameful.

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

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

**Mr. Martindale:** Mr. Speaker, the public knows that the Premier is using statistics selectively and deliberately omitted 1983 and 1982.

### BI-Weekly Payments

**Mr. Doug Martindale (Burrows):** Mr. Speaker, I would like to ask the Premier, would his Minister of Family Services (Mr. Gilleshammer) inform all social assistance recipients that they can request their benefits be issued twice a month since many recipients have great difficulty stretching limited amounts of money to the end of the month and are unaware that they can request this change?

**Hon. Gary Filmon (Premier):** Mr. Speaker, I notice that the Member chose not to address the hypocrisy of his Party when they were in power.

### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** Beauchesne's is quite clear. We will read it for Members. Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate.

Mr. Speaker, if the Member wishes to debate the dismal record of his Government on issues like welfare—

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

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**Mr. Filmon:** Mr. Speaker, I notice that the House Leader would not address the hypocrisy either. He did not even challenge my right to call them hypocrites.

The fact of the matter is, if this is what we are seeing over and over again from these new Members opposite who do not know what devastation their New Democrats brought to this province in the '80s, how they brought the poor and the vulnerable to their knees in this province, it is a shock. It is a shame. It is the greatest embarrassment for New Democrats. It is why they were turfed out unceremoniously in 1988 and will remain so as long as they have hypocrisy like this.

**Mr. Speaker:** Order, please; order, please. The Honourable First Minister and the Honourable Leader of the Opposition, you have had your opportunity. Now we will leave the Honourable Member for Burrows.

**Mr. Martindale:** Mr. Speaker, I regret that I do not have Hansard, the page and the date with me, but the Minister misled the House by saying—

**Mr. Speaker:** Order, please; order, please. I have recognized the Honourable Member for Burrows for his final supplementary question. Would you kindly put your question now, please.

### Quarterly Rate Increase

**Mr. Doug Martindale (Burrows):** My question is: Will the Government increase Manitoba social assistance benefits quarterly in order to compensate recipients for increased expenses, which is currently the case with federal OAS benefits.

\* (1025)

**Hon. Gary Filmon (Premier):** Mr. Speaker, not only have we increased the social allowance benefits in keeping with the full rate of inflation, but we have also allowed the assurance that they are going to have the benefits of the GST supplement passed along as well. We treat them fairly and reasonably, unlike New Democrats who hypocritically talk one way—

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

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

### Bill 24 Consultations

**Ms. Marianne Cerilli (Radlsson):** My question is also for the Premier.

This Government has created the round table to consult on theory with regard to the environment, but it does not address the real problems affecting Manitoba's environment. This Government would not consult with the Friends of Oak Hammock Marsh or the Naturalists Society on the building of a corporate structure in a wildlife management area, and now it is trying to bring in a piece of legislation and rush it through.

When does this Government plan to consult with environmental activists in the community on Bill 24 which directly affects their ability to participate in environmental assessments and hearings?

**Hon. Gary Filmon (Premier):** The fact of the matter is, this Government has set up the most open process in this country.

Not only did the Friends of Oak Hammock have the opportunity to go before an arm's-length third party review, one of the most complete environmental assessments and reviews available anywhere in the country, put forth in legislation that was drafted and developed by the former New Democratic administration which she seems to be abandoning and rejecting, they were able to go before that full environmental assessment review, make all of their views known publicly, have their assessment reviewed by environmental experts, scientists, naturalists, and so on.

Then a decision was made in accordance with the requirements of the Act, in accordance with the way in which the NDP Act called for the environmental assessment to be done. A decision was made, and now they have the opportunity to appeal it to the Minister. They are being given all of those opportunities, Mr. Speaker.

**Mr. Cerilli:** I would hope the Premier would know the difference between an appeal and a consultation.

### Justification

**Ms. Marianne Cerilli (Radlsson):** In light of the fact that federal and provincial co-operation on the Green Plan may be delayed and Bill C-78 is not passed, why is the Government bringing in an environmental amendment and legislation at this time?

**Hon. Gary Filmon (Premier):** Mr. Speaker, the enabling legislation that is being brought forward is the product of extensive consultations and discussions that are going on between all the provinces and the federal Government.

**An Honourable Member:** But no environmentalists.

**Mr. Filmon:** Mr. Speaker, that is the most preposterous thing that I have ever heard. Environmentalists are involved in all of the discussions everywhere in the country. Experts, scientists, naturalists, biologists—all of these people have input to this everywhere. These people with their input, with all 10 provinces and the federal Government have recommended that this kind of process be put in place not, as Premier Bob Rae told me, for the purpose of forever forestalling any

development proposal, but for the purpose of having a very thorough, complete, scientific and objective assessment of every single -(interjection)- yes, Premier Bob Rae and his people are in favour of this process, and the NDP here are the only ones in the country—

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

\* (1030)

### Green Plan Government Position

**Ms. Marianne Cerlill (Radlsson):** We now have on record this Government is more interested in speeding up development rather than protecting the environment.

Does this Government agree with the amended Green Plan, which does not commit provincial Governments to any federal programs?

**Hon. Gary Filmon (Premier):** Mr. Speaker, I had a little difficulty in hearing the question. I wonder if she could repeat it.

**Ms. Cerlill:** I repeat my question, Mr. Speaker. Does the Government agree with the amended Green Plan, which does not commit provincial Governments to any federal programs?

**Mr. Filmon:** Mr. Speaker, what this Government wants to achieve is that we apply the highest standards anywhere in the country to -(interjection)-

**Mr. Speaker:** Order, please; order, please. The question has been put. The Honourable First Minister is attempting to respond.

**Mr. Filmon:**—that we apply the highest standards and the most restrictive process to any proposals that have a joint interest, either between provinces or between provinces and the federal Government.

In those circumstances, we want the most restrictive and thorough process, the highest standards to apply. That is what we are attempting to achieve. If the Member has suggestions as to how she would like to have the wording changed to satisfy her concerns, there is a committee process. That is what we are going into. That is how this Legislature is more open than any other in the country in having these public hearings, to allow for the input of Members opposite to the development of legislation.

Mr. Speaker, the point is that as a newcomer I tell her she has time to review it, she has time to have input, and then she has to make a decision.

### Winnipeg Arena Proposal Premier's Position

**Mr. James Carr (Crescentwood):** Mr. Speaker, in 1978 the Winnipeg City Council set up an ad hoc committee to study arena alternatives. The committee recommended that a new arena be built on the CN East Yards, the current home of The Forks, and the provincial Government be approached for a contribution of \$5 million.

The Members of the committee included Councillor Jim Ernst, Councillor Gary Filmon and Mr. Nick Diakiw, who is now the chief executive officer at The Forks.

Over the last few days, we have a recommendation from a consultant that says that there ought to be a new arena built on provincially held land across from the Convention Centre. What is the Premier's position today?

**Hon. Gary Filmon (Premier):** Mr. Speaker, the Member opposite may know that for virtually all of the same reasons why a downtown location was chosen in this analysis, the downtown location was chosen in the analysis of 1978-79. That was that you have the availability of public transit, that you have an opportunity to have the largest number of people who normally would be clients to go to these sporting events in the centre of the city, and they can stay downtown and have dinner and stimulate the local economy of the restaurants and those kinds of things. All of these things are reasons from an accessibility standpoint as well, all of the arteries of the city leading into the centre, and it was a very positive recommendation in both cases.

The fact of the matter is that this is a matter the city will have to decide. They may find in their wisdom that this is the appropriate site that has been recommended by Lavalin. They may find, as others felt in 1978-79, that the site was too restrictive and that there was not enough room for parking. Since then there have been thousands of parking spaces developed within the core of the City of Winnipeg. That has changed that analysis to some degree. Those are all things they will look at, and we will be interested in their analysis, and I will be interested to see—

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

### Land Lease

**Mr. James Carr (Crescentwood):** In 1978-79 the councillor, Mr. Filmon, thought that the provincial Government ought to be approached for a \$5 million grant. Is the Premier prepared to consider leasing or selling the provincially held land across from the Convention Centre, which is the preferred site of the consultants?

**Hon. Gary Filmon (Premier):** I have already said that, Mr. Speaker. Yes.

### Premier's Discussions

**Mr. James Carr (Crescentwood):** As the Premier and all Members of the House know, this is a crucial time for the Winnipeg Jets, who are a vital component of the cultural and sporting life of our community.

How soon will the Premier begin or initiate discussions with all the parties involved so that we do not lose this very important opportunity?

**Hon. Gary Filmon (Premier):** The process is that this was commissioned by Winnipeg Enterprises and the Winnipeg Jets Hockey Club. It was commissioned to report to a committee of the mayor of the City of Winnipeg. Surely it is not up to us to initiate action from that. Surely these people who have a vested interest, who are the ones who believe that they have to have increased revenues and compensation and all of those things, to then take it the next logical step of developing a plan is how to deal with it.

First and foremost I would think that the private sector, who want to make profits out of this, ought to be the ones who are looking at spending \$100 million. That is the preferred option. We can help with land, yes; we can help with some other minor assistances. Mr. Speaker, this is the logical approach to it.

If the Member opposite is asking me to run forward and write a cheque for \$30 million and do not ask any questions and do not get involved, just do that and get on with it, that is not the way decisions are made. He will be the first one to be asking for money to be put into health care institutions, into schools and—

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

### Selkirk Mental Health Centre Informational Picket Line

**Mr. Gregory Dewar (Selkirk):** My question is for the Minister of Health. For three days this week, 450 mental health workers at the Selkirk Mental Health Centre have taken the unprecedented step of setting up an information picket at the hospital to help Manitobans understand their frustrations with negotiations and concerns for the delivery of mental health service in Manitoba.

Has the Minister reviewed the concerns and issues raised by the workers at the Mental Health Centre, and is he willing to meet with them to discuss the serious morale problems that have led them to take this unprecedented action?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, from time to time, when contracts expire and the unions representing negotiations with the employer are ongoing, there are informational picket lines set up to try and inform the public.

**An Honourable Member:** It is not unprecedented.

**Mr. Orchard:** It is not unprecedented. I do not know where my honourable friend has been. Just down the street for approximately an eight- to 10-week period there were pickets set up, informational wise, by casino workers, whose bargaining agent was the same one as the workers in Selkirk.

Those issues that are being informed to the public are exactly the issues that are being negotiated at the formal negotiating table. No, I will not work—meet with those people at the time that we are into negotiation. That is a very formal process of negotiating in which Government has representatives at the bargaining table and so does the employee group, and I respect that process, unlike my honourable friend from Selkirk.

**Mr. Dewar:** At least he did not call me any names anyway.

### Pay Equity

**Mr. Gregory Dewar (Selkirk):** Has the Minister of Health reviewed the concerns around pay equity, working conditions and stalled negotiations with his colleague the Minister of Finance (Mr. Manness), who is responsible for these negotiations?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, if it would make my honourable friend feel better I could name them. If that is his total goal as the MLA for Selkirk, I will comply some day, but

surely you must have greater ambitions as the MLA than that.

### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** On a point of order, Mr. Speaker, for about the third or fourth time today I want to remind Members—and on a point of order I asked you to call the Minister to order, because answers to questions should relate to the questions that were raised.

This type of side comment, which has not answered any of the questions raised by the Member for Selkirk, is totally out of order and is an abuse of Question Period.

**Hon. Clayton Manness (Government House Leader):** On the same point of order, Mr. Speaker, it is a long-standing practice that when included in the preamble is material which may or may not be germane to the question that indeed the questioner, in this case the Minister of Health (Mr. Orchard) has, as is his right, to respond in a fashion he sees fit, and he did so.

**Mr. Speaker:** On the point of order, there was no point of order. I better clear this up here a little bit. The Honourable Minister did respond to the question.

\* (1040)

### Employee Morale

**Mr. Gregory Dewar (Selkirk):** Mr. Speaker, what action is the Minister of Health willing to take to help restore morale at the Selkirk Mental Health Centre, since this Government seems willing to do whatever it takes to settle a dispute with doctors but is unwilling to deal directly with the case of front line workers who provide care directly to patients?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, this Government is committed to a full, free, open and very dedicated process of negotiations, which is provided for in the laws, the policies, the directions that Governments have taken over a number of years. We are committed to that bargaining process.

Mr. Speaker, those issues can be resolved with the leadership of the union getting together with the leadership of Government to solve the strike, as they did with the casino workers. It can be done. Let us get to the job.

### Federal Equalization Payments Government Position

**Ms. Judy Wasylycia-Leis (St. Johns):** The Minister of Finance told this House on November 26 that the only guarantor of national standards in health care is equalization—not EPF, equalization.

I want to ask the Minister of Finance how he can make such a statement when in fact three provinces in Canada do not receive equalization payments. Even if it was possible to tie equalization payments to the maintenance of national health care standards, for which there appears to be no case, would the Minister have us believe that the federal Government could or would impose standards on the weakest province in Canada while the strongest, like British Columbia and Alberta, would be free to pursue whatever course of action they like, even if it meant user fees or extra billing?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, no, I would not have people believe that.

Let me also say, though, in my discussions with Ministers of Finance from Alberta and British Columbia, they, on behalf of their provinces, have made a full and renewed commitment to the principle of equalization, realizing that indeed there can be no nation unless they share their wealth.

### Health Care System Government Consultations

**Ms. Judy Wasylycia-Leis (St. Johns):** Before the meeting of Finance Ministers next week, would the Minister of Finance (Mr. Manness) consider consulting with the major health care organizations in Manitoba?

I know there is not much time, but perhaps he could make a phone call to organizations such as the Manitoba Medical Association, Manitoba Nurses' Union, Manitoba Association of Registered Nurses, Manitoba Health Organization, Manitoba Council of Health Care Unions, and so on, and seek their advice about the kind of position Manitoba should be taking on this very serious issue of declining federal transfer payments.

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, I hear the request of the Member opposite. Let me say to her, I have dialogued with the Minister of Health (Mr. Orchard), of course, who was in contact with the associations named by the Member in her question.

Certainly, he and I—and I am talking about the Minister of Health—again have prepared our position. The position is no different than what the Members would want and indeed the Government wants, and that is to maintain the system that is in place.

Mr. Speaker, nothing has changed. I can assure the Member that her intentions are no higher, certainly no different than the Government's with respect to maintaining the health care system we have in place here.

### All-Party Resolution

**Ms. Judy Wasylycia-Lels (St. Johns):** Since we all share this concern, would the Minister of Finance support an all-Party resolution expressing our collective concern about declining federal transfer payments and our collective support for a continued direct and active role by the federal Government in health care financing?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, I have been part of joint resolutions from this House in the past. I am not opposed to them, but let me say, in my point of view, when our First Minister, our Premier (Mr. Filmon) of this province, along with other Premiers in this country, have taken that very same strong message which would be embodied in any resolution of that form, over several meetings now and meetings with First Ministers across this country, I say that message has been carried to the highest political court of this land.

### St. James-Assinibola School Division Enrollment Figures

**Mr. Dave Chomlak (Kildonan):** Mr. Speaker, my question is directed to the Minister of Education.

Mr. Speaker, I have asked in this House on at least one occasion that the Auditor investigation at John Taylor Collegiate be expanded to include other schools and the school division.

Is this Minister or his department aware of any discrepancies in enrollment figures at any other high school in the St. James-Assiniboia School Division?

**Hon. Clayton Manness (Acting Minister of Education):** Mr. Speaker, I will take the question as notice. I can indicate to the Member that certainly the Provincial Auditor has been given the full latitude to look into whatever allegation may be known to him or indeed any representation with respect to any

problem within the St. James School Division that he may wish to look into.

**Mr. Chomlak:** I wonder if the Minister might also take as notice the fact, and have his Deputy Minister of Education review, whether or not there is a letter on file at the Deputy Minister's office indicating that Sturgeon Creek Regional School also has enrollment discrepancy figures.

**Mr. Manness:** Mr. Speaker, I will take that question as notice.

**Mr. Chomlak:** My final supplementary, Mr. Speaker, I would also like to table in this House a Department of Education document which indicates that it is the superintendents who are responsible for enrollment figure calculations, not the principals, and I am asking the Minister to ensure that the Auditor reviews the school division as well as the individual schools.

**Mr. Manness:** Mr. Speaker, my first response still stands. In matters of this nature, the Provincial Auditor is given abilities to broaden his scope to any extent that he so chooses, and certainly we have put no bounds on his investigation.

### Grand Valley Road - Brandon, Man. Mail Service

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, I have a question for the Minister of Highways.

Canada Post has advised residents along Grand Valley Road, Mr. Speaker, just west of Brandon, that they had to move their mailboxes closer to the road or have their postal delivery suspended. Now the highway officials in the area have warned that they cannot be responsible for damage caused by snow removal equipment. In fact, the department has urged the people to seek legal advice since the mailboxes posed a traffic hazard, so the people in the area and perhaps elsewhere in Manitoba are in a no-win situation. -(interjection)- Yes, caught between two Tory Governments.

Has the Minister been advised of this problem? Can he tell the House whether there is a reasonable solution to this Catch-22 situation?

**Hon. Albert Driedger (Minister of Highways and Transportation):** Mr. Speaker, I have not been advised of this major problem, and I will take it as notice.

**Mr. Speaker:** Time for Oral Questions has expired.

## TABLING OF REPORTS

**Hon. Edward Connery (Minister of Co-operative, Consumer and Corporate Affairs):** Mr. Speaker, could I have permission to revert to Tabling of Reports.

**Mr. Speaker:** Does the Honourable Minister have leave to revert to Tabling of Reports? Yes, leave.

**Mr. Connery:** Mr. Speaker, I would like to table the report of the Public Utilities Board in respect of major capital projects of Manitoba Hydro along with the appendices, and I have copies for the Opposition Critics.

## ORDERS OF THE DAY

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, it is my intention to give you the listing of Bills that we will consider this morning, but before I do I should indicate that it is my intention towards the end of this morning to call the Supply motion, and at that time ask for unanimous consent to once again go into Committee of Supply this afternoon.

Mr. Speaker, I would ask you to call Bills 18, 22. I had not indicated to the Opposition House Leaders that Bill 22 was being called. This is simply The Statute Law Amendment, second reading of that Act, after that Bill 25, and then after that Bill 24. Then we will go into second debates, Bill 12, followed by Bill 20.

## SECOND READINGS

### BILL 18—THE STATUTE LAW AMENDMENT (RE-ENACTED STATUTES) ACT

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Manness), that Bill 18, The Statute Law Amendment (Re-enacted Statutes) Act; (Loi de 1990 modifiant diverses dispositions législatives (Lois réadoptées), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. McCrae:** His Honour the Lieutenant-Governor, having been advised of the contents of this Bill, recommends it to the House. I will table the letter from the Lieutenant-Governor.

**Mr. Speaker:** I would like to thank the Honourable Minister.

\* (1050)

**Mr. McCrae:** Mr. Speaker, before proceeding to second reading of Bill 18, I would like to table documents mentioned in Schedule B of that Bill. Before doing so however, I would request the unanimous consent of the House to waive Rule 84, such that it will be sufficient for me to table one certified copy of the agreement and by-laws being validated by Schedule B of Bill 18, as opposed to appending copies of them to every copy of the Bill. This was the practice adopted by this House earlier in the re-enactment process. Could I have the unanimous agreement for that?

**Mr. Speaker:** Does the Honourable Minister have unanimous consent to waive Rule 84 such that it will be sufficient for him to table one certified copy of the agreement and the by-laws being validated by Schedule B of Bill 18, as opposed to appending copies of them to every copy of the Bill? This was the practice adopted by this House earlier in the re-enacted process. Does the Honourable Minister have leave? Agreed? Agreed.

**Mr. McCrae:** I thank Honourable Members for that accommodation. I just do not think that all Honourable Members are going to read every word of that agreement. It is available on the table for those who would like to read every word of that agreement. It is there for them.

At this point then, Mr. Speaker, I would table, as I have done with the Clerk, the certified copies of the agreement and the by-laws that are being validated by Bill 18.

I do not propose to make lengthy remarks in moving second reading of this Bill. For the most part, it is similar to previous omnibus Bills dealt with in this House for the purpose of correcting errors and omissions in the re-enactment process. Most of the provisions correct editing, drafting or translation errors that occurred in various Acts. In fact the Bill addresses all such errors and omissions of which the Legislative Council office has been made aware of to date, including changes to The United Church of Canada Act which was among the group of private Acts that received Royal Assent on November 14.

I would like to draw the attention of the House to Sections 3 and 10 of the Bill and Schedules B and C. These provisions in effect re-enact laws which

were believed, at the time of The Municipal Re-enactment Bill, to be spent. However, in the eight months since that Bill received Royal Assent, these laws were found to have a continuing existence. Accordingly, the two Acts set out in Schedules B and C of Bill 18 are being added to the roll of Acts re-enacted by the Statute Re-enactment and By-law Validation (Municipal) Act. Also in Section 3 of Bill 18, certain property tax exemptions are being reinstated by way of amendments to The Municipal Assessment Act.

Finally, Mr. Speaker, I would note that the authority for publication of our loose-leaf statutes, which was formerly included in The Revised Statutes of Manitoba 1970 Act, is being included in the two main re-enactment Acts, R.S.M. 1987, and R.S.M. 1988, and is to be found in Sections 7 and 8 of Bill 18.

There will be opportunity for any clarification that may be required at the committee stage of the Bill. I have no further remarks at this time and would commend Bill 18 to the thoughtful attention and support of Honourable Members.

**Mr. George Hickes (Point Douglas):** I move, seconded by the Member for Wellington (Ms. Barrett), that debate be adjourned.

**Motion agreed to.**

#### **BILL 22—THE STATUTE LAW AMENDMENT ACT, 1990-91**

**Hon. James McCrae (Minister of Justice and Attorney General):** I move, seconded by the Honourable Minister of Finance (Mr. Manness), that Bill 22, The Statute Law Amendment Act, 1990-91; (Loi de 1990-1991 modifiant diverses dispositions législatives) be now read for a second time and be referred to a committee of this House. I do this by leave.

**Mr. Speaker:** Does the Honourable Minister have leave?

**An Honourable Member:** No, Mr. Speaker. No leave.

**Mr. Speaker:** The Honourable Minister does not have leave. Leave is denied.

#### **BILL 25—THE OMBUDSMAN AMENDMENT ACT**

**Hon. Gerald Ducharme (Minister of Urban Affairs):** I move, seconded by the Minister of Justice

(Mr. McCrae), that Bill 25, The Ombudsman Amendment Act; (Loi modifiant la Loi sur l'Ombudsman) be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Ducharme:** Mr. Speaker, I am pleased to introduce for second reading Bill 25, The Ombudsman Amendment Act. Let me begin by providing you with some background on the circumstances leading up to this Bill.

Last year The City of Winnipeg Act was amended to include provisions for the city to appoint a City of Winnipeg ombudsman. The City of Winnipeg ombudsman legislation was intentionally drafted in such a way as to permit the council to either appoint or retain the services of a person to perform the duties of a city ombudsman.

In other words, the legislation gives City Council the ability to choose between assigning the duties of an ombudsman to an individual within the city's administration or to an individual outside the city's administration. Given this option, Mr. Speaker, Winnipeg City Council requested the Government to extend the jurisdiction of the provincial Ombudsman to include the City of Winnipeg.

The purpose of the amendment I have brought forward, therefore, is to enable Winnipeg City Council to be able to offer to its citizens the ombudsman service through the provincial Ombudsman's office. Bill 25 would enable the City of Winnipeg to enter into an agreement with the provincial Ombudsman to deliver the city's ombudsman service.

There are several advantages to having the provincial Ombudsman's office extend its services to the City of Winnipeg. First, Mr. Speaker, this arrangement will cost the city less than if it had to establish its own independent ombudsman office. Under this option the city would only pay for the incremental costs associated with expanding the existing provincial Ombudsman's office. The initial cost for development of programs, forms, stationery, reference materials and so on is significant. With minor adjustments the provincial ombudsman systems can extend its jurisdiction at minimal cost.

Second, Mr. Speaker, setting up a City of Winnipeg ombudsman service is very new for the city, whereas the provincial ombudsman service has been in place for many years now. Therefore, the provincial Ombudsman could implement the

service for Winnipeg with greater ease. In other words, the typical problems associated with establishing and starting up any new service would be minimized by using any existing experienced service.

Third, Mr. Speaker, the provincial Ombudsman's office provides a bilingual service which would also be extended to Winnipeg.

Fourth, Mr. Speaker, the provincial Ombudsman currently has a role to play in reviewing complaints under The Freedom of Information Act for the province. As such, it would be a very natural extension for the provincial Ombudsman to take on an appeal responsibilities under the City of Winnipeg Freedom of Information by-law.

Fifth, Mr. Speaker, from the perspective of the public, it is easier and less confusing to have the ombudsman services for the province and city centralized in one office.

Sixth, Mr. Speaker, it is not unprecedented or uncommon for a provincial ombudsman office to deliver this service to municipalities. In Nova Scotia and New Brunswick municipal ombudsman services are provided through the provincial Ombudsman.

\* (1100)

While the amendment before you gives the provincial Ombudsman the authority to negotiate agreement with the city, it does not in any way intercept the role of the Legislative Assembly Management Committee in approving the Ombudsman's budget.

Whatever financial arrangement is negotiated between the city and the provincial Ombudsman is, in final analysis, subject to the approval of the Legislative Assembly Management Committee, Mr. Speaker. When the legislation establishing a City of Winnipeg ombudsman was enacted in November of 1989, the city was given 12 months to implement the new legislation.

The city is counting on being able to deliver the ombudsman services to the Winnipeggers through the provincial office of the Ombudsman.

For the many reasons I have given you in the last short couple of minutes, I find this city's proposed approach to have many advantages, Mr. Speaker. In the spirit of intergovernmental co-operation, I recommend Bill 25 to the Honourable Members of

this legislature for their consideration and adoption before the closing of this Session. Thank you.

**Ms. Jean Friesen (Wolseley):** Mr. Speaker, I move, seconded by the Member for Wellington (Ms. Barrett), that debate on this Bill be adjourned.

**Motion agreed to.**

## **BILL 24—THE ENVIRONMENT AMENDMENT ACT**

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, on behalf of the Minister of Environment (Mr. Cummings), I move, seconded by the Minister of Justice (Mr. McCrae), that Bill 24, The Environment Amendment Act; (Loi modifiant la Loi sur l'environnement) be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. Manness:** Mr. Speaker, it is a pleasure today to represent the Minister of Environment. It does not happen to me very often. Nevertheless, Bill 24 in our view has two very important principles, and I would like to address them at this time. I am pleased to announce two amendments to The Environment Act today.

Manitoba's Environment Act has served us well during its few years in operation. We are proposing to build on its strengths, especially in the area of environmental assessment of major projects of interest to both the federal and provincial Governments.

As you are aware, recent court cases in Canada have left our environmental review processes between jurisdictions in a state of confusion. Manitoba, I am proud to say, is taking a lead role in trying to sort out this confusion on a national basis by trying to develop a level playing field of effective, comprehensive, environmental assessment from coast to coast.

Mr. Speaker, we are trying to develop mechanisms whereby interjurisdictional environmental assessments can be established so that duplication and waste in the process can be eliminated. Let me add that we will accept no process that has fewer requirements than the Manitoba Environment Act now presently calls for.

Mr. Speaker, I need to emphasize at this point that basically environmental assessment is an information gathering tool from which decision makers acquire the information necessary to make

decisions which might impact on the environment. What we are proposing here is co-operation in the gathering of the information from which each jurisdiction would then make its own decision. We are not advocating that any jurisdiction delegate its decision-making responsibility to another jurisdiction.

This Government is proposing two amendments to the Act that we think will improve the process within our province.

First, we are proposing to amend the Section 13.(1) to enable the Minister to enter into agreements with other jurisdictions, to establish joint environmental assessment processes for projects where both Governments have a decision-making role. The Executive Government Organization Act provides ministerial authority for interjurisdictional agreements already, but we want it to be abundantly clear that joint environmental assessments are encouraged where it is practical to do so without compromising the environment.

The Minister's staff recently held public meetings to review a draft regulation which would take this initiative one step further and embody in a regulation the details of the agreement-making capability.

I understand the concept was well received so long as the best of both processes being combined would be used rather than the weakest. The Premier (Mr. Filmon), in many of his answers, indeed if not every one I have heard him give with respect to the concept of joint process, has said over and over and over again on the record that the most stringent decision-making process is the one that will be followed with respect to Manitoba's project development.

Mr. Speaker, I can assure you that our intention is to develop a joint process utilizing the most stringent provisions of both processes. At the request of the participants in the public consultation the regulations are being redrafted to incorporate as much of the actual agreement as we can. The amended version of the regulation and the proposed agreement will be circulated as part of the consultation required.

A part of the same amendment, but reflecting in this regulation section, is the ability for the Lieutenant-Governor-in-Council to pass regulations setting out the provisions of the agreements and joint process.

The second amendment in this Bill is in response to the wishes of the Manitoba public. That is to provide the Minister the authority to require the proponent of a development to provide funding or other assistance for persons or groups wishing to intervene in the environmental assessment process. This proposal will establish, as it becomes set out in regulations to follow, a program for participant assistance much like that in place under the auspices of the Public Utilities Board. It is the wish of this Government that projects of significant environmental consequence be subjected to thorough environmental assessment, including the opportunity for Manitobans to effectively review the assessment and act as full participants in public hearings.

Mr. Speaker, the principles of this Bill are very important to this Government. We hope the Opposition agree and accept those principles. No doubt they may wish to strengthen the wording around those specific areas, the principle that we introduced by way of the Bill. We await their contributions. If we can agree on better wording around those principles, we might make a good Bill even better.

As we look to the future, we are confident that we will continue to have environmental assessment legislation in Manitoba that is state of the art in both its scope and its application. In conjunction with the regulations that we are presently consulting on, these amendments should provide interested and concerned Manitobans with the realization that their participation is wanted, needed and appreciated as we together work toward ensuring a sustained, healthy environment for the future generations of Manitobans.

Thank you very much, Mr. Speaker.

**Mr. Steve Ashton (Thompson):** I first of all want to indicate my disappointment that this Bill is not being introduced directly by the Minister of Environment (Mr. Cummings). One of the functions of second reading in this Legislature is the ability of Members to ask questions for information to Ministers. It is not a practice that is followed on every Bill, but in this particular case the fact that this is being introduced by the Minister of Finance (Mr. Manness) rather than the Minister of Environment puts us in a difficult situation in that we cannot ask questions of clarification and receive the type of information and answers that we would expect, for example, if we were able to ask those questions to the Minister who

has developed this Bill and presumably knows what its provisions are intended to do and what the implications of the Bill are. It places us in a difficult situation in the sense that we are in essence being denied that ability, Mr. Speaker, to ask questions of information.

The second problem I have as well in terms once again of the fact that this is not being introduced by the Minister of Environment (Mr. Cummings) is that this is a significant item of legislation. I realize that Ministers have other responsibilities, but to my mind this is a potentially very major piece of legislation. I believe it is common practice in this House that Ministers give their first commitment to this House, particularly if they are in the position of introducing major legislation.

\* (1110)

I want to indicate my extreme disappointment there, Mr. Speaker, because we have not had the benefit of any particular statement from the Minister of Environment. We have to take the Minister of Finance's (Mr. Manness) word in terms of this Bill, but the Minister of Finance, while he may collectively as part of Cabinet or caucus have been involved with its development, while he may be familiar with it, obviously—and I am sure he would be the first one to admit—he is not going to be as aware of the provisions of this Bill as the Minister of Environment would. That is why we have a practice in this House of Ministers introducing their own Bills on second reading, and also, I might add, being present for debate.

That is the third concern I want to raise, the fact that the Minister of Environment (Mr. Cummings) should be in a position of listening directly to the debate on this Bill, listening to the contribution of Members such as myself and other Members, not the Minister of Finance (Mr. Manness), but the Minister responsible for the Environment. As the Finance Minister himself pointed out, one of the roles of the Opposition on any Bill is to look at potential amendments and suggestions in terms of improvements, et cetera, and to express any concerns about problems that are seen in particular Bills. Indeed, we will be doing exactly that during this debate.

Once again we are in a difficult position in that we are addressing our comments now to the Minister of Finance (Mr. Manness), who is not responsible for the drafting of this Bill, the Minister of Finance who

will not be responsible for drafting changes to the Bill, the Minister of Finance who will not be responsible for taking this Bill through committees. We are in the position where we cannot ask questions. We cannot hear directly the views of the Minister of Environment, and the Minister of Environment cannot listen to our comments either directly.

**Hon. Albert Driedger (Minister of Highways and Transportation):** You can do that in committee.

**Mr. Ashton:** Well, to the Minister of Highways and Transportation, who says, you can do that in committee, I said it is standard practice. As a senior Member of this House, I will say that I have never criticized the Minister of Highways for not being present. He has brought in significant items of legislation himself, personally. He has sat in on debates, Mr. Speaker. Even the Minister of Industry, Trade and Tourism (Mr. Ernst) has also accepted that responsibility. I have not criticized that Minister.

I will say publicly my criticism of the Minister of Environment (Mr. Cummings) for having the Minister of Finance (Mr. Manness) present here today to introduce this Bill. That is not acceptable to my mind in terms of the practices of this House. It is not acceptable in terms of the very obvious fact that this is a significant Bill.

(Mr. Marcel Laurendeau, Acting Speaker, in the Chair)

The Minister of Environment should be presenting this Bill today. The Minister of Environment should be ensuring that he is present to deal with the debate, Mr. Acting Speaker, and I want to make that very clear on the record, those three procedural concerns.

We have concerns that go beyond that. Here we are, November 30, the Government has indicated from the beginning of this Session that its intention is to wrap up the business of this House before Christmas. Indeed, it has been no secret that discussions have taken place in regard to that. There have been no final decisions or agreements that have set a particular date in terms of completion.

Obviously there are matters that are still under discussion and consideration, but I asked the Government House Leader (Mr. Manness) to go back to the throne speech and read the throne speech. The throne speech, Mr. Acting Speaker, plays a very important role in the parliamentary

system. It provides a clear signal to Members of the Legislature. It provides a clear signal to members of the general public about the legislative mandate of the Government of the Day.

I asked the Government House Leader if he can identify for me where it was identified in the throne speech that there would be a significant item of legislation, significant amendments brought in to The Environment Act. I read it over again. There was no reference in a whole section on the environment to what this Government is doing in terms of bringing in this Bill. There was no reference into the section that referred to the intent of the Government to bring in a light legislative mandate. That is what they called it, Mr. Acting Speaker, a light legislative mandate, in an attempt to get back on the budgetary process, to complete the Session by Christmas and be into consideration of budgets and Estimates in the spring of next year rather than the fall of this year.

There was no reference in the throne speech. I consider it unacceptable that this Government is now bringing in this type of legislation. -(interjection)- They have changed, as the Member for Elmwood (Mr. Maloway) points out. They have changed along the way.

I do not fault the Government House Leader. I am not giving away any private discussions. The Government House Leader has been very forthcoming over the last several weeks about the fact there would be a possible amendment to The Environment Act. I am not criticizing the Government House Leader. He did take that opportunity to do so, but well after that throne speech was issued. No public indication was given, Mr. Acting Speaker. In fact the first public indication was when this Bill was introduced for first reading. We did not receive a copy of this Bill until a couple of days ago. So we have not had a chance to even look at it beyond the last couple of days. We have not had the chance to consult.

What particularly concerns me is, the Government House Leader today in his speech, the Finance Minister, on this Bill, the Premier in his comments in Question Period today and yesterday in regard to this Bill, have said they are willing to look at amendments. Well, Mr. Acting Speaker, if this Government had wished to look at potential amendments, there is a procedure that they can follow. They could have announced this weeks ago. They could have announced it in the throne speech. They could have tabled this Bill publicly. They could

have engaged in consultation with environmental groups and members of the general public and others who are concerned about its impact. They could have gone through those procedures, and we might at this point be dealing with a Bill that had been properly developed and had properly gone through consultation, and we might be in a different situation.

There might still have been substantive disagreements with the Bill, but at least there would have been a proper process. Well, Mr. Acting Speaker, has there been a proper process? Well, the answer is clearly no. No one has had a chance to see this Bill. No one has had a chance to hear a debate on the principle of this Bill until it was distributed yesterday and until it is being brought in for second reading today. This is the first opportunity Members of this Legislature are really having to see what is in this Bill.

This Government expects us to be expediting the Session, the business to get on the budgetary track. They expect us now to believe that their real intention was to bring in nothing major in terms of legislation early in the Session. Are we expected to believe that now when we look at a legislative agenda that may not have a significant number of Bills, but has Bills such as the Bill to repeal final offer selection, which indeed they did indicate they would bring in? I will acknowledge that, but a major Bill, and now this Bill, The Environment Act, a major Bill. We have other legislation, The Residential Tenancies Act, a major Bill.

Who is kidding whom, Mr. Acting Speaker? Somewhere along the way, this Government has become confused about its legislative agenda. I am not concerned about this Government being confused; I suspect they are confused on many issues. I suspect they are a very confused Government and are becoming increasingly confused in terms of direction, policy and approach. My concern is that their confusion has led us to the situation today where we have a Bill that is being brought in this House improperly according to the traditions of this House, that is being brought in without prior consultation, that is being brought in at what?

If a Government is being accepted at its word, it would be considered a late date in terms of its goal of the legislative Session. Now they expect Members of the Legislature to turn around and say, oh, well, we will just pass this through to committee based on the word of the Minister of Finance (Mr.

Manness) and the Premier (Mr. Filmon) that they might look at amendments. Well, Mr. Acting Speaker, they control the membership on that committee. They have a majority on it. What guarantee do Members of the Opposition have, if they raise legitimate points, that they will be considered? None, absolutely none.

\* (1120)

The Minister of Highways and Transportation (Mr. Driedger) talks about the process as it always has been. The process has always been that if there are major items of legislation they are identified in the throne speech. They are brought in early in a Session. They have consultation prior to being brought in, and they are not brought in in this sloppy, this incorrect way. They are not brought in, in the way this Bill is being brought in.

I want to suggest to this Government that they seem to have a selective view of things. Last year, with The Residential Tenancies Act, a Bill that had been drafted two years previously and brought in, the Minister all of a sudden found that he had to have more consultation, and he withdrew the Bill. We expressed concern due to pressure from landlords and developers. We expressed concern. The tenants did not ask that the Bill be withdrawn, and the Minister should not put that sort of incorrect information on the record. They had this Bill which they, under pressure, pulled.

I want to suggest that what they have to do is look at this Bill, because if ever there was a candidate for a Bill being withdrawn for further consideration, it is this Bill. I have never, in the years I have been in this House, heard such equivocation from Ministers in introducing a Bill. The Minister of Health (Mr. Orchard), he should know. I mean, he does not equivocate on very much. I may not agree with very much he says, but he does not equivocate. But to turn around as the Government House Leader (Mr. Manness) did, and the Premier (Mr. Filmon) said, well, if the Opposition Parties do not like it, we can amend it. We can amend it.

Mr. Acting Speaker, if they had consulted with the public of Manitoba before bringing in this Bill and fully consulted in the public arena with the Opposition, they would not be in that position today. Quite frankly, I want to ask the question, do they expect us carte blanche to accept their assurances that somehow they might look at changes in

committee stage, if changes are required in this Bill? Do they expect that?

How can we expect anything, Mr. Acting Speaker, when they have so confused their legislative agenda in regard to this matter, when they have forgotten—they did not put it in the throne speech. They did not mention it once—not once in the throne speech. They did not mention it. They did not mention it once throughout September.

As I said, yes, the Government House Leader did give notice to other House Leaders which was communicated to caucus several weeks ago. I give him credit on that, but no copy of the Bill was provided to any Member of our caucus until Wednesday of this week at our request—at our request. No meeting has been held between the Minister and critics to discuss the concerns.

How can the critics meet with the Minister? How can the critics meet with the Minister? Where is the Minister, Mr. Acting Speaker? Where is the Minister when we are dealing with one of the more significant Bills of this Session? That is unacceptable. That is absolutely unacceptable—absolutely unacceptable.

I cannot refer, Mr. Acting Speaker, to the presence or absence of a specific Member in this House, but I will point—and I think the record will show quite clearly what has happened—to the fact that, today, with a major piece of legislation, the Minister of Environment (Mr. Cummings) was not in the position in this House to bring in his own Bill. It was brought in by the Finance Minister (Mr. Manness). That is unacceptable.

Mr. Acting Speaker, if anyone thinks that this is a minor Bill—I have heard that before in the time I have been in the House. Every Session begins with a discussion that says, well, there may be 20, 30, 40, 50 Bills, and there will only be one or two major Bills. There will not be anything that is of any major significance.

Mr. Acting Speaker, look at the bottom line. Look at the bottom line. Bill 24 deals with an important Act, The Environment Act. Yes, as the Minister of Finance (Mr. Manness) pointed out, it has been a very significant Act in terms of its protection of the environment.

For the Minister of Finance, I think, having recognized that fact, I think you should recognize the seriousness of this, the seriousness of any kind of amendment to what was one of the best

environment Acts in Canada brought in, by the way, by the previous New Democratic Party Government, something -(interjection)- well, the Premier says it is the best in the country, brought in by the New Democratic Party Government. Let that be put squarely on the record.

Perhaps it is because we have such ownership of this Bill, that we have such concern about this Government bringing in potentially major amendments in the sloppy and incompetent way they are bringing in this particular Bill, Bill 24.

I went through, Mr. Acting Speaker, the Bill again today to look at the general principles of the Bill. I tried to cross-refer those general principles with what the Minister of Finance (Mr. Manness), not the Minister of the Environment (Mr. Cummings), stated were its intentions.

One of the problems, Mr. Acting Speaker, is that whatever the intentions of this Bill were, most of the principles that the Finance Minister outlined, to my mind, are not enclosed in this in any way that is significant enough to be enforceable or to be meaningful. If one looks, this Bill is full of areas which are open to interpretation, open to regulation, subject to regulation even in terms of providing intervener funding. I think providing intervener funding is a principle that all Members of this House can support, but if you look at the section that is in place, nothing, nothing, nothing in terms of real protection, in terms of that. There has been no real description of what their intent is.

We do not want a pig in a poke, Mr. Acting Speaker. We do not want something that looks good on paper and is meaningless in terms of actually getting some real teeth into environmental legislation. I know our Environment Critic will be asking environmental groups and members of the public for their views, something this Government has not done. Our Environment Critic will be consulting with the environmental movement, something that this Government has not done.

In fact, our Environment Critic has already started that process. People have said, and I am sure she will be indicating that to this House when she speaks, that members of the general public and members of the environmental movement in particular, concerned environmentalists and many Manitobans concerned about the environment are concerned about this Bill. In many ways, they are concerned about the secretiveness, the lack of

consultation and the complete lack of clarity in this Bill, including on this whole section in terms of intervener funding. There is also the section in terms of agreements with other jurisdictions.

On second reading, it is not generally the time where one goes through the detailed wording of the Bill, and I am not going to do that, Mr. Acting Speaker. I went through the general principles in terms of the section that refers to intervener funding, if anybody would care to listen on that side. As I said, I am not expecting much of a hearing, because the Minister is not even there. The Minister is not even listening to these comments. The Minister is not even in a position to listen directly to these comments.

Mr. Acting Speaker, the similar concerns are expressed in terms of agreements with other jurisdictions, 13.1. I heard the Premier (Mr. Filmon) today, and I heard the Minister of Finance (Mr. Manness) say that nothing would in any way, shape or form, in terms of the agreement process outlined in this amendment, result in lower standards in an assessment process, nothing would result in that. Is that in the Bill?

\* (1130)

**An Honourable Member: No.**

**Mr. Ashton:** It is not in the Bill. It does not say that in the Bill, Mr. Acting Speaker. It does not say that. One thing that has become clear, from any court decision in terms of legislation, is that what matters is what is passed, what matters is what is in black and white, what is the printed version of the Bill. It does not matter what the Minister of Finance says in his opening statement. It does not matter what the Premier says here or out in the hallway. If it is not in the Bill, it is not in the Bill. The intent of a Government counts for nothing when it comes to legislation.

That is what is so concerning about this process. The Government is asking us to buy its good intentions, Mr. Acting Speaker, its good intentions. Well, we all know how the road to hell is paved with good intentions. I am not suggesting that this is going to lead us on that road, but it may indeed lead us in a path that is not in the interests of the people of Manitoba in terms of the environment. That is what is so concerning.

Look at it, Mr. Acting Speaker. Put yourself in the position of an average Manitoban listening to debates today, and how they might assess this: a Government that did not announce that this was part

of its agenda, but now turns around and states that this is something that it wishes to be seen passed in a matter of weeks; a Government which says, we are open to amendments, but has not even discussed the Bill with anyone to get any feedback; a Government that says it has an open Government policy. It seems it has an open mouth and closed ears on this Bill, because it is fine when it comes to platitudes about the environment, but it has not listened, it has not consulted.

There is no consultation on this. The only people that really seem to know about this Bill are the Members of the Government Caucus, and, quite frankly, I wonder how many Members of the Government Caucus really knew about it until recently. I would hope that it was not discussed weeks or months ago in their caucus because I would hope that someone in that caucus would have said, this is not the way to deal with a major item of legislation; that someone would have said, we should be consulting on this; that someone would have said, we should not be trying to push this Bill through in a matter of weeks without full and open debate and discussion. I would have hoped that someone in the caucus would have done that. In my judgment, certainly of some of the new Members, is that they probably would have, but I ask the question rhetorically, Mr. Acting Speaker, whether they were given the chance.

I will be generous. I will assume that they were not; I will assume that the Members of the Conservative Caucus were probably in the dark as much -(interjection)- were not consulted, exactly. No, they were not consulted, as much as we were not consulted. I suspect that this Government did not even have the courtesy to consult with its own Members on the development of this Bill, a Bill that has been in the development process for, obviously, several weeks, if not months.

Now, Mr. Acting Speaker, they expect us to turn around and take this Bill, that probably has not been consulted properly with their own caucus, and in a matter of days pass this through to second reading, in a matter of weeks—I mean, they want to complete the session by Christmas, it is November 30, 25 days away from Christmas, even if we sit until Christmas Eve. They expect us to pass through a major item of legislation in 24 days—

**Hon. Harry Enns (Minister of Natural Resources):** You bet.

**Mr. Ashton:** The Minister of Natural Resources says, you bet. He says, you bet. I respect that Member; he is the most senior Member of this House. That is why his comments perhaps surprise me somewhat because I remember when he was in Opposition. I remember when he was Opposition House Leader, and I can just imagine—it is almost having a feeling of *deja vu*, listening to the Member's voice, but a slightly different message because, when he was in Opposition, he would have been the first one. If this was an NDP Government bringing in a Bill like this, he would be the first one to be on his feet and say, that is not the traditions of this House; it is wrong; and this Bill is being handled in an incompetent manner by the Government. I know that the Member full well knows that, and I know he is a very forthright and honest person in terms of that. I remember his years in Opposition and, indeed, Mr. Acting Speaker, I know he would have done that. I know that.

That is what I ask Members of this Government now to do, is put themselves in our position—well, as I said, perhaps some of them are in our position because they have not been consulted either—and look at it logically, the way somebody from outside, a member of the public, listening to this would look at this particular Bill. How would they suggest we proceed from here?

Would they suggest we accept the good intentions of the Government, pass the Bill in just over three weeks and then live with the consequences, live with the consequences indefinitely? Would they expect us to do that? No, Mr. Acting Speaker. No member of the general public would expect us to do that. We are elected -(interjection)-

Well, it is interesting where the Leader of the Opposition (Mr. Doer) talks about free trade. I heard some of the same terminology today “the level playing field.” We have seen that term on free trade. There is a playing field that has been levelled all right, and those that are on that playing field, the people of this country, have been flattened into the ground in the process.

We do not want to see our environmental standards lowered in that way. We do not want to see our environmental standards flattened down to the lowest common denominator. For the Minister to say, well, that is not the intent of the Bill, it does not say that, Mr. Acting Speaker. It does not say that anywhere in this Bill. What the Minister of Finance

(Mr. Manness) has to recognize is that this Bill, to my mind, does not reflect in any way, shape or form to the comments he made.

(Mr. Speaker in the Chair)

I wonder if there has not been some real mix up here, that perhaps the Minister of Finance (Mr. Manness), in filling in for the Minister of Environment (Mr. Cummings), has been given the wrong speech, because when I heard his speech, I said, well, that is very nice, but that is not the Bill. Perhaps there is another Bill in the system. If there is, let us have the other Bill instead of this particular Bill.

**An Honourable Member:** The other envelope.

**Mr. Ashton:** The other envelope indeed, because the speech the Minister gave is not in regards to this Bill. That is why I get back to our original concerns, this is no way to handle legislation. I mean, without even having the Minister introduce his own Bill, are we now to accept the assurances of a stand-in Minister, a substitute Minister?

I do not know if the Minister was speaking as House Leader or as Acting Environment Minister or just the poor, unfortunate Minister that happened to end up with this particular responsibility on this particular day. I suspect that it is probably the latter, because I think even the Finance Minister (Mr. Manness) himself, the Government House Leader, is embarrassed. Indeed, I remember when he was in Opposition. He would have been here in our place, and he would have been indignant at the fact that any Government would expect a major Bill be considered in this way.

Well, then, Mr. Speaker, where do we go from here? The Government has created a mess in terms of the handling of this Bill. Where do we proceed from here? There are obviously a number of options. I would ask that the Government, obviously, look at it. If there are major problems with the Bill, we will be going through it. Our Environment Critic, who is already out there consulting with the environment movement, who is working on this on a daily basis, who knows where her responsibilities lie in terms of important matters such as this, unlike, as I said, the Minister of Environment (Mr. Cummings) who should be here debating this.

I say to the Government, if there are major concerns, they are going to have to look at either amending this Bill or looking at its consideration at a later date, not an unusual process. As I said, the Minister of Housing (Mr. Ducharme) did it last year,

delayed a Bill that had been drafted back in 1987, which is only just being brought forward now based on lobbying from landlords and developers. He pulled the Bill, did he not? He pulled the Bill; I remember it. Pressures. Well, if they are going to listen to landlords and developers, I ask the question, will they listen to people concerned about environmental problems? Will they even consult with them? Will they even turn that deaf ear of theirs, because it appears that this so-called open Government is not listening? Will they turn around, and even turn the deaf ear closer to the process of consultation, whether it is meaningful or not? We do not know, Mr. Speaker. We do not know.

To the Minister of Highways and Transportation (Mr. Driedger), I hope he will listen to the bottom line of what we are saying in this Opposition Caucus. I am sure it is a sentiment that will be expressed also by the other Opposition Party. Though the Bill is going to have an impact on our Environment Act—it deals with one of the most important issues of the day, the environment—this is no way to deal with it. The Government has created a mess. I am suggesting to the Government some of the ways in which it can deal with that mess. Some of the ways in which it can make up for lost time. Some of the ways that it can, if you like, turn back the clock and start the process all over again. There are ways in which they can do that.

I just want to indicate to them that this Opposition is not going to bail them out of this mess. We will do our duty, as an Opposition; we will debate this Bill. We, indeed, may look at amendments at committee stage, as is our right and, indeed, as is our obligation. We will do that, but I ask the very real question to the Government House Leader (Mr. Manness), if he considers it appropriate for us to accept at face value his assurances, rubber-stamp this Bill in a matter of days and, at the longest period, of weeks, if he expects us, realistically, to do that? I would say to the Government House Leader that is not in the best interests of the legislative process here in Manitoba. It is not our parliamentary tradition; it is not the tradition of this House—traditions that this Government seems to be ignoring on an almost daily basis, particularly in regard to this Bill. He should not count on the Opposition to bail him out of this particular mess.

\* (1140)

Our message on this Bill is: Go back to the drawing boards, consult people who are concerned

about our environment—and that is many Manitobans. Do not go through this process it was following today, a process that is making a charade out of the debate and discussion of this Bill. That is the message that this Government has to receive, Mr. Speaker. It is a message that I am giving to this Government today, and our Environment Critic will be dealing with this Bill more in terms of the substantive issues, following the result of her consultation that she is conducting right now, something that I think the Minister should be doing.

The Government should be on notice that the Opposition Caucus considers this to be a potentially major Bill, considers the Bill to be a Bill that has been brought in improperly. We will not, in any way, shape, or form, hastily rubber-stamp the improper procedures, approve of those procedures; or, in any way, shape, or form, blindly accept assurances in regard to this Bill. We will not do that, and the Government has to be aware of that in terms of the current legislative Session. Thank you, Mr. Speaker.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I too wanted to put a few remarks on the record in regard to Bill 24, because I have some very strong reservations, as the Member for Thompson (Mr. Ashton) has quite eloquently expressed in his speech dealing with the form and the manner in which we have received Bill 24, what we have before us at this current time.

It is always positive to see Bills or legislation being brought forward to this Chamber that deal with issues such as our environment, and I for one would not want to hold up what could be potentially good legislation so that the environment here in Manitoba would derive a direct benefit. I do believe that the Minister responsible for the Environment (Mr. Cummings) means well, but one has to question the manner in which the Minister has decided to bring forward the legislation.

If we take a look at the throne speech and what the throne speech said, there was no reference made to legislation of this nature. In fact, Mr. Speaker, you will find that when we went into this Session, we—and I say "we" in terms of the Liberal Party—have always been of the opinion what is most essential is that the Government be given an opportunity to get back on fiscal track. Part of that meant that the House Leaders had to negotiate in good faith in bringing forward what we felt was in the interest of Manitoba and, to some degree, this

Government. We have agreed that certain pieces of legislation, even though very substantial legislation, such as the final offer selection and the landlord and tenant legislation, would be passed, and the public have had ample opportunity to comment on both those pieces of legislation.

We had it in the form of Bill 42 in the past, and Bill 13 has been called two other previous Bills, which had allowed ample opportunity for those who were concerned to give the input that was necessary for the legislation. With Bill 24 we look at the legislation, and it is very substantial legislation. I cannot refer to clauses, but I can say that, in my reading of the Bill, I have a great deal of concern with how the Government would be able to advocate the responsibilities because they are able to accept environmental studies from abroad, whether it is in the U.S., which could be potentially a Garrison project, whether it is interprovincial, or a national environmental study. There really are no assurances of a basic standard for an environmental study, and that concerns myself a great deal. We need to have a minimal standard, and it does not make me feel good to know that this Government would be willing to accept another jurisdiction's study or, in fact, a private company's study on the environmental impact.

I was pleased when the Minister of Finance (Mr. Manness) said that he himself would be receptive to amendments, because I can assure the Minister if by chance this Bill were to go by—and I think we have to be somewhat open-minded. Mind you, I do not see too much room in terms of the amount of days that we have left to be able to pass this, but it was encouraging to see the Minister say that he would be open to amendments. If by chance this Bill is not dealt with in this Session—and at this point in time, I cannot see it being dealt with in this Session unless, of course, we are going to be sitting past Christmas.

I am hoping that he will take that same attitude in the upcoming Session, whenever that might be. Some will say it is going to be in and around the beginning of March. I think it is important that the Government, because it is in a majority situation, unlike a minority, ultimately will get the final say in the legislation.

I take it from the remarks the Minister of Finance (Mr. Manness) has given today that the Government would be receptive to amendments. I can assure the Government House Leader (Mr. Manness) that if Bill

24 does not pass this time through and is reintroduced in its current format, there will be amendments. We have had discussions. The Member for St. James (Mr. Edwards) has raised the issue already through Question Period, has already been in contact with some groups, and there is a great deal of concern. That, in part, is what has posed some of the problems that we have in passing the Bill in this Session, this Session, I should qualify in terms of if we want it to be a short Session.

If we want to be out of here by mid-December or before Christmas, we are limiting the abilities of the official Opposition and the Third Party Critics, respective critics, to go out there and do what it is that they are supposed to do as Opposition Critics, and that is to get the input from various groups, to go out there and consult, see and hear what different members of the public have to say about Bill 24, because in order for Bill 24 to pass before mid-December, we are looking at this Bill having to be in committee some time next week, which does not even allow an opportunity, in second reading, really, for the Minister responsible for the Bill to clarify what it is that he is trying to do, to try to at least an attempt to assure us that our needs are going to be addressed.

\* (1150)

If there is any hope in this Bill passing in this Session—I must say right from the start that I do not think there is very much hope, but I do not want to rule it out 100 percent—I would suggest that the Minister of Environment (Mr. Cummings), over the weekend or as soon as possible, get together with the Member for St. James (Mr. Edwards) and the critic from the New Democratic Party, sit down and start saying what it is he did, as the Minister, to come up with this Bill. We need to know who the Minister contacted. Was it just something that came out of the department, the Minister presented to Cabinet and then now presented to the legislative Chamber?

Mr. Speaker, we need to know if in fact the Minister had consulted his caucus, not only his Cabinet. What input did others have on the creation of this Bill that we have before us today? This is what the Member for St. James (Mr. Edwards) and the NDP Critic for the Environment need to know from the Minister. Did the Minister take a responsible approach by going out and talking to different interest groups, or did the Minister bring up this Bill through his own thoughts and without any consultation bring it to this Chamber?

If that is an approach in which Ministers want to take, then we have a mechanism in our Legislature to ensure that the public, in fact, do have input. That means that we go into a committee hearing process after second reading. Before I even go into the committee stage, during second reading, each and every Member of this Chamber has an opportunity to stand up, put forward their concerns on this Bill, and, hopefully, get some type of response in what could be the closing remarks from the Minister of the Environment.

Failing any adequacy in terms of quality answers from the Minister of the Environment (Mr. Cummings) through Question Period or through his final address to the Bill, we see it then go to the committee stage, which then allows all of those groups, interested parties, individuals, MLAs, Manitobans and so forth, to have input on the Bill. This provides an opportunity for all of those when the Minister of the Environment or, in fact, any other Minister who so chooses takes this route that the Minister of the Environment has appeared to take; it is an opportunity to voice their concerns on this particular Bill.

We have seen that, Mr. Speaker, some would say work its finest during the final offer selection committee hearings. I would say the Meech Lake and, in part, the final offer selection, but the Meech Lake discussions where we allowed Manitobans to have input, and look what came out of what the public had to say.

This Bill was tabled, even though the Government House Leader (Mr. Manness) had made reference to it in some of the House Leader negotiations, and I can appreciate the responsibility that the House Leader has taken in ensuring that the House Leaders were aware of it. But, in terms of the content of the Bill, we found out two days ago. What type of assurances do we have from this Government, in particular the Minister of the Environment (Mr. Cummings), that this Bill is the achievement of a broad base of consultation, that the Minister responsible has gone out and talked to the groups that would be interested in having input?

Right offhand, Mr. Speaker, I do not believe that the Minister has talked to the interested parties. He might have talked to a couple of select groups, friends, interested parties that would have been on the same line as the Minister of Environment (Mr. Cummings), but I do not believe that he has reached out to the environmentalist groups, the public, in any

fashion that would have allowed for those who did have input to give that input to the Bill.

The Member for Thompson (Mr. Ashton) made reference to his own caucus colleagues, Mr. Speaker. I too have to question in fact if the caucus colleagues and the Minister of Natural Resources—and it is a valid point to say that the dean of this Chamber, had he been in Opposition, would have come out very strong against this knowing what we know in terms of the process in which Bill 24 was brought in.

Mr. Speaker, let us get back to the whole question of timing, because if we want to wind up this Session by mid-December in order to allow the Government to get back on fiscal track—and we in the Liberal Party want this Government on fiscal track—then we have to ask, if the Minister of Environment did not consult with groups, and the critic for St. James and the NDP Critic have not had an opportunity to consult with the groups, what is it that in fact this Government is asking the public, in terms of input to this Bill, to do?

We are looking at having to pass this Bill in the next short period of time, out of second reading, get it into committee stage. How many hours in the committee stage would be realistically allocated to the committee if we had to be out of here by mid-December in order for the Government to be back on fiscal track?

Mr. Speaker, I would suggest to you that we are past that point in time that the public—have they not been consulted. That is why I suggest that the Minister has to sit down with the NDP Critic, with the Member for St. James (Mr. Edwards) and tell us whom has he consulted with, because if the Minister can assure us that he has reached out where ever he can reach out, then there might be some possibility in terms of time restraints.

If the Minister cannot assure us he has gone that extra mile to ensure that people had the input to make this Bill what it is today, then I am afraid that proposing amendments at the last minute is not going to be good enough, because the public has to have the input to the legislation.

We have seen time after time after time the valuable service public input has given to making Manitoba legislation that much better, whether it is consumers legislation, whether it is Meech Lake, whether it is final offer selection, whatever it might be.

Mr. Speaker, to limit the public to a week, which could be in fact two or three sittings of a committee, without any notice, I believe, would be irresponsible. The Government has an obligation on major legislation to ensure that the public is aware that the legislation is before us.

I do not believe that many people are aware of the fact that we have Bill 24 before us, yet the Government wants us to have this Bill go into committee, go through committee, third reading, and receive Royal Assent by mid-December or prior to Christmas. I say mid-December, prior to Christmas, because the Government also, like the Liberal Party, wants to be put back on financial track.

Mr. Speaker, the Liberal Party has bent over backwards, and to some degree, the New Democratic Party has bent over backwards in order to accommodate his Government to getting back on fiscal track. Some Members of my caucus, and I will not comment on myself, I think, would see this as a bit of a slap in the face in the sense that legislation of this nature would be introduced at this stage in a game.

\* (1200)

Had the Minister been aware, and I believe he was aware of the fact that he was going to introduce legislation of this nature back in October. Why did he not do just that? Why not bring it back in October? Had he brought it back in October, at least we would have had an opportunity to sit in committee to hear all of the presentations. We would have had an opportunity for the six of my colleagues, and I wish there was more, comment on Bill 24 and bring to the Minister of Environment (Mr. Cummings) our concerns. They are valid concerns.

As I say with this Bill—and many would say I am not an environmentalist, but I am concerned just as much as any other person in regard to our environment. There is the one aspect that concerns me greatly about the Bill, and that, of course, Mr. Speaker, is the whole question of advocacy and what it is that this Government on the surface is trying to do with the responsibility of environmental studies.

Mr. Speaker, the Rafferty-Alameda project could be approved with the consent of this Government if the Government accepted an impact study from the Saskatchewan Government. Any future environmental studies could be approved without any basic standard. We could bring in projects such

as Repap. We can talk about the Conawapa deal and the impacts it is going to have on our environment. If we have the Ontario Government -(interjection)-

The Minister of Agriculture (Mr. Findlay) says, what about the jobs? Mr. Speaker, we are all in favour of jobs in the Province of Manitoba. Our amendment to the budget addressed that need for jobs, and we have to be more open minded and more long term in thinking in terms of the environment. I would not want to deny jobs. We have seen mistakes before. Many will cite the Limestone and no environmental impact studies done at Limestone. Mistakes are made, but -(interjection)- the Minister of Agriculture says, name them. I just finished naming one. Limestone was a mistake in terms of no environmental studies being conducted.

Mr. Speaker, to have an environmental study does not mean that you are going to lose jobs. Environmental study is there to ensure that we have a clean environment in the future. -(interjection)- The Minister of Energy and Mines (Mr. Neufeld) says, exactly. We concur on that point. -(interjection)- He assures us that we will have the environmental study.

I would go further by saying that there should be an environmental study that is based on standards in Manitoba to protect our environment, that we should not have to accept environmental studies done by other provinces and then have the option to be able to accept that particular environmental study. If we want a dual track, I am not one for having to do study here, study there, but if you can have two Governments operating a study together, Mr. Speaker, and there are basic standards, I would not see anything wrong with that.

I think to some degree the Bill addresses that point. As I say, I said at the beginning of the speech that, in general, we all like to see good environmental legislation brought forward, and that is one of the components about the Bill that I think is positive. It makes the suggestion or it would put into legislation that we can do just that.

The Minister might be aware of the fact that, in fact, we had the Member for St. James (Mr. Edwards) make reference to dual tracking and the benefits and so forth. The Minister was here yesterday when the Member for St. James put forward some questions, legitimate questions,

about the Bill. I would trust or I hope that the Minister of Environment did talk to the Minister responsible for Energy and Mines because Conawapa is going to be a major project if approved. -(interjection)- The Minister says he will abide by the rules.

I would trust that he had input to this Bill. I would be curious to know what type of input, mind you, he had to the Bill. You know something, Mr. Speaker, had this Bill been introduced two months ago, the Minister of Energy and Mines (Mr. Neufeld) in all likelihood would have an opportunity to be able to comment on this Bill.

Unfortunately, because of the manner in which the Bill is brought forward, there are going to be limitations on the Government's side, at the very least, in terms of the number of speakers they will be able to put up. Again that is based on the assumption that they want to get out of here prior to Christmas and be back at the beginning of March.

I would have loved to have had the opportunity to hear what the Minister of Energy and Mines (Mr. Neufeld) and the Member for Assiniboia (Mrs. McIntosh) had to say about Bill 24. It is important that on major legislation, I believe, that you get your views on the record, that you stress your opinions because one of the best ways that you can serve your constituents is by addressing legislation, letting them know where you stand on the issue.

At times, it can come back to haunt you, no doubt, as I have heard many quotes from many different Members, especially the Minister of Health (Mr. Orchard), dig up quotes that have come back to haunt a particular Member. Hopefully, 20 years from now, I will have the luxury of being haunted myself.

Mr. Speaker, I did not want to spend too much time on this Bill. The initial intent of myself for standing up was just to express the fashion in which we have Bill 24 in front of us. I would hope that the Government at this point in time will give serious consideration to withdrawing it unless they can convince the Member for St. James (Mr. Edwards) and the NDP Environment Critic that in fact a lot of work was done in the preparation of this Bill and that there was a lot of consultation done.

Failing the convincing of the Member for St. James, who is our critic, and the NDP Critic I would suggest that this Government withdraw this legislation. It would not be the first time they have withdrawn legislation, Mr. Speaker. If there is a reason to withdraw, this is in fact a valid reason.

I would encourage the Government House Leader (Mr. Manness), the Minister of Environment (Mr. Cummings) to do some soul-searching and maybe consult with a few people. Heaven knows, if the Minister of Environment has not done any consulting and he takes the opportunity over the weekend to do some, he might find out in fact that it is not a Bill that should be introduced, that it should be withdrawn.

\*(1210)

I was actually on my concluding remarks, and I will stick to that, Mr. Speaker. I say that this Bill should be withdrawn unless the Minister of Environment can convince the two appropriate Opposition Critics and, failing that, withdraw it, bring it back in the next Session. I would go further by adding that it should be included in the throne speech.

I know if we were in the Government situation and we wanted to bring forward legislation for the environment, substantial legislation, that is something that I would definitely want to include in the throne speech. In that degree the Government might want to do just that, include it in their throne speech, bring it back in the next Session, whenever it might be. Hopefully it will be the beginning of March.

This way everyone would have an opportunity, including the Minister of Energy and Mines (Mr. Neufeld), to stand in their place, talk on the Bill. We would have ample time to go through the committee stage so if there are members of the public, whether it is an interest group or an individual, have some input that they will be given an opportunity to say what it is that they would like to say. Really you know Manitoba is unique in the sense that many pieces of our legislation that go through the committee stage process—and I am not familiar with all jurisdictions, but I am with a couple.

We do have a unique system to a certain degree that has allowed us to have many positive amendments, finer legislation, after it has gone out of the committee stage or from second reading into the committee and back for the third reading, where we have seen good amendments.

That can only be done if we do not rush things through. I am afraid that this is what the Government is trying to do. I am afraid the Government has made a mistake on introducing Bill 24. No doubt in the next couple of days or the next few days we will find out

if in fact it was a mistake, because if they do choose to continue with Bill 24 and are unable to convince the two Opposition Critics that they have done their job, they have done their homework, the Liberal Party will not partake in a speedy passage of a Bill without some process and some input from the public.

Thank you, Mr. Speaker.

**Mr. Conrad Santos (Broadway):** I had the pleasure to join in the debate on Bill 24. I recall Murphy's first law on social behaviour. If a thing can go wrong, it will. Everything has been going on in proper order with the agreement between the Government, the Opposition and the Third Party that we are going to have no major legislation in this Session, that only specified Bills like the final offer selection will get into the House, and it will be subject to full debates. There will be no surprises. It seems to me that we are now witnessing the realization of Murphy's Law, first law of human behaviour, if anything can go wrong, it will.

I could appreciate now that there could be some kind of trouble with the agenda set for the House, because of this sudden introduction of a major Bill on the amendment to The Environment Act. The principal defect of such a surprise strategy of introducing a major legislation without proper notice is that it violates the very set principle of natural justice, that everybody who is affected by any kind of measure should have ample time and adequate notice in order to put forth their objections and their assertion of their position in order to protect their respective interest.

The fact of the matter is that December is fast approaching and it will be a very busy holiday season. It seems that every Member in the House is so eager to terminate their responsibilities and duties as legislators and go back to the routine of daily existence. It seems to me that when they introduced the cause of the delay, the Government should assume the responsibility, if by such an event we should stay here beyond the time that we planned to, if interested parties like environmentalist groups, the general members of the public, academics, experts in the field and other groups that have a basic interest in our environmental condition are not given adequate enough notice. Obviously there will be a defective process in this procedure of formulating basic changes in our legislative laws on the environment without due justice and notice to all those parties that are affected.

The First Minister (Mr. Filmon) in this Chamber had asserted that the Government is intending to follow the highest standards of environmental assessment, but nothing of such legal standard had been written down in the Bill itself. No matter how good the intentions of the Government are, if they are not part of the law as written in the statute or in the proposed Bill, they will not be considered part of that legislation.

It is well known in legislative interpretation that the intentions of legislators, even if they are formally expressed in the Chamber, do not form part of the statute if they cannot be gleaned from the wording of that statute. The reason is that there are so many intentions among the legislative Members of this House, that there are so many very different intentions and various interpretations. When the courts later on interpret the specific wording of any particular provision of a statute, they obviously cannot be bound by what is said in the House during the consideration of the Bill, because there are so many things that will be said, and not all these things will be consistent. They will be very contradictory depending on the point of view expressed by the particular Member of the House. Consequently, the mere statement of good intention in the Legislature will not justify the passage of any statute that has not been fully considered and all its implications by all those people who are affected.

The environmental groups have no chance, opportunity, at all to put their views and put forward their assessment of the effect of this particular Bill in the existing framework of the law governing environmental assessment. Consequently, it will be a very defective kind of policy-making process to proceed through this process without giving an opportunity to all people who are affected. We pride ourselves on being a democratic system. In a democratic system, before the decision makers put forth the decision, they open themselves up to all objections and to all kinds of implications and cautions by opening the process and having all those who are affected have their say.

Obviously, the ultimate decision lies in the hands of the majority of those who are in a position to make the final decision, the Government. The Government having the majority will obviously have its way. However, all the other groups that are affected, the minority groups in the society, the environmental groups, the private citizens' groups—all interested parties should be heard and

should have that opportunity to be heard. Without any time being given to these groups, there will be no such opportunity. It will be a denial and a violation of the democratic right to put forth their views and their input on the effect of this legislation. On the basis of natural procedure and justice alone, there is no justification for this Government to put forth such a major legislation without giving due and proper notice.

\* (1220)

It does not mean that this legislation, if withdrawn in this Session, cannot be considered in the regular, normal Session next year. There will be ample opportunity for the regular Session to be able to be put back on track as we have done traditionally in this Legislature. The mere strategy of introducing a major legislation while everybody is thinking of going home will work if people are not alert enough and vigilant enough to oppose this process.

On this side of the House, Mr. Speaker, we are very responsible. We do not want to go home if we are to pass this legislation without ample notice. We are willing to stay on in here and, of course, the majority will always have its way but there will be delay and disruption in all the time schedules. There will be a delay in the program of the Government next Session in the coming year.

There will be all kinds of disruptions and this, as I have stated before, is the fulfillment of Murphy's Law. Something has gone wrong with the procedures in this House. If things can go wrong and it will go wrong, the second law of Murphy's Law says, things will go from bad to worse. So that is the second law as stated by Murphy. The second law of social behaviour; things will go from bad to worse. Because of this disruption in the orderly procedure of this House, I am stating the second law of Murphy: Things will go from bad to worse.

There will be debate on this Bill which is apparently dangling some carrot of financial aid and other assistance to any personal group or organizations that in the future will be participating in an environmental assessment process. At the same time the Bill sanctions broadly the assessment of environmental impact within Manitoba, even in some other outside jurisdictions. The Government still has the discretion whether or not to award such financial and other assistance, or information, to this group.

It is indeed within the prerogative of the Government to give, or not to give, the financial assistance or even the information to any group participating or wanting to participate in the environmental assessment process. In appearance this is good because it seems that the Government will be helping those groups that will elucidate the implications and impact of any kind of proposal in terms of assessment of its effect in the environment. However, we should not judge things by mere appearances alone.

The statute is stating that it lies within the full discretion of the Government, whether or not to grant such financial or other assistance to any group, and it is not bound to give any assistance to any group that it does not want to give assistance to. Of course it will depend on the stance of positions taken by the group in the environment assessment hearing whether or not the Government will have any particular group or not.

If the Government feels or has a hunch or has a feeling that the group will not take the Government's side or position on the issue, by definition it has the absolute discretion not to grant any kind of financial assistance. If the Government feels that any particular group will be on its side, will be its only spokesman which we will base on alter ego, by definition, the Government will extend the assistance to such a group.

Therefore, it seems to me that the Government can pick and choose which group it will have, and whether or not the group will receive assistance depends entirely on the absolute discretion of the Government. There is that carrot of assistance, but it is simply dangling in the air. It is not at all sure that all groups who want to participate in the environmental assessment will have such an aid or will such an aid be distributed or be allocated in a fair and equal manner.

Therefore, there is a defect after all already in that legislation. It is because we have no time to assess the full implication and impact of this proposed legislation.

So Murphy's second law, again, is coming into realization. Things can go from bad to worse. The corollary of Murphy's Law states it is impossible to make anything foolproof, because fools are so ingenious. The Government may want to have this discretion completely absolute in the sense that it may or may not be able to award—

### Point of Order

**Mr. Manness:** A point of order, Mr. Speaker.

**Mr. Speaker:** The Honourable Government House Leader, on a point of order.

**Mr. Manness:** Mr. Speaker, I apologize to the Member; I know I am breaking the rules. I wonder if he might give me an opportunity to go into the Supply motion if he would stop a minute or two before 12:30.

**Mr. Speaker:** The Honourable Member for Broadway (Mr. Santos), you will? Granted.

**Mr. Manness:** Mr. Speaker, I thank the Member for Broadway for that accommodation.

### House Business

**Mr. Manness:** Mr. Speaker, I am planning to move the motion to move into Supply. However, I would ask if you would canvass the House to determine whether there is unanimous consent that we go into Committee of Supply this afternoon, sitting between the hours of one o'clock and four o'clock, considering in this Chamber, Estimates of the Department of Justice; and in the Committee Room, the Department of Health.

**Mr. Speaker:** Is there unanimous consent to sit between the hours of one and four this afternoon? Yes, that is agreed.

Also, is it agreeable that we do Justice in the Chamber and Health in Room 255? Is there unanimous consent? Yes, there is.

**Mr. Manness:** Mr. Speaker, before I move the motion, I will also officially announce to the House that the Standing Committee of Public Utilities and Natural Resources will meet Thursday morning next at 10 a.m. in Room 255 to consider Manitoba Hydro and the Manitoba Energy Authority.

**Mr. Speaker:** We thank the Honourable Government House Leader.

**Mr. Manness:** Mr. Speaker, I move, seconded by the Minister of Agriculture (Mr. Findlay), that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

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**Mr. Speaker:** Prior to putting the question, we have interrupted the Honourable Member for Broadway (Mr. Santos). When Bill 24 is again before the

House, the Honourable Member will have 27 minutes remaining.

\* \* \*

**Mr. Speaker:** It has been moved by the Honourable Government House Leader, seconded by the Honourable Minister of Agriculture, that Mr. Speaker do now leave the Chair and the House resolve itself

into a committee to consider of the Supply to be granted to Her Majesty. Agreed? Agreed.

Is it the will of the House to call it 12:30?

**Some Honourable Members:** Twelve-thirty.

**Mr. Speaker:** Twelve-thirty. The hour being 12:30, this House is now recessed until 1 p.m. this afternoon, at which time we will be in Committee of Supply.

# Legislative Assembly of Manitoba

Friday, November 30, 1990

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