

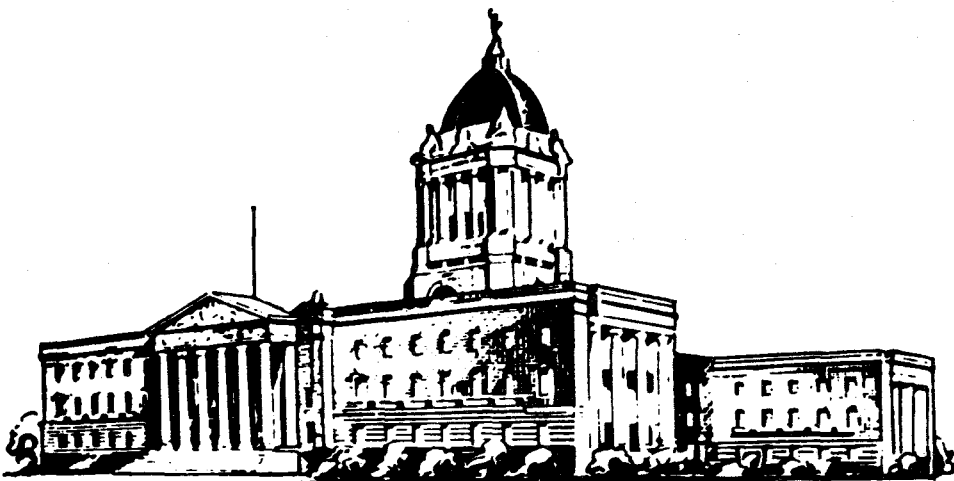


Third Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(HANSARD)**

39-40 Elizabeth II

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The Honourable Denis C. Rocan
Speaker*



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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
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Gulzar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CONNERY, Edward	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, Cliff	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
MANNESSE, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	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, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 13, 1992

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Edward Helwer (Gimli): Mr. Speaker, I would like to present the petition of the Seven Oaks General Hospital, praying for the passing of an act to amend The Seven Oaks General Hospital Incorporation Act.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Speaker, I beg to present the petition of Mrs. Sharron A. Reed, Mrs. Lorraine Crivea, Mrs. Laurie Hurta and others urging this government to consider establishing an Office of the Children's Advocate, independent of cabinet and reporting directly to the Assembly.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I beg to present the petition of Berthe Valcourt, Thérèse Brodeur, Joe Robidoux and others requesting that the Legislative Assembly of Manitoba urge the provincial government to reconsider its decision and return the Manitoba Heritage Federation's granting authority.

Ms. Becky Barrett (Wellington): Mr. Speaker, I beg to present the petition of Kim Lowry, Fred Shore, Lucy Shore and others requesting the government show its strong commitment to dealing with child abuse by considering restoring the Fight Back Against Child Abuse campaign.

Mr. Daryl Reid (Transcona): Mr. Speaker, I beg to present the petition of Jane Reid, Sharon Hops, Kim Russell and others requesting the Minister of Justice (Mr. McCrae) call upon the Parliament of Canada to amend the Criminal Code to prevent the release of individuals where there is substantial likelihood of further family violence.

READING AND RECEIVING PETITIONS

Mr. Speaker: I have reviewed the petition of the honourable Leader of the Second Opposition (Mrs. Carstairs). It complies with the privileges and practices of the House and complies with the rules. Is it the will of the House to have the petition read?

The petition of the undersigned residents of the province of Manitoba humbly sheweth that:

WHEREAS the Province of Manitoba announced that it would establish an Office of the Children's Advocate in its most recent throne speech and allocated funds for this Office in its March '92 budget; and

WHEREAS the Kimelman Report (1983), the Aboriginal Justice Inquiry (1991) and the Suche report (1992) recommended that the province establish such an office reporting directly to the Legislative Assembly of Manitoba, in a manner similar to that of the Office of the Ombudsman; and

WHEREAS pursuant to the Child and Family Services Act Standards, the agency worker is to be the advocate for a child in care; and

WHEREAS there is a major concern that child welfare workers, due to their vested interest as employees within the service system, cannot perform an independent advocacy role; and

WHEREAS pure advocacy will only be obtained through an independent and external agency; and

WHEREAS the Minister of Family Services (Mr. Gilleshammer) has unsatisfactorily dealt with complaints lodged against child welfare agencies; and now

THEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba strongly urge the provincial government to consider establishing an Office of the Children's Advocate which will be independent of cabinet and report directly to the Legislative Assembly of Manitoba.

* * *

I have reviewed the petition of the honourable member for Inkster (Mr. Lamoureux), and it does not comply with the privileges and the practices of the House and does not comply with the rules. I must therefore rule the honourable member's petition out of order.

* (1335)

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I would ask for a clarification as to why the petition is being ruled out of order—[interjection] Yes, I am.

Mr. Speaker: The honourable member's petition is ruled out of order with the set authorities of Beauchesne and the practices in the following respect: Beauchesne's Citation 1021 states that petitions ". . . must be free from erasures or interlineations."

Mr. Lamoureux: Mr. Speaker, I would ask where it has been changed.

Mr. Speaker: For clarification purposes, the honourable member's petition, where it was the sponsor's signature, I can see where it has been whited out and the honourable member's signature has been put over top.

Mr. Lamoureux: Yes, Mr. Speaker, I do not want to challenge the ruling, but I am afraid that if the ruling is sustained, I would ask to rise on a matter of privilege. In fact, I did not put on the whiteout. I was requested to come up to the office where it was whited out, and then I signed over it. It had nothing to do with myself as a member. It was whited out since I submitted it for presentation on the Order Paper, if that is the whiteout that I believe the Speaker is referring to.

Mr. Speaker: That is exactly what I am referring to. The honourable member's petition has been changed. There has been an erasure, and the honourable member has signed over top. Therefore, I rule the honourable member's petition out of order.

Mr. Lamoureux: Mr. Speaker, I believe that the residents who had signed that petition signed it in good faith, that the whiteout was not something that I myself have done and would submit to you, as the Speaker, who can make a ruling on it, and suggest that you take it under advisement, that these individuals are not given the opportunity to express to the Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson) their disappointment in what she did by taking away the funding authority from the Heritage Federation—

Mr. Speaker: Order, please.

Point of Order

Mr. Steve Ashton (Opposition House Leader): Mr. Speaker, my understanding is that you have made a ruling, and I would suggest perhaps that the Liberal House Leader, if he has difficulty with the ruling, should challenge it as is his right, but certainly we trust, Sir, in your ruling. You have seen the document. If it is not in order, you have no choice

but to say that it is out of order, and we would suggest that if the Liberal House Leader has difficulty with that, he perhaps challenge your ruling. We, by the way, will be supporting it.

Hon. Darren Praznik (Acting Government House Leader): Yes, Mr. Speaker, on the same point of order, obviously the final arbitrator of decisions as to the appropriateness of the document rests with the Speaker. The member has the right to challenge that ruling. We would support that ruling, but if in fact, as the member indicated, there was inappropriate advice being given from staff, then that should be a matter taken up with by staff. The appropriateness of the document for this House should not be confused with the advice that may have been given by staff.

Mr. Speaker: Order, please. I would like to thank all honourable members for their advice on this matter. I have, according to Beauchesne's Citation 1021, ruled this petition out of order.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Mr. Jack Reimer (Chairperson of Standing Committee on Private Bills): I beg to present the First Report of the Standing Committee on Private Bills.

Mr. Clerk (William Remnant): Your Standing Committee on Private Bills presents the following as their First Report.

Your committee met on Tuesday, May 12, 1992, at 10 a.m., in Room 255 of the Legislative Building, to consider bills referred.

Your committee has considered:

Bill 39 - The Salvation Army Grace General Hospital Incorporation Amendment Act; Loi modifiant la Loi constituant en corporation "The Salvation Army Grace General Hospital"

and has agreed to report the same without amendment.

All of which is respectfully submitted.

Mr. Reimer: Mr. Speaker, I move, seconded by the honourable member for Gimli (Mr. Helwer), that the report of the committee be received.

Motion agreed to.

TABLING OF REPORTS

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I would like to table

the 1992-1993 Supplementary Estimates for the Department of Highways and Transportation.

I would also, at the same time, like to table the Highway Construction Programs for the year 1992-93.

Hon. Darren Praznik (Minister responsible for and charged with the administration of The Civil Service Superannuation Act): Mr. Speaker, I would like to table the 1991 Annual Report of the Manitoba Civil Service Superannuation Board.

* (1340)

INTRODUCTION OF BILLS

Bill 91—The Liquor Control Amendment Act (2)

Hon. Linda McIntosh (Minister charged with the administration of The Liquor Control Act): Mr. Speaker, I move, seconded by the Minister of Education (Mrs. Vodrey), that Bill 91, The Liquor Control Amendment Act (2); Loi no 2 modifiant la Loi sur la réglementation des alcools, be introduced and that the same be now received and read a first time.

Motion agreed to.

ORAL QUESTION PERIOD

Tourism U.S. Tourist Statistics

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, last week we discovered that the gross domestic product for Manitoba was in last place in all of Canada. One of the major industries in our gross domestic product, a billion-dollar industry, is tourism. Last year tourism for American tourists was below 33 years of tourism performance in this province, back to 1958 in terms of performance on tourism for American tourists. The government, the Premier and the Minister of Tourism (Mr. Stefanson) have stated that they have a, quote: new strategy in place so they can turn around this situation of American tourism for the 1992 year.

I would like to ask the government whether their strategy is working on tourism. Can they tell us what the results are for American tourists in 1992?

Hon. Eric Stefanson (Minister of Industry, Trade and Tourism): Mr. Speaker, as I have outlined previously in the House, late in 1991, we did undertake some extensive research in terms of the markets that Manitoba primarily goes into, being northwestern Ontario, Saskatchewan, North

Dakota, Minnesota in terms of the kind of campaign that we should put in place for 1992. That did form a significant part of the campaign, the kinds of ads that, I believe, hopefully some of the honourable members have seen recently through various media outlets.

It is the kind of focus of the campaign that we have. We are getting co-operation from the various media outlets in terms of that campaign. We are continuing with the Manitoba card, the discount card, because that is an important aspect of the campaign in terms of value for service, value for products, and that will be a part of the initiatives in 1992.

Obviously, at this stage, it is early May, the main focus of our campaign market is May through till October. In terms of providing specific numbers, I can certainly undertake to provide the honourable member with the numbers to date, but obviously the major part of our tourism season is starting very shortly, Mr. Speaker.

Mr. Doer: We do have the results for the first two months of 1992. Saskatchewan has an increase of American tourism of 20 percent; B.C.'s increase is 10.5 percent; Canada's increase is 9.8 percent. Alberta has had a 2 percent decline, and Manitoba, again, on top of the worst numbers since 1958, has had a 6.4 percent decline on top of the decline that took place last year right back to 1958.

In light of the fact, Mr. Speaker, that 38 percent of Manitoba Tourism revenue comes from American tourists, why, again, is this province failing in the bottom-line results of their so-called tourism strategy?

Mr. Stefanson: Firstly, Mr. Speaker, I have to correct the honourable member that less than 10 percent of Manitoba's tourism industry comes from the United States. Approximately 65 to 70 percent of our tourism industry comes right here from Manitoba. When you do the comparison in terms of retaining the 90 percent market, the 90 percent of Manitoba's tourism market made up by Manitobans, people from northwestern Ontario, Saskatchewan and the rest of Canada, we are faring amongst the best in all of Canada.

On the 10 percent part of our market that the honourable member refers to, I have already suggested he has taken his statistics from January and February; I have already indicated our major focus of that particular season is starting right now.

If he looks at the numbers, they are very insignificant for many provinces during January and February. The U.S. visitors come to Manitoba starting primarily at this time of the year. We have addressed that through the kind of campaign, but in terms of maintaining our base, we have done better than most provinces in Canada.

* (1345)

Promotion Campaign

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, last year you had a 14 percent decline in American tourists, the worst in Canada—last place, No. 10. If that is a good base, I do not know what the minister is looking at, and no wonder we have no strategy. This year, again, we have a decline of 6.4 percent. Members opposite preach to other western provinces about how terrible they are, and yet their results are lower and more negative than the other provinces.

Mr. Speaker, the minister knows that in terms of tourism revenue, it represents 38 percent. We are not talking about people who just go across the border in Ontario and go right through to Saskatchewan; we are talking about American tourists that produce 38 percent of the revenue.

I would like to ask the minister: Why was his department the last in to the United States, the midwestern United States, in terms of tourism advertising, tourism strategy—why were there ads in the Manitoba newspapers for Minnesota long before there were ads for Manitoba down in the United States? Why is this government failing this year on top of tremendous failures last year in this very important industry?

Hon. Eric Stefanson (Minister of Industry, Trade and Tourism): Mr. Speaker, tourism expenditures in Manitoba have grown from \$868 million in 1988 to over a million dollars in 1990. I reiterate, for the benefit of the Leader of the Opposition, that 90 percent of that billion-dollar industry is made up primarily of Canadians. We are doing better than most provinces in retaining that. He points to the 10 percent of our market, where we have already addressed that issue in this House in terms of the kind of campaign.

His question about the timing of our campaign, the information that we receive from our research and from our administration, Mr. Speaker, is that now is the time to be in there because the kind of traffic that

we attract from North Dakota and Minnesota, they are making decisions now in terms of where they are going to be going, where that automobile traffic trade goes. So we are in the market at the right time, and as I have indicated, we will see how our statistics fare over the course of this summer in terms of our campaign.

Aboriginal Centre Government Commitment

Mr. George Hickes (Point Douglas): Mr. Speaker, my question is to the Minister responsible for Native Affairs.

Aboriginal people are becoming increasingly frustrated with the contrast between the rhetoric of this government and the actual support towards projects like the proposed aboriginal centre at the old CPR station. We have just seen cuts to the ACCESS programs and refusal to fund the Abinochi program.

As members are aware, the government has made commitments to support this centre for a long time now and has repeatedly stated so each time my colleagues and I have raised this issue over the past two years. Despite these promises, this government has yet to make a financial commitment, and in fact the flip-flop of the Minister of Northern Affairs may kill the entire project.

Why has this minister reversed his previously stated commitment to the project?

Hon. James Downey (Minister responsible for Native Affairs): Mr. Speaker, I do not know what kind of a political game the member for Point Douglas is trying to play with the people that he purports to be supportive. It is merely political posturing on behalf of the member for Point Douglas.

I can assure him that there has been a commitment made—

Mr. Speaker: Order, please.

Point of Order

Mr. Hickes: On a point of order, Mr. Speaker, when I stand up and ask questions, it is on behalf of aboriginal people as myself and also for the constituents of Point Douglas.

Mr. Speaker: And the point.

Mr. Hickes: It is not playing games with—

Mr. Speaker: Order, please. The honourable member does not have a point of order. It is a dispute over the facts.

* * *

Mr. Downey: Mr. Speaker, as I was indicating before the member got up on his nonpoint of order, the point is that there has been a commitment made to the urban native association to provide for a centre, and that commitment will be lived up to.

Mr. Hickes: Mr. Speaker, the commitment that the minister states is there. They have until the end of the month to put their dollars in place. They have the commitment and the dollars from the federal government and from the City of Winnipeg, but no commitment from this government.

Will he at least meet with the organization to ensure that the funding will be there by the end of this month before they have to abandon the whole project?

Mr. Downey: Mr. Speaker, again I am not going to accept the preamble of the member as to any particular time frames.

I know that the department have been working with the organization involved. We will continue to work, and the commitment from the government will be lived up to.

*(1350)

Mr. Hickes: Mr. Speaker, my final supplementary question is to the same minister.

As the Deputy Premier of the province, have you no influence within your own cabinet colleagues to start standing up for the aboriginal people of Manitoba? That is long overdue. We are losing project after project, and the aboriginal people are losing respect for this government. Will you stand up for the aboriginal people—

Mr. Speaker: Order, please. The question has been put.

Mr. Downey: Mr. Speaker, without abusing Question Period, I could start by saying where this government, first of all, started to support the native aboriginal women by supporting the indigenous women, something that their organization, their government never did—the north central hydro, \$117 million to give hydroelectric power to some nine communities on the north side of east Winnipeg, a \$10-million advance on Northern Flood to the five

Northern Flood Committees and the Split Lake Cree settlement, that is being voted on by that community by the 1st of June, plus a nurses support program in the community which the member for The Pas (Mr. Lathlin) represents.

I do not want to abuse Question Period, or I could continue on with many more.

Poverty Rate Manitoba Statistics

Mr. Reg Alcock (Osborne): Mr. Speaker, one measure of how well we are doing as a province is what proportion of our population is living below the poverty line. When this government came to power, we were sixth in this country. That is, there were five other provinces who had a larger proportion of their population living below the poverty line.

The most recent stats from Statistics Canada tell us that we are first, that we have the highest proportion of our population living below the poverty line of any province in this country.

Mr. Speaker, can the Minister of Finance tell us the reasons for this very shameful performance?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, without accepting any of the preamble and the tone with which it is brought forward by the would-be federal member, let me say I have noticed quite a change in attitude from the member opposite, who at one time accepted the fact that government could not quick fix—any government—could not quick fix anything. What we have now, of course, is the reality of the member for Osborne wishing to engage in selective numbers.

As the Premier (Mr. Filmon) said on answering several questions along this vein, certainly incomes, household incomes in the province of Manitoba have not increased at the national average. There are reasons for that, not the least of which is the industrial level of wages in this province has been below the national average. Of course, that is part of the restructuring that is taking place within industry within our province as our firms attempt to become more competitive vis-a-vis jurisdictions to the south, Mr. Speaker, and I say that is good. [interjection]

Well, competitive factors are very good. If there are going to be jobs tomorrow, there has to be a competitive base on which they are built. Obviously wages are an element of that.

So my answer to the member is that obviously one of the components of the household incomes being below the national average is the fact the industrial wage has been lower in Manitoba as compared to the national average.

Mr. Alcock: Mr. Speaker, is the Minister of Finance telling us that it is by his choice that we have become the single province in Canada with the highest proportion of our population living below the poverty line?

Mr. Manness: No, Mr. Speaker, it is not by my choice; it is by choice of the marketplace. It is the will of the businesses to restructure themselves so they can be competitive in a North American complex. That is the guarantee that there will be jobs in place tomorrow.

Furthermore, I had an opportunity today at lunch time to be with the Investment Dealers of Canada, and they acknowledge that Manitoba firms have been restructuring in a significant fashion through the late '80s. They further acknowledge that in 1992 and '93 and '94 this province will be fully well positioned to take its rightful place in the economy of North America, and the jobs, therefore, will be guaranteed.

I would think the member for Osborne would rise and acknowledge that fact and say that is the proper course to follow.

* (1355)

Economic Growth Provincial Comparisons

Mr. Reg Alcock (Osborne): Mr. Speaker, four years of failure and another forecast of success. Every one of his forecasts to date has been wrong.

Can the minister explain to us why it is that the market, which he so loves, is operating so much to the disadvantage of Manitobans when in other provinces it seems to be creating advantages for them?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, I think the member knows the answer to that question, too.

This government, over five budgets, moved much more quickly onto the path of trying to hold back public sector spending, where other provinces, of course, have seen fit to increase spending in the public sector at levels of 6, 8 and 10 percent across

Canada, all of it based on borrowed money, all of it based on higher taxes to come.

This province is taking a different course, and obviously the impact then in terms of '91, the impact in terms of some of the numbers brought forward by the member for Osborne has us at slower growth and income than other provinces, but our rewards will come in 1992, '93 and '94, Mr. Speaker, not by my words, but by groups such as the Investment Dealers Association of Canada, who, I believe, are doing a press conference at four o'clock this afternoon in which they will show that this province in '92, '93 and '94 will be amongst the leaders in Canada.

Grand Rapids Generating Station Environmental Concerns

Mr. Oscar Lathlin (The Pas): I would like to direct my questions to the Minister of Environment (Mr. Cummings), Mr. Speaker.

Two months ago, when one of the Grand Rapids hydro station turbines broke or malfunctioned and exploded and flooded, I asked the Minister of Environment then what action he was taking to ensure that the fishermen and people who use wells in the area would be protected from oil and other pollution. The minister, of course, at that time assured the House that everything was under control and there was nothing to worry about. Well, Mr. Speaker, last week in fact Manitoba Hydro was forced to open a spillway after all four turbines went down.

My question is: How much flooding in fact occurred last week in the Grand Rapids area?

Hon. James Downey (Minister responsible for The Manitoba Hydro Act): Mr. Speaker, I can take the specifics as notice, but because of the fact that they could not run the water through the power units to generate electricity, what they had to do was allow a backup of water. To prevent any further backing up of water, they spilled water. As to how many acres were impacted, I can get that information for him.

Grand Rapids Generating Station Environmental Concerns

Mr. Oscar Lathlin (The Pas): I was in The Pas last weekend, and I got several calls from people from Grand Rapids, and I am still getting them today, being concerned about the debris that has gone

over the spillway into the river and into Lake Winnipeg, causing a hardship for the fishermen.

Can the minister tell us then what damage has occurred, because he is saying that he has been monitoring the incident at Grand Rapids? How much damage occurred to the pickerel and other fish in the Saskatchewan River and in the Lake Winnipeg area, a livelihood, of course, that is so important to the people of Grand Rapids? Secondly, can the minister also explain why local people are not being hired to do the cleanup?

Mr. Speaker: Order, please. The honourable member's question has been put.

Hon. Glen Cummings (Minister of Environment): First of all, I will respond in relationship to the oil that occurred as part of the spill. A great deal of that was boomed and contained and removed from the water so that any damage from that was minimized. As to long-term impacts, I would be unable to give any—I do not have any—information that has been assembled in terms of whether there are projected impacts in the long term, but the actions that were taken were made in the light of containing any damage so that there would not be any lasting effect.

Secondly, the fact that any oil that might have escaped, that process is biodegradable, and impact should be minimal. The second part, however, and concerns me perhaps more than the first part of the question, is that one of the first jobs that our people were to undertake was to liaise with the downstream residents and make sure that they were kept abreast of any occurrences. If there has been something that has occurred since the accident that has not been keeping them up to date, I will undertake to make sure that is done.

* (1400)

Mr. Lathlin: Mr. Speaker, can the Minister of Environment meet with the residents of Grand Rapids? Will he also order an extensive study of the area to ensure that those residents in Grand Rapids who depend upon the wells will know that water is safe to drink, and also the fishermen who depend on fishing will have some idea as to what their future holds for them?

Mr. Cummings: Mr. Speaker, I certainly will undertake to make sure that information is provided and, if any known problems from that occurrence are made, that the information is made available

readily and in appropriate form to the upstream residents.

I have not at this point received any information that would cause alarm. However, as I said, at the time of the accident, the first job of the environment officer—or the second job of the environment officer, after seeing the good job that Hydro was doing, was to make sure that he talked to the residents and make sure they were aware of any information.

I will undertake to make sure that is continuing. If there is some breakdown in communications, I will be willing to communicate further with the member.

North American Free Trade Agreement Impact on Garment Industry

Mr. Jerry Storie (Flin Flon): Mr. Speaker, we have heard this morning the Minister of Finance (Mr. Manness) talk glibly about why there is an increase in poverty in Manitoba and explain it away as a result of the low wages paid in certain sectors.

My question is to the minister responsible for the government's position on the North American free trade agreement.

We have asked, on many occasions, for a sector-by-sector analysis of how a potential North American free trade agreement is going to affect the province. In *The Globe and Mail*, on May 12, one of the representatives of the Canadian apparel federation indicated that some 30,000 Canadian jobs have already been lost because of the Free Trade Agreement. He says, and I quote: It is time to tell the Canadian government that they are destroying the roots of the Canadian apparel industry. He says that in reference to the free trade negotiations that are going on between the United States and Mexico and our country.

Will the Minister of Industry, Trade and Tourism now acknowledge that his policy of appeasement with respect to these negotiations is a failure? Will he now formally ask the federal government to abandon the North American free trade agreement in interest of jobs in Manitoba?

Hon. Eric Stefanson (Minister of Industry, Trade and Tourism): Mr. Speaker, again, without accepting any of the preamble of the honourable member, as I have indicated in this House on several occasions, we have put forth the position of our government and Manitobans. We have put forth the position on many occasions at Trade ministers' meetings and in writing to Mr. Wilson.

In terms of the sectoral review, again, I have outlined, for the benefit of honourable members, the process we went through last year in terms of not only compiling data but actually meeting with Manitobans who are the ones who are going to have to face any potential North American free trade agreement.

The very specific question that the honourable member asks in terms of the textile and clothing, clearly, that is an issue that is part of negotiations between the three governments. I am sure he has read the comments of the federal minister, Mr. Wilson. We have expressed our concern on that particular issue on many occasions, at meetings and in writing on several occasions, to Mr. Wilson in terms of supporting the Fashion Institute and the apparel industries here in Manitoba, in terms of addressing issues such as the reduction on the tariffs of imported fabrics, in terms of the whole issue of rules of origin and in terms of the access to the American markets and the potential Mexican market, Mr. Speaker.

Certainly, I would suggest to the honourable member, if he talks to anybody in the fashion industry and the apparel industry in Manitoba, they will concur that the position the Manitoba government has taken in that sector is in agreement with their position.

Mr. Storie: Mr. Speaker, the Manitoba branch of the Canadian Manufacturers Association faxed me a shipments-by-industry in Manitoba: In 1991, the apparel industry lost almost 7 percent of its market in the United States.

Mr. Speaker, I want the Minister of Industry and Trade to come clean with the people of Manitoba, to table any studies he has on the impact of the North American free trade agreement on the garment industry in Winnipeg. I am calling the minister's bluff. I want to see what kind of studies he has, what kind of information he has.

Mr. Stefanson: Mr. Speaker, I think back to a similar question from the honourable member when there was confusion over reports and data that had been compiled. When I answered the previous question from the member for Flin Flon (Mr. Storie), I did indicate that back in 1991, as a result of our own analysis, as a result of meetings, there was a report prepared on a sector-by-sector basis.

I did undertake that some information is provided in confidence, and we are going through that report

to be sure that we do not jeopardize any of the information provided us in confidence. Once that has been completed, I am certainly prepared to entertain tabling that report, not only for the benefit of members in this House, but for all Manitobans.

But that report, Mr. Speaker, was in large part compiled through negotiations and discussions with Manitobans. That formed the basis of our position, and that is why we do not support a North American free trade agreement unless those six fundamental conditions that I have outlined on many occasions are met.

Withdrawal

Mr. Jerry Storie (Flin Flon): Mr. Speaker, will the Minister of Industry, Trade and Tourism (Mr. Stefanson) get his head out of the sand? These conditions are never going to be met. The federal government has no intention of it. Will he now tell the people of Manitoba that the government of Manitoba will ask the federal government to withdraw from these negotiations as industry by industry joins in the fight against these trade negotiations?

Hon. Eric Stefanson (Minister of Industry, Trade and Tourism): The unfortunate part of this discussion is that I do not think that the honourable member for Flin Flon (Mr. Storie) has gone out and talked to any Manitobans. He sits there with a particular ideological bent, and that forms the basis of his position and his comments, Mr. Speaker.

We have gone out and consulted with Manitobans, and we have said we do not support a North American free trade agreement unless six fundamental conditions are met, and we have outlined those. We have also done the analysis of the sector-by-sector basis, and we are concerned in various sectors. We are concerned in the agricultural sector, we are concerned in the textile, and we have outlined those concerns on many occasions to the federal government in terms of our position as a government and protecting the interest of Manitoba.

But in the final analysis, Mr. Speaker, I think, as they know all too well, the decision is one of the federal government. We will put forward our position; we will put forward the position of Manitobans, and we are doing that. I would suggest, when he talks about getting his head out of the sand, he should talk to some of his counterparts in other provinces who are taking very

little action on this issue, showing very little initiative, and no leadership.

Family Life Education Compulsory Curriculum

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Speaker, it is clear to anyone, in all of the studies that are being performed, that young people who do not graduate from high school are going to have little or no opportunity for jobs in a more industrialized world.

One of the reasons why young women drop out of school is because of teenage pregnancy. While we have seen a drop in teenage pregnancy across this country of 17 percent, we have seen no significant change in the rate of teenage pregnancy in the rate of Manitoba. Almost all the authorities who speak on this matter say it is because of lack of information available to young people.

Will the Minister of Education tell this House today, why in 1992 we still cannot make family life education compulsory in the province of Manitoba?

Hon. Rosemary Vodrey (Minister of Education and Training): Mr. Speaker, the issue of teenage pregnancy and how it interferes with young people completing their education is a serious concern to this government and to the people of Manitoba. We do have a family life education program. It is presently optional, and it is taught through Grades 5, 7 and 9. It does teach within that particular program, also, issues relating to assertiveness that might be very important for young women. The program, as the member says, is optional at this time, and it, I think, has made a very good start in this area and in this province.

* (1410)

Mrs. Carstairs: Mr. Speaker, I was not criticizing the program. The program, as it is written, is valid. The problem is not all young people are exposed to it, and not all young people are exposed to it because this Minister of Education and the previous Minister of Education and the previous Minister of Education, which was under the NDP, will not make it a compulsory program.

Why are we refusing to ensure that all young people in Grades 5, 7 and 9, have the information they need to make responsible decisions in the province of Manitoba?

Mrs. Vodrey: Mr. Speaker, I think it is important to note that the issues relating to teenage pregnancy

are not only covered in relation to that one particular program. We also have a very significant health curriculum within this province, and we have now also a program of family studies within this province. The family studies program allows young people to learn a great deal in relation to not only personal skills of assertiveness, but also skills in relation to other responsibilities as adults.

Mrs. Carstairs: Well, Mr. Speaker, we can write all the curriculums in the world. We can write wonderful curriculums, but if the youngsters are not exposed to the curriculum, they will not learn anything.

Will this minister exercise some courage and ensure by regulation, just as she has ensured that English is compulsory and math is compulsory and science is compulsory and geography is compulsory, that family life education is compulsory in the province of Manitoba?

Mrs. Vodrey: Mr. Speaker, I am sure the member knows that within the province of Manitoba, many families wish to take responsibility in this area themselves. It is those families that have made the decisions, as well, whether or not their young people will become involved in an optional program.

My information is that in fact most divisions offer this, that young people need not, by a decision of their family, take part in the program. That is why I think it is important for the honourable member to also understand that we rely on families to provide information, as well as within the school system. I have explained, we also have the family studies program and the health curriculum program to assist young people.

Education System Dropout Rate

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

We have yet another report from the Conference Board of Canada talking about our high dropout rate and the costs to society. The Conference Board states that as an investment vehicle, education has the highest rate of return than almost any alternative investment opportunity. I know the minister will state she has put in place a new bureaucracy, a new department of 10 people, to deal with the dropout rate. What is the government's plan and what is the government's strategy to deal with the high dropout rate in Manitoba, particularly amongst women?

Hon. Rosemary Vodrey (Minister of Education and Training): First of all, I am very proud that this government has put in place a new program, a new branch, the Student Support branch. That Student Support branch function is to liaise with school divisions across this province and to look at the particular issues relating to those school divisions and to assist them with funding to keep young people in school. That is not the only thing that we are doing as a government.

In addition, I will raise for the honourable member the issue of partnership, where schools within this province are also looking towards increased vocational education through the unit funding opportunity available in our education finance model and to co-operative education so that young people in this province have the opportunity to experience the work force and understand the meaning of their education.

Mr. Chomlak: My supplementary to the same minister following up on my original question: Why has this government invested in new money less than one-third of 1 percent of the total education budget to deal with the dropout rate, if it is such a priority of this government?

Mrs. Vodrey: First of all, I am very pleased we were able to put new money into our Student Support branch which, as I said, not only through a good portion of the funds allocated, allows for programs which were already in place within divisions. Those programs will continue. We have also allowed additional money for the implementation of new programs, which divisions themselves will determine what is most important for their areas. In addition, through our education finance model, as I have already referenced for the member, we have, by way of example, and I will tell him again, allowed for unit credit funding in the vocational training area, which allows students, who previously would not have had the opportunity to take a vocational course, to take that course and have an opportunity to see what a work force placement might be like in that area.

Mr. Chomlak: Mr. Speaker, my final supplementary to the same minister: Will the minister outline what programs are in place to deal with women and teenage pregnancies which are cited in last week's report, that I am not sure the minister has read yet, as one of the major reasons for women dropping out? What can the minister

indicate is being done today for these people to keep them in school?

Mrs. Vodrey: I am very happy to speak about six schools, by way of example, that have a program which allows young women who have babies to bring their babies into the school system, for those young women within the school system to learn issues relating to family life and child care and also to continue with their education, to not have to drop out, something that the other party, when they were in government, did not do.

Deer Lodge Hospital Bed Closures

Ms. Judy Wasylycia-Lels (St. Johns): In 1990, the Minister of Health promises the immediate opening of 90 long-term beds at Deer Lodge Centre. That promise was repeated in 1991. We asked about this in last year's Estimates and learned that only a few of those beds had been filled. I am wondering if the minister, today, could give us a report about the status of those beds and tell us how many beds have been opened.

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I will make every effort to have that information for my honourable friend at Estimates tomorrow.

Ms. Wasylycia-Lels: Mr. Speaker, you should know that the minister has not given us any information about beds—

Mr. Speaker: Order, please. Question, please.

Ms. Wasylycia-Lels: Why, Mr. Speaker, are 40 of those 90 beds still open after three years of promises while patients line up in hospital hallways at expensive institutions when they could be placed in centres like Deer Lodge Centre, if this government would only keep its promise?

Mr. Orchard: Mr. Speaker, I really take offence to my honourable friend's statement, which was not accurate, that I have not given her answers to her questions. The problem my honourable friend suffers from is that I have not given her the answers she wanted so she could write her little press releases and scatter incorrect information across the length and breadth of the province.

I am not going to participate in the narrow, political games of a New Democrat in Manitoba. Mr. Speaker, I have provided my honourable friend information. I have provided my honourable friend

with the information that in Manitoba we are asking her to support a budget, along with New Democrats, which spends \$102 million more. I have also asked her if she would rather have a Saskatchewan-type budget where there is \$53 million less year over year.

Those are the kinds of pieces of information I have provided my honourable friend.

Point of Order

Mr. Steve Ashton (Opposition House Leader): Mr. Speaker, Beauchesne is very clear in terms of answers to questions, that they should be brief and relate to the matter raised. We also have a number of other requirements, and that includes that they not be debated.

I would ask you, on those grounds and also the fact that the minister should be answering questions—that is his role in Question Period and in Estimates, something which he has not done—could you ask him, please, to finally come to order and deal with some of these very serious questions that are being raised.

Mr. Speaker: On the point of order raised, I cannot force the honourable ministers to answer their questions, but I can ask the ministers to keep their answers brief, to the point and to not provoke debate.

Health Care System Reform Bed Closures

Ms. Judy Wasylycia-Lels (St. Johns): Mr. Speaker, I must apologize, I made a mistake. It has been four years since Deer Lodge Centre beds have been filled—

Mr. Speaker: The question, please.

Ms. Wasylycia-Lels: I would like to ask the Minister of Health: Can he assure us that, when he announces his health care reform plan sooner than expected, Mr. Speaker, he will not be simply cutting beds at some facilities and transferring those beds to fulfill unmet election promises?

* (1420)

Hon. Donald Orchard (Minister of Health): Mr. Speaker, what I will commit to my honourable friend is that the changes, the restructuring, the reform of the health care system in Manitoba will be based on a reasoned, balanced, well-thought-out researched plan.

I am looking forward to the opportunity, and hopefully my honourable friend is, too, where finally the New Democrats are going to have to indicate what they believe in, in health care, instead of dancing on a head of a pin, being on both sides of almost every issue that has ever been brought before us in this House and in health care Estimates for some 60 hours. Finally, I hope the New Democrats will take a position, Sir, and tell Manitobans what they believe in, in terms of health care service delivery.

Decentralization Government Action

Mr. Gregory Dewar (Selkirk): For over a year now, we have been trying unsuccessfully to stop this government from using decentralization as an excuse to practise patronage. We have the Minister of Rural Development (Mr. Derkach) moving Housing jobs from Swan River to Roblin, and now again the rumours are that the minister of—[interjection]

Now we have the fact that the Minister of Labour is canvassing his colleagues to move Highways jobs from Selkirk to Beausejour.

My question to the Deputy Premier is: Why has the Deputy Premier not told his cabinet to stop playing games with Civil Service positions in rural Manitoba?

Hon. James Downey (Minister responsible for Decentralization): Mr. Speaker, unlike the member for Selkirk, we do not deal with rumours. What we do is govern responsibly. The decentralization program in Manitoba is probably one of the most successful programs in this province as far as the supports for some of our rural communities.

Mr. Dewar: Mr. Speaker, will the Deputy Premier order a freeze on such moves as the Highways jobs from Selkirk to Beausejour while his economic development council studies the impacts of such moves?

Mr. Downey: Mr. Speaker, again the member is bringing no fact to this House, as far I am concerned, and I am not prepared to respond to a rumour. If he has a specific question, a specific knowledge of something taking place, then I would invite him to bring it to this House.

Mr. Speaker: Time for Oral Questions has expired.

Nonpolitical Statements

Hon. James Downey (Minister of Energy and Mines): Mr. Speaker, I wonder if I may have leave to make a nonpolitical statement. [Agreed]

This is the first opportunity that I have had, as Minister of Energy and Mines, to on behalf of the mining community and the people of Manitoba, express our sympathy to those people in Nova Scotia who have lost family members and pray for those members who are not found that speedy recovery is in fact carried out.

I know the mining community is a very strong and cohesive family throughout the country. The mining industry plays an extremely important role for Manitobans, and I know that everyone is extremely concerned as Canadians. As I say, we pray for a speedy success to the recovery of those remaining individuals.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Speaker, could I have leave for a nonpolitical statement? [Agreed]

On behalf of the Liberal Party, I would like to join the Minister of Energy and Mines to express our condolences to the families of the 11 men who have lost their lives and to extend our hopes and our prayers for the 15 who still remain in the mine as of today.

Mr. Speaker, in 1958, I was a first-year student at Dalhousie University during the Springhill mine disaster. I then went to the mine and worked, essentially providing sandwiches and hot coffee to the victims as they came up, but also to the many families and the members of the community who gathered each and every day throughout that terrible ordeal.

For those of you who have never experienced going into a coal mine, it is a very strange experience. I think it is a strange experience to work underground in any case in any mine, but particularly so in a coal mine. A coal mine is always fraught with perils.

One looks back into one's 19th Century history and realizes that they used to take canaries down, and as long as the canaries sang, they knew that there was air for the miners to breathe. Well, conditions have not changed a great deal.

We will learn more and more as to the exact conditions and why this particular disaster occurred, but any group of individuals who go into a coal mine

know that they are always in danger of an explosion from methane gas. That is part and parcel of their work. That is part of what binds the communities together. As I watch the people night after night on The National gathering in the same way that they have gathered in previous times, whether it was the colliery in Glace Bay in 1976 or Springhill in 1958, there is that same type of community spirit.

Last night, listening to CBC radio, I heard an event that I think epitomizes the lifestyle. They were talking about the concern the families had for the rescuers and for the media and for the police, all of whom were gathering around. They said, that they had brought out coffee and sandwiches in the good china.

Now, when we think of delivering services like that, we generally tend to use styrofoam cups and that type of thing, but no, the people of Plymouth, Nova Scotia, came to help those who were helping them, bringing out the good china. That is fairly typical of the hospitality of a mining community. So certainly, I say a prayer for them every night, and I encourage every member in this Chamber to do the same.

Committee Change

Mr. Neil Gaudry (St. Boniface): I move, seconded by the member for St. James (Mr. Edwards), that the composition of the Standing Committee on Law Amendments be amended as follows: St. Boniface (Mr. Gaudry) for River Heights (Mrs. Carstairs). [Agreed]

ORDERS OF THE DAY

Hon. Clayton Manness (Government House Leader): Mr. Speaker, would you call second readings of Bills 82, 85 and then Bills 72, 10, 20, 21, 15?

SECOND READINGS

Bill 82—The Farm Practices Protection and Consequential Amendments Act

Hon. Glen Findlay (Minister of Agriculture): I move, seconded by the Minister of Natural Resources (Mr. Enns), that Bill 82, The Farm Practices Protection and Consequential Amendments Act (Loi sur la protection des pratiques agricoles et apportant des modifications corrélatives à d'autres lois), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Findlay: It gives me great pleasure at this time to rise to put some comments on the record on second reading of The Farm Practices Protection and Consequential Amendments Act.

Mr. Speaker, over the last three or four years there has been considerable discussion in the farm community about getting on with putting this sort of a bill in place in the Legislature in the province of Manitoba. Considerable discussion and consultation has gone on into the principles and the type of information we can put in an act that gives farmers a level of protection they want, but at the same time does not violate other acts of this Legislature that give protection to citizens at large.

Mr. Speaker, farmers have become the minority in many rural municipalities in Manitoba and have increasingly come into conflict with their neighbours regarding disturbances from farm practices. Complaints have arisen from odour, noise, dust, smoke and other disturbances. Nuisance suits in court have occurred in Manitoba and other parts of Canada. Sometimes the practices complained about have been less than acceptable and needed to be changed or ceased; other times, a farmer is carrying on his operations in a normal acceptable manner and is unable to avoid generating some level of disturbance to his neighbours.

The main issue centres around what is normal and allowed or expected for the circumstances and the area in question. Manitoba has had The Nuisance Act in place since 1976. This act protects all businesses from nuisance suit due to odour alone. It provides no mechanism for resolution of dispute if one arises on the basis of odour.

* (1430)

Six other provinces in Canada, namely British Columbia, Alberta, Ontario, New Brunswick, Quebec and Nova Scotia have enacted since 1986 farm practices legislation that cover, at a minimum, odour, noise and dust. Some cover all potential nuisances. Ontario's legislation established a farm practice protection board that has the power to rule on normal farm practices. Practices deemed to be normal are protected from nuisance suit.

A preliminary farm practices discussion paper, in other words a white paper, was circulated early in 1990. It was broadly circulated in Manitoba to urban and rural municipalities, to farmers, to farm organizations. Comments and recommendations were received from farm, municipal organizations,

municipalities and other organizations and individuals who showed an interest.

A further discussion paper on co-ordination of planning, environment and farm practices legislation, and a discussion paper on content of the proposed bill were recirculated in February of 1992. Response was supportive for the introduction of a farm practices legislation which I am doing today. Respondents stressed the need to develop guidelines for the act, as well as for planning and environmental purposes.

Agriculture is an important multibillion dollar industry in Manitoba and farmers require protection and assurances that they will be fairly treated.

Bill 82, The Farm Practices Protection and Consequential Amendments Act, will provide protection from unwarranted nuisance suits to farmers who are carrying on normal farm practices. The act will provide for establishment of a Farm Practices Protection Board to whom complainants will be directed before nuisance suits can be proceeded with in court.

The board may refuse to consider an application if it is trivial or frivolous. If an application is accepted by the board, the board will investigate the matter in an attempt to mediate the dispute to the mutual satisfaction of all parties involved. If mediation is not successful, the board may hold a hearing to allow both parties to express their case.

Aided by some basic guidelines, the board will have authority to determine what constitutes normal farm practices. The board may make a ruling endorsing a practice, or it may make orders to change a practice to reduce or eliminate the disturbance.

Board decisions may be appealed by all parties to the court on a point of law. To be afforded protection under the act, operations must be legally established and legally operating in an area in which they are located. Operations may not contravene other legislation, regulations, land use laws or by-laws.

The Farm Practices Protection Act will not limit the procedures and authorities of the planning process to change land use in an area. However, pre-existing, nonconforming uses that are determined to be operating normally will be protected. The existing Nuisance Act will be changed, with a consequential amendment, to exclude agricultural operations. However, it will be

left in place to protect other businesses from nuisance suit due to odour.

This proposed legislation is one more effort to support land use in rural Manitoba and ensure continued viability of Manitoba's agriculture industry. With those few comments, Mr. Speaker, I would like to recommend to the House, Bill 82, The Farm Practices Protection and Consequential Amendments Act, and I look forward to comments from other members of the House as this bill proceeds through second reading and eventually to passage. Thank you very much.

Ms. Rosann Wowchuk (Swan River): I move, seconded by the member for Burrows (Mr. Martindale), that debate on this bill be adjourned.

Motion agreed to.

Bill 85—The Labour Relations Amendment Act

Hon. Darren Praznik (Minister of Labour): Mr. Speaker, I would like to move, seconded by the honourable Minister of Agriculture (Mr. Findlay), that Bill 85, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, be now read a second time and be referred to a committee of this House.

Motion agreed to.

Mr. Praznik: Mr. Speaker, today I rise to speak on The Labour Relations Amendment Act, and I would like to start off before I get into the major part of my remarks by just referencing the news coverage of this particular legislation that was in yesterday's media. I must admit that as a Minister of Labour in this province, the coverage that I saw reminds me very much, as I indicated to my colleague the member for Thompson (Mr. Ashton) the other day in our exchange in Question Period, of that scene from Casablanca where the hero, Rick, has shot the infamous gestapo officer, and the French police officer upon the arrival of his police, who had witnessed the whole event, said major so-and-so has been shot, round up the usual suspects.

Mr. Speaker, the commentary that was made by members of the opposition to the media yesterday, and some in the Federation of Labour, remind me of that particular scene, because it seems every time this government does anything in the labour relations field, the same arguments are brought out, the same commentaries are made, even though

they lack substance and often are very far from the reality of the amendments that are being brought in.

Why I raise that is because I think all of us in the Labour Management Review Committee, whether I as minister, people involved with the Manitoba Federation of Labour, Canadian Federation of Labour, others, people involved on the business side, there are many people in this province who believe very strongly, including myself, that we have to be working towards bringing about a better understanding of each side's position and the difficulties they face and building bridges between all players in order to work together, work out our problems together.

Mr. Speaker, I do not want to point fingers because on all sides of the labour-management community there are those who prefer to use the old rhetoric, those who prefer not to understand the difficulties of the other side, and there are those who continue to mix very heavily the issues that we have to face with the partisan politics of the province. Everyone, of course, is free to do that, and, you know, the members on this side of the House do that from time to time. There are those in the business community who do it in support of our government from time to time, and there are certainly some in the labour movement who do that in support of the New Democrats.

The great sadness, I think, for the province is we can be fighting those rhetorical battles on and on, and, of course, using the rhetoric to raise issue with our supporters, our respective constituencies, and take them forward against another, but we all ultimately will be finding ourselves falling over the precipice as our province does not come to grips with the very real problems of adjustment that we have to face. Mr. Speaker, I am not saying for any moment that means that labour or management has a position or interests that are illegitimate or wrong or should not be considered. What I am saying simply is that the bridges have to be built, and that rhetoric, political rhetoric to support a political party, whether it be business supporting the Conservatives on our side or federations of labour supporting the New Democrats on the other, really that time for that rhetoric has passed. It is dangerous to the province, and, as Labour minister, I certainly wanted to use that opportunity to make that statement.

Mr. Speaker, The Labour Relations Act as all members in this House I am sure are aware is a very

important piece of legislation. It is intended to provide the means by which employees can freely decide whether or not they wish a union or employees' organization to represent them. That is a fundamental principle that myself and my party believe in, the right of people to be represented collectively in the workplace and to bargain collectively.

Mr. Speaker, the process of choosing a representative body, whether or not the employees wish to have a representative body and if so which one, has been done and always is done, and will continue to be done by satisfying the Manitoba Labour Board of the majority of the employees' desire for such representation. Once a union is certified by the board, it can then bargain on behalf of the employees in the unit to arrive at an agreement with the employer as to wages, benefits, working conditions and obligations that they will have.

The amendments contained in this bill will provide for, I think, greater clarity and certainty in the application of The Labour Relations Act, Mr. Speaker. They are in no way intended to, nor do they in reality, gut this act as some in the Federation of Labour have implied. I have heard from a significant number of persons, both employees and employers, that some procedures in the act were not sufficiently clear and may have not always demonstrated the true wishes of employees of a firm. I would remind all honourable members that the mechanisms of which we are speaking are not only applicable to employees choosing whether or not they would like to be represented by a union, but also where those employees maybe wish to be represented by another union than the one they are currently represented by. So there are rules that are applicable in both those situations, and as members opposite are surely aware, there are situations where that happens. It is important for those rules to be clear and to be fair to all parties involved.

* (1440)

I wish to emphasize, Mr. Speaker, before I introduce the amendments, that I have consulted widely with experts on labour relations matters from both organized labour and from the general management community. I have also asked for reviews to be undertaken to determine how many other jurisdictions in Canada have handled these problems and how they have handled them.

For the most part, the amendments will bring Manitoba's legislation more in line with other provinces in the federal jurisdiction. Not to say, Mr. Speaker, that we have been far out of line, but I think they just nicely bring us in line with the rest of the country. I also believe it is critical that legislation in the labour relations area be balanced and even, whether that is the employees' choosing to be represented by a union or not, for them to have that opportunity, to fairly make that decision, because the majority of those employees will govern the operation for the entire group; but also to determine which group will be their bargaining agent. I stress that point.

It is to ensure that there is a level playing field for all of the parties in making those decisions. Legislation is well served when it allows to the fullest degree possible labour and management to work out solutions to the problems they have and to solve them together. Such legislation should reflect reasonable standards of conduct and structures of rules and procedures which labour and management can operate effectively with a minimum degree of interference.

Mr. Speaker, going beyond this basic responsibility is a disservice to the ability of the labour relations community to solve problems on their own.

As I have mentioned, it is my view that, as much as possible, government has the responsibility of allowing labour and management to work out solutions to their problems themselves. Results achieved this way have a higher degree of legitimacy and a far higher degree of acceptance by the parties involved.

Mr. Speaker, one comment that I make is I have noticed a trend that has taken place over the last two decades since I became Minister of Labour, of those in the labour-management community to look for third parties to settle the issues between them. Whether that be an option of arbitration versus collective bargaining, Mr. Speaker, unless both parties mutually agree to that kind of means of settling the dispute, the ability for one party to opt to a third-party settlement mechanism, I think in the long run, has done a disservice to collective bargaining and to the relationship between employers and employees in the province.

With respect to these amendments, I would like to speak for a moment about the consultation

process that has taken place. I think it is important to note that we have in Manitoba a very good consultation process that has been in place since a former Premier, the Honourable Duff Roblin, his government established it in 1965, Mr. Speaker. That is the Labour Management Review Committee which is composed of an equal number of representatives from both the labour and the management communities. It is chaired, as members of this House may remember, by Mr. Wally Fox-Decent. It has been a committee that I do say to you during the 1980s, during the administration of the Pawley government, Mr. Speaker, was not all that well used and became, I would suggest, somewhat of a bit of—just a committee that was there to say we had gone to them.

Since we came to power and since I have had responsibility for this portfolio, we have used that committee on numerous occasions to seek their advice and their opinion, and to provide a good overview of the effects of legislative proposals. We have not always had unanimous agreement. We have made that committee work. We have given it a mandate to work, and we certainly rely on the advice that committee offers us.

Mr. Speaker, the proposed changes deal with all aspects of the act ranging from certification procedures, powers of arbitrators and unfair labour practices. I should point out that when we began this process of consultation, we had, going back last summer, a series of proposals for change that were put to us by a number of management groups. We referred those changes to the Labour Management Review Committee, and I, by way of letter to the chair of that committee, asked that all players be asked for their proposals for change.

In fact, the labour caucus, the Manitoba Federation of Labour, provided a series of proposals for change that went to that committee. So the broad community was canvassed for proposals to be discussed. There were some 40 proposed changes that went to that committee, most of them coming from the representative bodies on that committee. The steering committee, I believe, narrowed down their proposals for discussion to some 29.

Of those, there were 12 issues, and I just want to underline this fact. There were 12 issues, Mr. Speaker, on which a consensus of that committee was reached. Some of those agreements involved changes for legislation which are incorporated in

this bill. Other recommendations were for no change to existing legislation. Those were respected or were nonlegislative in character. The committee provided this advice, along with the last position of the labour and management caucuses on unresolved issues in March of this year.

On behalf of the Legislature of Manitoba, I would like to sincerely thank the members of the LMRC for their hard work and dedication in providing the government with a comprehensive report on the issues. It is clear that both sides dealt with the issues in an up-front manner and attempted to try and find common ground wherever possible. Wherever we did have consensus, Mr. Speaker, that was most useful to me, and I have certainly tried to incorporate that into this legislation.

Mr. Speaker, I would just ask members to compare that for a moment to the great battle between the labour and management committees that are going on in our neighbour to the east in the province of Ontario where they do not have that same mechanism for members to sit down and, in the privacy of that type of forum, have a very thorough discussion about labour-management issues and legislation.

Mr. Speaker, with respect to the amendments, the amendments to The Labour Relations Act contained in this bill are intended to address various problems and concerns that have been identified by the labour relations community. Four of the proposed amendments to The Labour Relations Act were unanimously approved by the Labour Management Review Committee. Five other amendments—and I would have members opposite take note—are areas where the LMRC was unable to reach a consensus agreement. However, in these cases, I did receive advice and comments from the labour and management representatives on the committee and took that into account when we as a government made our recommendations outlined in the bill.

When the Labour Management Review Committee was unable to reach consensus agreement on a particular item, the amendment is the result of a further review of the final positions of the parties and an assessment of factors, such as comparable legislation in other jurisdictions, administrative experience with existing provisions of the act, and comments raised by labour and management representatives on the committee.

For the most part, the nine amendments contained in Bill 85 are centred in three main areas. The first is with respect to first agreement provisions. The second relates to the certification process. The third involves employer interference with unions during certification process.

The amendments are designed to improve the operation of the current act. They uphold and endorse the right of employees to join a union and bargain collectively. Their main purpose is to provide greater certainty in the certification process, eliminate some misuse of first contract provisions, clarify the provisions respecting communications of employers with employees during certification and provide for some general housekeeping of the act.

With respect, Mr. Speaker, I would like to take the House through each of those three or four general areas. With respect to first agreement provisions, changes are being recommended or proposed that will be made to the first agreement provisions which will reinforce the important principle of labour and management using all available means to settle on their own terms and conditions the collective agreement before applying to the Labour Board for a third-party settlement. The existing requirement in the act states that a conciliation officer has to be appointed before an application for first agreement legislation can be made. Clearly, the intent of such a provision is that the parties make use of all available means to settle on their own prior to asking for formal Labour Board intervention.

* (1450)

This amendment will, as a precondition to applying to the board for the settlement of a first contract, now give the conciliation officer the responsibility of reporting to the Manitoba Labour Board on the efforts made by the parties to conclude a first agreement. This would ensure that the parties have truly reached an impasse before first contract provisions in the act are made available.

I think it is important to underline, what happened in the past in many cases is a conciliation officer would be requested, would be then appointed, and before they even had an opportunity to do any work, a request would be made for the Labour Board to write the first contract. I think that made a mockery to some degree of the system. Why appoint a conciliation officer if you are not going to give them an opportunity to conciliate?

What this amendment does, Mr. Speaker, is give the conciliation officer an opportunity to try and reach a consensus to the parties. If there is a legitimate impasse, it cannot be done, then the conciliation officer will make a recommendation and the Labour Board will then be able to write the first contract or the remaining provisions as the current legislation provides.

A related amendment which was agreed to by both parties in the Labour Management Review Committee provides the parties with an opportunity to mutually agree on their own arbitrator, where they are going for first contract to be written by the Labour Board. The reasoning for this amendment is that in certain situations a mutually agreed upon arbitrator, aware of the industry, would provide a more appropriate settlement than the Labour Board who may not have the expertise as to the unique features of that industry. Again, that can only be operative if both parties agree to use the arbitrator. If one does not, then it will go to the Labour Board. I am sure members opposite would find this a very reasonable amendment.

Mr. Speaker, the second area has to do with the certification process where a number of other proposals for amendment have been made which, I would argue very strongly, provide greater certainty in determining the wishes of employees in situations where there may be some question as to whether or not the majority of employees wish to be represented by a union or by a particular union in a case where one union is raiding another.

Currently, certification procedures require that where over 55 percent of the proposed members of the bargaining unit sign a card joining a union that automatic certification takes place. In the area between 45 and 50 percent of the proposed members signing a card, an automatic vote is ordered by the Labour Board.

Mr. Speaker, I would ask honourable members just to go back to first principles for a moment. The first principle is to determine the will of the majority of the members of the bargaining unit, whether or not they want to be represented by a union or employees' association, or whether it is this union or employees' association or another. Again, the principle—the majority, 50 percent plus one. We have available to us through this act a variety of means of testing the will of the majority, because the underlying issue or the underlying factor in the process is the Labour Board's decision as to

whether or not the majority of the proposed bargaining unit has expressed its will to be represented by a union or a particular union.

Mr. Speaker, the Labour Board has available to it a number of mechanisms in which to determine the true wishes of the employees. The first means, of course, is by signing a membership card. Up until 1985 in this province, you had to pay for that card. That was removed in 1985; we are certainly not proposing that that be brought back. In fact, that was one of the recommendations of the LMRC, that that \$1 or \$2 fee which is charged in most other provinces was really not applicable. So the Labour Board has the cards.

They also have available to it the right to order a vote, a secret ballot vote. Currently, where between 45 and 55 percent of the bargaining unit members sign cards, a vote is automatically ordered. If the Labour Board feels that there is some issue as to whether or not the cards were validly signed, et cetera, and it is significant, they can also order a vote, and have done so in some cases. What we had, and I would not say it was a huge or major problem, but it was one that was raised, in cases where they were just outside the 55 percent who had signed cards, or just below the 45 percent, the threshold for getting a vote, there are always some questions, particularly in smaller bargaining units which are by far where the greater number of applications for certification are now coming. In those particular cases, the issues of peer pressure, of influence by either someone working on behalf of the union or an employer, come into play.

What we are suggesting—and I know that when we went through this process, I was deluged by anecdotes from both sides about cases where, was the will of the employees being expressed one way or another. We thought it best to just slightly expand the range in which an automatic vote would happen.

Mr. Speaker, we lowered it to 40 percent, so now you need only sign up 40 percent of the members to get an automatic vote, which currently is 45, and that is in cases where the argument is made that intimidation of employees prevented people from signing a card. We have expanded it to 65. In terms of applications for certification, well over four-fifths—and it ranges from year to year—but well over four-fifths of our applications for certification come in above the 65 percent mark. We are talking about a limited number of applications for certification which will likely now have a vote.

People in the labour community, when they spoke to me, said the bargaining units which they have the greatest likelihood of being decertified are those that they bring in with a very small number over the 50 percent to certify. That is what they tell me, Mr. Speaker, that it is in the bargaining units where you have 60 percent, 58 percent, sign cards—and you cannot get more than that—that those are the most likely units, particularly if they are smaller units—10, 20 employees—that will decertify. Our own information from the Labour Board and people working there tends to confirm that.

So what we thought would be the best approach was just to expand that margin slightly where we would have an automatic secret ballot free vote. A commitment I make to members of this House on behalf of the Labour Board is that vote will be a speedy vote. We have been trying to make it faster and faster all the time. Mr. Speaker, with a speedy vote—our target is within 72 hours of having a vote; I do not think we have quite achieved that yet—and combined with the proposals that were joined for a ban on electioneering in the work place, in the polling place on the election day, we are talking about a very small period of time between an application for certification and a vote. Last year, for example, it would have meant five additional votes in the province.

What it eliminates is the accusation and the argument often made by an employer that my employees did not really want the union and they were forced into it. Quite frankly, I think this will clearly eliminate, particularly those cases where it is a small number, where you have 58 percent, 60 percent, 63 percent, who have signed cards. In a very small bargaining unit, we are talking about a few people. This gives people a chance to express their will in a secret ballot in the ballot box as we are elected to this Legislature.

Mr. Speaker, when I read the commentary from the president of the Federation of Labour yesterday with reference to minority government and elections and all of those kinds of things, I would remind her that it takes, what?—200 electors to sign our nomination papers to get us on the ballot, but we are all sent here by a secret ballot vote. For the life of me, I cannot fully understand how you could make a huge argument that this is disastrous legislation, giving people the opportunity to make a decision, not just whether they want a union or not, but whether it be this union or another in the case of a

raid, in the privacy of a polling station, particularly if it is a quick vote and no campaign, no opportunity or limited opportunity for outside influence. There is no substitute for the secrecy of a ballot box.

Mr. Speaker, I must tell you as well that I accepted from LMRC, the argument made by labour representatives that where a significant number of people sign cards, that that is a sufficient enough representation of the will of the majority of that bargaining unit to certify. The management position was to have a secret ballot vote in all cases. We did not accept that. We did not accept that position, because we accepted the argument that was made by labour that where you have 70 percent plus, 65 percent plus of people signed cards, that that truly is representative of the majority.

I ask members opposite to go back to first principles, which is to determine the will of the majority. We have two methods available: the signing of cards and the secret ballot vote. All we have done is expanded slightly the secret ballot vote area to eliminate those cases—and I say this to members opposite—the majority of which are probably employers who say, our people did not know what they were doing; they would have changed their minds; they were coerced into it.

* (1500)

If you look at provinces that use a secret ballot vote, Mr. Speaker, in every case it has not changed their rate of certification. It may make a difference in one case this way, and in another case another way, but it has not changed the rate of certification. It was not the intention of this legislation to change the rate of certification despite the propaganda and rhetoric that goes on. The purpose was to give some certainty.

Mr. Speaker, I think quite frankly this will eliminate to some degree those certification situations where an employer is not accepting of the fact that the majority, albeit maybe a small majority, wanted to be unionized, now makes the claim there was undue influence, there was pressure, et cetera, and will not bargain. This particular move in those kinds of cases where you have a secret ballot that clearly will say—I think those people, if they have signed the cards legitimately and want a union will vote that way in the ballot box. What will be clear is that the majority of the people did want that bargaining unit.

Mr. Speaker, I do not think the reality, I do not think the experience in other provinces in any way

matches the kind of rhetoric and the kind of accusations that have been made by members opposite to the media or by some at the Federation of Labour. I do not think in any way it affects or relates to the reality of this amendment.

The third area that these amendments deal with are in the area of employer interference with unions during the certification process. Members opposite may not be entirely aware that under our current legislation, there is a provision in the act, 6(2), which we are proposing to repeal, that deems certain phrases—particularly that a person does not like unions or a particular union, or that the relationship between the employee and the employer may change, or practices may change if the organization is unionized—deems these statements to be an unfair labour practice.

I think all members of this House, in the age of the Charter of Rights and Freedoms, cannot accept a provision that deems a statement to be an unfair labour practice or put any other legal prohibition on it without having that statement tested on the facts of the context in which it was said, how it was said. Theoretically, under our law today, if an employee during a certification drive asked an employer if the relationships in the workplace would change, and the employer said, well I would not be able to deal directly with you on your salary anymore, said nothing but that, that could be under our law an unfair labour practice.

I think that is repugnant and abhorrent in the day and age of the Charter of Rights and Freedoms that our legislation would deem phrases to be unfair. At Labour Management Review, even the labour caucus in the discussions said, well, we can see that problem with 6(2). We are prepared to go along with its repeal if 6(1) is augmented to ensure that, really what we are trying to get at is there is not coercion, undue influence, threats or interference in the certification process by the employer. I accept that.

They at the committee sort of agreed that was how we would approach it, and they worked hard to come up with a common wording that both sides could recommend to the government. They were unable to do it, Mr. Speaker, so they left that responsibility to me as minister. What we are proposing is to repeal 6(2) and, on the advice of our legal draftspeople, make 6(1), which is the general prohibition in interference, subject to, I believe it is, Section 32 of the act which is the freedom of speech section which already exists in the act, that said

notwithstanding anything in this act, people are free, have a freedom of speech, although they cannot use coercion, intimidation, undue influence, threats or interfere in the formation or selection of a trade union makes 6(1) subject to that general prohibition.

Mr. Speaker, one other change that we made, and I suspect this will be somewhat controversial and I can understand the rhetoric and the argument that will flow around that, is to add to a general list of what is not an unfair labour practice, the ability of an employer to make a statement of fact or opinion reasonably held about the business. I underline, "about the business."

Mr. Speaker, I know that raises: oh, now we are going to have everything happening. But I would tell honourable members opposite, this provision has precedent in British Columbia. These words come out of the British Columbia labour relations act. Why I raise that is not because of an example of B.C., but the fact it has been tested at the British Columbia labour relations board.

There is plenty of precedent that ensures that is really a very narrow opening. It is the case, and members opposite may smirk, but I have had these come to my office, where an employee during a certification drive asks an employer some questions about the finances of the business. The employer is not able to answer that. Now, members opposite laugh, but this is the same party, the New Democratic Party, that supported the Charter of Rights and Freedoms. Are they saying opposite to us that it is only good for one group in our society?

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

I know they will raise a great fuss about this, and I know there are some employers in Manitoba who will look upon that as a right to say anything they want, and they will end up at the Labour Board and those questions will be decided by the Labour Board. What I say today to the employers of Manitoba is this is a very narrow door. It is a door of some fairness, but a very restricted one, because, again, it is subject to the general provision that you cannot use coercion, intimidation, threats, undue influence or interfere in the selection or formation of trade unions.

In virtually every other province today that ability exists, and it is a very, very narrow ability—very, very narrow ability. [interjection] Members are talking opposite, but people have a right, people ask from

time to time for that information. It is a very narrow door. If members opposite are saying that door should not exist, I accept that as a fair argument, but I do not think it stands the test of fairness compared to the Charter of Rights and Freedoms, which our current legislation denies with Section 6(2), the deeming provision.

If at Labour Management Review, both sides had come up with an acceptable wording, that would be in our act today as opposed to what we worked through in the department. Both sides agreed to try and do that and recognize the unfairness of 6(2).

Time will tell on this one because I think the decisions of the Labour Board will probably reflect what I am saying in the House today rather than, I am sure, the comments that will be made by members at another occasion.

With respect to other amendments in this act, the first amendment contained in Bill 85 is the repeal of a subsection of the act which states that an employee is not exercising management functions by reason of supervision of employees. This change was unanimously approved by the Labour Management Review Committee, since the provision is only one of the criteria that the Labour Board already takes into consideration and was therefore considered not necessary.

Another amendment, which again received the unanimous support of the Labour Management Review Committee, was the repeal of a section of the legislation which states that if the parties wished they could negotiate a provision requiring the employer to act reasonably, fairly and in good faith. This provision was considered redundant by both labour and management in that it only states what the parties under the collective agreement area are already permitted to do.

Mr. Acting Speaker, the final amendment contained in Bill 85 is the repeal of—I should say, the second last amendment in Bill 85 is the repeal of a subsection which provides the Labour Board with the authority to appoint a part-time vice-chairman to act as an arbitrator. The amendment is designed to ensure that all individuals on the list of arbitrators maintained by the Labour Board receive the endorsement of the Labour Management Review Committee, which is the current practice, mutual agreement being and should be the only criterion for the selection of arbitrators.

* (1510)

I remind members opposite that this is the rotating list of arbitrators that we maintain at the Labour Board to be called upon when disputes arise. I underline, the practice is mutual agreeability on both sides, both caucuses. The only exception to that is the ability of both vice-chairs of the Labour Board to be appointed, whether or not they are mutually agreeable to both sides. We wish to eliminate that to ensure that mutual agreeability is the only criterion.

The other amendment that I wish to refer to, Mr. Acting Speaker, that is in the act is the provisions requiring a union, during a certification drive, to make prospective members aware of initiation fees and in a reasonable way what the regular dues would be. Mr. Acting Speaker, we had some discussions when this particular matter came forward as a government proposal, and we looked at that as we were drafting the act. I had the opportunity to put that to some people in the labour movement. I asked them what their current practice is. They told me that is their current practice. So, in essence—and I would find it hard to believe if members opposite, in discussing this point, were to tell me that this provision was so terrible. One could only assume then that unions do not do this. [interjection]

The member asked, why put this in? I think it is important we have a lot of things in this act that are regular practice that it confirms. I am sure those involved with the labour movement—and I do not point fingers at any particular union, but in the year and a half I have been involved and had discussions with people who are involved in it, I think very professional unions, like United Food and Commercial Workers, like the Steelworkers, like most of the unions associated with the Manitoba Federation of Labour, they have said to me on occasion that there are other unions out there, there might even be an employees' association organizing, who are not necessarily up-front all the time on what fees would be charged. They have raised that on occasion.

All this simply does is ensure—and they may be a very, very small group—that they have to come forward with this legislation. Again, how they present it, how they provide it, is for them decide. It is just one of the requirements, and there are others that they have to go through currently in seeking and soliciting memberships for certification.

But I would be very interested to see if members opposite oppose that, because I cannot see, for the life of me, since this is something that I am told by labour is already a common practice, except in the case of a few particular unions, from time to time, who may sidestep that issue with prospective employees, which this would now correct, a very small issue, how one could take issue with that, unless you are telling this House and the members of the public that it is not common practice. I have to believe that it is. So this should not be, in my opinion, a very contentious issue.

In summary, Mr. Acting Speaker, as this debate progresses I am sure you are going to hear lots of comments. I would remind honourable members opposite that this bill does not bring in right to work. It does not gut The Labour Relations Act. It does not destroy the rights of people to join unions or bargain collectively. It makes a few, I would think, very minor changes. I think, despite the rhetoric of the debate, particularly on the employers interference issue, that history in time, decisions of the Labour Board, will prove this Minister of Labour right on the issue rather than members opposite.

Thank you, Mr. Acting Speaker, for the time and indulgence of the House.

Ms. Rosann Wowchuk (Swan River): I move, seconded by the member for Kildonan (Mr. Chomiak), that debate on this bill be adjourned.

Motion agreed to.

DEBATE ON SECOND READINGS

Bill 72—The Law Reform (Miscellaneous Amendments) Act

The Acting Speaker (Mr. Laurendeau): On the proposed motion of the honourable Minister of Justice (Mr. McCrae), Bill 72 (The Law Reform (Miscellaneous Amendments) Act; Loi sur la réforme du droit (modifications diverses)), standing in the name of the honourable member for Kildonan who has eight minutes remaining.

Mr. Dave Chomiak (Kildonan): Mr. Acting Speaker, I rise on my occasion this afternoon in order to address my remarks to Bill 72 which I had occasion to comment on last Friday during this House proceedings. I will wrap up my comments this afternoon, because I am certain that other members of the House are anxious to also participate in the debate respecting the omnibus piece of legislation that had been brought forward

by the Minister of Justice, The Law Reform (Miscellaneous Amendments) Act. What I will do this afternoon is use the time to summarize briefly and wrap up and conclude my comments with respect to this legislation.

As I indicated earlier, this is a bill that deals with a bundle of amendments and a bundle of recommendations made by the Law Reform Commission to this Legislature, in the most part for a number of changes to tidy up and to better co-ordinate a number of statutes in the province of Manitoba, most notably The Bulk Sales Act, The Law of Property Act, and some specific amendments dealing with the mercantile law as it exists in the province of Manitoba.

It also deals with some longstanding former judicial interpretations of particular rules, most notably, the Rule in Shelley's Case as it applies to wills, and it abolishes that particular aspect of the law.

So, in sum total, we are certainly not in opposition to the amendments that are proposed by the Minister of Justice reflected in The Law Reform Act. As I indicated in my comments on Friday, certainly this is one case where it is not necessarily always easy to have a spreadsheet, and it may not be necessary, but we certainly would look for spreadsheets and other pieces of legislation of this kind dealing with largely technical matters brought forward by the Minister of Justice (Mr. McCrae).

The only real difficulty and real suggestion that we have with respect to this bill as brought forward by the Minister of Justice deals with the changes to The Liquor Control Act. I attempted on Friday to outline to the House that our concerns were not—while we recognized the matter was brought forward on the basis of a recommendation to tidy up the law, to perhaps bring in statute law in conjunction with judicial interpretation, most notably in this case rulings of the Supreme Court of Canada; nonetheless, we on this side of the House made the point and we will continue to make the point, and we will continue to do that in committee stage, that perhaps for, at the very least, and there are reasons more than just symbolic reasons, but for the very least, for symbolic reasons that we consider leaving in the liability provisions as it relates to sections of The Liquor Control Act.

Because we have done so much, Mr. Acting Speaker, in this province to try to alert Manitobans

and individuals to the danger and the horrible consequences of overconsumption of alcohol, most notably as it relates to operating a motor vehicle.

While the vast majority of individuals who deal with The Liquor Control Act are quite responsible and deal with the matter quite responsibly; nonetheless, those involved in the industry are quite familiar with the act. They have to be familiar with the act as a matter of course in terms of the day-to-day dealings and the day-to-day operations of their business. Consequently, this particular provision in the act serves again of notification, and serves to provide some form of notice and symbolic meaning and draws to their attention and draws the attention of all individuals who deal with alcohol and the dispensing of alcohol and the providing of alcohol the serious consequences that could arise from serving someone beyond their capacity and certainly beyond their needs.

So it is our contention on this side of the House that the minister perhaps should consider not removing this section and this provision from The Liquor Control Act. There are ample examples, if the minister or anyone wants to argue that it is redundant and not necessary. I suggest—and I will go on the record that there are ample and numerous, and I am certain one could not comprehend even in one afternoon of reading the entire statutes of the province of Manitoba, instances where there are redundancies in terms of statute law vis-a-vis judicial precedent.

* (1520)

It is our contention that this provision should be maintained and should still exist in The Liquor Control Act, if for no reason than to provide the symbolic recognition that there is a liability that flows from the providing of excessive liquor to an individual who is in no condition to do otherwise.

Now it has been suggested that perhaps the penalty clause is insufficient and, as a consequence, there is no reason for this liability section to apply. Mr. Acting Speaker, I think that argument holds no value if you follow the logic and the line of our reasoning that the symbolic purpose of having a section and subsection, I again quote, it says "liability for death."

Mr. Acting Speaker, the symbolic nature of it will provide at least some recognition to the very serious consequences that could flow in instances of noncompliance. I have noted that my time is at an

end for speaking on this particular amendment, and I simply close by indicating that other members on this side of the House are looking forward to the opportunity of dealing with this particular amendment.

I hope the minister will duly note our comments with respect to these amendments and, most particularly, with respect to the removal from The Liquor Control Act of this section dealing with liability for death.

Mr. Conrad Santos (Broadway): We are talking about Bill 72 which is The Law Reform (Miscellaneous Amendments) Act. There are at least three parts of this dealing with different subject matter.

(Mr. Speaker in the Chair)

The first part deals with the bulk sales law and its definition of what constitutes a sale in bulk and what is a stock and the importation of these definitions into The Workers Compensation Act, the same wording, the same definition of terms.

The second portion deals with the law of property in defining the liability of a tenant whether it is a tenant for life or a tenant at will for any kind of waste to the premises, there being two kinds identified. One is voluntary waste or permissive waste and what they call equitable waste. Under the existing rule, apparently only a tenant for life is liable for malicious damage. A tenant for a fixed term is liable for permissive waste but not a tenant for life. There is no justifiable distinction why one kind of a tenant is liable and the other kind is not.

If there is any rule which adds legitimacy to the law, it is what we know as the standard of generality of the law. The law should be so general in nature that it should provide a stable framework so that cases of a like nature will be treated alike, because if there are distinctions that cannot be justified and cases of the same kind are not treated in the same way, then the law will be subverting its own authority, its own legitimacy.

It is only when justice is built into the internal system of the law that the law achieves its efficacy in ensuring that it is being complied with by people whose behaviour are being guided by the rules of law. Unless we treat similar cases alike, there will be an injustice, some kind of unfairness, because the same situation will be governed by different rules. As we sometimes hear in our society, there is one law for the rich and another law for the poor.

Such a kind of legal system will lead to some injustice in the application of the law.

In order that any society can have a stable framework for the conduct of the behaviour of people, the law should be consistent in itself and it should not make any artificial distinctions, other than those that can be justified, because it is a requirement of the internal morality of the law that the law shall be generalized so that cases of similar nature will receive the same kind of treatment. In our society, in our system, we cannot afford to have different kinds of rules that apply to the same cases in a different manner, unless, of course, there is a crucial distinction that can have its own justification.

Not only must the law be general in nature, in the sense that it treats like cases equally, but all the laws that should be in existence and all those that are coming into existence must be publicized and should follow specified procedure. That is the reason why, in this Legislature, we have such procedural laws that the bills should undergo in different kinds of stages, for their development, for their adoption. First Reading, Second Reading, Third Reading, all these requirements are not there simply to delay the matter, but they are there for the very procedural legality of our legislation and our rules.

Sometimes the rules are changed without sufficient notification of the citizens who are affected. This is not good for the purpose of enforcing such statutes and such legislation. In the olden days, when Caligula was the emperor of Rome, he was very meticulous in the observance of the rules of procedure.

It is required, for example, by Roman law, that the law be publicized to the citizens who are affected. What Caligula did was to try to circumvent this procedural requirement. He would publicize the law but he would print them in such small print that nobody could hardly understand the law, and then he would post them high in the public places, very high in terms of proximity to people, that they could hardly read what the law said. When the law is not well-publicized, of course, it will not be well-known by the citizens who are affected by the legislation and it will not be conducive to faithful performance of those laws.

Rules of procedures have to be followed. Laws must be publicized, especially to those people who are particularly affected, affected in the sense of

their personal freedom or in the sense of their property rights.

In this particular legislation, there is a new right being granted to a person having reversionary interest in leased premises. It entitles him now to bring an action in court, an action in rem, a real cause of action, in order to obtain damages whenever there is any kind of waste being permitted by the tenant for life or the tenant for a term, or whenever such waste of property by the tenant has been done by the tenant in a malicious sense.

There are two main, overall standards by which legislation is tested and the justice of the law and the statutes are tested. There is, first, the standard of intention or intent. People are judged on what they do depending on their intention. A person may, by force of circumstances beyond his control, have caused some harm to another human being, but because there is no intent to cause such harm, then such a person will receive mercy in the courts of law.

* (1530)

On the other hand, even if you have not actually done the behavioural act that is prohibited, if you are motivated by a malicious intent, by a desire and intention to cause harm to a fellow human being, you can be committing a crime. That is why we even have crimes like attempted crimes, like attempted murder or attempted killings. There may have been no danger yet, but because the intention is there, a person can be guilty of a criminal offence.

The other standard by which legislation is generally guided is what we call the standard of fault. This is technically known as negligence. When you have a duty to do something and you fail to perform that duty and some harm has happened to another person, then the person may be liable criminally or civilly. The action here is not based on intention, because there is no such intention. It is based on neglect. It is based on inability to act when there is a duty to act. Such two bases of our legislation are perfectly observed by the courts of law in the interpretation of rules and in the enforcement of statutes.

(Mr. Neil Gaudry, Acting Speaker, in the Chair)

Detailed aspects of Bill 72 relates to The Mercantile Law Amendment Act. It is granting the creditor the right to revoke any agreement where the debtor has not begun the performance of the agreement; or, if the debtor has already started performing under the contract, the performance was

discontinued and it would be unreasonable to impose upon the creditor the pressure of giving the debtor more time in order to remedy and complete the performance of the contract.

Generally, these amendments will also make partial performance enough to extinguish any existing obligation under certain circumstances. The circumstance is when there is an expressed acceptance by the creditor that the obligation has been performed, even if the performance is incomplete, and also when there is a performance that is pursuant to a pre-existing agreement between the parties regardless of whether or not there is any new consideration. Obviously, the consideration here in the eyes of the law will be the performance itself, something that is done. Even if it is partial, it is pursuant to an agreement, a pre-existing one. In such a case then, under The Mercantile Law Amendment Act the obligation will be extinguished.

An Honourable Member: Are you going section by section, Conrad?

Mr. Santos: I am just trying to understand what this legislation is saying because we sometimes pass legislation in this House without understanding the implication and the consequences of those rules.

Another requirement in the legislative process, in order to make the rules that we pass in this House achieve what we call the internal legitimacy and validity of the law, is the requirement of legality. The law must require something which is capable of being performed, which is possible of human performance, because if the law will require something which is impossible in performance of human capacity, then the law by definition will not be observed.

Now, in imposing the liability on the part of a tavern keeper not to serve alcoholic beverages to someone who is already drunk simply reinforces the obligation of a human being to take care of another human being as his brother. Even if the person has already lost, obviously, his sense of equanimity and propriety and demands that he be served, it is the obligation of the tavern keeper to stop serving a person alcoholic beverages when the person is obviously drunk. To do so would be a culpable kind of action on the part of the merchant because he might be adding more revenue to his sales, but he might be endangering not only the life of this particular client but also the life of other citizens.

For example, if the drunk individual after coming out of the tavern should drive a car in an inebriated state, and is engaged in the running of an automobile, he could kill someone. Whose fault is it? Is it the fault of the person who is already deprived of his right senses, who is already inebriated and drunk, or is it the fault of the one who serves him liquor obviously when he was already drunk? Where do you trace the liability? In a situation like this, the law is very difficult to interpret, and obviously a fine of \$1,500 will not be enough to put the remedy when a life has been lost.

There is no intent there to kill, because the person is obviously drunk; he has no intention. The one who served him had no intention either, because he is serving the liquor in order to make a sale, but whose liability is it? That is a difficult case. The rules of law have to be very clear in fixing the liability for the individual, whether it is a civil or criminal liability.

Therefore, another criterion or standard for the internal morality of legislation is what we call clarity of legislation. The law should be clear as to what it prohibits and what it allows. Every behaviour must be specified with particularity so that there will be no doubt, no question about what the law is saying.

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

Unless the laws are clear, it grants some kind of discretion to people who are to enforce the law, and discretion gives them a sense of personal power, not only in the sense of making an interpretation of what the law really means, but also in the sense of giving some absolutism to some people, some particular person, on other considerations, which destroys the internal legitimacy and efficacy of the law.

The law must be very clear about what it prohibits, what it allows. That is one of the requirements for a good type of legislation. If it is too broad and too general and subject to many interpretations, then the law will be applied in different ways, by different judges, by different enforcement officers who interpret the legislation in a different manner.

If a legislation or a statute can be interpreted in a hundred or 10 different ways and enforced in 10 different ways, the same law may be applied differently to different people who commit the same kind of offence. There will be no uniformity of application of the law, and the criterion of generality

and legality will be violated and breached, and there will be some kind of injustice that has to be rectified later on by some kind of remedial legislation.

Therefore, it is imperative and important that the law be very specific and be very clear as to what it is saying, and where liability is being imposed and the correct rationalization for the imposition of liability to the person, either because of his intention or because of his neglect or fault.

* (1540)

Moreover, we make too many laws and bits and pieces of legislation amendments here and there without really tracing how these amendments affect the entire system of legislation, the entire system of statutes that we have in the province. It is essential that all these changes in the law should be consistent with one another. In other words, the system has to be consistent and noncontradictory. It might be a situation where we passed a law a year ago, we amend it the current year, and we neglect to see the implication of this in terms of the interpretation of the provisions of the law, and the laws are contradictory.

If the laws contradict one another, which one do we follow? How do you know the right one? It simply gives some power to those who are to enforce the law. They will be very selective in the application of which provision they will enforce. When the enforcers of the law, whether it is the police department or other government officials or other public servants, have the discretion to apply or not to apply any portion of the law which by themselves are contradictory, then it gives them some kind of political power or power over citizens.

Laws are designed so that there will be a rule of law that will govern not only the behaviour of the citizen but also the behaviour of the enforcers of the law. That is what we mean by being governed by the law, by the rule of law. The rule of law means that the rule is governing not merely the subject citizens, the law is also governing the enforcing officers. Even the judges who interpret the law should be subject to the same system of law. Unless that is done there will be some people who become above the law, and when some officials of government become above the law then there will be no justice. Our liberty will be endangered, and freedom of choice of citizens will be constricted unnecessarily, and there will be a limitation of what we enjoy as the liberties of the people.

The system of law, in order to achieve internal consistency, must be studied in a diligent manner in terms of changes, in terms of effects, in terms of consequences. Too often we have to resort to remedial legislation because of the unintended effect of some previous enactment that has been in operation, and yet the intention is to apply the law similarly to all citizens alike.

If the law commands something which is impossible of human performance, that affects the attitude of the citizen towards laws and towards rules, because if the law will command any citizen to do the impossible, what is humanly impossible, certainly he cannot perform it. If he becomes subjected and exposed to liability by reason of the fact that he cannot humanly perform what the law demands of him, certainly there is an inherent injustice in that. The very fact that he is a human being and cannot be expected to perform what the law demands of him, is that a valid system of law? Law has to be fair. Law has to be just. Otherwise we will be asking the impossible.

Moreover we are too fond of amending legislation every year. The laws are designed to provide a stable framework of rules, of behaviour of all the people, of all the citizens. The law has to be stable enough and should be farsighted enough so as to provide for things that we cannot foresee, nor at the present time can we ever predict. Therefore, it is essential that the laws should follow all these internal criteria so as to have legitimacy and effectiveness and authority by itself as a system. It should be constant through time, in other words. Laws should not be subject to changes too often, because if the laws are changing all the time, when the laws are changing too many times, then the citizens are confused and they do not know what the existing rules are.

Therefore, it is essential that we follow all this in standards. It should be constant through time. The laws should be fair. The laws should be publicized. The laws should be just. Unless there is this constancy through time, the stability of the law will be prejudiced.

When the laws are not stable because they have been changing too often, then the citizens will no longer be obliged to comply or obey those laws. And when the citizens have lost that habitual attitude of obedience to the demands of the sovereign government, the sovereign state, then we endanger

the very stability of our society and our social system.

Another requirement that we should be very careful about is the congruence in what the law says and the official action of people in the enforcement of the statute or the law. When the law says one thing and those who interpret the law interpret it in another way, then there can be some kind of confusion, and the legitimacy of the law will be adversely affected. There is no congruence between what the law demands, what the law provides, what the law proscribes, and what the official says when there is misinterpretation of the very language of the statute or the very language of the law.

The law must be accessible to everybody. It should be publicized well so that everybody will know ahead of time under what rules they will be governed, under what rules they will be engaging in certain types of activities. People, of course, make contracts and make other commitments and incur obligations on the basis of existing rules. It is on the basis of the existing rules that they bind themselves to certain types of responsibility, certain types of duties, certain types of obligation.

Now, if the existing rules are changed too often, then there will be no stability even among all these interactions among individuals. Even commercial transactions will be endangered. When the law is relatively inaccessible to the people and they do not know what the law says because the law had never been publicized or never been really, truly explained or debated in assemblies like this, then there will be no congruence in what the law says and what the enforcers interpret as the requirements of the law.

Sometimes the intent of the legislation is also frustrated by some kind of exchanges of values between a citizen, let us say, and a policeman or any other enforcer of the law, like a public servant. Whenever there is bribery, they may purposely close their eyes to certain types of violations. They may not do anything when there is an obvious infraction of the law. They may look the other way. On the other hand, if the person whom they dislike is the one that is involved, then they will have the option of enforcing the law and throwing the book at them to the utmost if they can. In that sense there is disproportionate enforcement of the law.

Also, some people may have certain attitudes towards certain groups of citizens. Prejudice,

discrimination may be a factor here. Because of certain attitudes that they hold in their psyche, in their minds, in their hearts, they may go after certain groups with the fullest rigour of the law, and yet look the other way when it involves other groups. In this sense, there is injustice even if the law is the same because the enforcement will not be of the same degree of intensity. I sometimes have complaints from new citizens, from minority groups, how, for example, traffic officers deal with them when there have been minor violations. When they can ignore it with respect to other citizens, they throw the book at them. That is not good for our system. It is important that the same attitude be adopted by the law-enforcing officer regardless of who the violators are.

Indifference. Indifference is another cause, another factor that does affect the legitimacy and moral internal validity of the legal system. If people are indifferent and they do not care, even if they have seen or witnessed some kind of violation or infraction, they just do not care because it does not affect their personal rights. It does not affect their personal property. Then there will be flagrant and widespread breaches of the law that are never rectified, never corrected; and, when that happens, the fabric of society will disintegrate and the people will simply refuse to continue to obey the law. It is a fact of psychological and political significance that the citizens by nature have this habit of obedience to the law if they are clear about what the law says.

* (1550)

In Bill 72 the legislation is changing many different acts in the same statute. This is again not a good practice. Why can we not have separate legislation for separate rules that they change, and a kind of omnibus legislation simply to provide the opportunity to make some changes that are not well known? Even if these are supposed to be publicized in the official publications of the government, they look at this act in topic and they see that it is dealing with law reform, and yet inside they are dealing with mercantile law, inside they are dealing with bulk sale act, inside they are dealing with bulk sale law. So there is no consistency here. It is just like a repetition of the historical incident that I talked about, about Emperor Caligula trying to obey the rules of law and at the same time evade its intention.

Sometimes we have to look at our own practices. We amend the legislation the way it is. If it is dealing

with a certain subject matter, we name it and categorize it under that subject matter.

In such a case, then there will be a clear guide to the citizens about the behaviour that they have to have in order to comply with the law. As a general rule, it is easier to comply with the law than to violate the law, because in violating the law you run against the grain of behaviour, against the grain of human behaviour, against the grain of human attitude.

It is just like the law of nature. The more you go along with the forces of nature, the easier it is for you; but as soon as you conduct yourself in such a manner that it goes against the laws of nature, then you find it very difficult and very stressful.

This is a kind of Oriental wisdom that we have to understand. You go with the wind. Where the wind blows, you go along; because if you walk against the typhoon, it is very difficult and it is stressful. So you walk with the flow.

This means that people should be obedient to the law. When the law says something, they should do what the law provides. If you blow against the wind, then you spit in your own face. But the wind should be a legitimate wind. It should not be an artificial one.

Another requirement of the law is that it should not be directed against particular individuals, because if the law is directed against particular individuals, it loses one of its basic criteria, which is the generality of rules. The rules are designed in order to govern conduct in general, a framework for behaviour. If it is directed against a particular person, the law becomes, what they call in Latin, *ad hominem*. That is a defect in the legislation, if it is directed against a particular person. It is not a law anymore. It becomes an act of penalty.

When a person is penalized, for example, for a behaviour that was innocent when done, then there is some injustice in there, because people conduct their business and perform their obligations and their activities under the existing rules at the time. If those rules are changed, then we are trying to govern people by what they did yesterday, not what they do under the existing legislation.

In fact, this is prohibited by most constitutions, like the Constitution of the United States. When a person penalizes an individual either financially or personally by depriving him of freedom through no fault of his own, then it becomes a bill of attainder, and a bill of attainder is one of those defects of

legislation that violates the internal morality of legislation.

How many minutes do I have, Mr. Acting Speaker?

The Acting Speaker (Mr. Laurendeau): Five.

Mr. Santos: These rules of law that we are trying to promulgate in different ways in this legislation are designed in order to make our society a better system, so that people will do as they are expected to do. Duties and obligations are laid down, they are clearly specified in the legislation, and people who are clear about what the law says will obviously obey those laws, not because there are penalties, but because it is easier for them to obey than to disobey. There is a useful habit of obedience and compliance on the part of citizens in democratic societies, and that is the reason why our democratic system survives, because of this habitual obedience of the citizen to what the law provides.

When the laws are designed in such a manner that they comply with the standards and criterion of internal legality and internal morality, then the very laws themselves achieve some kind of legitimacy and authority among the citizens. There is no need to penalize; there is no need to impose harsh consequences, because the laws themselves will have the necessary legitimacy and authority by themselves. This is what is known as the internal morality of the law. That can happen when our legal systems are fair, when our legal systems are just, when our legal systems are applicable to similar circumstances alike, when they do not violate all this internal criterion and standards for legitimacy of legislation.

Let me summarize, Mr. Acting Speaker. These are the requirements that I would specify, the requirements for the internal legitimacy, the internal validity, the internal authority of the legal system. Every portion, every aspect, every part of legislation must be fully publicized, because it is a well known fact that ignorance of the law excuses no one from compliance therewith. Those are the maxims of our legal system, of our judiciary. Ignorantia legis neminem excusat; ignorance of the law excuses no one from compliance therewith.

If that is the case, then it is the duty of legislators to make the law well-known and publicly available and accessible, but how can we make the laws publicly accessible if they are categorized under the wrong title, when they are omnibus legislation,

containing many different varieties of conducts that are prohibited and when you look at them in published statutes they do not fall under the correct title? How can that be fair to the citizen? Yet the citizen will have to be judged according to this maxim that ignorance of the law excuses no one from compliance. It is not their fault to be ignorant. It is the fault of the legislator because they did not publicize the legislation.

An Honourable Member: I have the same trouble with my filing system, Conrad, because people do not file things under the proper letter, you know.

Mr. Santos: Right. The second requirement is that the law must be clear. There must be specific language that prescribes the specific behaviour that is encouraged, because the law is the way of society by which our behaviour has to be regulated and guided accordingly. Any kind of legislation that is unclear, that is ambiguous, that means more than one thing, will lead to the loss of legitimacy and efficacy in the law. It will simply give some more arbitrary power to some enforcer of the legislation, to some interpreter of the law, whether they are civil servants or whether they are judges, and the vaguer the law is, the wider the latitude of discretion and the greater is the personal arbitrariness that could happen under an existing legislation.

* (1600)

Again, it should be noncontradictory, it should not demand the impossible, it should be constant through time, it should be general, and it should be congruent with what the law provides. Thank you.

Ms. Becky Barrett (Wellington): Mr. Acting Speaker, I rise to speak on Bill 72, The Law Reform (Miscellaneous Amendment) Act, and I would like to put some comments on the record prior to this act being moved to committee.

Generally speaking, I think people who are not involved in the legal system, particularly as lawyers and judges and those who work with laws on a regular basis, and I might suggest that includes the vast majority of legislators as well who are by and large not lawyers by profession and training; for most of us the concept of law appears in many instances to be static, unchanging and carved in stone, if you will. As I think about it, the genesis of that phrase "carved in stone" may very well be from the Ten Commandments coming down from the mount by Moses, which were carved on stone tablets. But I digress, Mr. Acting Speaker.

It is a fact that most people think of the law as unchanging, as immutable as having been here for a long time unless and until two things happen. One is that they personally come in contact with or are part of the legal system either as a defendant or an accused in the justice system, or as someone who is a participant as a member of a jury or in some other role. Then people become aware of the fact that laws are far from static and immutable. They are, I might suggest, very much the opposite. They are open to interpretation, they are open to a range of behaviour and of example on the part of those who participate in the legal system.

The second time that people become aware of the fact that laws are living things rather than just carved in stone, happens when they are involved in the changing of those laws.

For most people in the province of Manitoba, the changes that are addressed in Bill 72, The Law Reform (Miscellaneous Amendments) Act, will have very little, if any, impact. For most people, they will not even be aware that these changes are being suggested or, should they pass, will come into effect.

However, there are people who, in relating to Bill 72, will be impacted more or less seriously, and I will get in to that in a moment. There are other occasions when laws are changed or suggested to be changed that do have a major public impact or a major impact on at least one or more portions of our society. There are cases where we have, in the House, deliberated very long and hard and with a great deal of energy on bills. One change to an act that comes to my mind in the last session was Bill 70 when we discussed, to a great extent in this House, the changes that bill would have for the working people of Manitoba. We brought out some very important distinctions that were made depending on the perspective that the individual members were coming from.

Another amendment to an act that had, at its inception, a great deal of fire and light and heavy discussion, and that, since the changes to it, has had a major impact on lives of many Manitobans, was the amendments to the human rights act that came into effect in July of 1987. I recall the final debate on that bill which took place overnight, and the changes to it were only finally voted on, I believe, around five o'clock in the morning. I was in the public gallery at that time and was very interested in the debate and the discussion and the dialogue that

occurred in the final discussions on third reading on that major bill.

I am not for a moment suggesting, Mr. Acting Speaker, that the bill that is before us today is going to have the kind of impact on Manitobans as a whole that either of those other two bills I spoke about earlier will have, nor am I suggesting that the debate that we will engage in on second reading in this House, in committee and on third reading, will have anything like the general interest that some legislation has. However, it is important to discuss these bills as they come before the House. It is important to make sure that we understand the content of the bills to the best of our knowledge and bring out any possible concerns that we might have.

Mr. Acting Speaker, as I stated earlier, laws are not immutable and unchangeable, nor should they be. In a democratic society, the rule of law by its definition must mean flexibility, the willingness to make changes to update, to amend where necessary in order for the society to be reflected in its loss. If you do not do that, Mr. Acting Speaker, you run the risk, as my colleague from Broadway has so eloquently stated, of being held captive by the law, being subservient to the law rather than having the law act as a servant and an assistant to the fair and equitable running of our society, which is something that we on all sides of the House are looking for as an ultimate goal of our actions in this Legislature.

So it is only fitting that, on occasion, we must take a look at the laws that we are currently operating under, make amendments, update them to more closely reflect the current reality and to make sure that the laws that we are operating under are consistent and noncontradictory, as the member for Broadway (Mr. Santos) has stated.

We can do this in a number of ways. We can take a single law, a single statute, and either completely get rid of it and institute a new statute in its place; or we can amend the statute in the areas and the sections that are no longer applicable in the eyes of the government and need amending and updating; or in some cases we can put in place a brand new law.

* (1610)

This government is in the process of doing just that in another instance, Mr. Acting Speaker, that we expect to see before the House in the next session, which is The Vulnerable Persons Act, which will

actually combine several things. It will, in and of itself, be a brand new piece of legislation and a new act, but it will also have a major impact on current legislation. So we on this side of the House are looking forward with a great deal of interest to that new legislation coming before us.

Mr. Acting Speaker, I might say at this point in time we anticipate, and I know the government does as well, when it is drafted and comes before us for deliberations, that this piece of legislation will have a major impact on the lives of many Manitobans. It will go in—the it will be a statute in the stature of Bill 70, the labour legislation, human rights legislation and this kind of legislation.

As I have stated before, Mr. Acting Speaker, we do not anticipate Bill 72, The Law Reform (Miscellaneous Amendments) Act, to be in that category at all, but there are small but significant changes that are being recommended in this omnibus bill.

Again, as our Justice critic, the member for Kildonan (Mr. Chomiak), stated in his discussion of this bill, we are normally not in favour of omnibus bills, with heavy emphasis on the word “normally.” The reason for that is because you need to be able to look at changes to legislation in the context of the entire piece of legislation and to be able to look at the impact that it will have on the entire piece of legislation.

In most instances, we feel it is more effective and fairer to bring in amendments to legislation singly, one at a time, so that you can look at it, you can see whether the government is attempting to make minor changes just to bring things into modern perspective or to bring this particular piece of legislation into line with other legislation, or if they are on the other hand attempting to take a single specific request on the part of a single group of people and expand on that single request, single change that could be made, and broadly bring in an act that has the potential for much broader effects than was originally intended.

While in principle we suggest that bills come in singly and individually, in this particular case, we are agreeing that these changes by and large are not of the enormity nor do they have the impact that would require us or suggest to us that they should have been brought before the Legislature individually, with one exception, Mr. Acting Speaker, which I will address later in my remarks.

Another suggestion that was made by the member for Kildonan (Mr. Chomiak) in his remarks that I would like to echo today, because I feel very much that it would have a positive impact on the calibre and the quality of the discussion and the debate that takes place in this House, particularly with bills of this nature which reflect changes to a number of acts, is that there be attached to the bill or that the minister provide in some form a spreadsheet which clearly and simply outlines the changes that are being reflected in the bill. [interjection]

The Minister for Urban Affairs (Mr. Ernst) has stated that he did that with his bill, and yes he did. The Minister of Family Services (Mr. Gilleshammer) in several of his statements and changes has also outlined and listed the specific positions that the government is taking, and it does make the job of the opposition easier in the sense that we do know more clearly what is being suggested by the government, and for that we are grateful.

We do not always and usually do not agree with all of the recommendations or the legislation that is being put forward, but it does assist us in doing our job as legislators. We would just like to put on record the fact that for people in the House who are not lawyers, who are not well aware of the specifics of the legislation that is being introduced here, it would be of assistance, particularly in bills such as this that have an impact on a number of statutes.

Again, Mr. Acting Speaker, these changes are generally, we understand, in response to the Law Reform Commission's recommendations and again I would like to echo my colleague, the member for Kildonan (Mr. Chomiak), when he states that we appreciate the work that the Law Reform Commission has undertaken in this regard and in many other regards and would like to state that groups and commissions such as the Law Reform Commission are necessary in our society, particularly today when we are dealing with very complicated, technical and legal concepts that have wide-ranging potential impacts on all of our lives.

It is very helpful to us, Mr. Acting Speaker, to have available an arm's length, independent, expert group such as the Law Reform Commission which is able to take a look at a whole range of laws in a whole area of our legal system and make recommendations to enable us as legislators and as the government and opposition, to more effectively do the work that we are elected and charged with

doing, and that is providing the best possible government and opposition we are able to do.

* (1620)

So, while the federal government has made some, what we consider very negative changes by getting rid of some of these arm's length groups and organizations, ostensibly for cost-cutting measures, but perhaps with other less laudable reasons behind them, we strongly urge the government of Manitoba to retain these groups such as the Law Reform Commission which provide a very important service to us as legislators, as government, as opposition, in our work in attempting to cut through the thicket of some of the legislation that we are having to deal with. It is difficult at times to know what should be done in cases of looking at statutes and legislation. So this independent body such as the Law Reform Commission provides an excellent resource there.

The member for Kildonan (Mr. Chomiak) has put on record, as has the Minister of Justice (Mr. McCrae) in his opening remarks, some of the changes that are being recommended under Bill 72. Frankly, I am not going to speak directly to some of these sections. I would, however, like to talk a bit about several of them, in particular, the section that deals with the repeal of the Rule in Shelley's Case, Mr. Acting Speaker, which deals with—according to my reading of the comments by the minister and others, it is a piece of legislation or a part of the English common law that was brought into the Manitoba context as part of the entire package in 1870 when Manitoba became a province, and is a piece of law that has no relevance to the current Manitoba context in the late 20th Century.

The Minister of Justice (Mr. McCrae) stated in his opening remarks that this piece should be repealed as it is poorly understood and lays traps for unwary drafters of wills. Mr. Acting Speaker, as the member for Kildonan (Mr. Chomiak) stated in his remarks, this is part of the legislation that we definitely are supporting, particularly because it appears that it will simplify the situation for Manitobans.

It not only cleans up the act in light of changes in legislation and changes in our way of life and recognizes the fact that this part of English common law is not applicable today, but it also will enable individual Manitobans to more easily access the legal system, more easily access a major part of what is potentially a very important and controversial segment of our daily life, and that is

the disposal of our earthly possessions, if you will, and it will enable us to sign and make wills in a more simplified fashion.

As the member for Kildonan has stated, we in Manitoba are one of the jurisdictions that allows for holograph wills, which is a very positive part of our legislation. It allows anybody, even, and most particularly we are concerned about, individuals who may not have access to either the legal system for reasons of income or geography or social background. They can make holograph wills that allow them to legally tell the people who will follow them after their death what their wishes are.

Mr. Acting Speaker, this is an area I think, too, that generally we need to pay more attention to, and that is the whole area of making lives simpler for Manitobans. In the case of the legal system, that is always an uphill battle, because the legal system, while it changes and moves and is not at all static, is also a very dense, complicated and, many times, unintelligible system that has evolved over the years.

(Mr. Jack Reimer, Acting Speaker, in the Chair)

As the member for Wolseley (Ms. Friesen) has stated, it is oftentimes impenetrable. [Interjection] The member for Wolseley can state it; the member for Wellington does not quite know how to put the word "impenetrable," state it clearly.

It is important that all Manitobans have access to the legal system, that all Manitobans are able to take advantage of the law where it affects them. In the case of being able to have a holograph will or a living will or other innovations that have been recommended and, in many cases, not implemented but certainly recommended, we are all in favour of those changes and would recommend to the government that they seriously look at that whole area of increased access of average, everyday, ordinary individual Manitobans to the legal system.

The legal system over the centuries has grown up and has grown not always in ways that make it accessible or easily understood by individuals, particularly in our current society where we are not nearly as homogenous a society as we were even 30 or 40 or 50 years ago. Manitoba and Canada are every day becoming more and more a multicultural society. We have residents in our communities, in our province, in our country who come from every country in the world, who come from every

conceivable judicial system, whose sense and understanding of their rights under law are not necessarily the same. Our laws, which have, by and large, evolved from the English common law, need to reflect as much as possible the current lives and needs and desires, if you will, of Manitobans and Canadians today.

So, as this section that allows for simplification in the area of will-making is a positive step forward, we are also concerned that the rest of the legal thicket be looked at with the late 20th Century eye, that it be looked at for accessibility, for understandability, and for fairness in dealing with the systems and the situations that Manitobans, in particular, find themselves in today. No one in this House would deny that we live in an enormously complex society and that, in some cases, the legal system only assists in creating more complexity instead of, as we feel it should, to make our lives simpler and easier. I think, Mr. Acting Speaker, moves are being made in that direction, and some of these changes that are reflected in Bill 72 are a step in the right direction.

The final section that I would like to speak on is the one area that we on this side of the House have some trouble with in dealing with Bill 72. That is the section that deals with the repeal of The Liquor Control Act, the section that states that where any person drinks liquor to excess, comes to his death by suicide or drowning, et cetera, the person who furnished or gave the liquor to that person, or on whose premises the liquor was obtained, that person is liable to an action for a wrongful act. As a personal wrong, the action may be brought under The Fatal Accidents Act, and the amount recovered as damages shall not be less than \$100 or more than \$1,500.

Mr. Acting Speaker, the minister in his opening remarks stated that the main reason the minister is suggesting the repeal of this section is that in 1974 a Supreme Court judgment made this section obsolete, when it clearly established innkeepers' liability without the need for any legislation. That same Supreme Court ruling imposed no arbitrary limit on damages. The minister goes on to state that the government has been given advice that states that repeal will have no effect on criminal liability.

* (1630)

Mr. Acting Speaker, while not taking exception with anything that the minister has stated in his

discussion of this section of Bill 72, we on this side of the House are concerned with this particular part of the bill and would hope that the minister pays particular attention to our concerns and perhaps before coming to committee will have been able to act on our concerns.

We are not in disagreement with the Supreme Court judgment. In the instance of the damages, we feel that the damages, as are currently listed in the legislation, are very low and will not act in any way, shape or form as a deterrent. We are comfortable, as far as it goes, that the Supreme Court has said, you do not have to have a particular limit on damages, so that there could be cases where judgments could be rendered that would be in excess of the amount that is currently stated.

It is also legally clear that the Supreme Court judgment has superseded the section of the bill that is being suggested for repeal. We have no concerns or quarrels with the legality of the Supreme Court decision. The concern we have, Mr. Acting Speaker, is the concern that goes back to one of the bases of our legal system, of our judicial system, of our laws, which is not only should they be responsive to and reflective of the current situation in society that we live in as much as possible, but they must also be understood and accessible to the people who are affected by this legislation.

I think the point that my honourable colleague from Kildonan made was a telling point when he said that while innkeepers are very well aware of the provisions in The Liquor Control Act, as they must be in order to operate legally, they are not always, or even in the majority of the cases, going to be aware of the Supreme Court decision of 1974. That is a decision that is steps removed from the day-to-day working of their duties.

So, Mr. Acting Speaker, we are suggesting that this section, this part of Bill 72, should be looked at again and not simply repealed as the legislation currently states, but that it be upgraded, updated to reflect the Supreme Court decision, but that it also remain in The Liquor Control Act so that innkeepers and those who are affected by The Liquor Control Act will have the responsibility and the ability to have readily available and readily accessible to them, the understanding of their duties and responsibilities in this very important section of The Liquor Control Act.

What we are suggesting is that we do need to update this portion of The Liquor Control Act because it does not reflect current reality. It does not reflect the current legal judgment that has been brought down by the Supreme Court of Canada. So we are in complete agreement with the minister in that regard.

Where we are having a hopefully minor disagreement, and a disagreement that can perhaps in committee be resolved to our satisfaction and to the satisfaction of the government, is that the section of The Liquor Control Act that is referred to in this act not be repealed, but be amended to reflect the current situation.

So, Mr. Acting Speaker, with those words I would conclude my remarks. We are prepared at this time to pass Bill 72 through to committee and, hopefully, we will be able to resolve the minor difference that we have with the government on this bill.

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

The Acting Speaker (Mr. Laurendeau): The question before the House is second reading of Bill 72. Is it the pleasure of the House to adopt the motion? [Agreed]

Bill 10—The Manitoba Hydro Amendment Act

The Acting Speaker (Mr. Laurendeau): On the proposed motion of the honourable Minister of Northern Affairs (Mr. Downey), Bill 10, (The Manitoba Hydro Amendment Act; Loi modifiant la Loi sur l'Hydro-Manitoba), standing in the name of the honourable member for Dauphin (Mr. Plohman).

Shall the bill remain standing? [Agreed]

Mr. Ben Sveinson (La Verendrye): Mr. Acting Speaker, I am pleased to rise today to place my remarks on the record regarding Bill 10, The Manitoba Hydro Amendment Act. These amendments will give Manitoba Hydro the flexibility it needs—

The Acting Speaker (Mr. Laurendeau): Order, please.

Point of Order

Hon. Jim Ernst (Acting Government House Leader): Mr. Acting Speaker, I am acting as government House leader for the moment. If I could just inquire as to whether the bill will remain standing

in the name of the member for Dauphin or if that has been waived?

The Acting Speaker (Mr. Laurendeau): Yes, it was agreed to.

Mr. Ernst: Okay. Thank you.

* * *

Mr. Sveinson: These amendments will give Manitoba Hydro the flexibility it needs to get the best deal possible on available lending rates. By increasing the Crown corporations' temporary borrowing authority from \$150 million to \$500 million, Manitoba Hydro will have more flexibility to deal with the financing of its annual capital requirements.

(Mr. Speaker in the Chair)

While this bill is fairly short, it has the potential to have a tremendous impact on the development of our province's northern resources and surrounding issues. Now, seeing that most opposition members have indeed spoken in this area, not just on the lending authority, but in fact they spoke on the Conawapa project, I would like to say a few words in regard to their remarks.

On that note, Mr. Speaker, I must state that I agree with the member for Elmwood (Mr. Maloway) on a few points, when he said that people today are more concerned about the state of the environment and the effect of development of our northern resources on the people and the ecosystem of the North than ever before.

It is very unfortunate that the previous administration did not think it appropriate to examine the effect of the Limestone development on the people and the environment of the North. In fact, Mr. Speaker, the NDP government of the day did not even see fit to examine the effect that the development would have on the environment.

* (1640)

I must agree with the member for Elmwood that in future developments, there is a need to balance economic development with the sustaining of the natural environment. That is why we as a government support sustainable development and its underlying principles that development can occur in a manner that is not only economically viable, but also protects and enhances the environment. That is why the Conawapa project was referred to the Public Utilities Board, so that Manitoba Hydro could

demonstrate the need and justification for this project in a public forum.

Mr. Speaker, I was overjoyed to hear that the member for Elmwood supports the need for this Hydro development and that he also acknowledges that the power from this development will be needed, as he does in Hansard on page 3068 on May 6 of this year. It gives me a great sense of pleasure to see a member for the opposition occasionally thinking with his head rather than blindly following a philosophy that is outdated and incorrect.

Mr. Speaker, I was not surprised to see the member for St. James (Mr. Edwards) stand up and carefully explain how the Liberal Party has no one position on this issue, but rather talked about the legacy of the failure of the NDP in the development of the North. That is fine, if he wants to take the time to point out the obvious to the rest of the House, but I was more interested in his opinion, that is if he has decided on which opinion he will espouse today.

In the time that the member for St. James spoke, he took the Hansard and he went through it quite pickily, if you will, pulled out a few sentences out of phrases that the member for Point Douglas (Mr. Hickes) had made. I would like to just touch on a few of those points.

You see, Mr. Speaker, I believe that the member for Point Douglas, for the most part, is quite sincere in the things that he speaks on and says. Whether or not they are all totally right is another thing, but I believe he is very sincere in what he says. So I was not too happy when I heard the member for St. James taking out pieces of what the member for Point Douglas had said and indeed almost changing what the member for Point Douglas had said.

I would just like to touch on a couple of those points. The member for Point Douglas had supposedly said in a previous Hansard: "I, for one, am not against building Conawapa, and I do not think anybody on this side of the House is against Conawapa." Now, he read that right out of Hansard, so I can only say it would seem to be true.

Then the member for St. James also goes on to say—and he is going to read more, and he says again what the member for Point Douglas was saying. "He says, whatever the cost we do not need to worry about Manitobans' needs, we will do hydro development . . ."

Then he goes on further to say—well, yes, he says he is going to read more. "I will be pleased to go through some of the choice highlights of the rest of his comments." Choice highlights. In other words, he is not going to read it all out because then in fact people would know. He says that he will read choice highlights.

He goes on to say—and this is making it clearer now, if I can just point out here. He has said he is not against Conawapa, and that is fine. Then he goes on to say, and this is the member for Point Douglas: I will be pleased to go through some of the choice highlights . . . "He indicates on the issue of environmental assessment, do Conawapa, just do it right. He says that again, do it right. Well, what does 'right' mean to the member for Point Douglas. He says, we need to do an environmental assessment."

Now, Mr. Speaker, it is clear that in fact the member for Point Douglas was not against Conawapa, and indeed he was in fact in favour of an environmental assessment. But that was not what the member for St. James (Mr. Edwards) was pulling out of this. No, no. He goes on to say more.

An Honourable Member: Who is that who goes on?

Mr. Sveinson: The member for St. James, he is saying it on behalf, literally, of the member for Point Douglas: So you are in favour of it now. "I have always been from Day One, I have never been against it."

Then the member for St. James goes on further in saying this and explaining now some of his own words, as an extension of what the member for Point Douglas has said. He says now: I have always been from Day One, I have never been against it. But then he adds: "There is a carte blanche in effect from the member for Point Douglas to build, whatever the cost."

Just a minute. What he is saying here is adding stuff that is not true. I mean, I have pointed it all out here. It is clear that the member for Point Douglas (Mr. Hickes) had in fact said that he was for Conawapa with an environmental assessment, but the member for St. James, trying to adjust the words to suit his benefit was—now, I will go on more. We have got more here.

He says that one of the other disadvantages of building these dams—now this is the member for St. James speaking—is that it creates employment and

training opportunity for northerners. Well, for goodness sake, is the member for St. James against employment? You see what I am saying here? Everybody can twist words. That is what I just did here. I did it. I simply asked a question because the implications were there.

What I am trying to say here is that when we get up to speak, let us say it the way it is. If the members for the NDP—and it has been shown in a past that in fact they did not look after the environmental problems while they were building dams—but for goodness sake, let us lay it on the record straight out. Let us not beat around the bush or try to twist words.

I have got more here. Now, the member for St. James is pointing out the legal opinion that the Liberals brought to this Assembly. The member for St. James is speaking now here: "We came to the House and said, look, here is an opportunity. You have a legal opinion saying the deal is binding. Here is a legal opinion saying maybe."

I emphasize that "maybe." Maybe it is not so binding. [interjection] I will get it all out there for the member for Inkster (Mr. Lamoureux).

"I am not here to say which one of those would necessarily win the day in a court of law." In other words, they have got a very iffy legal opinion here. He says more: It was the only leverage they had to try and salvage the opportunity and the potential of that deal, and they are squandering that. Why? I believe out of straight political optimism.

For goodness' sake, if we were doing that and trying to score some political points, would you think that we would in fact have done it in that way without—[interjection] "It was the only leverage they had to try and salvage the opportunity and the potential of that deal, and they are squandering that. Why? I believe out of straight political opportunism." Pardon me. Well, if it was a bad deal and if we were not doing an environmental assessment, then I could see the member for St. James (Mr. Edwards) saying that, but for goodness' sake, how would we score any political points on a bad deal?

* (1650)

He goes on to say more. [interjection] Pardon? No. The point I am trying to make here is really quite straightforward. The member for St. James chose to get up here and criticize and take out of context what other members were saying. In fact, what he

laid on the record was an opinion that the Liberals would in fact sit on the fence, not give an opinion, but say, we want the best for Manitobans. They can fall either way then. If you are sitting on the fence, you could fall either way by saying, we want the best for Manitobans, and it does not matter what happens—and fall they will.

Mr. Speaker, this government is committed to following through on the environmental review process. We have initiated the most comprehensive environmental review ever conducted for a hydro project in this province. For the first time, intervenor funding will be provided to allow a thorough public examination of Manitoba Hydro's environmental assessment of the proposal by both levels of government.

We are confident that this review will demonstrate that this project is environmentally sound and help us develop this resource in the most appropriate way.

Our government has always been committed to breaking down the barriers between the provinces and co-operating with our neighbours in order to increase trade and commerce. [interjection] That is right. The Minister of Natural Resources (Mr. Enns) says that our friends to the east need that power, and that is exactly true. They do. If we have it to sell to them, it will benefit our province and our people and our children in the future.

Mr. Speaker, this agreement between Manitoba Hydro and Ontario to sell Ontario the power that it needs and develop a new power source in Manitoba in an environmentally sound way is of mutual benefit and provides an example of breaking down the barriers between provinces. Governments today must reach across the borders to work together hand in hand.

I wish the member for Inkster (Mr. Lamoureux) would listen closely because this is meant for our opposition parties here.

The governments today must reach across borders to work together hand in hand—

An Honourable Member: Who said that?

Mr. Sveinson: The member for La Verendrye.

—in order to compete and prosper in the global economy of today.

Mr. Speaker, I would urge all members of the House to support this bill.

Mr. Speaker: As previously agreed, this matter will remain standing in the name of the honourable member for Dauphin (Mr. Plohman).

Is it the will of the House to call it five o'clock?

An Honourable Member: It is five o'clock.

Mr. Speaker: Five o'clock, that is agreed.

PRIVATE MEMBERS' BUSINESS

ADDRESS FOR PAPERS REFERRED FOR DEBATE

Mr. Speaker: On the motion of the honourable member for St. Johns (Ms. Wasylycia-Leis), standing in the name of the honourable Minister of Labour (Mr. Praznik).

An Honourable Member: Stand.

Mr. Speaker: Stand. Is there leave that this matter remain standing? [Agreed]

Mr. Gregory Dewar (Selkirk): Mr. Speaker, I am somewhat pleased to add my comments on this matter before us. I think it was the member for Point Douglas (Mr. Hickes) who mentioned earlier that we should not be dealing with this matter. This matter should have been proclaimed and should have been law long ago.

Of course, the matter before us is an order for address for papers referring to Bill 91, or more commonly called the anti-sniff legislation, legislation that was supported by all political parties, legislation that was brought in in an attempt to solve the serious problem of solvent abuse in our society.

The legislation was unanimously passed by this Legislature over two years ago, and it was legislation that was promised by the Conservative government of the day to receive Royal Assent at the earliest possible opportunity. Now, of course, here we are in May of 1992 and the legislation is still not proclaimed. I would like to speak briefly about the chronology of Bill 91.

In December of 1988 first reading was given to the bill introduced by the member for St. Johns (Ms. Wasylycia-Leis), and February 6, 1990, in a response to a question from the member for St. James (Mr. Edwards) the Justice minister at the time states: "As I said, I have been working with the Honourable Member for St. Johns (Ms. Wasylycia-Leis), who had the foresight to bring this matter forward." This is very apparent that he was giving his approval to the bill.

On March 1, in his speech on second reading the Justice minister stated: ". . . we have to have legislation like this. . . in a matter like this there is all kinds of room for agreement amongst right thinking and caring Manitobans, which I trust that all Members of this House are." Again, approval given to this particular piece of legislation by the Justice minister. On March 15, the bill received third and final reading.

In December of 1990, in answering to a question, the Minister of Health (Mr. Orchard) responded in the affirmative, when he was asked if he will proclaim the antisniff bill. In Estimates on that same day, the Minister of Health stated: "We anticipate the proclamation in January, and a committee is putting those varied touches to the process of proclamation."

He stated that the bill would be proclaimed by the government between the 2nd and the 31st of January. Well, January of 1991 came and went: still no proclamation. The staff for the Minister of Health indicated in February that further study was required. No date for proclamation has been set.

Of course, again this year, in March of this year, the Minister of Health (Mr. Orchard) refused to table a legal opinion on enforcement. So, again, as I mention now, in May of 1992, a full two years after the bill was introduced into this Chamber, a full two years since it has been passed, approved unanimously by all political parties, it sits on some shelf somewhere, unfortunately, gathering dust.

The legislation has not been proclaimed law, so it is not doing its intended purpose, which is, of course, to help children and young people throughout this province escape the terrible tragedy that is solvent abuse. No area of this province can escape the harmful effects of solvent abuse, the inner city, the suburbs, rural and northern Manitoba.

This law could be in effect now. This law could be at work saving young lives in this province. Instead the Minister of Health refuses to act on a bill, a bill that I mentioned, and will continue to mention, was unanimously passed by all members. It received unanimous approval by all political parties. By his inaction, the Minister of Health is faced with the prospect of young people in this province who will have their lives ruined and, unfortunately, ended from sniffing and abusing substances.

The member for St. Johns (Ms. Wasylycia-Leis) worked hard at getting this bill passed. She

consulted with the Legislative Counsel. She participated in debates in this Chamber and in committee, and she got the legislation passed. She must be commended for her efforts, for her action, to protect the lives of young people in our province.

In fact, again, this legislation was so important, was deemed so important that it transcended political lines. All political parties supported it. I know from being a member in this Chamber how difficult it is to get a private member's bill passed. Why did this government debate the bill, why did they support it, if they are, in the end, failing to proclaim, failing to allow it to fulfill its purpose, which, of course, is to save young lives in this province?

* (1700)

Mr. Speaker, before I was elected into this Chamber, I worked at the Selkirk Friendship Centre in Selkirk as a community resource worker. I had worked with young people who had drug abuse problems. I know how solvents and drugs were ruining their lives.

Of course, there were many reasons why they turned to drugs, to chemicals. Some were family problems they were having, acute poverty, but one of the reasons they mentioned was availability. They sniffed glue or they drank to excess, sniffed gasoline, because they were very easy to get. All you had to do was walk into just about any store and these mind-altering and these mind-destroying substances were easily available. They were too easy to get, and consequently they were too easy to abuse. This legislation, Bill 91, was an attempt to solve this problem.

We are talking again about the lives of young people in our community, children who are destroying their minds permanently, receiving permanent physical damage and permanent mental damage from an excess of drug abuse. We are talking about protecting the health of the citizens of this province.

Why does the Minister of Health (Mr. Orchard) not act? We have been waiting for two years for this minister to proclaim this legislation, and if he does not, then why does not the Minister of Education (Mrs. Vodrey) take the lead and get involved?

I believe it is her job as the Minister of Education to assure the education of our young people, young people who cannot learn if their minds are destroyed by solvents or substance abuse. Teachers and abuse counsellors in the province, they know the

importance of this legislation. They spoke in favour of the legislation. We are hoping that maybe the Minister of Education will act, will lead in this where the Minister of Health is failing.

I remember she recently, before she was a minister, chaired the government's War on Drugs, and this committee, I believe, toured the province and looked into the problems of drug abuse throughout the province, and we are still waiting for its findings. We are still waiting for its words, its insights, into these very serious problems.

What would the citizens of Manitoba say to this committee about drug abuse? Well, I am certain that they would say that drug abuse is a serious problem in this province, a very serious problem in our society, particularly amongst our young people. We have here in front of us Bill 91, an attempt to deal with this problem, but the Minister of Health fails to act. So he has to bear responsibilities for his inaction, destroyed and ruined Manitoban lives.

Young lives are going to be destroyed by solvent abuse and this minister does nothing. It is shameful. Members on this side of the House, all my colleagues have been calling upon the minister to proclaim this legislation, to let the legislation get on with its job, but the minister fails to act. He does nothing, and he will not tell us why he is failing to act, why he will not proclaim this legislation so it could get on with its job.

He is the Minister of Health. It is his job to look after the medical well-being of the citizens of the province. Well, here is his chance. We are offering him a chance to fulfill his mandate as the Minister of Health in this province, proclaim this legislation, so it can get to work saving Manitoban lives.

If the Minister of Health and the Minister of Education (Mrs. Vodrey) will not act, well, maybe the Minister of Family Services (Mr. Gilleshammer) should do something, instead of going around closing training plants, instead of going around and closing human resource opportunity centres in this province. Here is something he can do, a chance for him to redeem himself, to get involved and to push the Minister of Health to act. He has responsibility for the social costs of damaged lives in this province that substance abuse leaves behind in its hideous wake. Here is a chance for him to redeem himself, to do something positive for Manitoba's young people. Instead of letting this bill

gather dust, maybe he will do something. Well, we are hoping.

A few months ago, I joined the member for Point Douglas (Mr. Hickes) and I think the member for St. Johns (Ms. Wasylycia-Leis) and the Point Douglas Residents' Committee in a protest picket in front of a retailer in the Point Douglas area. The owners of the store, of course, locked and boarded the doors and the windows of the store while the picket was on. They failed to talk to any of the protesters, and they failed to talk to the media, and of course, while we were protesting they stopped selling their substances, but unfortunately, as soon as the protest ended within a few days they were at it again.

We had another protest after that, and the same pattern happened. They stopped selling for a short time and once the cameras were gone, once the protesters were gone, unfortunately they started again, but they had no reason to stop. They were not breaking any laws.

This bill, of course, attempts to deal with retailers such as that, irresponsible retailers, and if it offends some retailer or manufacturer, then so be it. It is our job here as legislators to protect lives in this province. As opposition, we are calling upon the minister to act. We want this legislation proclaimed so it can get on with its job. We want the substances either removed or their access limited. We want, Mr. Speaker, this bill proclaimed so it can start saving lives in Manitoba.

So I urge the Minister of Health (Mr. Orchard) and I urge the government of the day to proclaim this legislation so that we have no more human tragedies as a result of excess solvent abuse. Thank you.

Mr. Speaker: As previously agreed, this matter will remain standing in the name of the honourable Minister of Labour (Mr. Praznik).

PROPOSED RESOLUTIONS

Res. 21—Open Skies

Mr. Daryl Reid (Transcona): Mr. Speaker, I move, seconded by the member for Swan River (Ms. Wowchuk),

WHEREAS the Canadian federal government is pursuing a policy of Open Skies with the government of the United States; and

WHEREAS the items being discussed include the inequities of the current bilateral air agreements which cause Canadian airlines to receive less than

50 percent of the inter-country passenger revenue; and

WHEREAS free trade in the skies, by way of cabotage, will allow foreign based airlines to access our domestic Canadian flag carrier air routes, thereby driving our flag carrier to either merge nationally, internationally or fail; and

WHEREAS most knowledgeable airline industry experts have concluded the Open Skies discussions will spell the end of our two remaining large Canadian airlines, which combined are smaller than the seventh largest United States carrier; and

WHEREAS there are literally thousands of direct airline industry jobs, as well as several thousands of support service jobs, many of which are located in Manitoba, which will be placed at severe risk; and

WHEREAS Manitoba has already lost hundreds of jobs through deregulation and will lose hundreds more if the Open Skies agreement goes forward.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba immediately convey, in writing, to the Canadian federal government, its strong objections to foreign airline cabotage of Canadian domestic routes, in any form, and to retain Canadian headquartered airlines; and

BE IT FURTHER RESOLVED that this Assembly urge the federal Minister of Transport to hold public hearings in Manitoba regarding the proposed agreement.

Motion presented.

* (1710)

Mr. Reid: Mr. Speaker, I am pleased to add my comments to this resolution, because I think it is important for us in the province of Manitoba and for all of those people that we represent in this province, what it means to them, the impact that these Open Skies negotiations that are currently ongoing are going to have on the employment opportunities for the people in Manitoba, not just in the larger communities of Brandon, Thompson or Winnipeg, but in the remote areas of our province as well, the isolated areas that rely so heavily on air transportation. To a large degree that is their only form of transportation in and out of their communities.

There was a study, of course, that had been done by a special committee on the Canadian-United States air transport services, a committee that had

travelled across the country hearing from different presenters. I had the opportunity, Mr. Speaker, to make representation on behalf of our party on the concerns we had on what Open Skies would mean to us in this province. I know the minister for the government also had made a presentation to that, but I believe in order for the members of this House to understand where the air services agreement had started from, I believe I should give some history, some background on what has taken place with bilateral agreements between Canada and the United States in the past.

In 1944, most nations, including Canada and the United States, had signed a convention on international civil aviation and, of course, that was the beginning of air services agreements between different countries of the world. Canada and United States were signatories to that agreement. After that, in 1946 the United States and the United Kingdom signed an air services agreement themselves between those two particular countries. This was one of the first bilateral aviation agreements in the world. Of course, bilateral aviation agreements are agreements between two countries which are commercial documents on air services covering aspects such as routes, fares, frequencies, capacity and ground services.

The first Canadian-U.S. commercial air agreement was signed in 1949 and provided for an exchange of air routes between cities near the borders of the two countries. In 1966, because there seemed to be a need to amend that particular 1949 agreement, a new bilateral agreement was signed between Canada and the United States expanding scheduled air service, including air cargo services and powers to operate regional and local air services without prior negotiations. Those were the items that were discussed at that time.

The two basic principles of a bilateral air services agreement between Canada and the United States include the equality of opportunities for the carriers of both countries, both Canada and the United States, as well as the equality of economic benefits for both countries. Those are the two guiding principles of the bilateral agreement, air services agreement, between the two countries.

In 1974, the 1966 agreement was amended to include point-to-point routes available to the United States and Canadian air carriers subject to approval, as well as nonscheduled charter services

and preclearance facilities at certain airports in both countries.

Of course, we see in our own facility here in the city of Winnipeg, there are preclearance facilities for those that are headed south of the border, as I am sure the member for Rossmere (Mr. Neufeld) can attest to, having utilized those facilities from time to time. Preclearance southbound facilities have been established at Montreal, Toronto, Winnipeg, Edmonton, Calgary and Vancouver.

No northbound facilities have yet been set up at U.S. airports, even though this was part of the agreement that was required as part of the overall 1974 package. Northbound preclearance at U.S. airports was required, or failure to undertake this preclearance would be reasonable cause to terminate the air transport agreement.

It is my understanding that the U.S. has complied and that they do have the preclearance facilities, as I indicated in the city of Winnipeg and at the other Canadian routes out of the country, and yet Canada has not complied. We do not have those facilities to come back into our own country or to allow the tourism people that want to come and see Canada to have that preclearance.

In 1984, two more air service agreements were signed between Canada and the U.S. One established a more competitive and permissive regime to encourage regional, local and commuter transborder service, while the other was to encourage more transborder traffic at underutilized airports in Canada.

In the original experiment that was undertaken, it was set up between Mirabel and San Jose, California. Of course, Mirabel airport is in Montreal. That particular experiment failed, and Mirabel is no longer part of that. It is my understanding that Vancouver and San Jose are the two experimental cities that are part of that ongoing experiment.

One would think that a large airport facility servicing such a large community as Vancouver might not need to have an experiment since the original intent was to go to an underutilized airport. One would think it might be more appropriate to go to other communities, maybe like a Thompson or a Brandon, to provide that type of service, but it was chosen that Vancouver and San Jose would be the two cities to be part of the experiment.

The deregulation of the Canadian and U.S. air industry in the 1980s and the Free Trade Agreement

caused increased interest on the part of both governments to reopen negotiations in the bilateral agreement. A special parliamentary committee was formed in the fall of 1990, and that is the document I referred to in my opening comments on the report of the special committee; it was the results of that parliamentary committee. Then the committee, as I indicated, did travel across Canada talking to many Canadians about their concerns, and I know there were many presenters here in this province when the committee held its hearings.

At the Winnipeg hearings, the committees heard from local carriers, labour and other presenters. All expressed concern for the future of service and jobs in Manitoba if a fully open agreement was signed between between Canada and the U.S. Concern was expressed that full cabotage and freedom rights would cause the failure of Canada's remaining flag carriers, Canadian Airlines International and Air Canada.

The ongoing negotiations that are presently ongoing, Mr. Speaker, include three objectives, and that is to improve and expand the transborder air service between the two countries and to redress the current imbalance in the revenues that we see—and it is my understanding that there are some \$500 million in revenue imbalance between the two countries. In other words, the U.S. industry is the benefactor of this current agreement. Also, the third objective of the current negotiations is to ensure the viability of the two national carriers and the domestic system and industry that we have in this province and this country.

I raised questions a few weeks back, Mr. Speaker, with the minister of transport when I mentioned in my comments, in my preamble, that there were 75 jobs at risk in the Canadian Airlines industry in this province in the reservation system alone. This was information that had been brought to me by employees of that particular plant, and they were based on the comments that had been made by a senior vice-president of the Canadian Airlines. The minister of transport shakes his head and says, that is not accurate. Yet these 75 employees had the opportunity to sit there and listen to the comments of the vice-president, and I am sure if the minister was to go out and talk to those 75 employees he would get the same message that I got and that these jobs are at risk and that there is no future for the reservation systems in Winnipeg for the Canadian Airlines' employees.

If Canadian Airlines International sells 25 percent to U.S. Air, CAI will most likely buy into the U.S. SABRE reservation system. That is where I see, Mr. Speaker, the airline industry heading, that we will see our jobs leave this province and move south of the border. I raise that concern with the minister for those 75-plus jobs as a concern, because we do not need to lose more transportation jobs. We are having a hard enough time holding on to what we have here, and yet I do not seem to see any concrete actions being taken to preserve those jobs.

It is funny that the Deputy Premier (Mr. Downey) talks about lowering the diesel fuel tax and then at the same time, Mr. Speaker, almost in the same breath we hear from industry representatives from the railway announcing major layoffs at the plant in my own community—major layoffs. What does this government do? What kinds of job guarantees did they get for the reduction in the fuel tax? They paid back to the company but they got no job guarantees in return. What kind of an exchange is that? C.P. Rail still continues to divert traffic around the province of Manitoba. What kind of job guarantees did they get when they got a reduction in their tax?

You have no job guarantees. You gave them a tax rebate. The direction may be to reduce the taxes for those corporations to give them the opportunity, but you have to get something in exchange, a quid pro quo for what you are doing. You do not just give back something that you have been receiving in revenue all along, and get no jobs in return for that tax break that you are giving to those companies.

You do not understand the way it works. You do not understand exactly what they are. They are doormats. We are going to see a continual erosion of the job opportunities and transportation in this province unless you start taking concrete steps to improve the opportunities. If you are just going to give them tax breaks and get nothing in return for it you are going to be losers in the long run and the short term.

* (1720)

The current agreement, Mr. Speaker, getting back to the Open Skies agreement, provides for 83 city pairs in the bilateral agreement: 26 of those are exclusive for Canadian carriers, 39 are exclusive for U.S. carriers, and the other 28 are designated for both countries' use. In 1990, there were 13 million passenger trips, generating \$2.3 billion in revenue.

Of that, U.S. carriers handled 60 percent—they got the bulk—earning them \$500 million more per year than the Canadian carriers.

There is an obvious need to redress the imbalance between the revenue opportunities for the carriers of the two countries, but it is also important that we recognize that we should not give away the fort. We should not give up on the opportunities and the jobs that we have in this province because we want to redress a \$500-million imbalance.

We have to protect, and that is why I come forward with this resolution today, trying to protect the job opportunities that we have in this province. Because, Mr. Speaker, if we allow foreign carriers, U.S.-based carriers, to come into our country, to pick up our domestic air traffic, our travellers, in this province or this country, and move them to other destinations, our Canadian carriers here will suffer and with that will suffer the job opportunities for Canadians and Manitobans.

That is why we come forward with this resolution calling upon the federal government to exclude cabotage as part of the ongoing negotiations.

I note, in an article that was published in *The Financial Post*, that it had been stated that Canada has dropped its cabotage demands from the current negotiations. Yet, in the same breath, in the same article, it says here, from Mr. Harris, Canada's special negotiator at that time, that Canada has not entirely abandoned cabotage from the negotiations. It says, however, while that will not form part of this new air treaty agreement, the U.S. appears agreeable to Canada's request for a mechanism to discuss the subject at some future date.

So Canada has not ruled out the issue of cabotage, and I believe that will cost us job opportunities in this province.

There has been much discussion indicating that Canadian Airlines and Air Canada will have to merge to be able to survive, to be able to compete, in the global economic picture. Now, that may come into being. But if it does, then we may be placed in a position where we have to re-regulate the airline industry because we will then have a monopoly situation. I know the members opposite talk so often and openly about competition being the key to keeping prices down, but if you have a monopoly situation, then you are not going to have that

competition. Then you will have to re-regulate the industry.

Also, with the new agreement, Mr. Speaker, I believe it would be important to ensure that Canada receives its fair and just entitlements of the new agreement. It would be wise to build in a sunset clause to the new agreement, so that we can review and renew after a fixed period of time.

There are going to be some difficulties in the ongoing negotiations, Mr. Speaker, because I know a lot of the airport gates are controlled by the large U.S. airlines, so it is going to be with interest that we watch the ongoing negotiations and what role Canadian airlines will play in that process.

Hopefully, we will be able to preserve the jobs that we have in the airline industry in this province, over 3,000 jobs in this province, something we do not want to risk losing.

I hope that this Minister of Highways and Transportation (Mr. Driedger) conveys those comments to the federal minister so that we can take the steps to preserve and protect those jobs. Thank you.

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I want to put some comments on the record regarding the Open Skies resolution that the member has brought forward, and I want to indicate that there is no Open Skies agreement at this stage of the game.

I want to give him a bit of a scenario in terms of what has happened since October 3, 1990, when Canada and the United States announced that they would be entering into air bilateral negotiations which were intended to liberalize air services between the two countries.

On November 30, I appeared before the federal government's special committee on Canada-United States air transportation services, and at that time expressed concern for employment; air services within Manitoba; local, regional and national services; transporter services; safeguards for Canadian air carriers. I advised the committee that prior to developing a submission that we would do a consultation process.

That consultation process took place. We met with basically all the carriers that affected Manitoba including Air Canada and Canadian Air, and we also had staff contact most of the communities in the North to get some reaction from them. Then on December 19, 1990, I personally presented

Manitoba's comprehensive submission on Open Skies to the Honourable D. Lewis, Minister of Transport, in his office in Ottawa.

Our submission basically dealt with employment, with continued provision and expansion of services to all parts of Manitoba as well as those services linking Manitoba with all regions of Canada, the expansion of transporter air services, installation of safeguards and the levelling of the playing field to ensure the continued viability of Canadian air carriers, ensuring that Canadian carriers would have equal access to U.S. gates, slots, services and facilities, rectification of the route and balances which currently favour to the U.S., because the last agreement that was struck between Canada and the United States was not a good deal for Canada, Mr. Speaker.

We also dealt with the issue of preclearance, phasing in of an open regime to allow Canadian carriers time to get on an even footing with the American carriers, reassessing the cost-recovery program on Canadian airports, removal of the tax burden imposed by the federal withholding taxes on territorial lease financing, reduction of the federal aviation fuel taxes, removal of cabotage as an issue in these negotiations and providing for increased provincial participation in the negotiations through an improved federal-provincial consultation process.

These were the highlights of the submission that we presented to the minister at that time. I want to indicate also further, we requested that we should have a role to play in the negotiations to some degree, and agreement was reached that we would have at least one of the negotiation meetings take place in the western part of Manitoba.

Based on that, we did have a meeting that took place in Regina. On September 9, 1991, I met with the then new minister, Honourable Jake Corbeil, Minister of Transport, to reconfirm Manitoba's position relative to the Canada-U.S. air bilateral negotiations. On November 12, Mr. Speaker, I wrote to the minister once again to reaffirm our requirement for the introduction of safeguards on phasing to ensure the viability of Canadian air carriers in requesting a federal government commitment to specific initiatives in this regard.

The federal minister has made some announcements in response to Manitoba's request, announcing the introduction of a two-year loss offset

program offering a partial rebate of federal excise tax on aviation fuel, as well as an extension to domestically used leased aircraft of the exemption from withholding taxes that currently applies to leases for international use.

The member, Mr. Speaker, raised the issue of cabotage, and I want to indicate that in the fourth round of negotiations in Denver, December 16, 17 and 18, it was decided to put the issue of cabotage aside for some other time.

For those who maybe do not have an understanding of what cabotage means, basically cabotage means that American carriers, the giant carriers, could fly to a place like Toronto and take passengers from Toronto and fly them to Vancouver. Our concern has always been that because of the advantages in fuel that they have, other advantages that they have, that they would skim the cream off the crop, so to speak, and disadvantage our Canadian carriers.

* (1730)

I want to also at this time bring forward some other concerns, the member alluded to some of them. Our national carriers at the present time are having great difficulty. Both Canadian and Air Canada had major losses last year. I met just last week with the vice-president from Air Canada in my office, and he indicated that in the first quarter of this year their losses were another \$164 million. Canadian is also continuing to lose money.

Obviously, this cannot go on. They either have to rationalize their operations. I want to indicate I have some concern, and I would support in my view the fact that we should have the two carriers combine, because Air Canada has indicated to me that, for example, both Air Canada and Canadian fly out of Toronto to Europe on the same day, both with half loads. It does not make sense, and that is why you have these kinds of losses. So I think an amalgamation in terms of the two national carriers to put them on a competitive basis, on the global aspect of it, because we are gradually losing both of them.

I think Air Canada at one stage of the game was the 10th biggest carrier in the world. They have dropped to 20th, and Canadian has dropped to the 26th largest carrier in the global picture. There are continual amalgamations taking place where the bigger carriers are basically gobbling up some of the smaller ones. You have a two-tier system. You

have the first system which is the megacarriers, and then you have the second tier system. If our two major air carriers, Canadian and Air Canada, would combine, they would just barely make it into that second category. When I looked at the figures that were presented to me by Air Canada, I would want to have good reasons to know why the two of them should not be amalgamated.

We have to realize that if they do that, in order to be efficient, there would be job losses and pain, but they have indicated that once initial job losses had occurred that they would then recover again with the job losses within five years to bring it back up virtually to the level that they were at now, hoping that they would be competitive in the world market. So these are things that are happening right now, and I have to indicate some concern.

I am hoping to meet with Canadian Airlines people very shortly, because they are in the process of signing a deal with American Airlines on a 25 percent ownership ratio. Some of the concerns that the member for Transcona (Mr. Reid) brought forward certainly are very valid, because I would expect that a major carrier of that nature ultimately would start servicing from out of the States where the costs are lower, repair costs are lower, wage costs are lower, but ultimately they would be playing a bigger role and many of our jobs for maintenance, et cetera, would be going down to the South. So I have major concerns about that happening.

I intend to put forward some correspondence to the federal minister indicating that I think open public hearings should be held to address this. You have the National Transportation Agency that basically has to consider the application, and if they do it behind closed doors I think you would be jeopardizing, you know, the decision. I think open hearings should be held. The negotiations, I think, were in the process for a while between Canadian and Air Canada and seemingly did not make the kind of progress that I would have liked to see them make.

But I think in terms of economic jobs that are involved, the economic impact on Canada as a whole, that maybe we cannot afford two national carriers. If we look at what has happened in the global situation, many of the other countries have gone to one national carrier. So I throw that out as my view on the fact that I think we have to encourage the possibility of maybe having one viable air carrier in Canada instead of having two that ultimately will

lose more money, will take and cut back on jobs. Ultimately it is going to have a worse economic impact on us jobwise and otherwise than if we had them amalgamate.

Of course, concerns for jobs are always there, but how long can companies like Air Canada or Canadian lose the kind of millions of dollars that they are losing? Ultimately it will break the system and we might end up with none.

So I just want to indicate some of the concerns that I am dealing with at the present time. I did not have too much problem with the resolution that the member brought forward. However, I would like to move an amendment, and I think it is in keeping using basically some of the stuff there. I did not like some of the references made by the member in his resolution, though I think this is an issue that—most of my transportation issues, by and large, are not political in terms of party politics whether it is Churchill or whether it is C.N. or whether it is the air carriers.

I think we have to all as elected representatives try and see what is most economical and most beneficial to us as Manitobans. I have stressed this, and I think we have to stress it much stronger, the fact that Manitoba with our location is a hub for transportation. I think possibly that we have not been able to capitalize it to the extent that maybe we should have, whether it is in the trucking industry, whether it is the rail industry, or whether it is the air industry.

I remember the debate that took place here in terms of trying to protect the airport at Winnipeg. I think we are very unique in the fact that we have the airport right in the city, so to speak, compared to even Edmonton where you drive half an hour before you get to the city. So there are a lot of advantages that we have here and I think we should be able to capitalize on that in terms of, you know, air freight as well as passenger freight. I think this could be a connector route to the European countries, to Russia, et cetera.

We are competing against megagiants in the industry, and that is why I encourage, put forward the positions that made it very possessive in terms of the position that we put forward for Manitobans and Canadians in terms of the air bilateral agreements.

The one thing I just wanted to indicate, that the federal government was responsive, that I have a

representative from my department, Rolly Savoie, who is very capable in the air industry, who attends all these meetings, not as a negotiator, but they get briefed beforehand and get debriefed right after these meetings, so we have current, updated information all the time, and we appreciate it.

We realize that, as much as one would maybe like to have representatives on the negotiating team, that if you have—the complexity of having every province represented plus the federal government plus the other people, it gets to be a very complex thing. So we feel that they have responded to our concerns in terms of having somebody participate at the level that we do. At least, we are currently advised of any changes that take place. The fact that cabotage has been removed, that was one of our major concerns and, of course, making sure that our carriers can be competitive.

The whole idea of going into—when I talked with the Honourable Minister Lewis at one of my first meetings about Open Skies, I was comforted by the fact that he said, we will not go into an agreement unless there are going to be benefits for Canada this time around, because the last negotiations were terrible. We came out of it very badly.

It is very hard if you get into the air carrier industry. When you look at the hub-and-spoke type of system that the Americans have, it is virtually impossible for our carriers even to access any of those, because they control all the gates. I know that some of you who maybe have flown down, you find out that you cannot unload at a ramp, you have to unload on the tarmac and walk. These are all part of the problems. We are competing against the giants in the industry, so I think we have to be very cognizant when the federal government is negotiating with the Americans.

Mr. Speaker, I want to propose an amendment. Basically, I want to indicate:

WHEREAS the Canadian federal government is pursuing a policy of Open Skies with the government of the United States; and

WHEREAS inequities of the current bilateral air agreement with the United States cause Canadian airlines to receive less than 50 percent of the transborder passenger revenue; and

WHEREAS free trade in the skies without appropriate safeguards for Canadian air carriers and without phasing-in provisions would not allow Canadian air carriers to compete with their United

States counterparts on a level playing field and thereby jeopardize the Canadian air carriers' ability to remain viable; and

WHEREAS there are literally thousands of direct airline industry jobs, as well as several thousands of support service jobs, many of which are located in Manitoba.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba support the position put forward by the Minister of Highways and Transportation (Mr. Driedger) to the federal government in which he strongly objected to an Open Skies agreement without adequate safeguards for Canadian air carriers and without appropriate phasing-in provisions.

An Honourable Member: You need a seconder.

Mr. Speaker: Order, please. On the amendment as proposed by the honourable Minister of Highways and Transportation (Mr. Driedger), as much as the House is aware of what the honourable minister is attempting to do, I wonder if there would be leave of the House to allow insertion of the words:

"THAT the resolution be amended by deleting all the words after the first "WHEREAS" and substituting the following:"

As has been proposed by the honourable Minister of Highways and Transportation.

Is there leave of the House? [Agreed]

* (1740)

Therefore, it has been moved by the honourable Minister of Highways and Transportation (Mr. Driedger), seconded by the honourable Minister of Northern and Native Affairs (Mr. Downey):

WHEREAS the Canadian federal government is pursuing a policy of Open Skies with the government of the United States; and

WHEREAS inequities of the current bilateral air agreement with the United States cause Canadian airlines to receive less than 50 percent of the transborder passenger revenue; and

WHEREAS free trade in the skies without appropriate safeguards for Canadian air carriers and without phasing-in provisions would not allow Canadian air carriers to compete with their United States counterparts on a level playing field and thereby jeopardize the Canadian air carriers' ability to remain viable; and

WHEREAS there are literally thousands of direct airline industry jobs, as well as several thousands of support service jobs, many of which are located in Manitoba.

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The honourable minister's amendment is in order.

Mr. Reid: Mr. Speaker, I have some concerns about the amendment. It seems to be somewhat self-serving in the content of the final THEREFORE BE IT RESOLVED. I am sure this would have been more acceptable as an amendment, a friendly amendment, if the minister had included in there some of the other major groups in our province that had made representation to the parliamentary subcommittee that had been travelling across the country. Of course, the minister did not see fit to do that.

He also talks in his amendment to my original Resolution 21, where it says here, "there are literally thousands of direct airline industry jobs, as well as several thousands of support service jobs, many of which are located in Manitoba." That is true, but he never once mentions that these jobs could be at risk if we allow cabotage to go through, and/or freedom rights as well.

It is unfortunate that the minister chose to do this, because I thought that the intent of the original resolution, Mr. Speaker, was what one could consider to be nonpolitical in nature, in the sense that we were attempting by way of the original resolution to protect the jobs in the province of Manitoba. Yet the minister in his wisdom has chosen to make this into a political event and to take lightly the risk that is going to be placed upon the jobs for many Manitobans. He does not seem to take this issue very seriously at all, and I suppose that time will tell as to how many further jobs are going to be lost in the airline industry of this province.

We know that the Canadian airline industry receives less than the 50 percent of the transport of passenger revenue. I made that clear in the comments, and there was some \$500 million in imbalance that takes place and needs to be

redressed. That is something that I made clear in my comments, that we needed to have some negotiations to redress the imbalances that were in place or the inequities that were in place. I believe that the only way you can accomplish that is to sit down at the negotiation table and to talk about these issues with the American government and to lend some support for the position that the Canadian airlines industry finds itself in, because they are in a desperate revenue shortage. [interjection]

I am sure the member for Rossmere (Mr. Neufeld), with some patience, will understand in a few minutes my concerns and the position that we are going to have over this amendment that the Minister of Highways and Transportation (Mr. Driedger) has proposed.

There are many, many people who are concerned, not just myself or the groups that have made presentations to the subcommittee, because all of them, from my understanding and my attendance at those hearings, were opposed to the issue of cabotage. That is why we came forward with this particular resolution, because we knew the impact that it was going to have on us, of our travel opportunities and our job opportunities in this province. At no time did we indicate that this was going to be a political resolution. It is very clear that it is not.

The government has said time after time that they could never support a resolution that was political in nature, and yet when we come forward with a resolution that is nonpolitical in nature, they insist on amending a nonpolitical resolution.

Our intent is clear by the original resolution that we want to protect job opportunities for Manitobans, and yet this government and this Minister of Highways and Transportation wants to turn this into a political circus, self-serving to his own ends. We do not think that is a right action to take.

I can tell you, Mr. Speaker, looking at the wording that is in this amendment that this minister has brought forward, that I personally cannot support this amendment for its self-serving nature as we see all too often why amendments coming out of the government ranks—[interjection] It does cause debate. The minister is correct. It does cause debate.

But when I submitted this resolution for consideration, it was so that it was nonpolitical in nature and my intent was to protect the job

opportunities of this province and the transportation opportunities in this province. That is why I indicate that they have turned it into a political circus by this amendment the minister has brought forward.

I do not think that is the proper way to treat the job opportunities or the people of the province of Manitoba. I think he is showing a complete disregard for these job opportunities and for the people themselves who are employed in this particular industry.

I am embarrassed by the position that you have taken in regard to these jobs or these people and the lack of support that you are showing for them. Therefore, with that, Mr. Speaker, I will conclude my remarks.

I am sure that the people who are employed in this industry will have their chance to be a judge on what this government has done or lack of effort that this government has shown in regards to their particular jobs and the positions that they have in these companies, and the travel opportunities for Manitobans.

Thank you, Mr. Speaker.

* (1750)

Mrs. Shirley Render (St. Vital): I really had not intended to speak, but I just wanted to correct a statement that the member for Selkirk (Mr. Dewar) had made. The member for Transcona (Mr. Reid) has a good grasp of the situation, but I think I would like to give just a very small history lesson to the member for Selkirk.

I think, if my hearing was not incorrect, I heard him say, first there was Air Canada and then there was C.P. Well, as a matter of fact, first there was a company called Western Canada Airways which was started right here in Winnipeg, Manitoba which was formed in 1926 to open up the North. That company was so successful that it was later developed into a company by James A. Richardson called Canadian Airways Limited which was to be the trans-Canada company of this country, and it was the major airways company throughout the 1930s until Air Canada, which was called Trans-Canada Airlines, was formed in 1937. Just for the information of the members opposite, Canadian Airways Limited was the basis for what then became Canadian Pacific Airlines, which was formed in 1942.

So really, I just want to say that this province has an extremely proud history, a very proud aviation heritage. This province had the first major airways company in Canada. It also has a very dynamic aircraft and, of course, now aerospace industry. MacDonald Brothers, which was one of the major aircraft industries during World War II, which is now Bristol Aerospace, Standard Aero. I could go on and on. If you just walk yourself right around the airport there are a myriad of companies around there. But really I will just finish, because I can see that my time is running out, by saying that I do support the minister's resolution. I think some of the main concerns that the member opposite mentioned, I think the Minister of Transportation (Mr. Driedger) has addressed those, such as employment and the continued provision and expansion of services to all parts of the province, of course making sure that there are safeguards installed.

One other thing that I am not too sure whether anybody did mention, I heard the member for Transcona (Mr. Reid) mention cabotage—well, maybe the minister did define what the word "cabotage" was. Just for those members who do not know what that meaning is, cabotage means that you allow a carrier from a foreign country to come into your country and pick up passengers from one city to another, which, of course—

An Honourable Member: No, they always call that sabotage.

Mrs. Render: Ah, sabotage, the member for La Verendrye (Mr. Sveinsson) says. Well, actually the right word is cabotage, and I agree with the member opposite that that is something that this province and indeed likely this country do not want on the negotiating table right now. As I said, the member across the way has a very good grasp, but I do want to finish by saying that I support the minister's resolution.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I was somewhat humoured when the member for St. Vital (Mrs. Render) stood up and started to talk about the history of Air Canada and Canadian Airlines and so forth, and where we started off back in the mid-'20s with the Western Canada Airway and so forth. Like the member for St. Vital, I too feel very proud of the way in which the skies have been filled with what I would argue is with a lot of Canadian ingenuity, a lot of Canadian input, that in fact we

have to not only feel good about what happened years ago, but we also have to ensure that we have that Canadian content in the years ahead. This is what the resolution itself is dealing with, that it is imperative as provincial legislatures that we send messages to Ottawa where decisions are being made, some good, some bad—

Mr. Speaker: Order, please. When this matter is again before the House, the honourable member for Inkster (Mr. Lamoureux) will have 13 minutes remaining.

The hour being 6 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday).

Legislative Assembly of Manitoba

Wednesday, May 13, 1992

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