

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, November 22, 1989.

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

ORAL QUESTION PERIOD

Free Trade Agreement Subsidy Negotiations

Mrs. Sharon Carstairs (Leader of the Opposition):

Mr. Speaker, my question is to the First Minister. Yesterday when we raised concerns with respect to Canada-U.S. subsidy negotiations it became evident the Minister of Industry, Trade and Tourism (Mr. Ernst) did not have the slightest clue about what was going on. The subsidy negotiations will not be starting for eight to 10 months, the Minister said.

Critical negotiations are taking place right now, without our provincial Government even knowing about them. These negotiations involve subsidies the people of this province rely on for their well-being. This province is sleeping at the wheel. The Chief Subsidies Negotiator's office in Washington has informed us that negotiations began last Wednesday.

My question to the Premier (Mr. Filmon) is: who are we to believe, this Minister who did not know what he was talking about or the U.S. subsidies negotiator who is right now at the bargaining table?

Hon. Jim Ernst (Minister of Industry, Trade and Tourism): Mr. Speaker, first let me say, if the U.S. negotiator is at the bargaining table I do not know who he is bargaining with.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order. Order, please. The Honourable Minister.

Mr. Ernst: As I indicated to the House yesterday, the Canadian position will not be advanced by Canadian negotiators for at least eight or 10 months, once the GATT negotiations have been substantially completed. That was the information given to me by federal negotiators through my staff. They are, on a national basis in Canada, discussing a variety of subjects, which were explained to the House yesterday.

* (1335)

Subsidy Programs Analysis

Mrs. Sharon Carstairs (Leader of the Opposition): This indicates of course the real lack of ignorance, because he is not negotiating with anybody, but she, Ann Hughes the U.S. negotiator, is negotiating with Tony Halliday, representing Canada.

Can the Minister tell us what analysis he is doing and how valuable he thinks that analysis is, if it is going to begin now to be completed in 10 months, when the process is going on right now?

Hon. Jim Ernst (Minister of Industry, Trade and Tourism): Mr. Speaker, regardless of whether it is a man or a woman who is negotiating for the United States, the fact of the matter is that in Canada we are assembling information for the start of negotiations in eight or 10 months time.

Mrs. Carstairs: The negotiations have started. Yesterday this Minister said no subsidy program would be on the chopping block. In the answer to another question he said his officials were in the process of determining which programs. Can he clarify for us today, in clear terms, which programs in this province are up for subsidy negotiations discussions?

Mr. Ernst: Mr. Speaker, I indicated to the House yesterday, to my honourable friend across the way who tends to read into things, perhaps, what she wants to believe as opposed to what is really there, the fact of the matter is, under the Free Trade Agreement subsidy and negotiations, no social programs, no health care are on the chopping block; no programs are on the chopping block. I think I indicated that rather clearly yesterday.

The fact of the matter is that we want our negotiators, Canadian negotiators, to be fully aware of the programs that are in the Province of Manitoba, economic development programs in particular, agricultural programs as well, to ensure they are fully aware of the kind of programs that we have in this province, how they work, for whom they benefit and so on. So when they go, and if they are raised by the Americans during subsidy negotiations, then they will be fully aware of how they affect the Province of Manitoba. No programs are being put on the chopping block.

Mrs. Carstairs: We are not even in part of the discussions.

Canada Post Northern Subsidy Reduction

Mrs. Sharon Carstairs (Leader of the Opposition): I have a new question to the Premier (Mr. Filmon) of the province. Mr. Speaker, on several occasions the Premier has indicated his opposition to the arbitrary way in which the rules for the Northern Tax Allowance have been drawn up by his federal cousins in Ottawa.

We know that is unacceptable to many of our northern residents, but they are now going to get a double whammy, because Canada Post has been forced to raise its rates by an average of 32 percent to commercial and retail customers in northern communities beginning January 31. This cost will be passed on to consumers and those in business sectors.

My question is to the Premier (Mr. Filmon). Does he support these subsidy reductions to Canada Post, which amount to an indirect attack on residents in northern and isolated communities? If he does not, what contact has he made with the federal Government on behalf of the residents of the North?

Hon. Gary Filmon (Premier): Mr. Speaker, the provincial Ministers of Northern Affairs met last week, with their federal counterparts, and agreed that they were jointly, all of them, opposed to those changes, not only in northern allowance under the tax Act, but also those changes with respect to Canada Post. That agreement amongst all the Northern Affairs Ministers from the 10 provinces has been communicated to Ottawa and is the position that our Government is taking.

* (1340)

First Ministers' Conference Issues Discussed

Mrs. Sharon Carstairs (Leader of the Opposition): In that this announcement was made long before the Minister went to the First Ministers' Conference, can he tell the people of Manitoba if he raised it on behalf of the northern residents of this province in the private meetings, in that he did not raise it in the public ones?

Hon. Gary Filmon (Premier): Mr. Speaker, the Leader of the Opposition knows full well that we had a number of matters on our agenda. We had meetings that extended well beyond what they were expected to take. We discussed many important issues. Meech Lake, as it turned out, overcame many of the issues that we dealt with.

The fact of the matter was that I raised a whole host of issues in my opening statement, one of which was not this particular issue. I might indicate that the Leader of the Liberal Party indicated her support for the things that I said and I think acknowledged that we were dealing with many, many priority issues. It was not possible to make mention of every possible irritant between ourselves and the federal Government. That is why the Northern Affairs Ministers met last week and, together, indicated a concurrent position of opposition to those measures.

I might indicate that it is also on the agenda for the Finance Ministers' meeting with Michael Wilson, December 6, and 7, to ensure that Manitoba's concerns are raised.

Canada Post Northern Subsidy Reduction

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, it is one more evidence that our federal Government seems to have a remote connection with people who live outside of the heartland of Quebec and Ontario in this country and they do not listen to the needs of those who live elsewhere.

Can the Minister of Northern Affairs (Mr. Downey) tell the House what, beyond a simple letter, will be done

on behalf of residents who live in northern communities, not only in our province but in other provinces, or will a letter to the appropriate ministry satisfy this Minister?

Hon. James Downey (Minister of Northern and Native Affairs): Mr. Speaker, let me first of all clearly indicate our dissatisfaction of the way in which a lot of tax measures have impacted on northern residents of Manitoba and the rest of Canada. That displeasure and that impact will in fact be communicated and has been communicated by the chairman of that particular meeting.

Mr. Speaker, we are as well encouraging our Ministers of Finance to put forward to the federal Government in a most assertive way the way in which we feel the treatment of those people and the additional costs of postal service, how it will in fact impact on those areas of the country, particularly when they already have some higher costs than the rest of society. I think a strong case can be made on their behalf.

Centre for Disease Control Environmental Impact Study

Mr. Gary Doer (Leader of the Second Opposition): My question is first of all to the First Minister (Mr. Filmon). Manitoba, over the last number of years, has been successful in obtaining approval for the Disease Control Lab to be moved from Ottawa to our province, something both administrations worked on with the federal Government in a positive way to achieve that announcement that was reached just over a year ago.

Unfortunately, Mr. Speaker, I am very worried about the situation with the lab site. We have a flip-flop now in terms of the money situation and it is before City Council, possibly a change in decision of the location and yet the document presented to the Executive Policy Committee of the City Council again today does not have any environmental impact data in it. Similar to the May document that was presented at City Council, there is absolutely nothing to do with the environmental impact of different lab sites in terms of the City of Winnipeg.

My question to the Premier is: will he engage his Minister of Environment (Mr. Cummings) with the City of Winnipeg and develop an environmental strategy for this lab site, so that it is not left at the last minute and jeopardize the possible location of that lab in the City of Winnipeg as the City Council goes through its various gyrations with the location of the site?

Hon. Gary Filmon (Premier): Mr. Speaker, let us firstly be clear on one thing. I do not think there is anybody, unless it is the Leader of the New Democratic Party, who is suggesting that there would be greater environmental concerns from having the virology lab on that site than there is from having the Works Yard there with its emissions problems, its dust problems, its noise problems and all of those environmental considerations.

So if he is suggesting that there would be more environmental problems potentially with the use of that site for a virology lab, I would say he is wrong.

Mr. Speaker, the second thing is of course that I guess we would have to ask the Leader of the New Democratic Party what his stand is. Is he going to be blindly favouring the union position, which is to maintain the Works Yard down there and instead ignore the very real positive prospect to remove an environmental problem and replace it with a health lab that will have tremendous benefit to all of the scientists, researchers, doctors working in that area as well as the greater community at large?

* (1345)

Centre for Disease Control Environmental Impact Study

Mr. Gary Doer (Leader of the Second Opposition):

Mr. Speaker, in September we suggested to the Minister of Environment (Mr. Cummings) that they were breaking the law by not having an environmental impact study for the Charleswood bridge. We did not say whether this would be good or be bad or whether one site should be chosen or one site should not be chosen. We said that they were breaking the law. We tabled two legal opinions at that time and the Minister has since changed his position and said yes, he has a further legal opinion that indeed an environmental impact study is necessary. We would prefer it to be independent and not being done by the advocate but yet we had that change in position from the provincial Government for what they said in this Chamber in September to what we heard recently.

My question to the Minister of Environment (Mr. Cummings) is: rather than having some citizen sue later on no matter where the site is, that it does come under The Environment Act, should we not be looking at the environment as part of the criteria without making any judgment at all now, rather than jeopardize the valuable location of this lab in Manitoba and Winnipeg at some later date by some court suit?

Hon. Glen Cummings (Minister of Environment):

Mr. Speaker, I am very disappointed that the Leader of the third Party would put such a vast amount of misinformation on the record when he talked about the law being broken in relationship to Charleswood bridge. What we have indicated is there are some technical aspects of the work that was done. It has nothing to do with the application of The Environment Act.

In reference to the site, the Virology Lab; the Premier (Mr. Filmon) is absolutely correct. This lab is a state-of-the-art lab. To think that varied locations would have different emissions from the laboratories seems to me to be a little bit absurd.

Mr. Doer: Mr. Speaker, the Members opposite, they talk about sustainable development, and all we get is sustainable rhetoric. You are still missing the point. We were told the Repap proposal was state of the art. We were told the Athabasca Pulp and Paper was state of the art. Each one of those have been stopped now halfway through to have a full Environmental Impact Study.

My question is to the Minister of Environment (Mr. Cummings): is he not working with the Urban Affairs Minister (Mr. Ducharme) to ensure there is an environmental strategy, which is missing from the City of Winnipeg's own reports, so that we do not have a legal suit and the stoppage of this worthwhile project coming to Manitoba, sometime later on, being based on citizen participation and suits?

Mr. Cummings: Mr. Speaker, I suspect this Member has a hidden agenda and really would rather have his choice for the lab site brought into place. Somehow he is trying to cloud the issue by talking about environmental issues.

It is bizarre, as I said a minute ago, to say that a different location for the plant would develop different emissions. The fact is that The Environment Act, and I am sure he knows, has site specific licences. At the same time, we cannot give environmental preclearance until we have some sort of an application to know what it is that the licence would be applying to.

Mr. Doer: The province was involved in getting the lab to Manitoba. We are all very happy that it is coming to Manitoba. The city has gone from a decision in May to another potential decision in November or December, and no one in the city administration or the provincial administration is considering the ramifications of environment on the site proposal.

My question to the Minister of Environment is: does he not think it is appropriate that the city, in any of its documentation, follow through on all the considerations of the environment, or are we going to let it happen six months down the road when a citizen takes an interest and possibly challenges whatever site it is without making any value judgment at all on it?

Mr. Cummings: Again, Mr. Speaker, the hidden agenda of the third Party is becoming a little less hidden all the time. They obviously have a preference, but they do not—

An Honourable Member: Point of order, Mr. Speaker.

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

Mr. Doer: The Minister is impugning motives, and they continue to impugn motives. All we want is the environment to be considered in this development. That is all we are asking this Chamber.

Mr. Speaker: Order, please. The point of order raised by the Honourable Member for Concordia (Mr. Doer) is not a point of order, it is a dispute over the facts.

Mr. Cummings: Mr. Speaker, the Member wants to raise the spectre of us losing the lab if we do not provide some sort of environmental preclearance. I would

suggest that every environmentalist in this country would lynch him in effigy if he did that about every project in this country. It is bizarre.

* (1350)

Social Assistance Citizenship Questioned

Mr. Bob Rose (St. Vital): My question is to the Minister of Economic Security. It has been brought to my attention that a resident of Winnipeg, Melissa Miller Campbell, a single mother of four children who were born in the U.S.A., applied for Social Assistance in this province over six weeks ago.

It is common knowledge that these children are automatically citizens of Canada, because their mother was a naturalized Canadian. As of today they have not received support, because the Economic Security Department is questioning the citizenship still of these children.

Mr. Speaker, this is but another example of the callous and uncaring attitude of this Government. Is it the practice of this Government to hold back support from a destitute family under these circumstances?

Hon. Charlotte Oleson (Minister of Family Services): Mr. Speaker, I will look into the case that the Member references and get the particulars of it. I must remind the Member that staff have to go through certain procedures to establish whether there is a need to pay Social Assistance. There are regulations and protocols and procedures in place.

Canada Assistance Plan Compliance

Mr. Bob Rose (St. Vital): Mr. Speaker, my next question then, quite simple, if she has to go back to staff, is this Minister now not aware that this sort of action is contrary not only to the Canada Assistance Plan but her own regulations as well, clearly?

Hon. Charlotte Oleson (Minister of Family Services): Mr. Speaker, my staff at all times attempt to work within the rules and regulations of the Canada Assistance Plan and the rules and regulations that Manitoba has set down for Social Assistance. I would remind the Member that if this is such a serious case, why did he not come and speak to me about it personally instead of raising it in the House?

Some Honourable Members: Oh, oh!

Mr. Speaker: Order. Order, please.

Social Assistance Policy Review

Mr. Bob Rose (St. Vital): Mr. Speaker, to the same Minister, this woman in this unfortunate plight had three different, and this is not unusual from that department, economic security workers within one week. Certainly

this only adds to the confusion. When is the Minister going to put an end to that practice, start to ensure improved service for Manitoba and stop playing games with clients' lives in this province?

Hon. Charlotte Oleson (Minister of Family Services): Mr. Speaker, I am disappointed that the Member does not have something else to raise that he has to raise ridiculous points like that. The staff at all times—

Some Honourable Members: Oh, oh!

Mr. Speaker: Order.

Mrs. Oleson: I am concerned with the lives of those Manitobans. I am also concerned that the Member, if he—

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please. Order. The Honourable Minister of Family Services to finish her answer. The Honourable Minister.

Mrs. Oleson: Finished.

Grant Family External Affairs Intervention

Mr. Paul Edwards (St. James): Mr. Speaker, my question is for the Minister of Justice (Mr. McCrae). Almost two weeks ago I asked the then Acting Minister of Justice to make contact with Joe Clark and demand that Canadian authorities in Indonesia start assisting Nancy Grant and her brother, Robert, in their attempt to get Nancy's two children back to Manitoba where they legally belong. That question was taken on notice at that time, and I have not heard back.

I have today learned from the grandfather of these children, Mr. Gary Grant, that Nancy is hoping to learn today that her children may be given back to her. She is in Indonesia and she has indicated that a note from External Affairs sent a number of days ago was of great assistance in her efforts.

Today would appear to be an appropriate day for External Affairs to send another note to Indonesian officials. Mr. Speaker, will the Minister contact External Affairs today pass on this new information and ensure that they are continuing at this critical time to send the message to Indonesian officials that these children belong in Manitoba?

Hon. James McCrae (Minister of Justice and Attorney General): The Honourable Member's interest in this matter is appreciated. I can tell him that the Family Law Branch of the Department of Justice of Manitoba has taken an extremely active part in working with External Affairs on this particular matter. The comments made by the Honourable Member today are appreciated and will be taken into account in terms of any further contacts the Family Law Branch of my department would be having with the Department of External Affairs.

* (1355)

Family Law Branch Intervention

Mr. Paul Edwards (St. James): I simply reiterate that today appears to be a critical day, according to the family. We have also now learned that the father in this case had these children taken out of Canada, was allowed to take them out of Canada on an Indonesian passport.

Will the Family Law Branch, or have they already researched the issue of a foreign parent taking children out of the country when our courts have said they belong in Canada, with a view to making recommendations, whatever are appropriate, to the federal Government on what might be done to minimize this happening in Manitoba and indeed throughout this country?

Hon. James McCrae (Minister of Justice and Attorney General): My understanding is that indeed the children did not travel to Indonesia on Canadian passports and Mr. Davidson, representing the federal Government, has attempted to set the record straight on a number of issues. If the Honourable Member would like to discuss the matter with me after Question Period, I would be happy to share with him all the information that I have.

Mr. Edwards: The Minister is correct and that is what I said. It was an Indonesian passport. The issue is: what is there to stop a parent from a foreign country getting children out of the country on a foreign passport? I assume that his department will look into that.

Maintenance Agreements Reciprocal Enforcement

Mr. Paul Edwards (St. James): Finally, for the same Minister, another aspect of this problem is the collection of child and spousal support from people who leave the country.

Can the Minister give us an update on what I assume are the ongoing efforts of his department to sign new maintenance enforcement reciprocal agreements with other jurisdictions?

Hon. James McCrae (Minister of Justice and Attorney General): I will contact the acting director of the Family Law Branch just to find out exactly how many agreements we have. Certainly under The Reciprocal Enforcement of Maintenance Orders Act there are only so many jurisdictions that we have those agreements with. I will get the information regarding the number of contracts, if you like, that we have with other jurisdictions.

Deer Lodge Hospital Extended Care Beds

Mr. Steve Ashton (Thompson): Yesterday, we in the New Democratic Party outlined how in the health care field the Minister of Health (Mr. Orchard) has not been listening to the grass-roots health care providers, and we are seeing more and more that the Minister is also

delaying in dealing with major decisions affecting the health care sector.

I would like to ask the Premier (Mr. Filmon), in view of the fact that the Minister of Health (Mr. Orchard) has not only refused to act on the Concordia Hospital, Grace General Hospital and Winnipeg Municipal Hospitals capital expansions, whether the First Minister will now instruct the Minister of Health (Mr. Orchard) to at least move in terms of the Deer Lodge Hospital where you have 85 beds that have already been constructed. The space is there, but the Minister is delaying moving on that, pending the result of this study by the Health Advisory Network, which has still no reporting deadline and will lead the system to be in the situation it is today where it is in chaos, where people are in the wards; they are in the hallways at the hospitals like Concordia while we have 85 spaces sitting empty at the Deer Lodge Hospital.

Hon. Gary Filmon (Premier): The hypocrisy of the New Democrats never ceases to amaze me. These are the people who froze capital spending on health care in this province for a year prior to when they were defeated the last election. Under those circumstances the system was put in chaos, because there was no planning, there was no ability to deliver the capital works in the health care field, and it took us a good deal of time to get that back into order.

The Minister has announced now the largest capital program in the history of the Department of Health. That program covers many, many needs, but it cannot cover all the needs in one year because of the tremendous backlog as a result of the inactivity and the negligence of the NDP.

Mr. Ashton: The Premier (Mr. Filmon) cannot have it both ways. We had a \$500 million program announced '86-87. This has already been built. I am asking the First Minister, this was built by the previous Government: why will this Government not move and open those beds to deal with the growing crisis in extended care facilities in this province? This is already built. Why will he not act on it?

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please. The Honourable First Minister.

Mr. Filmon: Because of a lack of planning, we obviously are faced with a resources conflict in many areas of the Department of Health.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order.

Mr. Filmon: Mr. Speaker, obviously the Leader of the NDP does not want to hear the answer, so I will just sit down then.

* (1400)

Mr. Ashton: My final question is the facility is already built, when the Minister of Finance (Mr. Manness) is

squirrelling away funds in his Fiscal Stabilization Fund, why will the First Minister not instruct the Minister of Finance (Mr. Manness), if the Minister of Health (Mr. Orchard) does not have the money in his budget to provide funds for the opening of these 85 beds that have already been constructed and are sitting being used only as a day area right now because of the inaction of this Minister of Health?

Mr. Filmon: Mr. Speaker, the Minister of Health (Mr. Orchard) is in the midst of his Estimates. He can give full information and debate and discuss all the details of that particular issue. Here we have the Member for Thompson (Mr. Ashton), who is afraid to get into discussion with the Minister of Health, who waits until he is not here in the House to raise these issues because every time he does raise these issues in Estimates he gets his ears pinned back and he is shown for the fool that he is.

POINT OF ORDER

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

Mr. Steve Ashton (Second Opposition House Leader): The First Minister (Mr. Filmon) has, in one answer to questions, broken two of our Rules. First of all, he should not make reference to the absence of the Minister of Health (Mr. Orchard). That is against our rules, and I think the last comments show the fact that the Premier is stooping to name calling in this House and shows that the Premier has a great deal of difficulty in taking the high road.

I did not ask for anything more than an answer on a very serious health matter, Mr. Speaker, and I think the First Minister (Mr. Filmon) should withdraw both the reference to the absence of the Minister of Health and the last personal comment he made . . .

Mr. Speaker: On the point of order raised by the Honourable Member for Thompson, the Honourable Member is quite correct. We do not refer to Members as either being present or away from the Chamber.

Order, please.

Hon. Gary Filmon (Premier): Mr. Speaker, I apologize for referring to the absence of the Minister of Health (Mr. Orchard) who is in Brandon at the Union of Manitoba Municipalities meeting.

Assiniboine Community College Discrimination

Hon. Leonard Derkach (Minister of Education and Training): Mr. Speaker, I would like to provide an answer today to a question I took as notice on November 17 from the Member for St. Johns (Ms. Wasylycia-Leis). It was a question with regard to an individual in Brandon who was denied access to a child care program because of a disability. Mr. Speaker, I would like to just correct the allegation. It was not because of a disability that this individual was denied

access, it was because of the uncontrolled nature of the disorder, or the disability, that in fact disqualified this individual from taking the child care program.

However, Mr. Speaker, I can indicate that the staff at Assiniboine Community College, I should say, did provide her an opportunity to get a doctor's letter, which would indicate that the seizures could be controlled. That was not forthcoming and for that reason this individual was not allowed access to the program. However, the matter has now gone to the Human Rights Commission and the staff at Assiniboine Community College are awaiting the response.

Post-Secondary Education Admission Policy

Hon. Leonard Derkach (Minister of Education and Training): Secondly, Mr. Speaker, there was a question that I took as notice on the same day from the same Member with regard to how many students or how many people have been denied access to community colleges because of disabilities. I can say that there have been no instances where individuals have been denied access to Assiniboine Community College. We have a couple of instances where there have been people denied access to certain programs because of the nature of their disabilities, but certainly none have been contested, other than this one.

Group Homes Funding Formula Changes

Ms. Avis Gray (Ellice): We have yet another example of questionable policy decisions within the Department of Family Services.

Decisions were made to revamp a funding formula, which is used to provide dollars to group homes for the mentally handicapped. A very important community-based service in Brandon, the Brandon Community Options Program, which does provide residential and day program services to the mentally handicapped, will lose \$18,000 of grant money because of this formula change.

My question to the Minister of Family Services (Mrs. Oleson) is: can the Minister tell this House, did she sanction this change in funding formula?

Hon. Charlotte Oleson (Minister of Family Services): I would have to have the Member clarify the question as to which part of the funding formula she is referring to.

Family Services Policy Decisions

Ms. Avis Gray (Ellice): With a supplementary question to the same Minister—Mr. Speaker, if the House would like me to repeat the question, clarify it, I would be quite willing to do that.—(interjection)—

Mr. Speaker: Order, please. I have recognized the Honourable Member for Ellice, with her supplementary question.

Ms. Gray: I have a supplementary question to the same Minister. Can the Minister indicate to us, given the Skills Unlimited fiasco that we just went through a few months ago, is the Minister still not being briefed on policy decisions and the implications of those policy decisions, or is she aware that they will lose \$18,000 of their grant money?

Hon. Charlotte Oleson (Minister of Family Services): As far as I know, I am being briefed on all these matters. However, the Member may be referring to the management component of those group homes that the formula was changed to give it a ceiling. I think probably a better discussion of that could take place during Estimates.

Group Homes Funding Formula Changes

Ms. Avis Gray (Ellice): Can the Minister indicate for us, given that she now seems to be aware of this funding formula, does she sanction that policy change, which will effectively force some community-based agencies such as Brandon Options to close their doors?

Hon. Charlotte Oleson (Minister of Family Services): If the Member is referring to the management component of this, many, many group homes asked for this change in order to give them a fair funding formula for management. Now, if that is the component she is talking about then many group homes asked for it. If she is talking about another one, we will have to discuss that in another context.- (interjection)-

Mr. Speaker: Order, please.

Northern Tax Allowance Impact Education System

Mr. Jerry Storie (Flin Flon): Mr. Speaker, the Minister of Education (Mr. Derkach) has recently received a letter from the principal of a school in Flin Flon, asking for some support for northern school divisions and the Flin Flon School Division. Incidentally, support for services that are provided by the Minister's department, in terms of speech pathologists, there is a continuing shortage of specialists in northern Manitoba, both in education and health.

In the Minister's answer to questions yesterday, he indicated that he was doing things to attempt to relieve the problems.

My question for the Minister is: has the Minister, along with the Minister of Finance (Mr. Manness), assessed the impact of the removal of the Northern Tax Allowance on the ability of school divisions and health care facilities to attract professionals to northern Manitoba? Has he done any kind of assessment on what impact that will have on the educational system and the health system in the North?

Hon. Leonard Derkach (Minister of Education and Training): The Member for Flin Flon (Mr. Storie) referenced a specific incident with regard to speech

and hearing pathologists in northern Manitoba. It has nothing to do with the tax exemptions in northern Manitoba. It has to do with a shortage of those types of professional people within the province.

We find it difficult to recruit those quality type people, not only for northern Manitoba but indeed for the rest of the province. It is a matter of shortages of the qualified types of people that we presently do not have in this province.

Mr. Storie: Mr. Speaker, we all recognize there is a shortage that other jurisdictions are also having to attract people, but clearly we want to attract people to our North.

Northern Education Professional Recruitment

Mr. Jerry Storie (Flin Flon): My question to the Minister was, given that the situation, with respect to the income of professionals in northern Manitoba, has deteriorated extremely rapidly, given the actions of his federal colleagues in particular, what is the Minister doing to ensure that northern school divisions, northern health facilities, can actually have a hope of attracting these people? The situation is deteriorating. Their disposable income is deteriorating rapidly. Is the Minister going to move on that front? Simply making recruiting drives is not working—

Mr. Speaker: Order, please. The Honourable Minister of Education and Training.

Hon. Leonard Derkach (Minister of Education and Training): I have to indicate to this point in time we have not had any specific difficulty in recruiting people, especially teachers, for northern Manitoba as a result of what the Member is speaking about. I have to indicate if in fact those situations arise we will deal with them in a most effective and appropriate manner.

* (1410)

Mr. Storie: Mr. Speaker, there are six vacant positions in Child Care and Development alone, there are many others in Health Services.

Northern Education Professional Recruitment

Mr. Jerry Storie (Flin Flon): My final question is to the Minister of Finance (Mr. Manness). I have a letter from the Town of Snow Lake, which indicates, very clearly, their concern about the ability of northern municipalities, hospitals and educational facilities to attract professionals.

Can the Minister of Finance (Mr. Manness) tell us what impact this might have on the disposable income of professionals in the North and our ability to attract professionals to northern and rural parts of the province?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, it appears that the Member is asking for a quantitative response to the question and I will take his question as notice.

St. Charles West Control Area

Mr. Ed Mandrake (Assiniboia): Mr. Speaker, during Estimates of this year this Minister is on record as stating that residential development, near a cloverleaf, must be set back 1,500 feet. He is quoted in the press as saying the Highway Traffic Board reviewed the development and issued a development permit setting minimum setbacks of 85 feet at the St. Charles West division. My question to the Minister is: why did the Traffic Board overrule his regulation of 1,500 feet in 1988?

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I assume the question is directed towards myself.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order. Order, please. The Honourable Minister of Highways and Transportation.

Mr. Albert Driedger: Mr. Speaker, I thought I had clarified the situation and I hope that the Member's information that he is putting on the record is more accurate than the stuff he did the other day, because the transaction that took place, that he made reference to and is making reference today, took place in 1987 and was done under the previous administration. In the paper it says: the Tories made the sale. That was not the fact at all. The sale took place in 1987 under the previous administration.

Addressing the question that the Member is putting on the record, Mr. Speaker. The fact is that under The Highway Traffic Act, we have a control area at various intersections, which is a 1,500 foot circumference. It is a controlled area that if anybody develops in there they have to come and make application to the Highways Department and through the boards. In some cases we allow certain developments to take place there, but it gives us the authority and the control in that area so that certain developments do not take place in there that we do not feel are adequate.

Mr. Mandrake: Mr. Speaker, the Minister seems to have a lapse of memory because he signed the Order-in-Council selling this property. To the same Minister, when questioned about the sale of the two properties—

Mr. Speaker: Order, please. The Honourable Member for Assiniboia.

Development

Mr. Ed Mandrake (Assiniboia): I have a question to the same Minister. When questioned about the sale of the two lots in Estimates he stated: the information has indicated that there will be no development anticipated on this side where it is sold, yet the Traffic Board issued the permit in 1987. Would this Minister please clarify for this House his contradiction in policies?

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I am having some

difficulty following this through. I thought I had clarified the circumstances. There were three properties that have been involved in the sale that happened. It was approved in 1987, and there were two properties bought by the Olsons and there was one property that the Highways Department bought in order to maintain a certain controlled area again. I have gone through the whole thing in detail, I have no difficulty with the prices that were charged.

The impression that was left the other day that we were selling property a lot cheaper than was qualified for; that the same individual was taking that property and selling it for \$39,000 a lot. Mr. Speaker, it leaves the wrong impression on the record and it is most unfortunate. If the Member has some concerns about it he can come to my office and I will go through it in precise detail exactly what has happened.

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

ORDERS OF THE DAY

Hon. James McCrae (Government House Leader): Mr. Speaker, I had provided House Leaders with a proposed order for the calling of Bills today.

To accommodate the Honourable Leader of the New Democratic Party (Mr. Doer), who has brief comments remaining on Bill No. 31, I would change the order slightly so we would call Bill No. 31 first, on the understanding that the Honourable Member is the only speaker for his Party today on Bill No. 31, and then proceed to Bills Nos. 34, 79, 72, 83, 64, 67 and the remainder as they are listed on the Order Paper.

DEBATE ON SECOND READINGS

BILL NO. 31—THE LABOUR RELATIONS AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Labour (Mrs. Hammond), Bill No. 31, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, standing in the name of the Honourable Member for St. Johns (Ms. Wasylycia-Leis) and the Honourable Member for Concordia (Mr. Doer), who has nine minutes remaining.

Mr. Gary Doer (Leader of the Second Opposition): I thank the Government House Leader (Mr. McCrae). I have a personal funeral to go to in a few minutes, and I thought it would be easier for the order of the House to co-operate in this way.

I will reiterate the comments we made in the last speech. We can understand Conservatives bringing in repeals of The Labour Relations Act, but we are very disturbed that the Liberals would side with the Conservatives in rolling back workers' rights, working families' rights, particularly workers that are situated in small service sector industries.

Many of these people in the service sector and the financial sector are women and many of them, in terms of having collective bargaining power, the old industrial democracy or industrial society rules no longer apply in the financial sector.

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That is why, Mr. Speaker, because we are a Party of innovation and we were not a Party that was captured by a few captains of industry in the Chamber of Commerce, we tried a new experiment, an experiment that was not there for all times under The Labour Relations Act, but one that had a five-year sunset clause so we could try it out.

That five-year period has now gone on for two years, 1988 and 1989. In fact, by the time this Bill sees the committee light of day I would suggest we will be into 1990. It will be into 1990 before this Bill goes before the public of Manitoba.

The question has to be asked: why are the Liberals siding with the Conservatives against working people and their families? Why are they siding against women in the financial sector? Why are the Liberals siding with the Conservatives in terms of the Chamber of Commerce position? Have they considered the ramifications of this? -(interjection)-

Well, the Member for Wolseley (Mr. Taylor) talks about certain things, yet he was the one that was on City Council that proposed police officers have the right to go to arbitration instead of the right to strike.-(interjection)-

Mr. Speaker: Order, please; order, please. I am sure Honourable Members would like to give the courtesy to the Honourable Member for Concordia (Mr. Doer) to hear the remarks that he is attempting to place on the record. The Honourable Member for Concordia.

Mr. Doer: The question has not been answered. Why are the Liberals siding with the Conservatives? Why are the Liberals siding with the Conservatives in terms of bringing in a stop to innovation in legislation?

Mr. Speaker, our society is changing. We have gone from an industrial society to an information society. Just as we moved from an agricultural society in the early 20th Century, where 98 percent of the jobs were in the agricultural sector in the year 1900, we moved into an industrial society and we changed. We changed the laws and conditions of work and conditions of labour relations to adapt to the changing industrial situation.

* (1420)

Why are we afraid of innovation now, especially innovation that is working? In 1988 and 1989 I believe there have been five or six cases only, in all of the thousands of collective agreements that have been negotiated, that have gone before a final offer selection.

The evidence is very clear, where people have had this as a potential tool at the bargaining table it has forced the parties together. In fact, they have achieved a collective agreement without strike, without conflict, without animosity that results in a dispute at the workplace. The Liberals like to quote and the Conservatives like to quote some of the groups that were formerly opposed to FOS.

Well, I would suggest to them that things have changed. Many of the groups in the building trades that did, initially, have great concern about this issue

have used final offer selection, and have used it successfully. The first case, in fact, was used in the community of Springfield where the workers and the town used final offer selection. The settlement was achieved in a way that was within the cost of living and it did not cause any—

An Honourable Member: In Springfield.

Mr. Doer: The Springfield Municipality, yes. I am surprised the Member for Morris (Mr. Manness) was not aware of that. He used to be in very close contact with the Member—

An Honourable Member: The same community.

Mr. Doer: Okay, the Municipality of Springfield through their elected representative.

Mr. Speaker, we believe the legislation that has, as I say, a five-year sunset clause should run its full five years. It has gone two years now. Has it stopped industrial development? Has it stopped financial development? Has it stopped in any way any industry? I have not heard one company that is making a decision on locating or not locating in Manitoba, talk about final offer selection. I am sure the Tories will develop some bogus companies or arguments to do that, but I am sure there is no evidence to that effect.

We on this side are going to fight this. We have said that very honestly to the people of the Legislature and to the people of Manitoba. We look forward, at some point in the future, to this Bill going before committee, and we look forward to the representations of committee.

We remember last time, in 1987, when we passed this Bill there were groups that were opposed to FOS, like AESES, that are now using final offer selection. A group that has 98 percent women members was one of the groups that now says it is a very good thing to use.

In conclusion we plan, in our small caucus and in our small and humble way, to go to the wall, to go to the wall for innovation; to go to the wall for new and creative legislation; and to go to the wall to deal with the new realities of a changing society to an information society from an industrial society. We are proud to be in the vanguard of innovation, and we will fight the regressive forces on either side of us who want to turn back the clock and turn back the rights of workers and their families.

Thank you very much, Mr. Speaker. We look forward to this debate.

Mr. Speaker: Is there leave that this matter remain standing in the name of the Honourable Member for St. Johns (Ms. Wasylycia-Leis)? (Agreed)

BILL NO. 34—THE LOAN ACT, 1989

Mr. Speaker: On the proposed motion of the Honourable Minister of Finance (Mr. Manness), Bill No. 34, The Loan Act, 1989; Loi d'emprunt de 1989,

standing in the name of the Honourable Member for St. Johns (Ms. Wasylycia-Leis). (Stand) Is there leave that this matter remain standing in the name of the Honourable Member for St. Johns? (Agreed)

The Honourable Member for Rupertsland.

Mr. Elijah Harper (Rupertsland): Mr. Speaker, I would like to speak on this Bill. I would like to highlight some points as to what this Government should be doing.

I notice in looking at this Loan Act Bill we have the Manitoba Hydro-Electric Board that we are going to borrow \$138,400,000, and also the Manitoba Housing and Renewal Corporation, the Manitoba Telephone System, the Manitoba Agricultural Credit Corporation, the University of Manitoba, the Hazardous Waste Management Corporation, and also we have Business Support: Vision Capital Fund, Industrial Opportunities Program, Manufacturing Adaptation Program, the total comes to well over \$328 million.

I would like to address some of the economic policies of this Government in respect to the North where many of my constituents live.

Over the last few years the Government has lost some of its opportunities to secure some economic development activities in the North. We have had cost-sharing arrangements with the federal Government that are going down the drain as a result of some agreements not being negotiated and not being put into place. A prime example is the Northern Development Agreement, in which we had a number of economical development programs and also some of the training on human development programs. I think that is going to be a terrible—not so terrible—what should I say—not so progressive in the North.

As a result of these programs being cut back and not being renegotiated we are in a difficult position. It is going to be much more difficult to get any kind of job security or training in the North. That is why I feel the Government should be doing more in order to increase economic activity and educational opportunities for people in the North.

Certainly, the money that we are talking about here, I do not know as to what effect it is going to have in the North. We have the Vision Capital Fund, I do not know what kind of impact it is going to have in the North, or whether the Industrial Opportunities Program will have any effect in the North or whether the Manufacturing Adaptation Program will have any effect in the North.

In the North we have many resources that are being exploited for the benefit of the people of Manitoba, I might say benefiting people other than the people that do live up in the North. An example is of course the Manitoba Hydro, for which we have developed economic activity and also energy for many of the southern towns and people.

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

If you look at the North and these resources you are looking at the mining activity, the forest activity and

the hydro development. Most of the development has been centred around in small areas or confines of the North.

* (1430)

We have a flurry of economic activity in many of these communities. Surrounding many of these communities are Northern Affairs communities and also Indian reserves, and they are usually stagnant. They do not usually have the same kind of economic activity that these small towns have. You have large centres like Flin Flon, Thompson—I was going to say Lynn Lake but that has been shut down—Gillam, all related to the development of these resources.

Mr. Deputy Speaker, many of these towns have business opportunities. They seem to attract the health centres, the good educational facilities, and other services, but most of the North is densely, sparsely populated by many of these small communities and also Indian reserves.

Their community has been stagnant where there is virtually no employment. Unemployment is really high in those reserves, some to an extent of 90 percent.

There has to be an economic strategy that will address many of these problems and it seems that the Governments have tried, or have not come to grips with many of these problems. When we were in Government we tried to at least develop some opportunities for many of these communities when we talk about the development of resources.

I notice that we have here, the Manitoba Hydro-Electric Board, we are borrowing well over \$138 million and how that money is going to be used we will have to wait and see the development of the plans of the Government in respect to the hydro development. I notice that there has been talk about Conawapa being developed at some point and also the sale that was just announced recently, and what kind of benefits are going to happen to those people in the North.

As a matter of fact, most of the communities in the North only have 15 amp. service, diesel-powered generators, and they are fossil fueled and they tend to be more expensive. Some of these communities are close enough to the electricity that is being produced and they do not get any benefit from the hydro that is developed right at their backdoors. For many years, where I come from in the area called northeast Manitoba, in Gods Lake, Island Lake, Red Sucker Lake area, we have tried to negotiate with the Governments to bring in the landline from one of the power generating plants. Even when I was Chief of my band I was trying to secure some sort of hydro line to come into Red Sucker Lake and, since then there have been a number of negotiations going on to secure the landline.

I believe when we were in Government we announced the landline that Manitoba Hydro, the Province of Manitoba, announced that they would proceed with the building of that line. The only problem was that the federal Government had to be part of the negotiations also and to cost-share in the development of this line. I believe this Government is still negotiating with the

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federal Government to secure the dollars that will provide the landline to those communities. I hope that they will be successful because this item has been on negotiation for many years. I believe it has been going on for 15 years and it would certainly bring in economic benefits and the needs of the community in the area that I mentioned.

We have a lack of economic opportunity as a result of not having the electrical power. I hope this Government will see fit that many of the job opportunities that as a result of the building of that line, that training and jobs that will be created will be given to the people living in those communities.

When we talk about hydro, we had just recently completed, it is in the final phase now, of the building of the Limestone project. We did have some programs in place which were quite unique in trying to attract many of the communities in the surrounding communities of Limestone. Of course, we initiated the Limestone Training Agency in which over 2,000 people from the communities were trained. We set up a number of programs and courses. We set up the assimilation program which was conducted at one of the abandoned mines just south of Thompson, Pipestone mine in which many of the people actually trained on site, driving heavy vehicles or doing some iron, I guess, iron work or cement mixing, that type of on-the-job-training. We have had community based training which was done in the communities in heavy equipment operation or else building of the infrastructure on reserves.

They were able to participate in that program and as a matter of fact, the one part of the program was the institutional training in which we have right now, I believe, a number of Native students that are going to the University of Manitoba taking this special engineering program, a four-year program which is geared to bring on more Native people onto the engineering field.

Of course we have had other Native special programs that were implemented. At the University of Manitoba we had a pre-med program, a program which we have had a number of Native students graduating as doctors. This is the kind of development that I see happening in the North, having educational opportunities, providing educational opportunities for people in the North.

I mentioned the economic policies of this Government. We see them cutting back in many of the areas, in the CEDF. We see it happening in job creation, Community Places Program. The communities and the reserves in the North need help or need assistance more than ever because of the actions of the federal Government. We see the GST, the goods and services tax, that is going to have a tremendous impact in the North. We do not know to what extent it will have.

I know people who will be providing the service delivering of goods into the North will be assessed or would have to pay a 9 percent tax. Certainly they have mentioned it in the papers that we would not be taxed for food and other items but the people that are providing the service will be taxed no matter what goods they are providing.

Just to give you an example, I purchased 2 percent milk in Red Sucker Lake. It cost me \$4.19 which is

quite high—almost three times as high that you would pay in the City of Winnipeg—and just think how much greater the cost would be on the milk if the people are being charged this 9 percent goods and services tax. They are certainly not going to pass on any kind of savings onto the consumers.

Other items which would be applied and you do not really see it because it is an invisible tax, so there is going to a tremendous amount of burden in many of these communities, when you have an unemployment rate as high as 90 percent and you do not have that many job opportunities available in a community.

I mentioned that there is a greater need to help the northern communities. I just mentioned one aspect of the goods and services tax that will be impacted by action taken by the federal Government. Another example, of course, that is going to hurt the communities as a result of action taken is the increase of postal rates and certainly that is going to have a tremendous impact in the North again.

Of course, in respect to the changes within the UIC exemptions and also qualifications in order to secure these benefits, there have been some changes in respect to these benefits. There have been some reductions into the number of weeks you are going to qualify and also an increased amount of weeks that you need to qualify, the number of weeks you need to work, again, bringing the communities of the North who only have seasonal employment opportunities. Some people only work within periods of time that you can do these sort of subsistent lifestyles like trapping and fishing and some of these things, I do not know whether they would actually qualify to be able to have these UIC benefits.

* (1440)

There is another area that I see that we are getting less of, less benefits. We are going to have a tremendous impact as a result of these decisions. Of course we have another area where we are required again, I am specifically mentioning this, the winter road program. During the winter months, winter road season, there is a road that is being built on the east side of Lake Winnipeg and this road is used to bring in supplies for the entire year, your housing supplies, you may be doing a project on the reserve, building an infrastructure school or other projects. You have fuel coming in through Manitoba Hydro, you have supplies for the school or the hospitals or for the stores, dry goods that we shipped in through the winter route.

What is happening is again that the federal Government has demanded that the bands that have these contracts for building the roads put in 25 percent of the costs. Again the federal Government has not provided the bands with that money in order to build the winter roads. As a result, it is depleting the resources. The bands, in the first place, do not have any kind of capital or any kind of money that they could use for putting extra money aside for those kind of activities.

That is why I mentioned that in the North some of these communities are in need of greater assistance,

in need of greater help. We need to look at the impact of all of these decisions that are being made. I can tell this Legislature as a result of the actions taken by the federal Government that we are going to be taking over some of these expenditures, some of these costs, as a province.

Certainly, I see in the future we will begin to take some of these costs that the federal Government is gradually off-loading some of these responsibilities to the provincial Government. The prime example of course is over the summer months we have had the demonstration here in regard to education cutbacks, and which the federal Government has said that only a certain amount of Native students and this policy that people have to live off the reserve, they would not qualify for assistance for educational opportunities for Treaty Indians.

I see as a result of those decisions that we as a province are picking up some of these costs which the federal Government should be picking up. Some of these educational opportunities are falling by the wayside. By that I mean that when some of these agreements that we have had under the Northern Development Agreement, which is not being renegotiated or being renewed, is not going to be available to many of the students, at least we are able to access, access them in terms of getting training and educational opportunities such as the Northern Nursing Program, or social work, or some of the other programs, Brandon University, the Teacher Training Program that were undertaken for many years. These actually helped many of the people in the North.

That is why I say that when we talk about the height of development, some of the housing programs that are going to be taken out, we do not know what kind of impact that as a result of the federal Government's decision in respect to the GST and other things it is going to have in the North.

In looking at The Loan Act itself I see that that a tremendous amount of money is being borrowed, how this money is going to be spent and what kind of impact this is going to have in the North. I mentioned the development in the North. We basically have had the mining development, the forestry development, the hydro development, and all these activities. Many of these communities, mainly the reserves, have not been part of that process. Certainly we should have had many of these people being trained. I do not know how many years that these developments have been going. We should have had skilled workers in different parts of the trades that they should have learned.

Certainly we need to work closely with many of these mining companies or these forestry operations. Many of these people who exploit and develop these resources should be worked closely with so that we can develop a strategy, in terms of the people being involved, and also getting economic opportunities for people in the North.

A prime example is recently the announcement and the signing of the Repap Forestry Agreement. I think there was an excellent opportunity where many of the surrounding communities could have been part of the

negotiations, could have had some participation in the development of this agreement, and also secured training and economic opportunities. There was a proposal that was even prepared by one of the bands in becoming a joint partner in development of an operation in The Pas.

Certainly the Government has a responsibility to provide economic opportunities in the North, and not only this provincial Government but also the federal Government. Many of these communities—when you look in The Pas area, the Easterville and Grand Rapids area, we have had hydro development there, which again flooded the area and also took away the traditional economic lifestyles of those people, fishing, trapping, and hunting of those areas. That is why I say that the provincial Government has a responsibility to improve the conditions of those reserves.

One opportunity would have been for this Government to secure economic opportunities and training programs, even to say with this area we would allow only the Native cutters to cut in this area and secure a forestry cutting area that will provide secure jobs for many years, and also provide a tree planting operation in that area so that they can replant the forest in that area.

Not only that, because when I talk about the forestry area that the Conservative Government has agreed on, there is certainly a lot of land that is still due to the Indian people as a result of the unfulfilled Treaty land promise. Many of these bands still have outstanding land claims and those should have been taken into consideration because the Indian people in those areas that still have land coming to them want to secure areas of land that would be of economic benefit to them.

Certainly this provincial Government, in negotiating in the forestry cut area, should have taken into consideration as to where the line would be allocated in the cut area for the entire Repap operation.

* (1450)

That is why I say that when we talk about economic opportunities, there are obligations, promises, still outstanding. Also not only those promises, but there is still a moral obligation that every citizen of Manitoba should be able to benefit from the resources that we have in Manitoba, and to this day we have not really benefited.

We look at the hydro development. Many of the communities do not have any hydro line going into those communities. We have forestry that we have not really benefited from. We have the mining community, mining development that we have not really been part of, as a matter of fact been excluded from even getting back some of the resources that have been exported. There needs to be a lot of work done in an economic development strategy, done in respect to the development of the North.

Recently we have, in the North, some of these activities closing down. We have just recently had a Lynn Lake company being shut down as a result of

economic reasons. Certainly we do not put the entire blame on the Government, but they could have done quite a bit.

When we were in Government we offered one of the mining companies to keep going, and certainly we have had another mining shut-down in respect to Sherridon. With Pioneer Metals, they decided not to proceed. Of course many of the people that were expected to work there or had some expectations for a career in many of the fields were disappointed. We have another one with Tartan Lake, another mining place that has also closed.

When we are going to talk about The Loan Act, some of these programs, I do not know what kind of impact that we are really going to have in the North. As a result of many of the decisions that have been taken by the federal Government, it is certainly going to have a tremendous impact on our Treasury. I know that for a fact. We do not have a greater Treasury than the federal Government, but certainly we need to look at our relationship with the federal Government in order to secure some of these agreements that were cost-shared.

I am very concerned that some of these opportunities will be lost, some of the training, the human development and also economic opportunities will not be there as a result of not being able to secure some of these agreements.

The other one of course on The Loan Act is the Manitoba Hazardous Waste Management Corporation. I am not quite sure as to what impact it will have on the constituency, the constituency of Rupertsland, certainly the northern communities. I know that in terms of dealing with the waste on reserves, is on reserve land; how would we be able to deal with many of these, the disposal of waste or the storage of this hazardous waste material? I know that in terms of if an emergency arises, how are we going to deal with some of these situations? We do not have any kind of a plan in place. Certainly that is one area that I think we need to look at.

I know that some of the PCBs are stored in some areas. I know Manitoba Hydro brings in material onto the reserves and some of these hospitals or nursing stations, I am sure, bring in hazardous waste.

We do not really know what kind of problems we are going to have because we do not even have the data or information available to us to see what kind of problem we are going to have, or how the community councils or the chief and councils are going to deal with it if an emergency arises.

I know for a fact that when we were dealing with the emergency situation dealing with forest fires that there was some confusion as to what role the councils, or chief and councils would play in dealing in that context of an emergency situation. I think there needs to be a definition of what roles, or authority, each band should have.

Certainly when we talk about the development of the North, the forest fires certainly did a great amount of damage to our forest resources, and certainly did a

lot of damage to the traditional lifestyle of many of the communities with respect to fishing and trapping.

The provincial Government I know has been working to compensate the trappers and fishermen, but we need to see what kind of program, or what compensation, they are coming up with. I know that the tendency of the Governments has been to ignore the people in the North. Just last spring when forest fires were happening in the South here, the provincial Government, the federal Government, did not hesitate to help the farmers and southern people in compensating them.

People in the North seem to be getting a different kind of treatment and hopefully they would be compensated enough that they would be able to continue their traditional lifestyles. I know many of the trappers lost their boats, their snowmobiles, their nets, their cabins, their canoes, and boats. Many of these were not insured, but it provided the trappers and the fishermen a subsistence lifestyle. They were able to offset the costs of living, on the traplines or fishing for a while.

I hope the provincial Government would look at this closely as to the effects of the forest fires in the North. Certainly when we talk about The Loan Act, the Manitoba Agricultural Credit Corporation as one on the list here we are dealing with; I know that the fishermen in the North would get some loans through that organization and were able to provide the payments of that loan through each year as they fish in the fall, the spring or during the winter season. As a result of the loss of equipment, many of these fishermen would be put in a difficult position to pay back some of these loans.

Certainly I hope the provincial Government would see fit to see how they can accommodate the fishermen and many in the northern area in which the forest fires devastated many of these communities.

I would just like to mention too, that when you mention the North, one, of course is the development of the North we need to have seen. I have said before, as a result of the inaction or the action of the federal Government, the costs that we are going to be associating—we have of course, the VIA Rail that goes up on the Hudson Bay line up to Churchill, and that is going to have a tremendous impact if it is going to be cut back.

Some of the people who work along those communities are Native people and they are going to be out of a job. Some of the goods that are being transported of course will become more expensive. Churchill, if it is totally abandoned, will become a ghost town.

* (1500)

Certainly we want to encourage this Government to try to get the Port of Churchill reopened to extend the season, to have more shipments of grain through that port, and also other activities in Churchill. One of course, I have mentioned a couple of times in the House is the rocket range which could provide some economic activity in that town. So I have tried to look at some

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areas in the North and how the policy of the Government is required so that the communities will be looked at and also that they will be a priority. The northern communities, their dollar does not go that far because the cost of goods that are being shipped in the North is more expensive.

So with that, Mr. Deputy Speaker, I was glad to put a few of my comments on this Loan Act and hopefully the Government will see fit to put a priority on their programs and policy that will benefit the people in the North. Thank you, Mr. Deputy Speaker.

Hon. James McCrae (Government House Leader):

Yes, Mr. Deputy Speaker, I rise on a point of order. I would ask for the unanimous consent of the House pursuant to Rule 65.(6.3) in order to change the sequence in the order of Estimates in the Chamber by moving the Department of Energy and Mines ahead of the Department of the Environment. It is the understanding of the Parties that this would only be for tomorrow, namely November 23, and that when the House next moves into Committee of Supply the section in the Chamber will resume its deliberations of the Department of Environment Estimates. That would reflect discussions between House Leaders and myself and the agreement that we have reached. I would like to thank Honourable Members for their assistance in this regard.

Mr. Deputy Speaker: Is it the will of the House to have those changes made?

Some Honourable Members: Agreed.

Mr. Deputy Speaker: Agreed and so ordered.

Mr. Deputy Speaker: Is there leave to have Bill No. 34 remain standing in the name of the Honourable Member for St. Johns (Ms. Wasylcyia-Leis)? Agreed.

BILL NO. 79—THE MUNICIPAL ASSESSMENT AND CONSEQUENTIAL AMENDMENTS ACT

Mr. Deputy Speaker: On the proposed motion of the Honourable Minister of Rural Development (Mr. Penner), Bill No. 79, The Municipal Assessment and Consequential Amendments Act; Loi sur l'évaluation municipale et modifications corrélatives, standing in the name of the Honourable Member for Springfield (Mr. Roch). Stand?

Is there leave for the Bill to remain standing in the name of the Honourable Member for Springfield (Mr. Roch)? (Agreed)

HOUSE BUSINESS

Hon. James McCrae (Government House Leader): With respect to Bills 72 and 83, I wonder if those could

be called a little later after 64 and 67. We will attempt to have—how can I put it without being unparliamentary?—Mr. Deputy Speaker, at that point the Ministers would be prepared to speak. Thanks.

BILL NO. 67—THE SOCIAL ALLOWANCES AMENDMENT ACT

Mr. Deputy Speaker: On the proposed motion of the Honourable Minister of Family Services (Mrs. Oleson), Bill No. 67, The Social Allowances Amendment Act (Loi modifiant la Loi sur l'aide sociale), standing in the name of the Honourable Member for Flin Flon (Mr. Storie).

Is there leave to have the Bill remain standing in the name of the Honourable Member for Flin Flon? (Agreed)

BILL NO. 66—THE SUMMARY CONVICTIONS AMENDMENT ACT

Mr. Deputy Speaker: On the proposed motion of the Honourable Minister of Justice (Mr. McCrae), Bill No. 66, The Summary Convictions Amendment Act (Loi modifiant la Loi sur les poursuites sommaires), standing in the name of the Honourable Member for St. James (Mr. Edwards), the Honourable Member for St. James.

Mr. Paul Edwards (St. James): Mr. Deputy Speaker, it gives me pleasure to stand today and speak to this Bill which deals of course with The Summary Convictions Amendment Act. We welcomed the Minister introducing this Bill into the Legislature a short time ago. We want to of course, consistently with our approach to legislation, deal in a timely fashion with it.

The Summary Convictions Act of course is a very important Act for this province. We all have recently heard a lot about it in the context of the so-called ticketgate scandal or fiasco in this province, whatever it may be called. I think it is important that we come out of that particular era in the administration of justice in this province in as positive a fashion as possible. In fact, through the appointment of former Chief Justice Dewar and his report, I believe that in many respects that certainly is achievable.

It is important that all Manitobans have the highest level of confidence in their judiciary. Former Chief Justice Dewar is owed very much a debt of gratitude for doing such a thorough review of the charges which were laid in the wake of the so-called ticketgate affair and in his review of how those were handled by the various levels of the Criminal Prosecutions Branch and indeed the Government of the Day itself.

Certainly the response of the present Minister of Justice was welcomed by this side in his appointment of former Chief Justice Dewar. The implementation of his recommendations, it is my understanding, have generally been working their way through the system. We have already seen many of those put in place, and for those improvements we certainly congratulate the Minister.

This particular Act of course deals specifically with magistrates and Justices of Peace, and how they can

better reflect what we as a society want them to do, and want them to be trained to do and do properly.

One of the very shocking things that came out of the Aboriginal Justice Inquiry was the revelation by—and I am thinking of one in particular, but I am sure there are many—magistrates and/or Justices of the Peace who brought to the attention of certainly the Minister and all Members of this House, that she really did not know what her responsibilities, duties and rights were as a judicial officer acting in the capacity of magistrate or indeed Justice of the Peace. In fact, that is a very clearly defined role in our legal system and it brings with it certain responsibilities to understand how the law works, and on what grounds warrants are issued to police officers, subpoenas and those types of legal documents which bring with them legal ramifications for all people in our society and police officers must, of course, go through Justices of the Peace and magistrates to attain those special rights which warrants and subpoenas give to them.

* (1510)

The magistrate or Justice of the Peace is, of course, an officer of the court and to that extent is called upon to exercise his or her responsibilities in as neutral and as competent a manner as possible and as I think, we as a society can reasonably expect. The fact is the revelations of recent months and certainly the Dewar Report highlighted this, was that magistrates and Justices of the Peace generally do not have, or at least many of them, do not have a sufficient grasp on exactly what considerations they should be bringing to bear on the decisions they make with respect to people's rights, peoples right not to have others walk into their homes and search them or require them to be at court or the many other things which magistrates and Justices of the Peace can do.

Those revelations came to light, there were obviously criticisms from members of the bar as well. I certainly was one to seriously question whether or not we as a Government, and indeed this particular Government, had done its task of ensuring a sufficient training and sufficient knowledge in our magistrates and our Justices of the Peace so that they might do their task with all of the considerations being taken into account which should be properly taken into account.

One of the statements that came out at the Aboriginal Justice Inquiry from the particular, I believe it was a magistrate, perhaps a Justice of the Peace in northern Manitoba, was to the effect that she understood that when a police officer came to the door and gave them a warrant it was her obligation to sign. That is indeed a shocking revelation from an officer of the court who was called upon to bring some neutrality to the proceedings and assess whether or not there are reasonable and probably grounds for a search warrant, and the Minister of Justice (Mr. McCrae) indicates that training is in place now.

I read the recently released report of the committee which was struck, I believe Mr. Toews was heading that up, there were certainly others on it but I read that report with great interest. It certainly does reflect some

of the things which former Chief Justice Dewar would have wanted, which was to increase training and make sure that magistrates and Justices of the Peace do indeed know exactly what their rights and responsibilities are. I do not blame the magistrates and Justices of the Peace around this province who have done their best for years and no doubt, will continue to do their best to serve the interests of all Manitobans.

I think it is one of those areas that through neglect, through perhaps of not having all the facts at hand, successive Governments have simply felt that it was not a problem, in fact it has come to light that it is a problem. The issue now is swift and effective action to ensure that the problem does not reoccur and that to a certain extent members of the bar were enlightened by some of the findings of former Chief Justice Dewar and his recommendations and magistrates. Well, the Minister of Northern and Native Affairs (Mr. Downey) says it is very hard to enlighten members of the bar. I might say that that might in fact be true but they certainly were very receptive to former Chief Justice Dewar's recommendations and his full report. As the Minister of Justice (Mr. McCrae) says, lawyers were indeed involved throughout this process and coming to a conclusion as to how we can better serve Manitobans in this area.

The magistrate, as I recall and I have not been at the bar that long, but I can certainly recall attending at, and I am sure the Member for Lac du Bonnet (Mr. Praznik), attending on small matters at the Provincial Court Office, I believe it was on Donald Street, 207 Donald, where there was a magistrate. On a traffic offence you would simply at that stage make the effort to perhaps draw to the attention of that magistrate what in fact had occurred and see if there was an opportunity at that time to dispose of the charge for perhaps a lesser fine or perhaps a warning or whatever the case may be.

Certainly those magistrates were treated as judicial officers and as officers empowered to deal with that particular charge. Clearly that whole area and exactly what magistrates are entitled to do and what training they should have before they attempt to do that was closely scrutinized by former Chief Justice Dewar. I think that will benefit us all to know exactly what the established powers are and exactly what the training will be in those officers when they attempt to or when they in fact do adjudicate on these issues.

Mr. Deputy Speaker, this Bill does in fact do some things which I am going to be questioning. It is a short Bill, but I think it is quite important. I am going to be questioning at the committee stage. I simply bring to the Minister's attention at this time that the Section 7 amendment in this Bill, which in substance, without of course getting into the details of the Bill, allows a Justice if that Justice is satisfied from the evidence at a trial or from information received after a plea of guilty to in fact impose a fine that is less than the minimum fine, or reprimand, suspend, or grant a conditional or absolute discharge to the accused with reasons noted thereon.

I am a bit confused, I must admit, by the details of exactly why this is being put into place. I did read the

report published by the committee and I acknowledged that it is certainly a thorough report and we are all very grateful for the work done on it. However, I do in this sense, in particular with respect to lessening the minimum fine, wonder if that cannot be done either in an easier fashion or exactly what the ramifications of that are for the Legislature imposing a minimum fine and then having a justice or a magistrate find guilt yet impose a lesser fine.

I am not saying, Mr. Deputy Speaker, that that is not possible, even preferable. What I am saying is I at this point -(interjection)- well, the Minister says from his seat that the key aspect to this amendment is that they will be noting reasons, and of course that is always preferable and I certainly support that, as does our Party. The amendment section does go on to indicate that the accused that has been charged presumably will have been convicted of the offence, but that because they are not totally at fault the fine may be lessened.

It is my experience, Mr. Deputy Speaker, that that is in some sense what a discharge is all about in our legal system. The discharge is something that is done after someone has pled guilty but before the conviction. It does get fairly detailed, but in particular under the Criminal Code, I believe it is Section 662.1, the judge is allowed to hear a guilty plea, yet in some senses ignore it and not convict but rather impose a discharge which is an absolute or a conditional discharge. Then that particular accused person, although they have pled guilty, is entitled to say they were not convicted and entitled to say they do not have a record.

* (1520)

That is I think what the Minister intends to get at in The Summary Convictions Amendment Act. I am going to be looking at this more closely prior to the committee stage. As I say, I certainly appreciate that reasons should be noted where something like that is done and there is clearly guilt, technically if you will, to the offence but the magistrate or Justice of the Peace or the justice involved wants to not cause the ramifications that would normally flow from a conviction.

That is a reasonable and a proper thing to allow a justice to do in certain circumstances. I do note that this does speak about a conditional or absolute discharge in the context of a summary conviction, but it also goes farther than that, certainly farther than the Criminal Code does in this area by allowing lessening of what is a minimum fine. Let us not forget that the Legislature sets minimum fines for a reason.

We in this province have done that many, many times. Throughout The Highway Traffic Act, we set a minimum fine. If we do that, we do that intentionally to bind the court. When a court finds guilt we say as a society, you must impose this specific fine, not less. Sometimes we set maximum fines. Most often it is minimum.

I do have some concerns that this goes against what we as legislators want to reserve the right to do and that is to set minimum fines. As I have said, a conditional or absolute discharge is certainly an exception to that under the Criminal Code and I believe is a proper exception for justices under The Summary Convictions Act.

I also want to refer to the other amendments in this Bill. Where a new hearing is allowed to be ordered in certain circumstances when the time limits have passed, for that I think is indeed appropriate, and obviously reasons must be recorded as well. It is appropriate that in certain circumstances an individual may have the appeal period lapse and simply have every common-sense reason that that person should be allowed to appeal. We cannot, I think, make the laws so strict and if you will so straitjacket justice that they cannot go with what appears to be common sense. We have to trust our justices.

We have to trust our judges and it is proper to do that. It is proper to put our faith in them that they will exercise common sense and indeed they do in certainly the vast majority of cases. That is a proper approach to build in some flexibility for justices which of course is already there at the Criminal Code level and it is important to put it into the summary conviction process.

Mr. Deputy Speaker, with respect to the training which the Minister has talked about from his seat recently as I have been speaking, I did note that in the report as I recall, and I do not have it in front of me right now, but I do recall that it called for mandatory training of existing magistrates and Justices of the Peace to make sure that they were fully trained and knowledgeable about the law and indeed changes in the law because it changes often. We know in this House the law changes a lot and it is important to keep those who interpret and adjudicate right up to date on what the status of the law is.

The other aspect of the training initiative I believe was to ensure that all new magistrates and Justices of the Peace would be sufficiently trained prior to taking office. I believe that was a part of the report. The Minister nods from his seat, so he is in agreement with that. I know from watching the Orders-in-Council that we have seen magistrates and Justices of the Peace appointed, many of them under this Minister's tenure, and I think, and perhaps the Minister may correct me, some of them since this report was published.

Clearly if the report is required and made quite clear, which I think was predictable after the Dewar Report, and I called for it in this House many months ago, required training, and certain standards to be met by these Justices of the Peace and magistrates who do not need to be legally trained, and that is proper. They do not need to be called to the bar legally trained but they have to have some proof of knowledge in this area which they are going to be called upon to adjudicate.

I am going to be looking for assurances from the Minister that all of the magistrates and Justices of the Peace which have been appointed certainly since this report was published but also since the publication of the issuance of the Dewar Report will in fact have received that training.

An Honourable Member: You can count on that.

Mr. Edwards: The Minister of Natural Resources (Mr. Enns) says I can count on that and I certainly hope so. I hope he speaks for the Minister of Justice (Mr. McCrae) in that regard, Mr. Deputy Speaker.

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The other issue arising out of this has to do with the magistrates and Justices of the Peace really being broken down into two areas. One was those who had come from working in the court system and were in fact employees of the department. The other was of course citizens, Manitoba citizens who agreed to take on these responsibilities so that we can have access to these justices all over this province.

The Ministry of Justice cannot have members of staff in every centre across this province. However, the whole point of magistrates and Justices of the Peace is access to those justices in a very convenient fashion for police officers who need to go about their investigations and do their work around this province.

It is very important for rural and northern Manitobans that we have effective and accessible justices. Those justices who are citizens are different, and the distinction is drawn in this report from those who have come up really through the ranks of the ministry itself and who have specialized knowledge. Probably those who come up through the ranks of the department need less training. That stands to reason; that is not always going to be the case, but that does stand to reason.

(Mr. Richard Kozak, Acting Speaker, in the Chair)

The other aspect of justices that have come up through the ranks of the department and has to be kept in mind is that neutrality must always be preserved. That has always been a fine line in the jurisprudence in this country. In fact there have been many, many cases fought on this issue as to whether or not anybody who works for the Ministry of Justice can ever be neutral in adjudicating upon a charge or deciding on whether or not a warrant issues, because of course the Minister of Justice is the chief law enforcement officer in the province on the one hand, and his employees are also acting as adjudicators on these issues, which pits the police or the department if you will, Crown attorney, against a citizen who is charged.

That line has got to be kept clear. It has certainly been allowed in our nation, the independence and the neutrality has been found to be sufficient in these justices who indeed work for the department itself. I think that might be an aspect in the context of this Bill which we might also explore at the committee stage. This Bill in a sense might give us the opportunity to get the details and the assurances again that we are complying with the standards which have been set by the courts in this country in order to maintain the necessary neutrality in our justices who also function as employees of the Ministry of Justice itself.

Mr. Acting Speaker, I will close comments at this time on this Bill with those comments on the record. Having given notice to the Minister on the particular aspects which I foresee raising at the committee stage with him, I believe that this Bill is borne of a process which was extremely valid and important to go through for this province, that is, the Dewar Report, and then the report which came forward from the subcommittee reviewing the Summary Convictions Act itself.

For that reason I am eager, and our caucus is eager, to put the negative aspects of those experiences in the

last couple of years behind us and to move forward. This is a correct approach. We need to learn from our past in respect to the workings of the courts. We need to ensure that we do not run into the same very embarrassing, very humiliating position that this province had to go through in the last couple of years. This is an appropriate way to deal with it.

* (1530)

I think it is important that this Bill go forward to committee, that it perhaps be amended depending on what comes up at the committee stage, that the process continue as expeditiously as possible so all Manitobans can know that the court system is functioning with as much sensitivity, as much knowledge, and as much efficiency as is possible, and that we guarantee to the people of Manitoba that justices which they appear before will be empowered to deal with their cases in as fair a fashion as possible and with as much knowledge about the area they are dealing in as possible. Thank you, Mr. Acting Speaker.

Mr. Steve Ashton (Thompson): I move, seconded by the Member for Elmwood (Mr. Maloway), that debate be adjourned.

MOTION presented and carried.

SECOND READINGS

BILL NO. 64—THE BUSINESS PRACTICES ACT

Hon. Edward Connery (Minister of Environment) presented Bill No. 64, The Business Practices Act; Loi sur les pratiques commerciales, for second reading, to be referred to a committee of this House.

MOTION presented.

Mr. Connery: I am pleased to introduce for second reading Bill No. 64, The Business Practices Act. Mr. Acting Speaker, The Business Practices Act will provide better protection for both the victims of unfair business practices and for the substantial majority of Manitoba business people who conduct business in a reputable way. We have all heard the saying, one bad apple can spoil the barrel. Well, business practices legislation is designed specifically to deal with the -(interjection)-unscrupulous sellers or bad apples.

Mr. Acting Speaker, I hear a comment from the Member for Churchill (Mr. Cowan), who is the critic for Workers Compensation, babbling away, who would not even ask a question of Workers Compensation—not one question. They passed it and would not ask one question.

POINT OF ORDER

The Acting Speaker (Mr. Kozak): The Honourable Member for Thompson (Mr. Ashton), on a point of order.

Mr. Steve Ashton (Second Opposition House Leader): First of all, Mr. Acting Speaker, the Member for Churchill

(Mr. Cowan) is not the critic for Workers Compensation, so the Member is factually inaccurate. Second of all, we have repeatedly in this Chamber in the last number of weeks had points of order in terms of relevance. The comments of the Minister of Consumer and Corporate Affairs (Mr. Connery) are clearly not relevant to this Bill and I would ask you to call him to order and refrain from making such out-of-order comments in the future.

The Acting Speaker (Mr. Kozak): The Honourable Member for Churchill (Mr. Cowan), on the same point of order.

Mr. Jay Cowan (Churchill): On the same point of order, I am not standing as House Leader or in any other capacity than as a Member of this House who, it has been suggested, did something that I did not.

Mr. Connery: I withdraw it.

Mr. Cowan: The Member for Portage (Mr. Connery) says that he will withdraw the reference to myself. I was not saying anything from my seat, although on occasion I do once in a while try to add to the tenor of the debate by providing encouragements and constructive criticism to Members when they are on their feet. I think that is a very fruitful role for all Members to play from time to time. I know, Mr. Acting Speaker, I appreciate it when I am speaking once in a while to have Members try to encourage the speech that I am making—

An Honourable Member: Go for it, Jay!

Mr. Cowan: —and try to add to it by providing constructive criticism and suggestions, and by trying to help me clarify certain issues where they have questions. In this particular instance, I was not performing that very useful role. I regret that I was not, and I will attempt to do so more in the future, but I do want the record to be clear in that event.

Mr. Connery: On the same point of order, Mr. Acting Speaker, I do withdraw my comment. It was not the Member for Churchill, it was the Member for Thompson (Mr. Ashton) who is the critic for Workers Compensation that saw fit not even to attend the meeting and then did not have any questions while you were in the Health Department.

The Acting Speaker (Mr. Kozak): The Chair thanks all Honourable Members for their advice, welcomes the comments of the Member for Thompson regarding relevance, but nonetheless, points out that a dispute over the facts is not a point of order.

POINT OF ORDER

The Acting Speaker (Mr. Kozak): The Honourable Member for Thompson, on a new point of order.

Mr. Steve Ashton (Second Opposition House Leader): On a new point of order, the comments made by the Minister for Consumer and Corporate Affairs (Mr.

Connery) were clearly out of order. It is not in order, Mr. Acting Speaker, to make reference to the absence or presence of any Members. If the Minister had bothered to check, as Health Critic for the New Democratic Party I was in the other committee at the time that he is talking about. I would ask you, Mr. Acting Speaker, to have him withdraw what was a totally unfair statement and also a statement that is a clear violation.

If I could have the assistance of the other Members of the House.

An Honourable Member: What do you want assistance with?

Mr. Ashton: I would like to complete my statement. Your being quiet might help.

An Honourable Member: Have you ever been quiet in your life? Never.

Mr. Ashton: Mr. Acting Speaker, as I said, it is not appropriate for Members to make any reference whatsoever to the presence or absence of other Members. I do want it noted for the record that I was in the other committee discussing the Estimates of the Department of Health which is my duty as Health Critic.

Some Honourable Members: Oh, oh!

The Acting Speaker (Mr. Kozak): The Chair thanks all Honourable Members for their advice on this matter. The Chair will peruse Hansard to ascertain the relevant comments and will report back to the House.

The Honourable Minister of Consumer and Corporate Affairs has the floor.

Mr. Connery: Yes, indeed the Member for Thompson (Mr. Ashton) was in the Health Department Estimates and he had to make a choice, but when questioned as to why he was not here—

Some Honourable Members: Oh, oh!

POINT OF ORDER

The Acting Speaker (Mr. Kozak): The Honourable Member for Thompson, on a point of order.

Mr. Steve Ashton (Second Opposition House Leader): Mr. Acting Speaker, on a new point of order, I believe the Minister is showing contempt for the Chair by making continuous reference to two previous points of order; one with which you dealt with and a second you just took as notice. I would ask you to draw the Minister to order and make sure he makes no further reference to those matters because that is highly irregular and is against our rules in Beauchesne and our own Rules in this House.

The Acting Speaker (Mr. Kozak): Order. Order, please; order, please. The Chair reminds all Honourable Members that points of order are not an opportunity for lengthy debate. The Chair recognizes the Honourable Government House Leader on the same point of order.

Hon. James McCrae (Government House Leader): Thank you, Mr. Acting Speaker. On the same point raised by the Honourable Member for Thompson (Mr. Ashton). While we acknowledge that it is inappropriate for members to refer to the absence of a Member in this Chamber, I do not think it is inappropriate to refer to the legitimate presence of an Honourable Member somewhere else. I do not think that there was any malintention on the part of the Honourable Minister of Co-operative Consumer and Corporate Affairs, but you can see the difficulty we get into when we attempt to raise points of order when they are really not required to get the job done of getting one's point across.

* (1540)

An Honourable Member: He was here, but he was in another room.

The Acting Speaker (Mr. Kozak): The Chair once again thanks all Honourable Members for their advice, has indicated that it will undertake a review of Hansard, and thanks all Honourable Members for their contribution to this consideration. The Honourable Minister of Consumer and Corporate Affairs has the floor to continue his remarks.

Mr. Connery: Thank you, Mr. Acting Speaker, in short, the main purposes are to identify deceptive and unconscionable practices used by some, and I say some, as a very small number in the promotion and sale of consumer goods and services; to provide means of preventing deceptive or unconscionable practices from occurring and of remedying consumer losses resulting from these practices; and to protect legitimate businesses from competitors who use deceptive or unconscionable practices to compete unfairly.

The need to protect businesses and consumers from unfair practices is not a recent development. Previous administrations have considered the legislation and indeed helped to lay the groundwork for the present Bill. I will say that the previous Government has come to be known as the we-were-about-to-do-it Government, but actually did nothing. Everything coming forward now, they were about to do. While this Bill had been before them for all the way through their tenure of six and a half years, they chose to do nothing about it until they got into Opposition. Everything was, we were about to do it. Well, they did not have the intestinal fortitude to bring forward good legislation. It was the responsibility of the Conservatives to do it.

Six other provinces; British Columbia, Alberta, Ontario, Quebec, Prince Edward Island, Newfoundland already have similar legislation and have had for 10 years or more.

Workers Compensation really is unfortunate, as the Minister of Northern Affairs (Mr. Downey) did not get discussed. We will discuss that later because this is a very important issue that we need to deal with. As we enter the marketplace of the 1990s the need for such an Act is clearly greater than before.

Some Honourable Members: Oh, oh!

Mr. Connery: The Member for Thompson (Mr. Ashton) prattles from his seat, with a very thin skin and a very bad conscience. I do not blame him. If I had deserted the injured workers I would be sitting with a red face as he is now and being very sensitive, as the number—

Some Honourable Members: Oh, oh!

Mr. Connery: Contempt of injured workers is what we experienced Monday night.

As the number and complexity of consumer goods and services continue to—Mr. Acting Speaker, maybe the Member would like to go back to Workers Compensation, he is prattling about it now.

Some Honourable Members: Oh, oh!

Mr. Connery: Mr. Acting Speaker, I guess maybe—are they done now? I will say the Liberals at least wanted to discuss Workers Compensation.

At the same time, a growing number of vulnerable consumers such as seniors are being victimized through various marketplace abuses. We cannot continue to ignore the increasing undeniable presence of a criminal element in the marketplace, particularly in the direct selling area. Perhaps the best way to illustrate the need is to give you a few examples of the types of activities that are taking place. We have all seen the headlines: Con Men Tighten Screws on Seniors; Swindlers Strip Elderly Women of Savings; Door-to-Door Sales Scam Nets \$70,000.00.

Allow me to relate to you two stories that maybe you have heard. In rural Manitoba, an elderly gentlemen who lived alone could not say no to a fast-talking high-pressure salesman.

An Honourable Member: Do not let them rattle you, Ed.

Mr. Connery: The Member for Elmwood (Mr. Maloway) rattles on as some of his other colleagues do and you talk about relevance. One needs to read Hansard of Monday afternoon and hear the number of times that the Speaker had to bring them to order and the Member for Concordia (Mr. Doer) to be relevant to the subject and they were not, but anyway they do know they have to put in time.

Mr. Acting Speaker, these salesman persuaded the senior to buy vinyl siding, not just for the exterior, but also for the interior of the house. Altogether he paid out \$16,550 for improvements to a 500 square foot home. In another case an elderly woman was systematically—Mr. Acting Speaker, I hope you are taking the abuse time and the noise time that the Members Opposite are interrupting and not take it off my 40 minutes. You are keeping track of that, Mr. Acting Speaker?

Mr. Acting Speaker, in another case an elderly woman was systematically victimized by door-to-door home improvement salesmen until her bank account of \$70,000 was exhausted. In seven months she signed 24 different contracts with six different door-to-door

firms paying out a total of almost \$71,000 for improvements that should have cost about \$15,000.00. These cases are clearly unacceptable, but in order to drive my point home allow me to provide you with a few more blatant home improvement scams.

A senior was approached by two home renovators. The renovators asked if they could check the siding on her home. After looking the house over they informed her that they suspected moisture problems in her attic. Once in the attic they wet the insulation and presented it to the homeowner. They told her that if it was not removed and the rafters reinforced, the ceiling would collapse. Consequently the woman signed two contracts for a total of \$6,500.00. A suspicious neighbour contacted the Consumers Bureau. The bureau inspected the home and established the repairs were not needed and the work done by the renovators should have only cost \$600.00.

The two sellers, Mr. Acting Speaker, were charged with fraud and sentenced to jail terms. I would like to take a few moments to describe to you the city inspector scam. These are really some of the reasons why we need some of this legislation.

An Honourable Member: Why did you not do something last year?

Mr. Connery: The Member for Elmwood (Mr. Maloway) says, why did we not do something last year. Why did they not do something for the last six and a half years that they were in office? The we-were-about-to-do-it Government could not quite get around to doing it. The Bill that he talks about, as I read a letter on Monday from one irate businessperson who said the Member drafts Bills and does not do any consulting, does not do the proper work. That is exactly what he was doing, just picking out—

An Honourable Member: It is the same Bill.

Mr. Connery: The Member says, it is the same Bill, but he has not got enough sense to look at the two Bills and to read into it the significant changes that the two Bills have. His was a very immature draft of a Bill that had not had all the consultations. We had to do the finalization and made the proper changes to make it a Bill that was very acceptable.

In February, 1988, a consumer was called and informed that all the older homes in her neighbourhood were being inspected by the City of Winnipeg. The so-called inspection was conducted in the basement. The homeowner was told she required additional beams and three teleposts. The woman was told that the work was mandatory and if it was not done the City would do it and add the bill to her taxes. The homeowner agreed and paid \$1,800 to have the work completed. However, the consumer became suspicious and contacted the Consumers Bureau.

A legitimate inspection determined the work was not required at all, that actual repairs should have cost about \$300.00. This individual was subsequently charged with four counts of fraud with respect to and amongst other things impersonating a Government

inspector—something like the Member for Thompson (Mr. Ashton) is trying to indicate that he is a Member of the Legislature—subsequently plead guilty and was fined a total of \$5,000.00. Fortunately in this case the individual was also ordered to pay full restitution to the consumer.

* (1550)

Mr. Acting Speaker, as you can see the Consumers Bureau is now having to deal with a very definite criminal element in the direct selling segment of the Manitoba marketplace. This has placed Consumers Bureau officers in situations never experienced before, ranging from total disregard for licensing and non-compliance to threats to their physical safety. Recently two such unscrupulous direct sellers were sentenced to prison terms for fraud. One received a two-and-a-half-year sentence, the other got four years and an additional two years for threatening physical harm to a Consumer Bureau officer.

Mr. Acting Speaker, the existing law is inadequate for effectively and efficiently dealing with these types of problems. It does not provide the protection Co-operative, Consumer and Corporate Affairs would like to see for consumers and business.

Apart from licensing requirements regarding direct sellers, Manitoba's main consumer legislation, The Consumer Protection Act, lacks effective means for dealing with deceptive and unconscionable practices. With most problems involving unfair acts, the Consumers Bureau is limited to attempting to resolve these problems through mediation. Here are two examples. The Member for Seven Oaks (Mr. Minenko) might be interested because he brought up a question about health spas earlier.

A health spa solicited a handicapped woman to sign a contract for the use of their facilities. The woman was reluctant to sign because of her disability. The spa representatives told the woman the spa equipment could be used despite her handicap. To reassure the woman, the representatives told her that if she physically could not use the spa's facilities then the contract would be cancelled. Mr. Acting Speaker, as it turned out, the spa did not have the facilities to deal with this woman's handicap. Through mediation, the Consumers Bureau assisted the woman in having the contract cancelled.

Mr. Acting Speaker, I would like to say just one strong word for the Consumers Bureau. While they have not had legislation until now, when this is passed, they have done a tremendous job of mediating for an awful lot of people, being the go-between between the business and the customer, and have brought to fruition a lot of problems, as the Member for Springfield (Mr. Roch) wrote our department thanking them for the efforts they made on behalf of a constituent of his. We are very proud of the work that the Consumers Bureau does. However, the spa insisted on charging a \$100 cancellation fee. The bureau had no way of requiring them to cancel without cost as they had led the consumer to expect would happen.

We believe a particular used car dealer regularly scans the want ad section of the newspaper looking for

consumers who are selling their cars. The dealer phones the consumer and says that he sells cars and that he would like to sell the consumer's car. Consumers are told that the dealer had a showroom and would even place his ads promoting the sale of their car. When consumers bring their cars to the dealer a selling price is established. The consumers are assured that they will receive the agreed amount but that a dealer's fee will be added to the asking price of the car. Car owners, many of whom have a limited ability to understand the English language, are asked to sign a contract, but the dealer does not give them a copy. The car owners later discover that the written contract stipulates there is a \$90 per month charge for leaving the vehicle on the dealers lot plus a one-time \$50 documentation fee. The consumer can only get his car back by paying the dealer the fees stated in the contract.

The consumers complained to the Consumers Bureau that the dealer has made no effort to sell the car or advertise the availability of the car. Mr. Acting Speaker, this is a good example of a deceptive act. The consumer is led to believe that there will be no cost to pay to have the car sold, but later discovers that the dealer failed to disclose the documentation fee as well as the storage fee. These are two important considerations the consumer would have to have taken into account before signing the agreement. This example also illustrates the unconscionable activity in that the dealer appears to be taking advantage of consumers having a limited ability to understand the English language. Mediation attempts by the bureau failed because the dealer denied having implied that there would be no cost for selling the car. If the business refuses to go along with the mediation the only remedy left for the consumer is to go to court, a process that can be quite costly, that has an uncertain outcome, and that many consumers find intimidating.

The Consumer Protection Act is limited in its measures for correcting problems caused by unfair practices. The Act provides no means of enabling the bureau to stop unfair practices such as misleading advertising before they have resulted in consumers incurring losses before they have a negative impact on honest competitors.

Although The Consumer Protection Act has certain licensing requirements which can be quite broad depending on the extent of the need to regulate the activities of individual sellers, they are nonetheless limited in the following ways: they apply to direct sellers only, and therefore do not apply to the vast majority of consumer transactions in Manitoba; they do not provide the bureau with as broad a range of remedies as The Business Practices Act. For example, they do not enable the bureau to freeze a problem company's assets to avoid consumer losses that exceed the bond posted by the seller nor to obtain a court order or injunction to stop the unfair activities of a direct seller more quickly than can presently be done by a cancellation of a licence or a prosecution under The Consumer Protection Act.

(Mr. Deputy Speaker in the Chair)

At the federal level the Competition Act covers misleading and advertising problems that would also

be dealt with by The Business Practices Act. The Criminal Code covers deceptive activities that are fraudulent. While this may seem like duplication, it is expected that The Business Practices Act would provide more effective means than either the federal Acts for consumers to obtain redress for losses incurred as a result of misleading advertising, or other deceptive activities. With the Criminal Code, although restitution can be ordered, there is no requirement to do so and some judges do not order restitution especially if a jail term is imposed.

Although the Competition Act provides for civil remedies, the provision is seldom used because the losses per consumer are usually small relative to the time and cost involved in the individual court actions.

In contrast, the various Business Practices Acts contain several provisions that will help consumers to obtain redress. For example, a substitute action by the Consumers Bureau will provide an efficient means for a group of consumers who have individually incurred relatively small losses to recover these losses. In addition, voluntary assurances by business to provide restitution, given to avoid litigation, will enable redress to be relatively quickly obtained without having to go to court.

Indeed the federal Government, in recognition of the present limitations of the Competition Act, is considering adding to that Act some of the same types of remedies, such as cease and desist orders, and assurances of voluntary compliance as we have in The Business Practices Act. If the Competition Act is accordingly amended it, together with provincial business practices legislation, will greatly improve the Government's ability to deal with unfair businesses practices, especially those occurring in more than one province.

The improved protection for consumers in business that may take place at both the federal and provincial levels will require close co-ordination between the Governments. This should not pose a problem considering that provinces already having business practices legislation report that the two levels of Government work very closely together to ensure that the most effective legislation is applied to each problem.

In the absence of effective remedies of the provincial and federal Governments, consumers who have incurred losses as a result of a deceptive and unconscionable practice often have only one option, the undertaking of a civil action. The effectiveness of this recourse is limited, the reason being, consumers are often reluctant to go to court due to the time and cost involved and the uncertainty of the outcome. As well, many consumers are intimidated by the court process.

In attempting to prove business and consumer protection regarding unfair business practices there are two legislative options available to Government. One is to develop separate licensing and registration legislation for each industry or type of business capable of unfair practices. This would virtually mean licensing all business. The other is to develop an omnibus type of Act that focuses specifically on unfair practices,

regardless of the type of business. Clearly the relative simplicity and efficiency of the second approach is preferable by both business and Government. It will avoid the paper burden and other problems that would be associated with the licensing and registration of each and every business.

* (1600)

In taking the omnibus type of approach The Business Practices Act would contain several provisions aimed specifically at unfair activities. Some of these provisions are as follows: the Act would apply to all goods and services used by consumers. It would enable the Bureau to take preventative action to stop an unfair activity before it results in a consumer incurring losses.

The Bureau would be given several powers to both prevent and correct situations involving unfair activities including cease and desist orders, orders to freeze assets, authority to negotiate an assurance of voluntary compliance, authority to undertake civil actions on behalf of consumers when such actions are in the best public interest.

It would provide consumers, or the Bureau on their behalf, with a specific cause of civil action where losses have been incurred as a result of a deceptive or unconscionable practice, and it would facilitate such actions by abolishing the necessity of privity of contract, abolishing parole evidence rules, enabling compensation to be granted as part of a prosecution, enabling consumers to seek redress on the basis of a successful court action by a different consumer who has been wronged by the same unfair practice.

Finally, where prosecution becomes necessary, the Act provides for substantial fines and imprisonment commensurate with the severity of some marketplace abuses that are occurring.

Of course, Mr. Deputy Speaker, all decisions and actions by the director of Business Practices will carry full rights of appeal to the court. An investigation would not be undertaken unless the director believes on reasonable and probable grounds that a contravention of The Business Practices Act existed.

Also, in undertaking an investigation, any request by the director for a business to provide information would have to be accompanied by a reasonable explanation. The confidential nature of the information provided would be respected.

Although the Act provides strong measures to deal with the more severe, unfair activities, it must be recognized that the vast majority of Manitoba businesses are fair and scrupulous. It should also be noted that the Bureau has had great success in mediating a satisfactory resolution to many consumer problems and mediation will continue to be the most frequently used tool.

However, where the situation warrants, as in the examples given earlier, Manitobans must have the means to take swift and effective action to stop marketplace abuses. Manitobans must have a way to remedy consumer losses and to protect businesses from unfair competition.

Many of the provisions in The Business Practices Act differ from the draft contained in Bill 21; for example, the title. Most businesses in Manitoba operate fairly. We did not want to say, the Unfair Business Practices Act, because that leads unfairly to business. Most businesses do business in a very fair way. We do not want to create the impression that they do not. We therefore do not use the word "unfair" in the title. I believe the difference is more than semantic.

Unlike Bill 21, the definition of a deceptive practice in the present Bill includes a general provision to allow for unfair situations that do not fall within the listed examples. The present Bill clarifies the intent of the legislation to specifically include unconscionable activities as well as deceptive ones. The ability of the Consumers Bureau to take preventative action regarding representations that have the capability of being deceptive regardless of whether anyone has yet been deceived has been clarified.

I believe that this wording is pro-active relative to that in Bill 21. Unlike Bill 21 this applies to real estate as well as other goods and services regardless of the monetary value. This Bill makes it clear that consumers have a course of action if they have suffered a loss as a result of an unfair practice regardless of whether there has actually been a contract signed.

Unlike Bill 21, it does not make substitute actions by the director available to anyone but rather only where there is no other practicable remedy, such as where the consumer is incapable of a private action due to mental infirmity, and where it is in the public interest, such as where the practice is widespread and many consumers have been victimized. Otherwise, consumers are expected to use the Act to undertake their own civil actions.

The present Bill has also features additional to those of Bill 21, such as the power of the Bureau to seek an injunction order, the power of the Bureau to hire experts to help deal with particular activities, and to the examples of unconscionable activity. The knowingly charging of prices that are grossly in excess of those available elsewhere is included.

Mr. Deputy Speaker, part of the Department of Co-operative, Consumer and Corporate Affairs mission is to foster a fair and efficient marketplace. In many ways The Business Practices Act exemplifies the pursuit of that mission. It seeks to identify activities that are unacceptable and allows us to stop them before they harm businesses or consumers. At the same time, it will help remedy consumer losses caused by these activities. Consumers will be able to more frequently rely on representations being made by business, have unfair activities stopped before the consumer losses occur, and have more effective means of obtaining redress where losses are incurred. Businesses are expected to benefit by having a clear indication of what constitutes an unfair activity, incurring fewer losses as a result of unfair activities by competitors, and having better reputations, especially in those industries such as home improvements where unfair business activities have occurred.

However, business practices law will present no magic solution to all the problems which can arise in this

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province's marketplace. It is in fact another tool that the Consumers Bureau can utilize in its attack on unfair practices like those I have described today. While the Act is expected to greatly improve the Bureau's ability to deal with unfair practices, it will not, as would not any legislation, end all unfair activities. Nor will it end the need for consumers to shop cautiously, take their own court action, or convince the courts that a particular activity is unfair.

In summation, Mr. Deputy Speaker, business practices legislation is both a preventative and corrective approach directed at specific, unfair or unconscionable practices of individual sellers. Most businesses in Manitoba will not be adversely affected, if they are affected at all. Only businesses that are not operating fairly and who are creating serious marketplace problems for consumers and honest operating competitors need fear the legislation.

As I have clearly illustrated, existing legislation and common law remedies are inadequate for dealing with these problems. Stronger, more effective remedies are called for. The Business Practices Act attempts to provide these remedies not by creating a licensing nightmare but rather by applying strong medicine to bad problems regardless of the type of business creating those problems. The Act will attempt to deal with these problems by identifying and acting upon unfair practices before they cause harm; by giving consumers clear and easier means of obtaining redress; by giving the Consumers Bureau broader powers to stop unfair activities and to act on consumers' behalf where it is in the public interest to do so; and by enabling the courts to impose hefty fines and prison terms where warranted by the severity of the act.

Mr. Deputy Speaker, this legislation will directly benefit individual consumers and businesses and will make the marketplace work better. Business practices legislation offers innovative solutions and newer remedies to some old problems. Existing legislation is limited and does not provide the comprehensive consumer protection that we would like or that Manitobans deserve.

Mr. Deputy Speaker, I therefore commend Bill 64, The Business Practices Act to the Honourable Members of this Legislature and look forward to their support.

Mr. Mark Minenko (Seven Oaks): Mr. Deputy Speaker, I move, seconded by the Honourable Member for Inkster (Mr. Lamoureux), that debate on this Bill be adjourned.

MOTION presented and carried.

Mr. Jim Maloway (Elmwood): Mr. Deputy Speaker, I would like to speak to this Bill at this time if possible.

Hon. Glen Cummings (Minister of Environment): By agreement of the House, by leave, if I were to introduce Bill 83, the Member for Elmwood could then have the floor again with his concurrence.

BILL NO. 83—THE OZONE DEPLETING SUBSTANCES ACT

Hon. Glen Cummings (Minister of Environment) presented Bill No. 83, The Ozone Depleting Substances Act (Loi sur les substances appauvrissant la couche d'ozone) for second reading, to be referred to a committee of this House.

MOTION presented.

Mr. Cummings: Mr. Deputy Speaker, and I appreciate the indulgence of this House.

I am pleased to introduce for second reading The Ozone Depleting Substances Act. It has been well over a year now since scientists studying the Arctic confirmed what they had feared, that the hole in the earth's ozone layer was increasing.

In the stratosphere 15 to 35 kilometres above the earth the ozone layer screens out the most damaging ultraviolet rays of the sun. Many of man's activities and actions over the past have resulted in a destructive impact on the earth's natural environment. The impact of some of our actions has not always been visible as it is in the case of the destruction of the earth's ozone layer. We have often overlooked the problem or failed to acknowledge its existence. The destruction of the environment has resulted in a dramatic shift in the way that Government, industry and the public should treat our environment.

* (16 10)

Any decrease in the ozone layer is disturbing because of the resulting increase in ultraviolet radiation which will reach the earth. There may be several serious effects, including increases in the incidence of skin cancer, cataracts, reduction in the ability to resist certain infectious diseases, possible decreased yields of agricultural crops and damage to aquatic life.

Scientists from around the world now agree that the ozone layer is slowly being destroyed by a class of chemicals called chlorofluorocarbons, or CFCs. The emissions of these chemicals in atmospheric concentrations has grown rapidly since their introduction several years ago. These chemicals have been widely used in the past as refrigerants, aerosol propellants, solvents, and blowing agents for foam production. They are widely used because they are virtually unreactive in the lower atmosphere and thus pose no direct toxic threat to living organisms. The characteristics that render CFCs inert enable them to reach the stratosphere unchanged.

In the fall of '87 representatives of more than 30 countries including Canada met in Montreal and signed an agreement. This agreement is now known as the Montreal protocol to control substances which deplete the ozone layer. The treaty called for a cap on production of CFCs at the 1986 levels by July '89 and a cap on the production of halogens at '86 levels by February 1992.

Following this, CFC production is then to be reduced by 80 percent of the '86 levels by July '93 and 50

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percent by '98. Though Manitoba consumes less than 1 percent of the world's CFCs, we need to act now to ensure that we no longer contribute to the global ozone problem. To this end, Manitoba will phase out the use of these substances as quickly as is practical as a complement to the federal Government's efforts and national and international efforts to protect the ozone layer. This will be accomplished by passing The Ozone Depleting Substances Act. The object of this legislation is to reduce and eliminate in Manitoba the release of ozone depleting substances into the environment.

The Ozone Depleting Substances Act will ban as of January 1, 1990, the manufacture, sale or use of ozone depleting substances as aerosol propellant except those used for prescription drugs, manufacture, sale or use of packaging, wrapping or containers made with ozone depleting substances, one-kilogram CFC canisters, domestic halogen fire extinguishers, portable pressurized canisters of CFCs used as solvent or release agent.

These actions are consistent with those that the federal Government is taking to reduce or eliminate the use of ozone depleting substances in this country. Draft legislation will allow for the adoption of regulations under the Act that require ozone depleting substances to be recaptured and recycled when devices containing them such as automobile air conditioners and refrigerators are being maintained or taken out of service.

It will ban categories of uses of ozone depleting substances as substitutes become available. That is the key, Mr. Deputy Speaker, that we have an organized approach to this. Staff from my department are working closely with representatives of industry to plan the removal of major categories of CFCs and Freons from Manitoba.

The single largest use of CFCs as a coolant is in home and commercial refrigeration equipment and in institutional, home, and automobile air conditioning units. Industry is currently researching the substitution of less damaging CFCs for the highly destructive ones that have been used in coolants. Manitoba will be participating with industry, the federal Government, the City of Winnipeg, and pilot projects which will examine a wide variety of issues including destruction methods of CFCs, recycling projects, collection and disposal techniques as well.

Until we are able to safely and efficiently destroy CFCs, the Government of Manitoba will promote the capture and recycling of CFCs in the industry. Especially as refrigeration equipment is repaired or taken out of service, we would hope that this application can apply. This will require negotiations with the Province of Ontario to ensure that recaptured CFCs have ready access to plants that can recycle them.

We are slowly realizing the fact that damage to the atmospheric ozone layer is more serious than was thought even at the time of the Montreal meeting. Further CFC production cuts are being called for which go beyond those specified in the Montreal protocol.

As well, other substances including methyl chloroform and carbon tetrachloride have been identified which

also contribute to the destruction of the ozone layer. It is our intention to address the use of these substances in regulation. The intent of this Government is to reduce and eliminate in Manitoba the use of substances that deplete the ozone layer as quickly as we can. Industry is developing alternative substance products and production techniques that decrease or eliminate the use of ozone depleting substances. Other industries are developing substitutes and alternatives to CFCs and other ozone depleting substances.

Our legislative approach must ensure credibility and consistency with the national approach. Bill 83 has been drafted with these guiding principles. Manitobans want actions to protect their environment. This Bill provides such a framework for consumers and industry alike. By introducing The Ozone Depleting Substances Act today, I believe that Manitoba is taking the first of several major steps to drastically reduce and eventually eliminate the use of ozone depleting substances in this province.

This legislation and subsequent regulations will move as quickly down the road to the complete elimination of ozone depleting substances from Manitoba as possible. Manitoba needs to think globally and act locally to address the problem of the destruction of the ozone layer. Again I want to thank the House for their indulgence.

* (1620)

Mr. Harold Taylor (Wolseley): I move, seconded by the Member for St. Norbert (Mr. Angus), that this Bill stand.

BILL NO. 64—THE BUSINESS PRACTICES ACT

Mr. Jim Maloway (Elmwood): The Member for Seven Oaks (Mr. Minenko) adjourned Bill No. 64 and, with leave, I would like to speak to that Bill at this point.

Some Honourable Members: Leave.

Mr. Maloway: I cannot imagine how big the type must be on the Minister of Consumer and Corporate Affairs' (Mr. Connery) notes. He had a 40-page speech there. I could read it right from where I stand. It had to be an inch and a half to two inches high. I did not see any pictures however.

Mr. Deputy Speaker, in dealing with this Bill, and this is a very comprehensive Bill, one that we have been suggesting be passed by this House for the last 16 months, I did want to deal with some of the comments that the Minister made concerning the Bill. He went on at great length to try to find and point out specific differences between our Bills No. 21 and 25 called The Unfair Business Practices Act of last year and this year, and his new Bill No. 64, The Business Practices Act. In fact, other than just the change of name—he calls it The Business Practices Act and we called it The Unfair Business Practices Act—other than that and a few differences, he refers to a natural person under definitions and I believe we refer to an individual.

Those are the kinds of differences that one finds when one does an examination of this Bill. It is virtually a copy, a Xerox, of the Bill that we brought into this House some 16 months ago. So I am amazed at how the tune of this Government and the tune of this Minister has changed in just a year, Mr. Deputy Speaker, because one year ago when we brought the Bill in, Bill No. 25 it was numbered as then, this Government was reluctant to say anything about it. Not only would they not support the Bill, but they would not even speak to it. So for this Minister to say that somehow that this Government really and truly all along was eager to introduce and support this kind of legislation is nonsense. This Bill has been before the House since last spring, a year and a half ago. All the Minister has done is renamed it and did some renumbering, and I invite any Member of the House to sit down and compare.

We had staff sit down and go through the Bills, and all that is changed is some numbering. So the question is why did it take them so long? Why did it take them so long to do this? Really, all they had to do, if they truly supported this Bill last year as the Member for Lakeside (Mr. Enns) would I am sure readily agree, was simply to pass it on to committee. Let the dynamics of a minority Government take effect and have this Bill amended, if he wanted to change the title to The Business Practices Act from The Unfair Business Practices Act. All he had to do was amend that at the committee stage. There are no substantive differences between the Bills, and do not let the Member tell you otherwise.

To respond to the Member for Lakeside, there are probably some other major changes in the league of which we referred earlier, the difference between us referring in the definition to an individual and the Minister referring to a natural person. I know that is a very serious change and I am sure there are others in there of that magnitude, but surely it does not take a year and a half to come up with a totally different Bill with that few changes.

The current Conservative Government, when they were in Opposition did they in fact, did the current Minister of Housing (Mr. Ducharme), who was the critic at the time, did he ever promise, did he ever suggest, did he ever prod the Government of the Day to bring in an unfair business practices Act. Did he ever do that? No, he did not do it.

The only thing that he ever suggested, that he ever recommended to the Government of the Day was lemon law, which he talked about in every speech he made. In the end what has the Government done about lemon law? We have heard nothing in the year and a half that they have been the Government. There has been no mention by the Conservative Critic of the day about The Unfair Business Practices Act. There was no mention by the critic of the day about legislation dealing with the contents of Bill 63 that the Government introduced dealing with limitations on personal service contracts, dealing with the cooling-off period on direct sales, or for that matter any substantial consumer action or legislative changes at all.

This new-found interest is certainly encouraging, but what has happened in the meantime, in the past year

and a half? How many consumers have lost money because this Minister has sat around and done nothing, because he would refuse just out of pride, would refuse to refer an NDP Bill to committee to make amendments. He would not do that. Why would he not do that? He would not do that because he wants his name on the Bill. It is as simple as that. This Government wants to take credit for something and given the scarcity of legislation in their last Session, I mean one can see why they would be reluctant to have an Opposition Bill pass, although I might remind the Members that it certainly did not stop us from passing one or two Private Members' Bills when we were in Government. The Member for La Verendrye (Mr. Pankratz) knows well about that.

Mr. Deputy Speaker, when they were in Opposition, when the Minister of Housing (Mr. Ducharme) was the critic, there was no talk about any kind of major initiative as far as consumers were concerned. No, there was not. They have come up with a copy of our Bill a year and a half after all sorts of people has lost money, after all sorts of people have been aggrieved in one way or another because of unfair business practices. The Minister is now preparing to do something about it. Perhaps we should say, better late than never. On that basis of course we would wish the Bill to be dealt with as expeditiously as possible and sent on to committee, which of course brings me now to the role of the Liberal Party in all of this.

We saw only last week on Bill No. 63, a Bill that is important but a Bill that really brings in only two of the three amendments to The Consumer Protection Act that we have in our Bill. Those two amendments, the Liberal Party is not prepared to do anything about. They let both of these Bills sit all last year and when they did speak on the Bills, they had one critic saying one thing one day, another saying another the next day. In the end of course nothing happened with the Bills.

Now we have a situation last week where the Minister introduced Bill No. 63. I spoke to it immediately following that and the Liberal Critic stood the Bill. I thought that was rather interesting because in fact the amendments were fairly minor. One was a change in the personal service contracts and related to a question that the critic had asked only days before of the Minister. The critic had stood up and asked why was the Minister not doing something about the European Health Spa situation in his constituency in the north end? Then the amendments came through in the form of a Bill a week later, and the critic cannot respond to a simple amendment as that. A week and a half has gone by since then and the Liberals have not responded.

To be fair to the Liberals, -(interjection)- if the Liberal Members would let me continue, to be fair to the Liberals, on the question of Bill 63, the Government in the past week has not called the Bill. -(interjection)- That is right. The Minister of Finance says, well, speak on it anyway and perhaps I should.

It is one thing for the Liberal Party to stand up one day and ask questions about why does the Government not do something about the European Health Spa situation. They introduced a Bill and then you sit there

and do nothing and not respond to it. I find that inconsistent and certainly hope that the Liberal Critic does not take as long to respond to this Bill 64, which I will admit is much more complex, much more involved and perhaps will need more study on behalf of the Liberal Party to try to come up with a consensus as to whether or not they support this legislation or what parts of it they support. I accept that perhaps on this Bill No. 64 that the Liberal Party will have a more difficult time coming around to a conclusion as to where in fact it stands on the Bill. But to have that same problem with Bill 63 is just beyond me how anybody could have any difficulty making up their mind on basically a one-page Bill.

* (1630)

Mr. Deputy Speaker, to deal with some of the aspects of this Bill, the fact of the matter is that the Bill itself is really designed to deal with people who basically get involved in bad business practices, which we all know apply to a very, very small percentage, a very, very small number of consumer transactions in this province. We also know that in fact the numbers of people involved and companies involved in these transactions tend to be very, very small, tend to be limited to a few industries. Also, the people involved in these companies tend to be the same companies and the same people. Perhaps it is the same people but involving themselves in different company names.

The Consumers' Bureau does know who their target group is when it comes to this legislation. The question is, why did we need this legislation? Why could we not accomplish what we wanted to do given the other avenues that are available, the federal laws that are appropriate to the case and the present consumer legislation? We will not find a big disagreement here between the Minister and myself on that question, but the fact of the matter was that the previous Consumer Protection Act passed in 1969, started by the NDP Government of Ed Schreyer, was a very, very radical piece of legislation at the time and in fact provided for—in-inaudible—the Consumers' Bureau—

Mr. Deputy Speaker: Order, please. The Honourable Minister for—

Hon. Edward Connery (Minister of Co-operative, Consumer and Corporate Affairs): A point of order, Mr. Deputy Speaker. The Member for Elmwood puts misinformation on the table. The new Consumer Protection Act was started under Duff Roblin and was then finally put in by the NDP. So the information should be accurate on the record.

Mr. Deputy Speaker: A dispute of the facts is not a point of order. The Minister does not have a point of order. The Honourable Member for Elmwood.

Mr. Maloway: I am not certain why the Minister would waste the House time to get up on this frivolous point that he just did. In fact, I said very, very clearly a number of times that it was the Government of Ed Schreyer who passed the original Consumer Protection Act which in its day was—well, the Minister is trying to pass

legislation that was done by our Party in this House. The fact of the matter is that The Consumer Protection Act was a very forward-looking piece of legislation for its day, but its major flaw, if in fact it was a flaw at the time, was that it assumed too much. It assumed that the mediation process that was mandated by the passage of The Consumer Protection Act would in fact cure the abuses of the day. In fact we have found over the years that the mediation process has worked fairly well, but we have also found that in fact it is very time-consuming to mediate. In fact a company or a groups of individuals or individual who wants to flaunt the law, who wants to involve themselves in questionable practices, can simply ignore The Consumer Protection Act mediation process because it has no teeth.

So what we are really doing here is bringing in a piece of legislation that has teeth, a piece of legislation that will in fact perhaps reduce the workload, as I have argued this as far back as last year, actually reduce the workload of the Consumers' Bureau and in fact will allow the Consumers' Bureau, by exercising or just by suggestion that a person or company or transaction may come under the provisions of this Act, may in fact cause businesses to cease and desist before they get themselves too deeply into unconscionable practices. In fact it may even have the effect of causing businesses who have questionable pasts from involving themselves in Manitoba to start with.

I have said, if the Minister would like to pay attention for a moment, I have suggested several times to him that when companies are making a decision to involve themselves in the Manitoba market, I believe that they take into account the type of consumer legislation and regulations and taxation and other things that are prevalent in the area that they involve themselves in. So by not having this Act I think what the Minister has done is allow companies to get involved in a beef centre for example, to get involved in Manitoba, a beef centre that has a long, checkered history in other jurisdictions, in Alaska, in Alberta and other places, to involve themselves in Manitoba, where in fact if we had this legislation last year when we should have passed it, perhaps these people would have been advised by their local law firm that they have retained to stay away from Manitoba if they were not going to operate in a certain fashion. So by not having this Act we in fact perhaps may be attracting businesses that we should not be having here.

As soon as we pass the Act, then time will tell if businesses such as that do set up shop here. Then the Consumers' Bureau will have that extra power; they will have that power to step in and seize bank accounts; they will have the power to order restitution; they will have all the powers that are specified in this very, very broad Act. One area that the Minister did not mention, and I do want to talk about that here, is that no matter what set of laws you have they are only as good as the enforcers. So if you have a Government that does not have the will to act then of course the toughest laws in the world are not going to help, are they? So that certainly is one point.

The other question is how soon the authorities get involved in the action. If in fact the authorities do not

become aware of a scam going on or of an unconscionable act early enough, then basically the horse is out of the barn and the damage is done. So this Act really is workable only if the infraction or the unconscionable acts are uncovered early enough so that the Consumers Bureau chief can get in very early so that there are bank accounts to seize, so that there are records to seize, because once the bank accounts are gone, the money is dissipated, the records are out of the province, then a lot of good all this new-found power is going to do to the process. It is not going to have any effect at all, but certainly the fact that the law is in place, just being in place and the fact that the Government would show a willingness to exercise that power once or twice, then I believe that those bad operators that we do have in this province will probably head for the hills and head for a jurisdiction that will have them on terms that they of course want to operate under.

Now the fact of the matter is that there are a number of other instances in recent times that in fact I believe could have adequately been dealt with by this Act. For example, there was a case not so far back where a car dealership in Manitoba sold a car which was found out to be an Autopac write-off. Of course the person who bought the car has been out the \$10,000 or \$11,000 that he paid for the car. Of course he is the owner of this car but it has got a lot of defects to it. The fact of the matter is, Mr. Deputy Speaker, that this particular vehicle was an Autopac write-off and the fact that it was was a material fact in the sale. Certainly The Unfair Business Practices Act would have applied in this case. The Consumers' Bureau chief could have gotten involved and could have ordered the car dealership to rescind the transaction and the car dealership to refund the money to the individual and the problem would have been solved

* (1640)

Instead, how was the problem dealt with? Well the problem was dealt with by the -(interjection)- well, we would have to digress a bit and the Member for Lakeside (Mr. Enns) does not want me to do that too far. In his case one would have to digress an awful long time to get back to the days when he was first in this House, which of course is a different period of time completely. Another area, to get back to the current situation, would be the situation up north. The Member for Thompson (Mr. Ashton) has had constituents bring this problem to his attention in the last couple of years. In the North where prices are high to begin with, people have gone up their and sold meat contracts to northern residents. What they do is it is basically almost door-to-door operations. They go up there and sign people up to buying \$500 or \$1,000 worth of meat and of course the people find out that in fact they are overpaying for these contracts.

There is another area that in the North an Act like this, if the circumstances are made known early enough to the Consumers' Bureau that in fact they might be able to step in and deal with the situation.

Another situation that is perhaps, and the Minister dealt with this to some extent, he was talking about

the criminal elements and so on, the fact that the provisions of the Free Trade Agreement are going to allow potentially American cars to come into Canada with lesser safety standards than our current rules allow is going to be a problem that the Government is going to have to solve, but in fact this would be another area that this legislation I think would have some jurisdiction over.

So this is really an all-encompassing Bill. The Minister has made some reference to it applying to every transaction in the province. The fact of the matter is that he has mentioned that there are six provinces that have this similar legislation.

It was my understanding that there was a seventh province, and that was Saskatchewan, who were looking at it last spring and had actually announced that they were planning to bring in an act similar to this because of problems they were having in Moose Jaw, being a heavily populated seniors area. Seniors were being victimized by gangs of these entrepreneurs who were coming in to do everything from the wet insulation scam to, you name it, they had it. So this is what happens when you have a province that does not have this kind of legislation and you get a concentration of vulnerable people, such as seniors in this case would be who are fairly well off, and of course they are like bees to honey. So when Saskatchewan passes the Act they will go somewhere else, they will come to Manitoba. That is why, ultimately of course, all of the 10 provinces are going to have to pass this legislation.

Some of the provisions of the Act merit some attention and the Minister referred to restitution. What one finds in many of these situations of course is a shell of a company, a bankrupt company by the time they get involved in this situation and all that one can do then of course is to press criminal charges against the people. If there is any money left to be found, this Act will allow restitution to be made to the aggrieved parties. So that for the people, the dozen-or-so people, who lost their deposits last year when the Sunroom Company went bankrupt. In fact in a situation like that, the monies that would be recovered would be offered I would think as restitution to the people who lost their deposits.

The freezing of assets is another important area to be addressed in the Bill because the dissipation of assets would be a fairly serious situation if in fact people could move the assets out of their bank accounts and out of the country. That is why the current Act has such a problem associated with it when you are dealing with mediation because currently all that happens is the Consumers Bureau sends a letter to the company asking them to get involved in the mediation process. Meanwhile, these guys who have malicious intent to begin with simply take the money and run. So freezing assets will be a big help in this situation.

The fact that the Minister referred to the name on the Bill—you know the Minister thinks he has discovered something here of special import when he suggested somehow calling it The Business Practices Act—is so revolutionary and forward thinking. It might interest him to know that in fact we spent quite a bit of time mulling that whole question over ourselves as to whether

we should call it The Business Practices Act or The Unfair Business Practices Act.

There is merit in both arguments of course but the fact of the matter is that by calling it The Unfair Business Practices Act, it applies then to only those people that in fact it should apply to, the people that are involved in the unfair practices. So that is really not something one should be spending a tremendous amount of time worrying about. I noted that he had spent some time on it because I feel that he had to come up with some way of trying to differentiate one Bill from the other, because certainly it is difficult to see where there is really any major difference between them.

I do not have any problem with giving the Minister credit for bringing in the Bill. My only suggestion to him is that he make some effort to get his House Leader to start calling both Bills 63 and 64 so that we can get them into the committee, and so we can start putting the heat on the Liberals to see which way they are going to come down on these Bills. I mean, we have to get them to make some decisions before we get into an election. I mean, we have to have some kind of a track record that we can point to for them.

Of course, in our case it is a no-lose situation because in Bill 63, for example, if we ever get this thing into the committee stage, we can certainly bring in the amendments that we want to do. Whether the Liberals side with the Conservatives and vote against it or not is immaterial because our Bills will still stand on the Order Paper. At least we will have some kind of indication where the Liberals are coming down on this consumer legislation.

I really cannot tell you where they would come down because there is no real predictable train over there as to which direction.—(interjection)— Well, the thing is to the Member for Wolseley (Mr. Taylor), I think most people in this House will agree that we are fairly predictable, and that we do not wildly change. Of course, the Government has that same predictability as well. We sort of—I should not get into this—but it is sort of like a couple who have known each other for a large number of years. You get to know the habits and patterns of the other individual.

There is a certain amount of comfort in that as opposed to living on the wild side which is sort of tantamount to being associated with the Liberals because you are so unpredictable and you really never know where they are going. What are they?—sort of like Jekyll and Hyde. You go to bed in the evening and you see one sort of a version, a Jekyll, and then you wake up in the morning and it is Hyde. It has been a pretty scary proposition and I am sure that they are coming to grips with that little by little although they probably do not have a whole lot of time left to resolve all of that.

Mr. Deputy Speaker, I am sure there are many, many other areas that I should be dealing with here and I know I will have the opportunity to get into this in the committee if we ever get that far.

* (1650)

An Honourable Member: You have to sit down for it to get that far.

Mr. Maloway: It has been suggested that I have to conclude my speech and sit down before we can get to committee. The fact of the matter is that is what you said the other time on Bill No. 63. A week and a half has gone by. I come back. The Liberal Critic has not spoken to it. I wonder why and then I find out the Government has not called the Bill.

They spend all of this time worrying about their 87 or 86 Bills. They are bringing in a Bill every day, and they wonder how they are going to get out of here and how they are going to get some Bills through. Yet, here we stand up immediately after the Minister introduces the Bill. We make our speech, say that is it folks; let us take this on to committee. I go away. I come back and they have not even called the Bill yet to allow the Liberals their chance to speak to it.

An Honourable Member: So go away again.

Mr. Maloway: No, I think I had better stay here and keep on top of this thing, keep on top of the situation. Obviously we are not being very successful here teaming up with this Minister. He needs extra support to get his House Leader on side on this Bill to get it called. I think he is waiting. We will have to wait till the Liberals come on side and then their House Leader will not be able to make up his mind. He will come up with another reason. I do not think he wants Bill No. 63 in the committee because he is now afraid of all the amendments that we are going to bring in. I think that is his big problem at this point, Mr. Deputy Speaker.

The amount of amendments or the number of amendments that we bring in will have to be a bit of a surprise. We have already indicated that there are a couple of amendments that we would be bringing in under the Consumer Protection Act, Bill No. 63, and there are a couple I cannot tell you about right now because we have not announced them. We will certainly do that in due course.

I am not certain whether the Minister made reference to the potential for group action to come out of the Bill. My suspicion is that he has somehow reined that provision in a bit. We will have to take a closer look at that in committee. In our Bill there is a provision to allow individuals to initiate class actions—initiate group actions.

There was a case, the Minister knows full well, last year of a number of people who ended up in Venezuela or somewhere on a tour operator's holiday and were unhappy because the package was not the way they thought it would be. In fact, under the provisions of this Act, I suppose they could bring in a class action against the tour company. I gather the Minister in fact is trying to rein that part of it in a bit and is not really planning to allow that, but once again we will have to leave that to the committee stage to find out just what his intention is. I would hope that he is not planning to rein in that provision. I would hope that he would want to leave that provision as wide open as possible to allow individuals to bring class actions, or group actions to bear, if they in fact wish that it be done.

Mr. Deputy Speaker, we certainly have had the case of pyramid selling schemes or quasi-pyramid selling

schemes haunt us in the last little while. Once again, this is a very serious problem and now the schemes are getting so sophisticated that the people that dreamed them up and put them into effect actually consult teams of lawyers to come up with things that are on paper anyway. Their presentation would indicate that it is perfectly above the law and conforms to. Then when they get a ruling from the federal Department of Consumer Affairs indicating that their plan as presented meets with the approval, then of course they take this approval as a good housekeeping seal of approval and use it to flog their product.

That is another area that of course the federal Government should look at. They should reconsider whether they should be offering quasi-legal opinions to businesses that in fact will take these things and use them, as this company did to further its product sales, and of course the federal Government is culpable in this. This act certainly will come to bear against people involved in these kinds of schemes as well.

The Minister has gone on at some length through his 40 pages trying to explain his lack of action over the last year. I would have thought, I guess, there is an old saying, "if you don't have much to say, then try to take as much time as possible and hope that people will forget." -(interjection)- well, I am simply trying to explain to you that this Minister has sat here for a year and a half while all sorts of scams and unconscionable activities have occurred. He sat here all that time when in fact the Bill was translated, was brought before the House. All he had to do was send it to committee and make a couple of amendments and pass the Bill. Instead he refused to do anything, he would not even speak to the Bill last year. He let it die, we had to reintroduce it, which we did and all this time, a year and a half later, he comes up with a Bill you would think would be different. Would you not think it would be different? It is not different at all. It is not different at all, it is the same Bill. That is the real problem. He comes in here with a 40-page speech trying to come up with minor differences between the two Bills.

I suspect that it is time to conclude once again, and we will hopefully see you all in committee on this Bill.

Mr. Deputy Speaker: Debate on Bill 64 will stand in the name of the Honourable Member for Seven Oaks (Mr. Minenko). (Agreed)

BILL NO. 72—THE SECURITIES AMENDMENT ACT

Hon. Edward Connery (Minister of Co-operative, Consumer and Corporate Affairs) presented Bill 72, The Securities Amendment Act (Loi modifiant la Loi sur les valeurs mobilières), for second reading, to be referred to a committee of this House.

MOTION presented.

Mr. Connery: I would like to produce for a second reading a number of amendments to Manitoba's Securities Act, the majority of amendments are technical in nature and deal with the takeover bid provisions

within The Manitoba's Securities Act. The amendments that my department are proposing will ensure Manitoba's legislation regarding takeover bids is uniform with all other provinces.

I would remind all Members that Manitoba was the first province to enact takeover bid legislation and that this amendment will reflect changes made to the uniform legislation after it has been adopted in this province.

The other major amendment to the Act involves the removal of the prospectus exemption for certain investment contracts in Manitoba. What this means, Mr. Deputy Speaker, is that in the future any company selling investment contracts in this province will be required to submit a prospectus to the Manitoba Securities Commission as well as to the investor. The removal of the prospectus exemption for all investment contracts will ensure that any investor in these securities is provided with full information on the securities and the issuer.

* (1700)

Our counterparts in the provinces across the country have adopted similar legislation in response to the collapse of Alberta's Principal Group. Although the Principal Group was never allowed to operate in this province, removal of the prospectus exemption for investment contracts will provide some extra protection for consumers who purchase these contracts.

Mr. Deputy Speaker, I have tried to capsulize the purpose of these two amendments, but any technical issues requiring further elaboration can of course be fully discussed in committee.

With that in mind, Mr. Deputy Speaker, I move that the amendments to The Securities Act be given second reading.

Mr. Mark Minenko (Seven Oaks): I move, seconded by the Member for Inkster (Mr. Lamoureux), that debate be adjourned.

MOTION presented and carried.

Mr. Deputy Speaker: The hour being 5 p.m. it is time for Private Members' Hour.

IN SESSION

PRIVATE MEMBERS' BUSINESS

ORDERS FOR RETURN, ADDRESSES FOR PAPERS REFERRED FOR DEBATE

Mr. Deputy Speaker: On the proposed motion by the Honourable Member for Churchill (Mr. Cowan)

THAT an Address for Papers do issue praying for:

- (a) a copy of the Report on Churchill Rocket Range conducted by the James Spiece Associates of Winnipeg; and
- (b) copies of all working papers and documents related to the report; and

(c) copies of any staff analysis of the report to date.

Standing in the name of the Honourable Minister of Urban Affairs (Mr. Ducharme).

POINT OF ORDER

Hon. Jim Ernst (Minister of Industry, Trade and Tourism): Point of order, Mr. Deputy Speaker. I tabled some weeks ago a copy of the Churchill Rocket Range Report. Perhaps it is the wish of the New Democratic Party to withdraw that Address for Papers?

Mr. Kevin Lamoureux (Inkster): Mr. Deputy Speaker, on the same point of order. The Minister maybe should approach the Member for Churchill and get some type of consent from that particular Member and I am sure if that is the case that in all likelihood he would withdraw it.

Mr. Elijah Harper (Rupertsland): On the same point of order, Mr. Deputy Speaker, I wanted to speak on this Bill because I know that the report had been submitted but there were other requests that were not fulfilled like staff analysis and whether the Government was doing research, so I think the Member for Churchill (Mr. Cowan) would also want to be advised whether this should go through or not.

Mr. Deputy Speaker: Is the Honourable Member for Rupertsland (Mr. Harper) wishing to speak to the Address for Papers?

Mr. Harper: Mr. Deputy Speaker, I wanted to speak on this if it is the will of the House for me to speak. Thank you, Mr. Deputy Speaker.

I welcome this opportunity to speak on my colleague's Address for Papers calling for the release of the Spiece Report and also the staff analysis and the working papers. I believe the Minister has indicated to this House that the report has been submitted. I can concur with that, but we still have outstanding papers required that were called for by my colleague from Churchill (Mr. Cowan).

So as not to repeat my honourable colleague from Churchill's remarks, I will address the issue concerning the delays, well, not in terms of initially not releasing the report, however, in dealing with this Order for Return, the Government or the Minister of Industry, Trade and Tourism (Mr. Ernst), we wanted to look at the papers whether the Government has looked at the report whether there has been actually any analysis done by this Government or whether they are prepared to proceed with the recommendations that were called for in the Spiece Report.

As you know, the reason for calling for the papers is we are very concerned about the Port of Churchill and also the Town of Churchill as to what its future should be. Over a number of months, we have been calling on the Government to do all it can to address

many of its activities which would enhance the survival of Churchill. One of them is to look at alternatives, and certainly one of the possibilities if this Government acts, is to proceed with the rocket range or a base to be established in Churchill. There have been a number of recommendations made by the Spiece Report indicating this might be viable and also feasible if the market is there, but what we need to do is ensure that the work is done to promote Churchill as a launching site where—

Hon. Jim Ernst (Minister of Industry, Trade and Tourism): Mr. Deputy Speaker, on a point of order.

Mr. Deputy Speaker: The Honourable Minister, on a point of order.

Mr. Ernst: Mr. Deputy Speaker, I have been listening intently to the Member for Rupertsland (Mr. Harper) in his speech and he is talking about papers that are going to demonstrate or prove the commitment of the Government or the action of the Government with respect to the report on Churchill.

Mr. Deputy Speaker, that is not what is being asked for in the Address for Papers. The Address for Papers, and I would quote from the Order Paper, refers to "copies of all working papers and documents related to the production of the report; and copies of any staff analysis of the report."

I have indicated in this House on at least two occasions that the Government is committed to the report and it is proceeding with attempting to reopen the Churchill Rocket Range. That information has been made available, put on the record by myself as Minister.

Mr. Reg Alcock (Opposition House Leader): Mr. Deputy Speaker, on the same point of order. Perhaps the Minister could consult with the House Leader for the Government (Mr. McCrae). There was a lengthy discussion with the Speaker yesterday about frivolous points of order. If he wishes to enter into the debate, he could speak in debate on issues rather than stand up and disrupt another Member's attempt to put very important remarks on the record.

Mr. Deputy Speaker: I do not believe the Honourable Minister had a point of order; however, I would ask the Honourable Member for Rupertsland (Mr. Harper) to stay to the relevance of the subject under consideration. The Honourable Member for Rupertsland.

Mr. Harper: Thank you for your advice, Mr. Deputy Speaker. As a matter of fact, the reason why I am standing up here is part of the Order Paper which is, copies of all working papers and documents related to the report and also copies of any staff analysis of the report to date. To date we have not received those analyses, because we wanted to make sure and also what kind of commitment this Government has in respect to the Port of Churchill and also to the survival of Churchill.

* (1710)

We want to analyze whether this—I do not know whether they are scared to put out the papers or they have not done their work. We are not really sure, and that is the reason why we have this Order Paper, so that we can analyze the reports of the Government. As I mentioned before, as I indicated in the report, in the Spiece Report which is part of the papers that we referred in the order, certainly the Government has released the report. There are recommendations that are made in there, and we want to know whether this Government is serious and also is doing the analysis, so that we can go ahead and start working toward achieving some benefits for the Town of Churchill.

As you know, the Town of Churchill needs some sort of economic activity and business in order to sustain its town and its members. Certainly, the rocket range would provide that economic activity and we want to—the Member says nuclear-free zone. The kind of rocket range we are talking about are civilian scientific rocket ranges that could be done, research that could be done in the atmosphere in respect to the ozone layer and also the microgravity tests. As you know, the microgravity tests that are done in the States are very limited in terms of experiments that can be made. When those rocket ranges are fired or launched from those sites, they are only able to provide experiments or weightlessness for a period of a few seconds, whereas if those rocket ranges are fired or launched from Churchill, they are able to provide a greater time, a matter of maybe 10 or 20 minutes, so there are a lot of experiments that could be done in regard to weightlessness, and we are able to offer that.

As I mentioned before, there are serious recommendations that are made by the report. We know that the Canadian Government has indicated that they were going to demolish the facilities of the Churchill research range. Certainly, the report calls on the Government to stop or at least to prevent it from proceeding unless other alternatives could be taken. The report wants to proceed in establishing this launch site for Churchill, because there appears to be a lot of interest in developing Churchill as a launch site in Manitoba. This Government should be proceeding to negotiate with the federal Government in setting up this rocket range. I feel we have a number of people, a number of countries that are interested in launching scientific research in space, and certainly Churchill is a site that could be promoted by this Government.

We see that the Prime Minister is in the Soviet Union negotiating with Gorbachev, and certainly our Prime Minister with the insistence of this Government could have advised or promoted some sort of a program that could be established in Churchill. It may be that it may be part of the package that our Premier is talking with the Prime Minister, but we are not sure because we have not been provided with the working papers of this Government. This would have been an excellent opportunity for our Government promoting Churchill as a site, as a launching pad.

As a matter of fact, there was an article in the paper indicating that the United States and also the Soviet Union were considering developing a rocket called Start,

or this SS-20, converting it into a civilian scientific rocket range. There are a lot of opportunities there in space. I think we need to develop our own space program. Certainly the Canadian Space Agency needs to be independent but it needs to establish its own rocket range and also it needs to establish its own entry into space. We should be able to do that. Right now we depend on other countries to launch our satellites or to do experiments in space like the Canadian Arm that was launched into space some time ago.

Our scientists are renowned in the work that they do. We have no place where these astronauts could do their studies. To further their studies we depend on other foreign countries at their pleasure or at their invitation to join them. If we are to establish the Churchill rocket base, and establish it world renowned, we would have an access to our own air space. It would provide a training ground for our young scientists who are coming up and astronauts so that they can continue to do the fine work that they have been renowned for around this world. We need this provincial Government to call on the federal Government to develop this further.

Certainly one of the recommendations that the Spiece Report has made is to establish a joint venture consisting of a space agency and the Manitoba Government to take over the ownership of the Churchill Research Range. Certainly we want to know whether any work has been done, whether they are promoting that and I am certain we have not received those documents.

Also if we do not have the expertise, the report has made the recommendations for this Government to negotiate a collaborative agreement with NASA for the operation of the Churchill range. Certainly the first step would be to ask the Canadian Government not to proceed with the demolition of the rocket range and certainly it is one of those recommendations. We need to revitalize Churchill. We need this Government to proceed with a joint venture. We need to have this Government to move on this important venture.

I think we need to establish our sovereignty in the North. I think that has been recognized that certainly a base in the rocket range where a scientific community could exist and be able to monitor the activities in the North and also do some scientific research in terms of the ozone layer and other research that needs to be done.

As I mentioned before, if this Government is serious in moving in this direction, we need to market the rocket range and also be able to get people all over the world, whether Germany, Japan, the Soviet Union or the States to look at the different sites, and certainly at least look at the Port of Churchill, which the launch pads are there. I am sure they could be worked on to accommodate any kind of launching, and the Port of Churchill would offer that kind service, and it is already there.

* (1720)

I believe that if this Government is to work on it, we would be much further ahead, not only for the people in Churchill, but for Manitoba and certainly for

Canadians, and also to enhance our scientists and our technology. I would hope this Government would proceed on that, and I will look forward to hearing from the Government as to what their intentions are. Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Before I recognize other speakers, I neglected to comment on the first point of order raised by the Honourable Minister of Industry and Trade (Mr. Ernst) when the Address for Papers was recalled. While it may have been a good suggestion, the Honourable Minister did not have a point of order.

Is there leave to have the motion remain standing in the name of the Honourable Minister of Urban Affairs (Mr. Ducharme)? (Agreed)

Mr. Deputy Speaker: On the proposed motion of the Honourable Member for Osborne (Mr. Alcock)

THAT an Address for Papers do issue praying for:

- (a) a copy of the report on the impact of the goods and services tax on the provinces, recently prepared jointly by the provincial Deputy Ministers of Finance; and
- (b) a copy of the study commissioned by the provincial Finance Ministers from the Conference Board of Canada on the regional impacts of the goods and services tax.

Standing in the name of the Honourable Minister of Rural Development (Mr. Penner), the Honourable Minister has 14 minutes remaining. Is there leave to have the motion remain standing in the name of the Honourable Minister of Rural Development? (Agreed)

PROPOSED RESOLUTIONS

RES. NO. 22—SENATE REFORM

Mr. James Carr (Fort Rouge): Mr. Deputy Speaker, I move, seconded by the Honourable Member for St. James (Mr. Edwards),

WHEREAS Canada's population distribution has, through the democratic principle of one person, one vote, concentrated political power in central Canada; and

WHEREAS the Provinces of Ontario and Quebec alone, exclusive of the rest of the country, can elect a majority Government; and

WHEREAS the existing Canadian Senate, because it lacks electoral legitimacy, does not provide a balance to the power of the House of Commons as the articles of Confederation intended; and

WHEREAS Canada, as a free federal state, needs an effective Upper House to ensure regional representation at the federal level;

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the

Government to pursue vigorously, with each province and with the Parliament of Canada, a constitutional amendment making provision for an elected Senate based upon the principles of effectiveness and equal representation among the provinces and Territories.

MOTION presented.

Mr. James Carr (Fort Rouge): Mr. Deputy Speaker, it is with great pride and privilege that I introduce this resolution to the floor of the Manitoba Legislature at a time when the constitutional evolution of our country is at a critical moment. I think it is only appropriate that Manitoba and the legislators of Manitoba deal with one area of constitutional reform that is particularly important to this province and to western Canada.

Mr. Deputy Speaker, the issue of Senate reform strikes at the very heart of what we know as western alienation and isolation. Since the late 19th Century and then into the 20th Century the West has been the birthplace of protest movements which have been very different in their kind and their scope.

We saw in the Province of Alberta the development of Social Credit, which was very much a local reaction to the powers of the central Government and the way in which the region had been treated.

We saw the birth of the CCF in the Province of Saskatchewan, which was a combination of a farmer-labour movement which as well was annoyed, aggravated and brought to the degree of protest we had not seen in this country because of the way the region had been treated by the national Government. The reason for that is because the national Government in a system like ours, where there is representation by population, is controlled by the two provinces of Ontario and Quebec.

How many times have we seen in this province that political majority dominate the national stage? We saw it recently in the fiasco over the CF-18 contract when a Manitoba company gave the best bid and by all accounts, including the accounts given by public servants, was the bid that ought to have been approved by the politicians. It was not because of a political majority in central Canada that determined that contract go somewhere else.

(Mr. Mark Minenko, Acting Speaker, in the Chair)

I bring up the name of the Honourable Duff Roblin, a former Premier of this province, who was one of the political heroes of the current Premier, who is a leader of Senate reform and whose voice has been heard on this subject for literally 10 years, who says that the first principle of a democracy is representation by population. The first principle of the federation is equality of the regions and there is no equality of the regions in this country of ours because of the nature of our political system. I would hope that Members opposite will listen to the words of wisdom given by one of their own former leaders, the Honourable Duff Roblin, who has been a leading voice on the whole issue of Senate reform.

Well, why a Senate at all? The Fathers of Confederation, in their wisdom, believed that in a

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country like ours there had to be a way of giving the regions a voice and power within federal institutions. It was not enough simply to have a national Government with a political majority from Ontario and Quebec, and provincial Governments with powers of their own. It was necessary to have an Upper Chamber that was representative equally of all the regions of Canada, that could supply a sober second thought to legislation and which could represent the interest of those particular regions within the national Government. It over the years has lost any sense of influence at all in the national decision-making. Why, because it has no electoral authority.

Senators are appointed, they are appointed by Prime Ministers and they often represent those who have raised money for political Parties, those who have otherwise served the political interest of a Prime Minister. They do not have any mandate to use the constitutional powers that they have been given.

It is often thought that the Senate is really not a very powerful body, but that is not true. If you compare the constitutional authority of the Senate, the same one that we have now, and those of the House of Commons, you see that there are only two differences.

The Senate of Canada is not a confidence body, which means it cannot defeat the Government, nor can it introduce money motions. In every other way its legislative powers are equal to those of the House of Commons, which means that if Senators chose to use that power they could kill any Bill that came to it by Members of the House of Commons. The Senate already has all the constitutional authority it needs, it does not use that authority, because the Senators have no legitimacy.

Let us just have a look at the state of constitutional development. We have been asking in this country for 20 years, for 30 years, the question what does Quebec want. We are now trying to answer that question in the context of the discussions over Meech Lake. We in the Liberal Party of Manitoba say, what does Manitoba want, what does the West want in terms of a new renewed federalism in Canada? One of those things we want is an elected Senate.

I think that it is probably worthwhile to spend just a few minutes to review the principal points that we want to make. We think that there ought to be fairness, balance and equity in our federal system. We do not have that now. We do not have that because of the majorities, and this is not a partisan remark. When the Liberals were in power in Ottawa they were motivated by the same political factors that now motivate the Mulroney Government in Ottawa. That does not change when the Government changes because it is a political reality of the country. If you can win a majority in Ontario and Quebec, you win Canada. You can ignore the regions of Canada without any political peril because you can become re-elected time and time again without any support from Newfoundland or Prince Edward Island or Manitoba.

It is time that we looked at the basic relationship of power within our national Government. We think that an elected Senate with equal representation from every

province will take the -(interjection)- well, I hear chirping from the Member for Thompson (Mr. Ashton).

What is his Party's position on the Senate, Mr. Acting Speaker? Is it to abolish the Senate? It was, but it is not anymore. Is it to elect the Senate? He will not tell us. How many representatives from every province? What should its powers be? It is the most undeveloped position on public policy of anything I have heard in this Chamber. To have the prattle, as was used in the House earlier from that Member, contributes nothing to the debate. I look forward to him standing up and put his thoughts on the record on an elected Senate. Why should we elect the Upper Chamber?

* (1730)

Most Canadians do not realize that Canada is the only federal state in the world without an elected Upper Chamber. If you review the other federations in the Western World, if you talk about Australia, Germany, the United States, they all have elected Upper Chambers. The reason they have elected Upper Chambers is that you need equality of the regions and the way to do that is to create a Senate, and in our case an Upper Chamber that reflects that. If you elect them you give them authority and the moral power they need to use the powers which are given to them.

The Senate now, while it does perform some useful functions and I do not for a minute diminish the important work that Senate committees do, but they do not exercise their full constitutional authority because no one elected them. They are not accountable to anybody. They are appointed until the age of 75. When was the last time you read about a senator who was impeached, who was removed from office, or who removed himself or herself from office? It is a sinecure, and in the 1980s and the 1990s in Canada it is just not good enough anymore.

Why do you want an equal Senate? What importance does the concept of equality have? The kind of constitutional development we have seen over the last number of years in Canada is for the Prime Minister to sit around a constitutional table and give out federal powers to the Premiers until he can come up with an agreement. That is what happened around the table at Meech Lake and the Langevin Block. In order to get the signatures of those Premiers when they were dealing with what Quebec had wanted on its constitutional agenda, the Prime Minister dealt away federal power to the other Premiers until the Premiers could only say thank you.

Some national politicians have referred to the Prime Minister as the head waiter when what we really needed was a leader who spoke for Canada. We could not expect the Premier of Newfoundland to speak for Canada, or the Premier of Quebec, or even the Premier of Manitoba. No one was speaking for Canada, least of all the Prime Minister whose vision of Canada is to try to wither away the powers of the federal Government by creating little fiefdoms within the province. That is not our vision of a strong Canada. Our vision of a strong Canada is one with a strong central Government that is not controlled exclusively by the majorities from

Ontario and Quebec, but a Government that has within its institutions equal representation from all of the regions of the country regardless of their population. This is a very important principle.

Mr. Acting Speaker -(interjection)- well, the Minister of Consumer and Corporate Affairs (Mr. Connery) is talking about Trudeau's vision of Canada. I am sure I am not the first to tell him that former Prime Minister Trudeau embraces the constitutional vision of his Premier and his Government. What the former Prime Minister has been saying over the debate on Meech Lake is precisely the position that the All-Party Task Force on Meech Lake agreed to. Now all of these epithets that are strung across the floor of the House by Members such as that Minister now ring hollow, because the vision, the Trudeau constitutional vision, is the same one that has been adopted by this Premier and through this Premier, this Government.

The concept of taking political power from the regions and from the provinces and embedding them within federal institutions like the Senate is the best way and the only way that we will make sure that national decisions are made in the interest of the whole country and not only in those regions of the country that can elect a majority to the House of Commons. That is a very important principle because without it what chance does Manitoba have on the national stage? What chance does Prince Edward Island have, competing as it would day to day against those massive totals of seat numbers in Ontario and Quebec?

The way to do it is to take power from the provinces and embed that power within national institutions so national decisions are made with the whole country in mind, not the way that it is done now and not the way that it would be done if we had the New Democratic answer, which would be to abolish the Senate. That is the argument for equality.

Now, just what kind of shape would the elected and equal Senate take? Here is a more difficult area of public policy because there is not agreement. That was one of the reasons that the Meech Lake Task Force could not agree that a Triple E Senate should be part of the first round of negotiations in the Meech Lake discussions. We think that as Manitobans we have a leading role to play in the evolution of policy on the Senate and to be innovative and creative.

I would like to throw some ideas out and I hope that Members who speak on this Bill will comment on them. The Senate does not need more power than it has now. As I said earlier, it has the same powers of the House of Commons with only two exceptions. An effective Senate arguably could have less power than the one we have now, but it would be more effective because the people who are practising that power would have a political mandate and the authority from the people.

I would give a Triple E Senate only a suspense of veto, of say, 180 days over legislation. I would, however, give the Senate the power to confer major federal Government appointments.

For example, Supreme Court justices are appointed by the Prime Minister. There is no chance for a Manitoba

voice to be heard. If Manitoba had equal representation in the Senate and the Senate had to confirm the appointment of Supreme Court justices or the presidents of major Crown corporations, then we, in Manitoba, would have a say as to how not only the national Government looked but how major arms of the national Government would look. I am talking about the president of the CBC, the president of CN, the president of other major Crown corporations, the appointment of Supreme Court justices—so the regions would have an important and equal say.

I see that my time is running down, Mr. Acting Speaker, I think this is a very important resolution and the timing is right. The timing is right because the Task Force on Meech Lake has asked the Premier to appoint a committee which will represent all Parties in this Legislature which will give Manitoba an opportunity to play a leading role, to be creative and innovative on this most important element of national debate—an agenda item which is very important to the people of the West. It is our job to make it important for all Canadians. Thank you.

Hon. Clayton Mannes (Minister of Finance): This is an important resolution. It is very important to the Government of Manitoba. It is very important to the Progressive Conservative Party of Manitoba. It is very important to the Premier, I know, and I indicate it is also very important to me.

The Member for Fort Rouge (Mr. Carr)—and I say this in a kind way—is not the father of Senate reform. Although we agree with many of the representations he has made in his presentation today, he does not really need to convince us, or indeed try to make the case with many Members over on this side of the House as to the relevance of Triple E Senate reform.

I say for the record that this resolution has been brought forward before. It was brought forward by a Member of this Party at the time, in 1987. It was brought forward by the former Member, indeed the present Member of Springfield (Mr. Roch), who is now across the House but it was put into that Member's hands as a Party resolution. It was spoken to by Members of this Party at this time, and not spoken to at that time, I might add, by the Leader of the Liberal Party (Mrs. Carstairs), the sole Member of the Liberal Caucus, in the House during the debate in 1987.

Let me say that although I know the Member for Fort Rouge (Mr. Carr) fields this issue with some sincerity, I think it is very important that I state for the record that he not try to make his presentation such that he feels he is speaking to potential converts on this issue.

This has been an issue with the Progressive Conservative Party for a number of years. Indeed, to the best of my knowledge, we were the first political Party in western Canada to adopt it as a Party—as a Party, not as individuals within the Party. The Member says when. I will indicate to him June 1987, the Executive Council of the Party accepted this.

* (1740)

Let me indicate, and I am well aware of the commitment made by the former Premier, a man held in very high esteem in this province, Duff Roblin, in his role as a participating member of the Senate as it exists today, but beyond that as one of the many people who made a contribution by way of the report done within the Senate towards Senate reform. I have certainly heard former Premier Roblin speak to that report on many, many occasions, in full support.

Let me also acknowledge the efforts put forward by one Bert Brown coming out of Alberta and all of the thousands of miles he logged particularly in western Canada, but not exclusively within western Canada, with respect to the Triple E Senate. He sold memberships from East to West. I can indicate a significant number of Members of this House, sitting on this side of the Legislature, who were early members of the Triple E Senate concept. Each one of us that has purchased a membership have insignia which we wear from time to time, and often.

I say to the Members, for the record in case somebody forgets, let not the Member for Fort Rouge (Mr. Carr) leave the impression that somehow the Liberal Party of Manitoba, indeed that certain Members of the Liberal Party are taking some sort of lead on this issue.

I have a number of points I would like to make. First, I would ask that you would give me one minute notice because I have some amendments I would like to propose and I would like to have time to read them into the record before my allotted time leaves. If you could please give me one minute notice so that I do not run out of time before I do that task.

We have had a lot of interesting debate, but I would like to give my impressions in two areas before I give some formal response and deal directly with the resolution.

When we were at the First Ministers' Conference two weeks ago, Premier Wells of Newfoundland impressed some people, brought a lot of attention his way. He asked some very specific points that were meaningful to me. Now, I am speaking as one individual of this House on this Private Member's resolution. He asked the pointed question of Ontario and Quebec: he said where do you—in essence, and I am paraphrasing—stand on Senate reform. He said why, in essence, do you not respond. Tell us your views before we agree to Meech Lake with a promise to move to a second round dealing with Senate reform. Those were very legitimate questions. They were to me because I in my own mind had been wanting to see those questions put toward the Premiers of Ontario and Quebec. I think western Canada is waiting for some response to them, quickly. I only put that onto the record.

I also agree with the Member for Fort Rouge (Mr. Carr) when he centers in the effectiveness and how the reformed Senate should have a greater effective role. Without question, today their powers are immense. There is nobody that need stand here and say they should have greater powers than they have today, because they have great powers under their existing Charter. Does the nation as a whole want to give them or provide all the powers that they have today, or do

they want to begin a dialogue around those powers? I would have to think that most people want a dialogue around those powers, because they have, as the Member said, great powers today and if you listen to the real sagest on this area, nobody for one moment will lead anybody to believe that this would be an easier—that this is going to take great dialogue and great debate and a will to work towards consensus.

Nevertheless, Mr. Acting Speaker, I would like with those few remarks to come back to the resolution as a whole. The fact is Senate reform is the top constitutional priority of most Westerners. It is certainly the top constitutional priority of the majority of Manitobans. I can say that with some certainty. Senate reform is long overdue, its time has come. I can tell you our Government is committed to doing all we can to achieve that objective.

As the Members of this House know, First Ministers agreed in Ottawa two weeks ago to accelerate the process of consultation on Senate reform. The Prime Minister gave a conditional commitment to hold a National Conference on Senate reform in the West next November. However, there was supposed to have been a national conference on this subject before the end of last year under the terms of the Meech Lake Accord. That did not happen. In fact, the federal Government and some of the provinces have been holding the Senate reform process hostage to the Meech Lake process. I tell you as one Member of this Government I am not amused by the leverage approach with respect to passing Meech Lake and then we will move on to it. I find that unacceptable.

* (1750)

It is of course interesting and somewhat amusing for those of us on this side of the House to watch the Members opposite—and I say this honestly—frantically trying to jump on the bandwagon of this issue. We have done no flip-flop. Our Party is firmly on the record. Secondly, a Member of our Party brought forward a resolution dealing with this in '87, and thirdly we have never flip-flopped on this issue one bit.

Unfortunately the NDP and the Liberals have major credibility problems.- (interjections)-

The Acting Speaker (Mr. Minenko): Order, please; order, please. The Minister of Finance.

Mr. Manness: The two opposite Parties obviously have a credibility problem when they talk about the Senate. The fact is that the current Senate is dominated by Liberals and has been for many, many years and at least the Member for Fort Rouge (Mr. Carr) has made reference to this. When the Liberal Party was in power in the House of Commons they had plenty of opportunity to encourage Senate reform and in my view did not do it. They did the reverse. They maintained the status quo and continued to make patronage appointments on a regular basis.

What about the NDP? Mr. Acting Speaker, when they were in Government here, they refused to endorse the Triple E concept referring instead to follow their national

line abolition. As a matter of fact if you read the record they talked about a Triple A approach. The first A being abolition. Now the NDP are apparently trying to present themselves as a western Party so they seem to be awakening to the merits of Senate reform as well, or at least they say they are.

(Mr. Deputy Speaker in the Chair)

Mr. Deputy Speaker, times are changing. We welcome the support of all sides of the House for the position we have been putting forward from the day we became the Government. I have gone through this and again I wanted to repeat, as long as I was a Member in this House sitting with the present Leader of the Liberal Party (Mrs. Carstairs), until the last election of 1988 I never heard the Liberal Leader talk about Senate reform in this House. Until some of the new Members came into this House, I have never heard the Member for Fort Rouge (Mr. Carr) talk about Senate reform.

One of the amendments to the resolution which we proposed recognizes that fact. The Manitoba Government is already on the record formally in our support for the principles embodied in the Triple E concept.

At the 1988 Western Premiers' Conference in Parksville, British Columbia, less than two weeks ago, or after we took office, our Premier (Mr. Filmon) joined with the other western Premiers in the Parksville Accord, a unanimous endorsement of the Triple E approach which gave renewed momentum to the Senate reform campaign across the West and throughout the country. That was a year and a half ago and it should be recognized.

A second amendment we are proposing would recognize the important contribution of the Meech Lake Task Force on this issue. The Premier will be making an announcement very soon on our Government's plan to follow up the recommendation of the task force concerning further work on Senate reform.

The third amendment we will propose would provide for an explicit endorsement of the Triple E concept using the same words as in the Parksville Accord. This could be described as a put-up or shut-up amendment.

Mr. Deputy Speaker, finally we will propose an amendment to the final clause of the resolution to emphasize that our vigorous pursuit of Senate reform will not start today or tomorrow but will continue as it is from the day since we took office.

We would also propose a revision to the final sentence in the last clause concerning Senate representation for the Territories. The current version calls for equal representation for the provinces and the territories, but I doubt the Member intended that since, to the best of our knowledge, most authorities recognize that territorial representation should not be equal to that of the provinces until such time as they themselves achieve provincial status. Subject to the acceptance of these amendments we should not materially change the thrust of the resolution, and our side of the House will support it.

Therefore I move, seconded by the Minister of Industry, Trade and Tourism (Mr. Ernst), THAT the

Resolution be amended by striking out all the words following the fourth WHEREAS and substituting the following therefore:

and,

WHEREAS in May, 1988, in the Parksville Accord, the Government of Manitoba joined with the other western provinces in unanimously endorsing the principles embodied in the Triple E Senate concept; and

WHEREAS the all-Party consensus report of the Manitoba Task Force on Meech Lake affirmed that Manitobans strongly support Senate reform and, more specifically, an elected, equal and more effective Upper House;

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba endorse the principles embodied in the Triple E Senate concept and urge the Government to continue to pursue vigorously, with each province and with the Government and Parliament of Canada, a constitutional amendment making provision for an elected Senate, based on the principles of effectiveness and equal representation among the provinces, as well as appropriate representation for the territories.

Mr. Deputy Speaker: The amendment is, in my opinion, in order. The Honourable Member for Thompson.

POINT OF ORDER

An Honourable Member: On a point of order.

Mr. Deputy Speaker: The Honourable Member for Inkster, on a point of order.

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Deputy Speaker, there seems to be a will of the Chamber to see that this resolution goes to a vote. We in the official Opposition do support the amendments that the Minister has brought forward and would be willing to grant leave so that all Members who might want to contribute and debate on this Bill go past whatever time necessary so we can see this very important resolution come to a vote. I am sure all Members of this Chamber would like to see a Private Member's resolution of this nature go through—leave.

Mr. Steve Ashton (Second Opposition House Leader): Mr. Deputy Speaker, was that a point of order?

Mr. Deputy Speaker: That was a point of order.

Mr. Ashton: I would like to indicate that—

An Honourable Member: It has to do with the order of business.

Mr. Ashton: I am asking the Deputy Speaker if it is a legitimate point of order, because I wish to speak on the resolution.

Mr. Deputy Speaker: It was a point of order.

Mr. Ashton: If the Member for Inkster wants to ask leave at eight minutes before—if that is the question we are dealing with to deal with the matter, I would say absolutely no way. That is not the way we deal with business. It was not raised between House Leaders. We have a number of our caucus Members who wish to speak on this resolution including myself and I would like to have the opportunity to get on with it.

Mr. Deputy Speaker: There does not appear to be leave to sit beyond six o'clock.

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

Mr. Deputy Speaker: The Honourable Member for Inkster on a new point of order.

Mr. Lamoureux: Mr. Deputy Speaker, just for confirmation there would not be leave from the third Party to debate this resolution to ensure that it goes to a vote, and if there would not be leave on behalf of the third Party, maybe they would consider—

Mr. Deputy Speaker: The Honourable Member does not have a point of order.

Mr. Steve Ashton (Thompson): Mr. Deputy Speaker, I appreciate the opportunity to speak on this resolution and the amendment before us. I always find it interesting in listening to these debates. I heard some very interesting comments today back and forth, and I have to say that I watched this debate with some amusement.

I watched the Conservative Members. For example, the Minister of Finance (Mr. Manness), talked about the Liberal-dominated Senate, as if somehow when Conservative Governments have been in power they treated the Senate any differently from Liberals. The reason we have a Liberal dominated and appointed Senate in Canada is because the Liberals have been in Government for more years in this century than the Conservatives.

When the Conservatives were in power in the 1950s, when the Conservatives were in power for that nine-month period in 1979, and since they have been in power since 1984, we have seen the same sort of things that we have seen from the Liberals for year, after year, after year. So, I found those comments interesting.

Similarly I found it rather interesting from the Liberals side that there was some debate back and forth with the Conservative Member as to when the Liberals found an interest in Senate reform. I think the Member for Fort Rouge (Mr. Carr) is correct. It was expressed—when was it brought up, 1986? —(interjection)— Thank you. The Member for Fort Rouge (Mr. Carr) says it was brought up in 1986. Well, let me calculate. That is 117 years after Confederation and I think we could probably find the statistics on how many Liberals have been appointed to the Senate.

Since it was raised in 1986, I have not seen Liberal-appointed Senators resign en masse and demand changes to the Senate. In fact what I have seen from the Liberals is that they are quite happy to use the powers of the Senate. They have been using them more actively, over the last number of years. Some would even suggest, abuse. So I find it incredible—

Mr. Deputy Speaker: Order, please; order, please. The Honourable Member for St. James on a point of order.

Mr. Paul Edwards (St. James): I wonder if the Member for Thompson might entertain a very brief question at this time.

Mr. Deputy Speaker: The Honourable Member does not have a point of order.

Mr. Ashton: Mr. Deputy Speaker, I have lost a fair amount of time due to the previous points of order from the Member for Inkster (Mr. Lamoureux). I would like to have at least the remaining two minutes that I have left to participate in this debate. What I want to indicate is of some interest—now in the event that I go back to hearing the Conservatives again talking about Senate reform, and I do believe the Liberals did have a point in that. We heard, I believe on a Friday before they introduced and supported Meech Lake, that Senate reform was dependent upon the passage of Meech Lake. Then on the Monday, when they flip-flopped over that glorious weekend of theirs, the three-day—the biggest flip-flip I think in the history of the Province of Manitoba.

All of a sudden, and from their amendments today, we are seeing that somehow has changed. Now they say that they are opposed to Meech Lake and that Senate reform is somehow not dependent upon that. So it is interesting watching the positions that develop back and forth.

I would say one thing: there is only one Party in this Legislature that can speak with any clear conscience on a Senate that is full of perhaps individuals that are good in their own individual right, but it has no legitimate democratic authority in my mind. They are an appointed group, many cases of hacks, and flacks, and bagmen.

Mr. Deputy Speaker, I am proud of the fact that no New Democrat has ever accepted an appointment to the Senate of this country under such ridiculous circumstances. The only people—they talk about Hazen Argue. He is a Liberal. We would not have him. He left the New Democratic Party, and thank God for that. We have never had—we have had many people, many people, who have been offered Senate appointments and they have refused.

That is because we have said as a Party that, in terms of the Senate, it is fine for Parties that have abused it for 119 years to talk about reform, but the real reform would start at the Senate. If we did not have people appointed to such an undemocratic and illegitimate body, no matter what their qualifications are as individuals, because there have been some good

individual senators. I do not mean that as a smear on all senators, but I do believe that when we hear the Liberals after 117 years talking about Senate reform and we debate this kind of resolution and they say: what is your position as a Party? We have been the original reformers of the Senate. We have said the current Senate is absolutely unacceptable to the people of Canada.

* (1800)

Mr. Deputy Speaker: Order, please. Order.

Mr. Ashton: We, unlike the Liberals and the Conservatives, have not participated in that

undemocratic body. That is the way our policy has been since we were established as a Party. I know the Liberals do not like that, but that is their problem. They can talk about how they invented Senate reform in 1986. The New Democrats were the original reformers - (inaudible)- participate.

Mr. Deputy Speaker: The Honourable Member's time has expired. When this matter is again before the House, the Honourable Member for Thompson will have nine minutes remaining.

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