



Third Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

33 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Hon. Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Q.C., Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	IND
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virten	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Hon. Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, 20 June, 1984.

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Culture.

HON. E. KOSTYRA: Thank you, Mr. Speaker. It is my pleasure to table the Annual Report of the Department of Economic Development and Tourism for the year '82-83.

In addition, I have a short ministerial statement.

It gives me great pleasure to table this publication featuring Manitoba's agricultural equipment manufacturing sector. This is the second edition produced by my department, hand in hand with the private sector. It has been proven to be valuable marketing tool for industry and government alike.

Last year, 19 companies participated with the display advertisements and the brochure generated in excess of 1,000 product inquiries on Manitoba equipment and supply capabilities. I am pleased to note that this year 28 companies have joined the program, a 50 percent increase.

This brochure reaches 25,000 wholesalers, dealers and distributors of farm equipment throughout the United States and Canada. This is all the more noteworthy when one realizes that this province produced \$715 million worth of finished equipment and components in 1982, a vital contribution to Manitoba's manufacturing sector.

My department will further distribute 10,000 copies at 12 key trade shows in North America and offshore. As a matter of fact, Mr. Speaker, this brochure came off the press yesterday and will be distributed at the Western Canada Farm Progress Show in Regina tomorrow. My department, along with 30 Manitoba companies will be down to business tomorrow with key buyers from the United States, Canada and Australia.

In closing, Mr. Speaker, this publication is a prime example of this government's ongoing commitment to work with Manitoba industry. We will continue to put our competitive goods and services into the world marketplace and make the "Made in Manitoba" label a phrase synonymous with quality, durability and dependability.

Thank you.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Mr. Speaker. I am pleased to acknowledge and welcome the publication of this brochure that will assist in the marketing of agricultural

equipment that's manufactured here in Manitoba throughout the world. Local manufacturers have been very large in this field and have been able to gain markets outside of our province and outside of our country much to the benefit of the jobs that are created here and the economic activity that's available here.

On the other hand, I must note with some curiosity that this organization who the Minister is now seeking to assist with respect to this type of joint advertising and joint promotion - most of these companies are members of the Prairie Implement Manufacturers' Association, who have been very critical in recent past of the government and some of the major disincentives that they've created to future development and future job creation in this province.

In fact less than a few months ago, they put forward a presentation to the then Minister of Economic Development, in which they listed such things as the payroll tax, the sales tax on manufacturing equipment, new labour legislation and other things that they consider to be a very serious disincentive to their future viability and their future expansion. So a little bit of glossy advertising, with government support doesn't go a long way towards helping them solve some of these long-term serious structural problems.

In fact, I have before me a copy of a letter that they just lodged with the Minister of Labour, a matter of a few days ago, June 15th in which this very association condemned the government's White Paper proposals and new legislation on labour in which they said, and I'll quote, "If proceeded with into legislation, this will not enhance Manitoba as a province of economic opportunity. Employers have no incentive to remain in a province with restrictive labour legislation which does not work towards creating a balance of power between unions and companies."

So, Mr. Speaker, although we welcome this token gesture towards assistance to this industry, we suggest that the problems are a lot deeper and that this government and this Minister has a lot more work to do.

MR. SPEAKER: The Honourable Minister of Government Services.

HON. A. ADAM: Thank you, Mr. Speaker.

On behalf of the Minister of Municipal Affairs, I am pleased to inform the House that an additional amount of \$3.3 million will be made available for commitments under the Main Street Manitoba Program.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please.

HON. A. ADAM: During the current fiscal year . . .

MR. SPEAKER: Order please. The Honourable Minister of Government Services.

HON. A. ADAM: . . . this, in addition to our original Budget appropriation of 1.5 million will provide a total commitment authority of 4.8 million.

This additional commitment authority is reflective of the interest shown in the Main Street Manitoba Program by communities throughout the province. Funds have been committed to approved projects in 14 communities to date. In addition, there are another 11 communities that have submitted projects for approval, communities that are in the planning or discussion stages of the Main Street Manitoba Program.

It is anticipated that additional funding authority should accommodate all projects known to be in the discussion, planning or approval stages at this time.

The extent of interest shown by Manitoba communities is evidence of the success of the Main Street Manitoba Program, the benefits of which are not only aesthetic but also economic. The central business districts of towns participating in the Main Street Manitoba Program are becoming more attractive and the construction activities within those towns is generating in climate. This additional funding authority will ensure that benefits under the Main Street Manitoba Program are extended to many more communities than had been envisioned during the formulative stages of the program. Thank you, very much.

MR. SPEAKER: The Honourable Member for Virden.

MR. H. GRAHAM: Thank you very much, Mr. Speaker.

First of all, Mr. Speaker, I would like to thank the Minister of Municipal Affairs for his generosity in allowing the Minister of Government Services to make the statement on his behalf today. We know too well the pride with which the Minister of Government Services placed in this program when he brought it forward. It was affectionately known as the Perfect Peter Program and took quite some time to get off the ground, Mr. Speaker. In fact, the first year the \$1.5 million that was committed I don't think there was any money expended at all; and the second year the \$1.5 million, I'm not too sure if it, was totally used or not; so when they talk about \$3.5 million additional money being made available, Mr. Speaker, we have to realize of course that the first \$1.5 million that was committed to the program was never spent in the first place.

One of the concerns that we do have with this program, Mr. Speaker, is the fact that the government must allow some reasonable assessment of what change is required. It seems somewhat absurd, Mr. Speaker, to tear up perfectly good concrete sidewalks in order to put down the lock-brick type of sidewalk which the engineers have urged them to do. It seems to me, Mr. Speaker, that there should be a little more flexibility in this program . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

MR. H. GRAHAM: . . . and I hear the Minister of Finance yapping from his seat as he usually does. He doesn't enjoy any constructive criticism at any time as far as I'm able to understand. But, Mr. Speaker, one of the things that I thank the government for at this particular time is the fact that they did make more money available so that those programs that have been committed at the present time will be completed,

because it would be exceedingly embarrassing to announce to people after taking three years to screw up their courage to take part in this program to then tell them, "I'm sorry, there is no money left and we cannot complete your program." I thank the government for putting the additional money there so that programs that are presently approved will be completed. We don't know what the government is going to do about programs that still have not been approved. Whether or not they will be approved, we'll wait and find out.

MR. SPEAKER: Notices of Motion . . . Introduction of Bills . . .

INTRODUCTION OF GUESTS

MR. SPEAKER: Prior to Oral Questions, may I direct the attention of honourable members to the gallery. We have 16 students of Grade 7 and 8 standing from the New Hope School in Altona. They are under the direction of Mr. Penner. The school is in the constituency of the Honourable Member for Rhineland.

There are 40 students of Grades 4 to 6 standing from the Assiniboine School under the direction of Mr. Copeland. The school is in the constituency of the Honourable Minister of Natural Resources.

On behalf of all of the members, I welcome you here this afternoon.

ORAL QUESTIONS

Labour legislation

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Mr. Speaker. My question is for the Premier. It follows on receipt of copies of many many letters and briefs that are going to the government today, from organizations such as the Manitoba Chamber of Commerce, the Winnipeg Chamber of Commerce, the Canadian Manufacturers' Association, the Canadian Mining Association, Winnipeg Construction Association, Prairie Implement Manufacturers Association, all of which are critical of the government's bill to amend The Labour Act.

My question to the Premier is, will he not take the matter back with his caucus and consider withholding the bill until there can be adequate public representation, consultation and discussion on this important bill?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: There has been a great deal of public input and public representation with the Minister of Labour over the last - in fact several months - from labour, from business, from other interested groups. Secondly, there is opportunity, of course, through the appropriate processes of the Legislature, for further input at the law amendment stage. You will have opportunity to listen to the briefs that are submitted at that time to weigh the comments that are made therein.

That is the appropriate procedure, Mr. Speaker, in respect to dealing with concerns, whether those

concerns are raised by business or by labour in regard to the legislative process and that is certainly the route that we will be proceeding with in respect to the legislation that is before us.

MR. G. FILMON: Mr. Speaker, in view of the fact that all of these groups who represent the major blocks of employers in this province are telling the government that they should not proceed at the present time, in view of the fact that the bill itself is not intended to be proclaimed before January 1, 1985 - which indicates to me that the government doesn't believe it should go ahead immediately - would the First Minister not consider holding back this bill, allowing for proper consultation, allowing for the public to have their day in court, before they proceed with it and ask that this bill not be proceeded with at the present time and be reconsidered for next Session?

HON. H. PAWLEY: Mr. Speaker, unfortunately, the Leader of the Opposition, by way of his assumptions, is incorrect. There has been a great deal of consultation. It is certainly incorrect to indicate there has been improper consultation. There's been a great deal and certainly that can all be documented by way of the meetings that have taken place, not just with the Minister, but discussions that have taken place with most of my colleagues and myself.

Secondly, as I mentioned a few moments ago, the appropriate process for ensuring that there are submissions presented is through the law amendment stage and all those organizations and groups will have the opportunity to make submissions. I should point out to the honourable member that I think this legislation, and I think, in general, the public will recognize this legislation as being fair, equitable and indeed provides for updating, streamlining and improvement of The Labour Relations Act in the Province of Manitoba. I think we can take some pride in respect to the fact that this is positive legislation that can be looked upon with a certain amount of appreciation as to the fact that it does avoid a lot of cumbersome, a lot of procedures that are long outdated and will bring about, I think, an improvement insofar as labour management and fairness within the process.

MR. G. FILMON: Mr. Speaker, obviously the consultations that have taken place have not calmed the fears of all these various organizations and I quoted, there are dozens of them who are approaching the government. In view of the fact that the government itself by virtue of the date in the bill, January 1, 1985, does not appear to have attached sufficient urgency on this and in view of the fact that this bill is being termed anti-business, anti-investment and anti-employment creation, will he not ask his caucus to reconsider, withdraw the bill and then bring it forward in the next Session after proper time has been given to it.

HON. H. PAWLEY: Mr. Speaker, it seems to me I recall, and you may very well recall, the same kind of sentiments being expressed when a former Minister of Labour introduced the new labour code of the day, I think that was in 1971 or 1972. The same expressions

were being used at that time. It's interesting that some of the same groups that are now opposing these amendments, these proposed changes, are using the same phraseology in respect to this legislation while acknowledging that they're quite satisfied with that legislation which they condemned pretty well universally some 10 years ago.

MR. SPEAKER: Order please. May I remind the honourable member that one of our rules requires that questions should not multiply with slight variations, a similar question on the same point. I would ask members to bear that in mind.

Minimum wage

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Mr. Speaker, my question, further to the Premier, is: With respect to the matter of the recommendation from the Minimum Wage Board, which I asked yesterday, has the Premier had an opportunity yet to check and see whether or not the Minister of Labour is in receipt of a recommendation for a change in the minimum wage, from the Minimum Wage Board; and secondly, whether or not that was a matter that was before Cabinet last Wednesday?

HON. H. PAWLEY: Mr. Speaker, that matter was taken as notice yesterday, and I'll be responding to the honourable member.

Alcoa Company, negotiations with

MR. G. FILMON: Mr. Speaker, my question is for the Honourable Minister of Energy and Mines. It follows on some discussions we had a day or so ago. My question to the Minister is: would Alcoa locate an aluminum smelter here in Manitoba if the government were not a 50 percent partner in the venture?

MR. SPEAKER: Order please. The question is clearly hypothetical. Does the honourable member wish to rephrase his question?

MR. G. FILMON: Mr. Speaker, my question to the Minister is: Is the construction of the aluminum smelter in Manitoba by Alcoa contingent upon a 50 percent ownership by the government?

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, the construction of an aluminum smelter in Manitoba by Alcoa is dependent on a feasibility study that is under way right now between the Province of Manitoba and Alcoa to determine the economic feasibility of an aluminum smelter in Manitoba. If the economic feasibility proves out, Mr. Speaker, then there could be a smelter built in Manitoba. In that process, Mr. Speaker, Manitoba has the opportunity of acquiring a 50 percent interest which, indeed, could create a lot of wealth for Manitoba

in a smelter that the feasibility study will have shown to be economically feasible, creating a return to the people of Manitoba for quite a long time into the future.

MR. G. FILMON: Is the government's 50 percent ownership in the smelter a precondition to that study and that decision?

HON. W. PARASIUK: Mr. Speaker, there are some parameters which were established for the feasibility study and one of these was that the province would be a 50 percent partner. That is a parameter that was established, Mr. Speaker.

There are a whole set of factors involved in that including security of supply over a period of time at cost which would be fully recoverable by Manitoba Hydro over the life of a power contract. So there are a lot of factors that go into decisions involving whether in fact there would be a partnership. There are a lot of factors involved in whether in fact an aluminum smelter goes ahead. The most important one of course, Mr. Speaker, being that it be economically feasible and provide a fair rate of return to both partners.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, one further question to the Minister of Energy and Mines.

Can the Minister tell me in the House whether or not Alcoa would withdraw from the current feasibility study now under way if the government should indicate its unwillingness to put up 50 percent of the money for the smelter?

MR. SPEAKER: Order please. Since the question is clearly hypothetical, would the honourable member wish to rephrase his question?

Manfor - road construction

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question for the Minister of Northern Affairs.

As a result of publicity surrounding yesterday's hearings at committee when Manfor appeared at the committee, it's been brought to my attention that company has let a contract for the construction of seven miles of road, forest access road, without tender. Since the taxpayers of Manitoba have been asked to pick up a \$24 million loss this year, can the Minister assure us that the taxpayers, through Manfor, are indeed getting value for their money when a project of this size is not tendered?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. J. STORIE: Mr. Speaker, I am not aware of the details of the situation that the Member for Turtle Mountain describes and I would take as notice that question.

I can simply assure him that in fact that is the case that it will prove to be in the best interest of Manfor. But I'll take the details under advisement.

MR. SPEAKER: Order please. The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, how can the Minister be assured without knowledge of this having taken place that that untendered letting of contract to construct seven miles of road is in the best interest of the taxpayer?

MR. SPEAKER: Order please. The Honourable Minister of Northern Affairs.

HON. J. STORIE: Mr. Speaker, the answer is quite simple. We have a board of directors, a chairman, a chief executive officer that are particularly competent and I have faith in their decision. I told the member that I would take the question as notice, but I assure him and I will continue to assure him that the board of directors are aware of their responsibilities and they're aware of their responsibilities to the shareholders and the taxpayers of Manitoba.

Mr. Speaker, I will get back with the details to the Member for Turtle Mountain and edify him further.

MR. B. RANSOM: Mr. Speaker, can the Minister give us the assurance that in the interest of value for money for the taxpayer that if this contract has indeed been let, as I believe it has, without a tender, that he will stop that construction from going ahead until such time as it has either been tendered or it has been proven that the taxpayers are indeed going to get value for their money so that we will not be continuing to pour millions of dollars into that company.

HON. J. STORIE: Mr. Speaker, I will take that question under advisement. I will get the details and, as I indicated previously, report back to the Member for Turtle Mountain.

Grassroots Manitoba - lawsuit

MR. SPEAKER: The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, I'd like to direct a question to the First Minister concerning a law suit that has been brought against him by Grant Russell, spokesman for Grassroots Manitoba. Is the Premier paying . . .

MR. SPEAKER: Order please, order please. I trust the Honourable Member for Elmwood will not question a matter which is presently before the courts.

The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, I don't want to deal with the contents of the case, but I would like to know whether the Premier or the government is paying for his defence? In other words is he paying for his own defence personally?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, there was a question that was posed to the Attorney-General some time ago by the Member for St. Norbert pertaining to that particular area of coverage pertaining to actions.

MR. R. DOERN: Mr. Speaker, being unable to decipher those remarks, I would ask the First Minister whether, in the conduct of his defence, he is personally accepting the legal fees, or is this being handled by the Provincial Government for remarks that were made by the Premier against a private citizen of this province, which I regard as an abuse of his office?

HON. H. PAWLEY: Mr. Speaker, I regret that the honourable member wants to make statements that can either prejudice Mr. Russell or myself. He seems to be bent on doing so.

The Attorney-General had indicated to the Member for St. Norbert - the Honourable Member for Elmwood must not have been present - some two months ago that there was overall coverage pertaining to such actions that was provided through government, and I gather had been a process that has been in place for some time.

MR. R. DOERN: Mr. Speaker, I'd ask the Minister then whether that is in fact a policy of the present administration, that regardless of the kind of remark that is made, that any comment made by any member of his administration will be covered by the taxpayers of this province. I cite, as an example, the fact that the Attorney-General - there was a charge against him and a \$5,000 award and that was covered by the province.

MR. SPEAKER: Order please, order please. I would remind the honourable member that a preamble, by definition, comes before the question and not after it. The Honourable Member for Elmwood.

MR. R. DOERN: I again say to the First Minister, is he confirming to the House that any statement made by a member of his administration, whether in the line of duty or not, will be at the expense of the taxpayers of Manitoba? Is that the government's policy?

HON. H. PAWLEY: Mr. Speaker, again, I believe for the third time, I'm responding to the honourable member and indicating that the policy that has been in place is continued in respect to such actions.

Highway tender - Dauphin

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Speaker. My question is for the Minister of Highways and Transportation. Can the Minister of Highways and Transportation indicate whether the access road being built into the Dauphin Ukrainian Cultural Centre was tendered?

MR. SPEAKER: The Honourable Minister of Highways.

HON. J. PLOHMAN: Yes, Mr. Speaker, the road that was built into the Ukrainian Centre, the Selo Ukraina, was done on the basis of unit price from the contractor that had already been the low bid for the Dauphin by-pass. It was done as an extension to that contract - the lowest of 16 bids, I believe, an excellent price for

the government and it is being done on Accounts Collectable basis.

MR. D. ORCHARD: Mr. Speaker, the Minister has indicated that, without tender, the contract was awarded at the unit price. Is that at current unit price for the Department of Highways or the contractual bid price?

HON. J. PLOHMAN: It seems that the honourable member had made his question up before and he went ahead with it anyway. I answered it in the first statement. It was based on the same unit price that the contractor had bid for the Dauphin by-pass and it was done as an extension of that contract at the same unit price. I said that clearly.

MR. D. ORCHARD: I suppose clearness of answer depends on one's perspective, Mr. Speaker.

Mr. Speaker, could the Minister indicate the authority under which the Department of Highways is paying for this construction?

HON. J. PLOHMAN: Mr. Speaker, the Accounts Collectable is the way that this is being done. It'll be charged back to the Selo Ukraina Board and it is being paid out of the construction budget and collected back from the Ukrainian Folk Art Centre and Museum.

MR. D. ORCHARD: Mr. Speaker, can the Minister indicate whether the construction costs were budgeted by the Cultural Centre in this fiscal year and they have the financial capacity to pay that account this summer?

HON. J. PLOHMAN: Well, Mr. Speaker, the details of that have not been worked out. Certainly they are asking - as the member may be aware - the Federal Government to contribute some funding towards that road because it is necessary for Her Majesty's visit this summer. It was necessary to go ahead with that access road due to security requirements for Her Majesty's visit, so that was expedited.

We are not certain at this time whether there will be more dollars coming forward from the federal level for this particular road, but the Selo Ukraina Board did also have some funding in their budget for roads and that will undoubtedly be contributing toward the overall project. The exact details as to how the final funding arrangements will be made have not been worked out at this time.

Beef Stabilization Program

MR. SPEAKER: The Honourable Member for Arthur.

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

I have a question to the Minister of Agriculture. It was my understanding that the beef price support level will be reset the 1st of July this year - I believe that's the six-month period at which cost of production level is set. Will there be a change the 1st of July, either in the level of the support price and will there be a premium increase to the producers?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Mr. Speaker, there is a set formula, part of the program and whatever the input costs and price changes and how they impact on a formula will be reflected in the support levels, either up or down, because there have been two changes thus far. There has been one change where, because of the cost of production, in terms of some of the input costs that are reflected in the formula, the support level did go down one time and in the next change it went up, based on the previous six-months cost.

The board is viewing all the relevant data and that decision will be reached and announced around the 1st of July, but at this point in time, I'm not in a position to indicate what the final decision will be, but the board is considering all those facts. There may be an increase, depending on the inputs within the formula, and, as well, there may or may not be an increase in premiums or there may be a combination of both.

Keystone Agricultural Organization

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, I have another question. The farm community is going through a process of developing a new farm organization known as the Keystone Agricultural Organization, I believe it is. Does the Minister of Agriculture support that new organization that plans to represent the farm community? Does he, in principle, support that organization?

MR. SPEAKER: Order please. I don't think that is a proper question for Oral Questions. Would the honourable member wish to rephrase his question to seek information rather than opinion?

MR. J. DOWNEY: Will the Minister of Agriculture be introducing enabling legislation, which the farm organization that is being developed would be able to use, to provide a compulsory checkoff for that organization? Will he be introducing legislation?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Mr. Speaker, at this moment that is premature. I've had no direct submissions from - well I shouldn't say - I've had submissions from some groups indicating that they wished legislation introduced to have checkoffs on a voluntary basis on all products but I have not had representations made from the group that the member speaks about, about legislation.

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, what was the Minister's response to the representation as far as the request to provide legislation for a voluntary organization? Does he support that and will he be introducing legislation?

HON. B. URUSKI: Mr. Speaker, first of all, I would have to sit down with the group and hear their views. I have not had any specific representations from the new group that has been formed. I've had discussions with the interm board and we've had preliminary discussions,

but the new group is proceeding and certainly we will want to sit down with them and discuss any issues that they wish to raise with the government.

MR. J. DOWNEY: Mr. Speaker, can the Minister confirm that the leader of the new Keystone organization, or the president of it, is the same individual who he met with as the interm board? The fact that he hasn't met really isn't a factor. Would he consider the requests of the interm board?

HON. B. URUSKI: Mr. Speaker, I think the Honourable Member for Arthur is putting the cart before the horse. Certainly, we will want to meet and consider requests and submissions made to the government. In terms of specific requests, unless the honourable member is making a request on their behalf, which they have yet not put forward, we will take that under advisement.

Royal and Papal Visits - gifts

MR. SPEAKER: The Honourable Minister of Culture.

HON. E. KOSTYRA: Thank you, Mr. Speaker. Yesterday I took as notice a question from the Member for Elmwood regarding the Queen's visit and the visit of His Holiness the Pope. I can inform the member that there is going to be a gold version of a souvenir medallion for presentation to the Queen. In addition there are going to be 3,000 nickel versions of that medallion produced for presentation to special people who are involved with the tour of the Queen this summer. The Credit Union Central and Caisses Populaires are going to be selling a nickel-plated version of the medallion to the public at cost - not for any profit.

In addition, there is going to be a leather-bound book, a history of the Royal Visits in Manitoba since 1881. It is being produced and will be presented to her. A more popular softcover version of that publication will be available to the public as a joint venture by the Government of Manitoba through the Arts Council in co-operation with a Manitoba book publisher.

At the present time there's not been any decision made with respect to any presentation to the Pope.

Leases - agricultural

MR. SPEAKER: The Honourable Member for Swan River.

MR. D. GOURLAY: Thank you, Mr. Speaker. I direct a question to the Minister of Northern Affairs. Concerns have been expressed by farmers who currently have life-term agricultural leases, and in view of land settlements pending under treaty entitlement, can the Minister give assurances that his government will continue to honour life-term leases being held by Manitoba farmers?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. J. STORIE: Yes, Mr. Speaker, I can give that assurance. I should indicate to the member, who I

know will have some concerns, that was one of the items that was discussed thoroughly with the Leon Mitchell Commission and was the topic of a number of representations made to the commission on the part of cattle producers, agricultural groups from across the province. I should also indicate, in all fairness, that the bands had recognized that that is a particularly sensitive issue and have indicated all along that it would not be their intention to assume part of their entitlement from agricultural land either privately owned or under lease, permit, any other system of tenure.

Finance, Dept. of - financing scheme

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question to the Minister of Finance.

Under the financing scheme that the Minister announced yesterday, the government intends to have the Crown corporation, or I guess it's not a Crown corporation in the sense of qualifying under the legislation, but the corporation to which the government is going to sell some of the assets will itself be selling preferred stock that pays a dividend as opposed to interest. Can the Minister of Finance advise how it is possible to have the company pay a dividend without making a taxable profit?

HON. V. SCHROEDER: Mr. Speaker, the corporation of course would be entitled to use the ordinary depreciation rules and so on that are available for private corporations, and I just want to make it clear because there was some confusion yesterday. The shares that are being sold are not common shares which allow the shareholders to enjoy the increase in the value of those assets, they are shares which are redeemable at the option of the government within 10 years at the same price at which they were purchased.

Yes, we pay dividends during that period of time instead of interest. Rather than paying, say, 14.25 percent interest, we would pay 9.5 percent, or in that range, of dividends for that period of time to people who have no voting rights, have none of the ordinary benefits of ownership, but do have some of the tax benefits that the people on Bay Street get in order to accumulate large sums of capital in order to take over a variety of Canadian corporations, which I don't think is necessarily a socially useful form of economic activity.

MR. B. RANSOM: Mr. Speaker, dividends are paid out of profits as a rule and I'm asking the Minister of Finance how it is going to be possible to pay a dividend without the corporation having a taxable profit?

HON. V. SCHROEDER: Mr. Speaker, there are hundreds of corporations in this country that are doing that on a continuing basis. There are all kinds of public corporations that are using the federal income tax laws in order to not pay income taxes at the same time that they are paying dividends to people who hold either preferred or even common shares. It will be done on the same basis that other people do it. I should just

add, because there was another piece of confusion yesterday and it wasn't the opposition that was confused, the press seemed to misunderstand that this was the first time in Canada that a Crown corporation was entering into this kind of financing. Indeed, I explained — (Interjection) — it is a corporation owned indirectly by the Crown, totally by the Crown, and it is identical in structure . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. V. SCHROEDER: . . . to a corporation which was recently acquired . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. V. SCHROEDER: . . . by the Province of British Columbia. It had a name change; it became B.C. Rail or something like that, and it was the identical kind of financing, identical right to a "T."

Livestock, loss of - due to storm

MR. B. RANSOM: Sir, I have a question for the Minister of Government Services.

Can the Minister of Government Services tell us whether or not there have been any compensation payments approved related to livestock losses suffered in the spring storm?

MR. SPEAKER: The Honourable Minister of Government Services.

HON. A. ADAM: Mr. Speaker, I believe the board has met last week to review the method in which they would deal with the losses, claims that have been made, and they will be reviewing, going out and meeting with individuals that have submitted claims. They will make recommendations as to whether or not these claims should be entertained or whether they're eligible or otherwise. There has been none, to my knowledge, paid out to this point in time.

Alcoa - negotiations with

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Thank you, Mr. Speaker. I just have a brief question arising out of earlier questions in regard to Alcoa and it's also for the Minister of Energy and Mines. I'd just like to ask the Minister whether Alcoa does have any other joint ventures, smelter developments in other jurisdictions at the present time.

HON. W. PARASIUK: Mr. Speaker, I believe that Alcoa has joint ventures with countries in, I think, 12 or 13 other countries. Alcoa presently has a smelter that is, in a sense, in a suspended state of animation in Austalla. They had spent \$250 million on it to date, and the state of Victoria, in the country of Australia, is negotiating

with Alcoa to try and get an equity position in that smelter.

Mr. Speaker, we don't have to get involved in suspended negotiations or anything else like that. We are able to arrive at an understanding with Alcoa in order to have an equity participation in something that can create long-term wealth for the people of Manitoba and create jobs.

Expo '86

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, my question is to the Minister of Business Development and Tourism. It has been announced that Manitoba will be represented in Expo '86 in British Columbia. Can the Minister tell us who is in charge of the Manitoba plans for Expo and what form will Manitoba's participation be?

MR. SPEAKER: The Honourable Minister of Business Development.

HON. S. USKIW: Mr. Speaker, we have not finalized our position with respect to Expo other than to indicate that we will be there and we will be establishing a Manitoba pavilion, but the details will be announced whenever they are ready.

MR. F. JOHNSTON: Mr. Speaker, I would ask the Minister if it is his intention to use a Manitoba architect for whatever plans they have for Expo '86 and will there be a competition to decide which architect will be used?

HON. S. USKIW: Mr. Speaker, I would wish that I was in a position to answer those questions today. We have not yet arrived at the stage where we know precisely the nature of the facility that we're going to have and the kind of requirements that will be placed upon us with respect to architectural design and so on. My guess is that there will be some involvement by an architectural group. But the extent of it, I'm not certain whether it'll be by competition or whether it will be by voluntary effort or whatever. We have not yet made that determination.

MR. F. JOHNSTON: Mr. Speaker, I would ask the Minister just briefly, he says to me that there is nobody in the Manitoba Government who has been put in charge of the plans for Manitoba in Expo '86, and I would ask him also, has the government decided any estimated budget for the amount that will be spent by Manitoba in Expo '86?

HON. S. USKIW: Mr. Speaker, again I want to repeat that we have not finalized our discussions on that very issue. I can assure him, though, that there will be somewhere in the order of four to five million dollars, perhaps six at the outside that is going to be committed towards development of a pavilion, which will take two years to bring into fruition.

Livestock, loss of - due to storm

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Thank you, Mr. Speaker. I have a question to the Minister of Government Services. Following on the question by the Member for Turtle Mountain, how many applications for compensation has the Minister received from the storm loss?

MR. SPEAKER: The Honourable Minister of Government Services.

HON. A. ADAM: I would have to take that as notice. I have an approximate idea, but I would prefer to verify how many . . . Surprisingly, Mr. Speaker, in view of the ferocity of the storm that we experienced in April, surprisingly few applications have come in.

I might add that the Manitoba Disaster Board are now appointing inspectors to go out and meet with those individuals who have had losses during the storm. Everything is under way and they will be dealt with in an expeditious manner, as usual, Mr. Speaker.

Thunderstorm - June 1984

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, I'm concerned, I know the Minister has taken his time to deal with that situation. Is he as well going to entertain people who have incurred losses because of the heavy rainfall in the Elie area where they have received something like nine inches in a short period of time? Is he entertaining losses from that particular storm as well?

HON. A. ADAM: Mr. Speaker, there have been no claims coming forward because of the rainstorm that occurred last week, Saturday, I believe. It was a nine-inch storm, I understand, or 62 cm or whatever the equation is under the metric, whichever comes first.

Mr. Speaker, it is our belief that most of the damages would be covered by insurance and, of course, under the policy, anything that's covered by insurance would not qualify or be eligible for public support. In other words, it would be a double payment if that were the case.

Manfor - road construction

MR. SPEAKER: The Honourable Minister of Northern Affairs.

MR. J. STORIE: Thank you, Mr. Speaker. Further to the question asked earlier by the Member for Turtle Mountain, the road in question, the Joey Lake Road, that was mentioned by the member, the work is being done by Manfor. The seven miles was cleared by Manfor last winter. The work force and the personnel are employed by Manfor as well as the supervision. There are two pieces of equipment, Mr. Speaker, two pieces of earth-moving equipment that are working on that particular road on an hourly basis. The company involved is North Point. They have worked for Manfor on an as-needed basis for approximately 10 years.

MR. SPEAKER: Order please. The time for Oral Questions has expired.

ORDERS OF THE DAY COMMITTEE CHANGES

MR. SPEAKER: The Honourable Member for Riel.

MRS. D. DODICK: I have a committee change, Mr. Speaker. On Public Utilities, the Member for Transcona substituting for Riel and the Member for Wolseley substituting for the Member for Lac du Bonnet.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker. Will you call the bills appearing on the Order Paper for Second Reading, and following that, the Adjourned Debates on Second Reading?

SECOND READING BILL 18 - THE STATUTE LAW AMENDMENT ACT

HON. R. PENNER presented Bill No. 18, The Statute Law Amendment Act (1984), for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, in accordance with usual practice in this House, a memorandum respecting Bill 18 has been distributed to the members and again, in conformity with usual practice, or practice as I know it, those proposed amendments included in the Statute Law Amendments which have more than a technical or curative intent are marked by an asterisk to bring them to the attention of members of the House. It's not my intention, therefore, to go through the bill. That would not be appropriate to speak on each one of the sections, nor indeed even to speak on the asterisked sections.

I think what would probably be appropriate at this stage because other matters can be dealt with in committee is to have any member opposite who has a question to address to the particular Minister where the matter is within the jurisdiction of the particular Minister to have the opportunity now to ask that question for clarification if there be such. Of course, it is open to the opposition to make whatever general remarks and comments they wish to debate on second reading.

Accordingly, I'm recommending this to the House and would urge that after some questions and comments, of course, that it go to committee for detailed consideration.

MR. SPEAKER: Are you ready for the question? The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, I have a question for the Minister of Municipal Affairs.

Mr. Speaker, my question to the Minister of Municipal Affairs relates to Section 31 of the act before us, an

amendment to The Provincial Municipal Tax Sharing Act, which will according to the explanation allow monies currently raised under income tax, 2.2 points of corporation tax, I believe it is, or personal income tax, and one of corporate tax to be used and distributed to Indian reserves, communities under The Northern Affairs Act and other areas of the province.

Can the Minister advise whether these monies have presently shown separately, I believe on your income tax return, are presently used and distributed to, for example, Indian Reserves?

MR. SPEAKER: Before the Honourable Minister answers, I would remind members that this is the second reading of a bill, when members do make their remarks and they may raise a query, but it is not oral questions where members may raise questions with Ministers opposite.

So if the Honourable Member for St. Norbert has further matters to raise during his remarks on second reading, he should do so now so as not to lose his right to speak.

The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I would ask you to consider, particularly the background of The Statute Law Amendment Bill, which is an all-encompassing omnibus bill, which is a traditional bill in this Chamber. I think I overheard the Attorney-General, in bringing the second reading on this bill, inviting members to ask precisely the kind of questions that the Member for St. Norbert is asking.

I appreciate that at second reading we not do a clause-by-clause study of the bill, and we're not taking that kind of position. But I think it's particularly appropriate that questions of individual sections, in this particular bill, the omnibus Statute Law Amendment Bill, be asked and be allowed to be asked.

MR. SPEAKER: The Honourable Attorney-General on a point of order.

HON. R. PENNER: Mr. Speaker, if I could just support that recommendation to you. Indeed, it is up to you to make any ruling you see fit, and that will of course be respected. But since the unusual feature of The Statute Law Amendment Act is that it encompasses the jurisdiction of several Ministers, what normally takes place, if I introduce a bill that's within my jurisdiction, the critic opposite may ask me one or two questions for clarification. That has never, as a matter of practice, been considered speaking on it on second reading debate. I urge you to allow an extension of that so that the practice can fit the peculiarities of The Statute Law Amendment.

MR. SPEAKER: Order please.

I realize that Statute Law Amendment Bills are somewhat different from others; however, it is a regular bill and this is the regular second reading of it. Members will have the opportunity at committee to ask detailed questions, as detailed and as lengthy as they wish. Are you ready for the question?

The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, I agree with and respect your ruling with respect to the asking of

questions because of the precedent it would set. However, we on this side are prepared to grant leave in this instance on the understanding, in respect of your ruling, Sir, that it would not then set a precedent, but that it would be singular leave because we appreciate the desire of the member who asked the question.

MR. SPEAKER: Does the House give leave to adopt that process? (Agreed)

The Honourable Member for St. Norbert.

MR. G. MERCIER: Thank you, Mr. Speaker, I appreciate your concerns. I think I've asked the question, unless the Minister would wish me to repeat it.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. A. ANSTETT: Thank you, Mr. Speaker.

Mr. Speaker, I'll take the exact details of how the payment has been made in the past and how it's proposed to be made under the amendment as notice. I'll ensure that that information is available at committee stage, in terms of the details. But the amendment corrects an oversight in the original statute and I do not believe there are any new payments being made. I believe there's a legislative change to correct an oversight in a practice that's continued since the statute I believe was introduced in 1976.

I believe the practice of payments that was administered by the Schreyer Government and the government of which the Honourable Member for St. Norbert is a part is not being changed in practice, but only legislative authority that was omitted as an oversight in the tax-sharing bill in '76 is now being taken care of. But I'll provide the details on that to ensure that there aren't any structural changes in the system as well.

MR. G. MERCIER: Mr. Speaker, unless there are other questions, I would move, seconded by the Member for Sturgeon Creek, that debate be adjourned.

MOTION presented and carried.

BILL 19 - THE SUMMARY CONVICTIONS ACT

HON. R. PENNER presented Bill No. 19, An Act to amend The Summary Convictions Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Thank you, Mr. Speaker. There are several amendments being proposed in Bill No. 19. One amendment permits the service of a summons on the driver of the vehicle for an offence concerning the vehicle itself, that is, things like defective equipment, where the driver or person having control of the vehicle at the time the summons is issued is an employee of

the registered owner of the vehicle. This is in line with the general principle of the law where, with respect to regulatory offences, an employee is deemed to be an agent of the employer. The summons, although served on the driver in order to effect service, is directed to the registered owner.

Another amendment clarifies and expands the default conviction procedures which were adopted by the Legislature at the last Session, procedures which incidentally on the whole have worked very well. The default conviction procedures adopted at the last Session, deal with matters which were commenced by a summons in the form of a traffic ticket. The proposed amendment makes it clear that the default procedures are applicable to any summons issued for a provincial regulatory offence.

Another amendment, and one of some considerable importance, historically speaking, is an amendment designed to provide us with interim procedures for young offenders until we can introduce a provincial young offenders bill at the next Session to parallel in a way the Federal Young Offenders Act now enforced which covers of course only federal criminal offences.

With the repeal of The Juvenile Delinquents Act, which used to cover both federal criminal offences and provincial regulatory offences and its replacement by the Federal Young Offenders Act on April 1st of this year, actually April the 2nd, we have no special procedures in a provincial statute for dealing with young persons between the ages of 12 and 18 who commit an offence against a provincial statute.

Young persons under the age of 12, whether committing an offence against a federal statute or a provincial regulatory statute would be dealt with under child welfare proceedings. But talking about those between 12 and 18, in that area, Sir, the vast bulk of such offences relate to infractions of The Highway Traffic Act and raise no particular problem. Young persons between the ages of 16 and 18, and almost always those are the ones that we're talking about, those who have a driver's licence and have exceeded the speed limit, or there is another moving infraction. When they get, for example, a speeding ticket, they can and will continue to be able to deal with it in the same way as do adults - and I suppose that's appropriate - by simply paying the ticket in a court office, you know, going down to a court office and in effect pleading or contesting it in court. This would provide a young person in that particular circumstance with the same option as an adult in being able to contest the matter in night court if that is more convenient as it often is for employed persons. So we wouldn't propose to constitute a special youth driving offence as night court; that would not be appropriate.

However, there is a concern and that's with respect to those relatively few instances - indeed, I hope between now and the next Session there may be none - where the situation is more serious, for example, a fairly serious infraction of The Liquor Control Act or perhaps a series of infractions of The Highway Traffic Act, or most serious of all, a refusal to obey court orders relating thereto. We do not want a young person faced with a possible severe penalty to be dealt with in adult criminal court. We want to be sure that we can have such matters dealt with in the youth court which has presently provided for the Federal Young Offenders

Act, and that the basic procedural provisions of the Federal Young Offenders Act are made applicable in those relatively few cases to provincial offences.

In order to make sure that we can cover off that period, that area, until there can be enacted a provincial Young Offenders Act, we are proposing to change a section in The Summary Convictions Act that deals with the power of the Lieutenant-Governor-in-Council to make regulations, and we're broadening the class of regulations so that we can, if necessary, and it may not be necessary, deal with the question of the detention of persons under 18 years of age. We would then want to consider making such detention in a youth facility, matters pertaining to the custody of persons under 18, and again we would want to make sure that we have the power to see that is looked after in a youth facility. Even though this may be a very remote possibility, we ought to take care of it in the interim, and we want to have the regulatory power, or the power under regulation rather, to adopt some or all of the procedures which are presently available in the Young Offenders Act (Canada).

A further amendment, Mr. Speaker, repeals a section of The Summary Convictions Act, enacted last Session, which permitted the Registrar to suspend a driver's licence of the registered owner of a vehicle with respect to which parking fines were not paid. The suspension of the licence in such circumstances was of course discretionary and has not in effect been enforced by the Registrar of Motor Vehicles for several months and for several reasons. The primary reason for non-enforcement, and now repealed, is a number of difficulties which have been encountered in practice. In essence, the section as it is, if carried out, would put the province in the position, as we now appreciate, of expending large sums of money and devoting scarce resources in an area where all of the revenue accrues to the City of Winnipeg but all of the cost would accrue to the Province of Manitoba. — (Interjection) — No, it's the same old relationship, but carried out in the spirit of openness and frankness.

More importantly, Sir, administering the program is difficult as there is no immediate identification possible of the actual operator of the motor vehicle. Parking fines are given in almost every instance to a stationary vehicle behind the wheel of which no live warm human person is found to be breathing or even snorting. It's a parked vehicle. Now, where the Registrar is expected to suspend the driver's licence of the registered owner, who may or may not have been the operator of the vehicle at the time the infraction took place, would seem to conflict with rights guaranteed by the Charter. We, of course, as the opposition well knows, and they praised us often for this, are sensitive to the rights and liberties guaranteed by the Charter. Once more, we express that sensitivity. The registered owner may not necessarily have been the driver at the time the parking offence took place, and indeed may not even have a driver's licence. — (Interjection) — Our present registry system - the Member for Pembina said that's what he said last weekend. Indeed, he is aware of the difficulty and pointed them out to me. As always, I'm grateful to the Member for Pembina. Indeed, after his kind remarks last night there is a new rapprochement here which ought to be an example to other members of the House.

Our present registry system does not permit an easy correlation between the driver's licence and motor vehicle registration. Any attempt to link the two across the information banks would require a computer program, which we don't presently have, or a manual search which would be an indefensible allocation of scarce resources.

I have no doubt that the members of the opposition will see the wisdom of this move and will endorse this and the other amendments proposed wholeheartedly.

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, it's with pleasure that I beg to adjourn debate, seconded by the MLA for St. Norbert.

MOTION presented and carried.

BILL 23 - THE QUEEN'S BENCH ACT AND THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES ACT

HON. R. PENNER presented Bill No. 23, An Act to Amend the Queen's Bench Act and The Court of Queen's Bench Small Claims Practices Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, my apologies to the members opposite. I don't have written speaker's notes, but I'll be glad to provide them. However, the provisions of the proposed amendments are relatively straightforward and I hope that my oral explanation will be sufficient, but let me repeat, if not, I'll be glad to pass over some written commentary to the Member for St. Norbert or any other member as required.

The amendments do the following: first of all, there is a change in the nomenclature. We're finally getting rid of the outdated term "prothonotary," which very few people understand, let alone have the ability to pronounce, and replacing it with the more standard and now broadly acceptable name, "registrar." So, too, it follows with deputy prothonotary or deputy clerk of Crown and Pleas - there's a mouthful - will become a deputy registrar. Again, Sir, there is an amendment which deals with the matters over which the Family Division of the Court of Queen's Bench will have jurisdiction and just makes it much more clearer and comprehensive than the definition which was originally introduced. It adds nothing of substance and there is no policy question that is involved in that proposed amendment.

A further amendment of some considerable importance or it's a series of amendments does the following: Originally, as the bill was cast and will be coming into force at the end of this month, the Family Division of the Court of Queen's Bench was given exclusive jurisdiction over these family matters, broadly speaking, in what is called the Eastern Judicial District. That would be a very large area that would go all the way up to Little Grand and would cover, of course, the

Winnipeg, Selkirk, St. Boniface, Beausejour areas and a considerable part, of course, of the Interlake.

It was brought to my attention that we might, inadvertently, have been creating a hardship because in many instances a family matter, which was within the jurisdiction of the provincial court - and not all family matters are, but some are - would be dealt with on a regular circuit when a provincial court judge came up to Little Grand or Powerview or wherever, and that if we didn't make provision for concurrent jurisdiction, so that people living in those more remote areas could have an option, where there was no question about the substantive jurisdiction; that is, they could either have their case - and it would be their option - heard by a provincial court judge, or if they wanted and it would be up to them and their lawyer entirely, to avail themselves of the full-blown Family Division of the Court of Queen's Bench, then they could come either to Winnipeg or Selkirk or St. Boniface or Beausejour.

So what we're doing then in the amendments is to make it possible, in those instances, for people to have the option so that we don't do anything inadvertently to restrict the accessibility of people to the court.

With respect to one of the primary functions of Family Division, namely conciliation and mediation, we're making it clear by a further amendment that this process can take place at any stage of the proceedings and is not limited to the time of trial.

Two other amendments, Sir, there was a recent case in the Court of Appeal where in an aside, a judicial aside - that is not part of the reasons for judgment - a justice of the Court of Appeal raised a question, whether the power that we have in the rules of court with respect to attachment, garnishment before judgment, since they were only in the rules, in fact, had the force of law. To deal with that, an amendment now gives statutory force to attachment, not only with respect to where a judgment has been given - that was not questioned - but in certain instances, with respect to a person against whom an action has been commenced and that's to safeguard assets, so that they were available for a judgment, in the event judgment was given, and could not be wasted or liquidated or made to disappear in some way.

One other amendment and I'll conclude, deals with the rule-making power of the court and just makes it clear that the court has rule-making power in the areas that are provided for it in Section 103.

Those then, Sir, are the principal amendments being proposed in this bill. The reason why they're being brought in at this time is, of course, as I've mentioned on previous occasions in this House, the act proclaiming Family Division and the act of course proclaiming amalgamation or the proclamation of these acts will take place by the end of this month, and on the 29th of this month there will be the ceremonial beginning, the swearing in of the judges, of both of these courts.

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

MR. G. MERCIER: Mr. Speaker, I would ask a question of the Attorney-General. Could he indicate whether or not the Chief Justice of the new Court of Queen's Bench has reviewed and approved the amendments that are in this bill?

HON. R. PENNER: Yes, Mr. Speaker, both the Chief Justice of the court and the Associate Chief Justice of the Family Division have gone over the bill and have made their comments and their comments have been addressed in the bill.

MR. G. MERCIER: Mr. Speaker, on that basis we would suggest that the bill be passed for Second Reading and any detailed questions could be dealt with at committee.

QUESTION put, MOTION carried.

BILL NO. 24 - THE CIVIL SERVICE SUPERANNUATION ACT

HON. V. SCHROEDER presented Bill No. 24, An Act to amend The Civil Service Superannuation Act, for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: The government's task force on pensions, which represents more than 20 public sector employers participating in the Civil Service Superannuation Fund, has held a number of meetings with the Employees' Liaison Committee who represent over 25,000 active members in the fund and about 4,500 pensioners and other recipients. Those meetings resulted in a number of joint recommendations to Cabinet with respect to amendments to The Civil Service Superannuation Act and I am pleased to introduce those amendments today.

This bill is intended to amend The Civil Service Superannuation Act in the following areas, there's three areas: Firstly, for compliance with The Pension Benefits Act. As members know, The Pension Benefits Act improved pension rights and protection for pension plan members in Manitoba, and since it supersedes The Civil Service Superannuation Act, a number of amendments are necessary in order to make The Civil Service Superannuation Act comply with The Pension Benefits Act. The second area, to provide improved pension benefits to the members of the fund, and third, to enact a number of administrative and housekeeping changes.

There are two benefit improvements which I would like to comment on briefly. For purposes of calculating the pension, the best six years average earnings will be used. Previously it was based on the best seven years and this is a move in accordance with, for instance, several years ago the teachers moved their service down from the best seven to the best five for service after 1980, with provision of buy-down of the previous service and so on. Approval of this amendment will make this formula as well more consistent with plans in other provincial jurisdictions and with the federal plan.

The other benefit improvement will reduce by one-half, the penalty applicable to those who retire between ages 55 and 60. The cost of this change will be borne by the fund at no cost to the employers involved. The penalty will now be three-quarters of 1 percent for each

year an employee retires prior to age 60, rather than the previous 1.5 percent penalty. Again, I emphasize that costs will be picked up by the fund and not by the employer.

Employees will finance, of course, their share of both benefits, as well as the share of costs for improvements flowing from changes to The Pension Benefits Act, and there is an identified surplus of, I believe, approximately \$27 million in the fund at this time. These changes will not require any additional contributions in view of the fact that there is that identified actuarial surplus.

I would like to commend the members of the Employees' Liaison Committee for the manner in which they have co-operated with employer representatives in reaching a decision on these improvements. I understand that discussions are continuing on matters of mutual concern and I'm sure that both parties will do so in the same spirit of co-operation and understanding.

MR. SPEAKER: Are you ready for the question?

The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I beg to move, seconded by the Member for Turtle Mountain, that debate be adjourned.

MOTION presented and carried.

BILL 28 - AN ACT TO VALIDATE AN EXPROPRIATION UNDER THE EXPROPRIATION ACT

HON. R. PENNER presented Bill No. 28, An Act to validate an Expropriation under The Expropriation Act, for second reading.

MOTION presented.

HON. R. PENNER: Mr. Speaker, I've given the opposition House Leader some of the speaking notes that I proposed to use just now, and I might just say that following the reading of these notes I may make an additional one or two oral comments.

The purpose of the bill is to remove, as much as possible, any uncertainty concerning the redevelopment of the area north of Portage Avenue and to ensure, as far as possible, that the redevelopment will not be delayed. Let me just interject here, that where an action to be commenced, then under Section 20 I believe it is of The Expropriation Act, the equivalent of an injunction might be obtained and indeed given the dilatory nature of most civil proceedings that might well have the effect of holding up the redevelopment of Portage beyond the point at which it would attract the continued interest of the Federal Government and the City of Winnipeg, and hence it could mean the end of what is a tremendously important feature of the development of the inner core of the city.

During the recent inquiry into the north of Portage expropriations, some counsel questioned the power of the province to expropriate the land for the purposes of land assembly and redevelopment and have suggested that actions might be instituted to have the expropriations declared invalid. Let me again just

interject here, that the inquiry officer made it quite clear - indeed I have the passages in his report - that he was, as a matter of jurisdiction, confined to deal with the issue whether or not the expropriation was reasonably necessary for the purposes delineated in the order and that he would not and did not deal with the legal issues that were suggested. So those were left hanging with the suggestion that there could be some court actions on those legal issues relating to the power of the province to expropriate and we were the expropriating authority on behalf of the three partners under the particular pieces of legislation which were referred to in the declaration which was filed.

While Crown legal officers have provided me with their opinion that the expropriations indeed are well within the power of the province, they have indicated, as I just did, that the redevelopment could be delayed if the questions were to become the subject of prolonged litigation. Because the province is committed to this project, not only because we're in partnership with two other levels of government obviously, but because we really believe it is the one big thing that can make the Core Area Initiative fully effective and, because it is important that the project proceed as expeditiously as possible to meet the goals of redevelopment and stimulation, job creation, employment in the area. We are introducing this legislation, albeit, let me say frankly with some hesitation - one doesn't want to resort to legislation of this kind unless it's absolutely necessary - to remove any uncertainty and avoid the possibility, and it's only a possibility, of prolonged litigation. This is the effect of the first section of the bill.

Another section is meant to ensure that substantial extra interest costs are not incurred because of an inadvertently delayed transfer of documentation from one office of government to another. Specifically it is meant to remedy the fact that the Declaration of Expropriation was submitted to the confirming authority some 25 days late. The late submission of this documentation did not in any way, of course, prejudice the rights of the landowners whose land was expropriated. That's because you had the somewhat unusual situation in this particular expropriation where the expropriating authority and the confirming authority were one and the same body, one and the same government, so that the filing of documentation was really the movement of documents from one government office to another, not from one government to another level of government or to another institution, so there was no problem that was raised for property owners by that technical oversight. But nevertheless we want to make sure that everything is regularized by this proposed bill.

Another section of the bill makes it clear that the act applies to any litigation pending at the time that the act is passed. There's no litigation pending at this moment and I've had, let me say, no notification that litigation is in fact being contemplated.

Section 4 of the bill makes the act retroactive to May 25th, the date of the registration of the declaration in the Winnipeg Land Titles Office. We had the expropriation orders filed, then the passage onto the confirming authority, the inquiry, which was quite appropriate to hold, the report of the inquiry officer and then within the statutory delimited time the

confirmation and that confirmation was on May the 25th.

With that explanation, I commend the bill to the members of this House.

MR. SPEAKER: Are you ready for the question?

The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, I would like to make a few comments with respect to this matter, because expropriation is an awesome power in the hands of government, and I hope and trust that the Attorney-General does realize that.

We have a situation here, Mr. Speaker, where the government, acting in conjunction with two other levels of government, have decided to expropriate a piece of land north of Portage Avenue. The government does not know what is going to go on that land; they do not know what private sector investment there will be. They cannot tell the businessmen presently there when they are to move, yet they are proceeding, contrary to the recommendations of an inquiry officer that this government appointed, to proceed with this expropriation. Mr. Speaker, what is even worse than using this awesome power of expropriation in these circumstances, is then to come to this Legislature, having apparently made a mistake in the legal process - it's the Minister of Government Services who should have introduced this bill, not the Attorney-General, because he bears responsibility for what has happened - but having embarked upon using that awesome power of expropriation and having made a mistake, they are now introducing into the Legislature, An Act to Validate — (Interjection) — the Attorney-General says there's no mistake. Then don't introduce the bill. Withdraw the bill then. — (Interjection) — It's insurance, Mr. Speaker, the Attorney-General says.

They can't sit there, Mr. Speaker, and say there is no mistake when they've introduced a bill that they call An Act to validate an Expropriation under The Expropriation Act. No one on the other side, Mr. Speaker, can tell us there is no mistake.

Mr. Speaker, having used that awesome power of expropriation under these questionable circumstances, they are now proceeding to use the dictatorial power of the government to validate a mistake in that whole process. If there's been a mistake in that process, Mr. Speaker, I think justice demands that the individual owner and operator be entitled to whatever benefit there is by virtue of the government's mistake. I think this is very questionable; more questionable, Mr. Speaker, to introduce an act to validate a questionable expropriation.

Mr. Speaker, the inquiry officer, which this government appointed, made some very interesting comments in his report that should have caused this government, and I would have thought it would have caused this government, to question their involvement in this matter.

He said on Page 86 that I might say it is my conclusion that the expropriation of the specific lots which are subject to objection is not fair and reasonably necessary in order to achieve the objectives of the expropriating authority. At least, not at this particular time.

I'm troubled by the fact that the detailed planning processes that have been undertaken by the

administrative task force, prior to the filing of the declaration of expropriation and by the North of Portage Development Corporation after the filing of that declaration, have not included in inventory, an assessment of the buildings, businesses and people presently in the area.

He went on, Mr. Speaker, to say on Page 88, "It seems to me to have been unfair and unreasonable to have done only a partial assessment for in that way the property owners in the area have been subjected to differential treatment." He went on further on that page, Mr. Speaker, "Indeed the corporation is not yet at the stage of knowing what particular development will take place on any given street." I cannot find that the level of planning is sufficient to justify the taking of an individual's land, business or home."

On Page 89, Mr. Speaker, "In my view this concept of fairness requires that the individual landowner, who is faced with expropriation, ought to be in a position where he can be confronted with the proposed use to which his property is sought to be put, and given an opportunity to convince the expropriating authority that the objective can be accomplished in some manner that will not require the expropriation of his property. In this enquiry, such a scenario was not possible."

On Page 91, Mr. Speaker, "I find it impossible to determine that any particular piece of land subject to an objection is fairly and reasonably required in order to meet the objectives of the expropriating authority."

Finally, Mr. Speaker, on Page 92, he said, "I'm forced to conclude that I have not been satisfied that the expropriation of any of the properties, subject to objection, is fair and reasonably necessary for the achievement of the objectives of the expropriating authority.

"I believe that fairness would dictate that an inventory of existing buildings and businesses be accomplished and a more detailed site plan be developed before it is determined precisely which space is required for physical redevelopment."

Mr. Speaker, I would have thought that those types of comments by an inquiry officer, appointed by this government to determine the fairness and reasonableness of the expropriation might cause this government to stop and reconsider their actions because in many instances, we are talking about successful, small business operations in that particular area who have given evidence that they're going to find it very difficult to continue their operations in other locations. Yet, the Attorney-General refers to the reason for supporting this bill that it is important that the project proceed as expeditiously as possible to meet its goals of redevelopment and stimulation of job development and job creation.

Well, Mr. Speaker, I think the government - and it is always a temptation when other levels of government offer financial support to a grand project - to use the powers of expropriation because I've been in that very situation myself previously. It's always a temptation to embark upon these grand schemes and to use the awesome powers that government has in the area of expropriation. But I think one must stop for a moment, Mr. Speaker, and consider the individual plight of the successful small businesses who currently exist north of Portage Avenue. Consider the disruption that is presently being caused to their activities in that area

by the government's action with the uncertainty that the inquiry officer has so eloquently expressed, Mr. Speaker. Why couldn't the government have stepped back for a few months if necessary to rethink the project, to absorb into the project those successful businesses that are presently operating there.

Why is it such a necessity to expropriate the whole area without any consideration being given to people who have, in many cases, spent their whole life successfully developing a small business, under very harsh and difficult conditions perhaps, or adverse conditions on the north side of Portage Avenue. But involve them into the project that is presently being considered by the three levels of government.

So, Mr. Speaker, I really wish to, in speaking briefly to this bill, urge some caution on the part of the government to reconsider seriously the plight of the large number of small business people north of Portage Avenue who are being subjected to a great deal of disruption and uncertainty in their whole business operations because the government is using an awesome power here, Mr. Speaker, and I think it is incumbent upon them to use it carefully and reasonably and consider the individual circumstances of people's lives that are being affected by the expropriation and now particularly by this bill.

MR. DEPUTY SPEAKER, P. EYLER: Are you ready for the question?

The Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: I move, seconded by the Member for Gladstone, that debate be adjourned.

MOTION presented and carried.

ADJOURNED DEBATES ON SECOND READING

BILL NO. 6 - THE DANGEROUS GOODS HANDLING AND TRANSPORTATION ACT

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Minister of the Environment, Bill No. 6 standing in the name of the Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I adjourned this debate for my colleague, the Honourable Member for Arthur.

MR. DEPUTY SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, I'd like to make a few comments dealing with this particular bill. I think that when passing legislation, we want to be conscious of the fact that it could be an extremely wide net that is being cast and I think we have to, because of the kind of society we live in today, be conscious of the fact that there are many people involved and many commodities involved that have to be handled carefully.

However, the major concern that I have and will speak mainly to this particular part of it and that is dealing with the addition of regulations which will fall within this particular act and the particular concern when we deal with dangerous goods which means any product or substance or organism designated in the regulations.

Well, from the act flows the regulations and I guess one of the major concerns that I have is the implications that it would have on the agricultural community because as I would interpret that particular act, anyone who uses anhydrous ammonia or that kind of fertilizer in their farming operations would be pretty much restricted and if I'm incorrect in my assumption of my interpretation, then I would ask the Minister or member of the government to clarify it, but it would appear as if the government would have the ability to write such regulations which could cause undue regulatory or red tape, bureaucratic permission to handle what is now being handled I think in most cases. I say most cases, being handled in a responsible manner.

Many agricultural commodities, I'm sure, or agricultural chemicals, that type of thing could as well be included. This is my major concern and I would hope the government would stand in their place and explain and clarify what all items would be placed in the regulations. Would for example, and I put the question directly, anhydrous ammonia be one of the products that would be listed as hazardous goods and would an individual who is going to use it on their farm, before they could transport it from the supply depot or the station where they're purchasing it from, would they have to have a licence or a permit to do so?

Now the Minister of Environment shakes his head. I don't think he can give me that assurance. I would ask him for a complete list or the government's list of what they are classifying as dangerous goods. Again, we have the federal legislation that's in place and I understand that there still aren't regulations written under that particular act. It would have been interesting to see what they would include in their regulations, so that the province could further explain what commodities they would be placing in theirs.

It's again about responsibility of government to make sure that all society is safe and I'm just not sure whether this kind of legislation will really get at the base of the problem. You cannot, Mr. Speaker, legislate to cover up human error and responsibility that people have to take on in the handling of these goods to start with. You can have all the penalties and inspectors in the world, but accidents do happen, which we have seen in certain areas of the country.

As I say, I'm not that sure that this kind of legislation is going to prevent it. I would hope that the government, before they proceed with the bill would, as I say, indicate to us what types of commodities or the kinds of products that are going to be included within the regulations. The concern I have is that there could be severe restrictions placed, particularly on the agricultural community, that now aren't there. I know there've been changes made to the act that restrict farmers, for example, from pulling two fertilizer or two anhydrous ammonia tanks behind one truck on the road. I think that's well received. I don't think it's caused anyone any great hardship, but I think we have to again be assured that it isn't going to cause undue problems for the community.

The other concern, of course, is the cost. There is a cost factor, cost implication, as to what these will mean to the end user of those commodities. Again, I'm bringing this out, particularly from the viewpoint of the farm community. I would hope that we could get some clarification on this.

With that, Mr. Speaker, hopefully the government would have some answers and give us some kind of an idea as to what all regulations would be passed, and really, why the need for this bill, until there's regulations drawn under the federal legislation.

I think I'm correct in indicating that regulations are not yet drawn by the Federal Government. It would have seemed they could have worked a little closer to see what will be put in place by the Federal Government.

With those comments, Mr. Speaker, I'll yield to my colleague who wants to make a few comments.

MR. DEPUTY SPEAKER: The Member for Turtle Mountain.

MR. B. RANSOM: Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, I don't really wish to address the bill in general, but I do wish to address one of the principles that is involved in this bill, and one to which my colleague has just spoken, and that has to do with the power that is granted to Cabinet to pass regulations.

Dangerous goods means any product, substance or organism designated in the regulations. That is in the act and of course that gives Cabinet the power to pass laws, that the rest of us in the Legislature don't have an opportunity to see or to comment upon. That has led, in the past, to a great many situations where regulations have been passed that I am sure that the members of this Legislature would not pass, even given the partisan nature of the Legislature. That if we together had an opportunity to look at regulations and examine them carefully, we would say those regulations shouldn't pass.

I use as an example of that, Mr. Deputy Speaker, the question of the regulations governing food handling establishments. I raised in this House a few weeks ago, the possibility that community halls, church halls, etc., would be subject to regulation under The Health Act and that they would have to be inspected and meet standards. I was assured, first of all, in a letter from the Minister of Health that that was not the case. I was assured by the Minister of Environment that that was not the case and I'm sure that that's the advice that he received from his staff.

I had persisted in asking questions on that point, Mr. Deputy Speaker, and still continued to receive the assurance that those regulations didn't apply, so I wrote to the Law Clerk of the Legislative Assembly, who is legislative counsel in another capacity, and I asked about those regulations, whether in fact they would apply to things like churches and community halls and legion halls. The letter that I have back from the Law Clerk of the Legislative Assembly in response to my question as to whether or not such things as church halls, legion halls, community halls, whether they fell within the definition of "food service establishment" in Manitoba regulation 204/83, according to the Law Clerk of the Legislative Assembly do indeed fall within this regulation.

He says, "Therefore," and this is just reading an operative part of the letter and I'll table a copy of the letter, "Therefore apart from some rare occasions, I would expect that almost always the kitchen areas of community church and legion halls would come within the definition of food service establishments.

"In respect to the booths at fairs, etc., things such as hot dogs, hamburgers, soft drinks, etc., are almost invariably prepared for consumption in individual portions. It would seem to me therefore that these booths would also clearly come within the definition of food service establishment."

So there is an example, Mr. Deputy Speaker, where recommendations have gone forward to the Executive Council and they have approved them, and when questions were raised as to the meaning of those regulations, they were assured by the bureaucracy that indeed those regulations didn't apply. But the situation was, Mr. Deputy Speaker, that the regulations applied, but by administrative edict, they were not being enforced, and so the power was then placed in the hands of the bureaucracy to decide which laws of this province would be enforced and which ones would not.

So the way it stands right now is that every community hall, church hall in the province is in danger of standing in violation of these regulations, and all that's waiting to happen is the staff, by administrative direction, or perhaps without administrative direction, to move in and say this regulation applies and they would be correct, Mr. Deputy Speaker, to do that.

I know that even though my colleagues here want to blame the Minister of Environment, I wish to point out that this is not something that has been brought about by one individual Minister. This is something that is built into the system, the way we approach the passage of laws and grant the power to enact regulations. That's why I'm able to address it under this bill, that it's the principle that's involved in this case.

Before I forget, Mr. Deputy Speaker, I'd like to table this letter from the Law Clerk of the Legislative Assembly.

So I suggest that it is entirely wrong, Mr. Deputy Speaker, to be having regulations passed which then depend upon some administrative decision as to whether or not they're going to be enforced. I think there should be at least an absolute minimum of that, so that by the simple passage of a regulation we are not placing thousands of people out there in violation of the law and that the only reason they aren't prosecuted is because the system chooses for the moment not to prosecute them.

So I would suggest, Mr. Deputy Speaker, that we look very carefully at this principle and I think that it would be wise for the Legislature to follow what is already set out in statute and that is under The Regulations Act, where under a section of that act, Section 10 of The Regulations Act, it says that with reference to regulations upon filing thereof every regulation stands permanently referred to the Standing Committee on Statutory Regulations and Orders of the Legislative Assembly to be dealt with as provided in the regulations, Orders and Forms of Proceeding of the Legislative Assembly, hereinafter called the the Rules of the Legislative Assembly.

So, in The Regulations Act, those regulations stand referred to our standing committee. If the members wish to refer to our blue Rule Book, Rule 71, which appears on Page 36, they will find the criteria set out that are to be applied in the review of those regulations. One of those criteria is that regulations should be precise and unambiguous in all parts. I think the

situation that we were talking about with respect to regulations under The Health Act, if one examined those regulations from that point of view, we would have to say that we would have picked up upon a situation that I think most of us would not want to see.

My view, for what it's worth, Mr. Deputy Speaker, is that we should get back as a Legislature to referring the regulations to that committee. I don't think that committee has met for perhaps 10 or 12 years, and my colleague, the Member for Virden, has been pressing over the years that that committee should meet and review these regulations.

I think if we could see the physical volume of the regulations that are passed and realize that those laws are actually being put in place without any more than the scrutiny that's generally given to them by Cabinet. To some extent there is wider scrutiny; but very often, it comes from the bureaucracy, through one Minister, the Minister takes it to Cabinet. His colleagues are all busy people and they say, well, if the Minister's in favour of this, then I guess it's okay. So we end up passing laws with very little scrutiny.

I would urge the Legislature to back off that type of literally off-hand passage of law in the province and accept greater responsibility as legislators and examine much more thoroughly the laws of the province before they become law, or at least as The Regulations Act calls for, after being filed, so at least there is an opportunity to go back to Cabinet and say, look, there is a problem with these regulations and you should change it, just as I hoped that the Minister of the Environment will now take a recommendation to his Cabinet to make changes in the regulations, or that the Minister of Health may have to take the recommendations to his Cabinet to make changes in The Health Act, so that the regulations only cover what the Minister would intend them to cover.

I appreciate the opportunity to put those few comments on the record under this bill, Mr. Speaker.

MR. SPEAKER, J. Walding: The Honourable Member for Virden.

MR. H. GRAHAM: Mr. Speaker, I listened with interest to the remarks of my colleagues, the Honourable Member for Arthur and the Honourable Member for Turtle Mountain.

I have to say, Mr. Speaker, that I was not initially prepared to make a contribution at this time, but I do know from the many years I've spent in this Assembly the tremendous task that is facing this Assembly in the proper review of regulations. It's a subject that I have pressed for on numerous occasions because I was a member of the Statutory Regulations and Orders Committee that did some work on regulations some 12 years ago in this Assembly.

At that time, we recognized that our work was a long way from being completed. There has been no concerted effort taken by this Assembly since to do the job according to the act and according to the Rules of our House that we are supposed to do, Mr. Speaker. I suppose that probably the very size of the task that faces us makes members somewhat reluctant to start the job. But I would suggest, Mr. Speaker, that if that review does not come about then I would think seriously

that a change should be made to The Regulations Act, which puts, in effect, the sunset law on all regulations in this House, so that if this Legislature does not review the regulations, then the various departments themselves must review them or else they automatically expire. I think that's a safeguard that probably could be taken, to put a sunset law in dealing with regulations.

Until this Assembly takes upon itself the duty that is theirs and exercises it properly, we could then have the safeguard of having a sunset law which would make all regulations expire after a certain period of time, unless the Legislature did a proper review.

I put that suggestion forward now, Mr. Speaker, purely as a suggestion, and I hope that members of the government will consider it seriously because the implications for the people of Manitoba are quite severe. It's not too difficult for a member of society, or taxpayers in Manitoba, to get a copy of a bill in this Assembly. It's somewhat more difficult, Mr. Speaker, to get a copy of the regulations that govern that.

In particular, now that there has been a change made in the printing of the Manitoba Gazette, where all regulations used to be published in the Gazette, they are not all published in the Gazette any more. So there can be regulations passed, Mr. Speaker, that do not come to the attention of the public of this province, that can affect the livelihood of individuals in this society, and there is no way that they are made aware of it. They don't appear in the Gazette, they don't appear in the act, and how is the public going to know about regulations if there are not some safeguards built into our Regulations Act to protect the public from, I wouldn't say deliberate, but maybe unwitting regulations, poorly advised and poorly drawn up, being placed in effect. I didn't have that same fear several years ago, Mr. Speaker, when it was a practice that all regulations were published in the Manitoba Gazette, but that does not occur, so the public can be adversely affected without having any proper notice of it occurring.

I just add those few remarks at this time, Mr. Speaker, because I think it's very important for the people of Manitoba to know.

MR. SPEAKER: Are you ready for the question?

The Honourable Minister for the Environment will be closing debate.

HON. G. LECUYER: Thank you, Mr. Speaker. I'd like to begin by thanking the members who have spoken on this bill and have provided some valuable input which, no doubt, will be part of our further considerations when the bill is brought to committee.

I do not want to go into any lengthy explanations in regards to the bill. I think some of the information was provided at the time that I introduced the bill for Second Reading.

I think that I've already indicated, Mr. Speaker, that the bill is a combination or an amalgamation of a bill which was passed in the last session; that is, The Transportation of Dangerous Goods Act, which has not been implemented or proclaimed at this time. The Member for Arthur is partly right when he said that the regulations haven't been passed. The regulations are to a large extent drafted, but not complete at this point in time; that is correct.

The other part of this bill then is the handling of the dangerous goods, which was in the White Paper, which was tabled at the end of the last Session. In the interval it has undergone, as I've indicated in introducing the bill, extensive consultation; in fact, it has undergone extensive rewriting and modification since it was tabled as a White Paper in the last Session. Because there was such a close relationship between the two and because they overlap in many respects, it was decided that the co-ordination of dangerous goods should be within one department to avoid the type of confusion that would result in the public's mind out there if we proceeded otherwise. Since, as I've indicated, The Transportation of Dangerous Goods Act has not yet been proclaimed, it was convenient in every respect to amalgamate these in one single bill.

The two bills that you have now here as part of one are parallel and conform in every respect to the bill that was passed in the last session and the White Paper that was tabled at the last Session.

To address some of the specific comments raised, Mr. Speaker; first of all, I'm pleased that everyone of the members that have spoken on this bill have - in fact some of the members have indicated their clear support for the intent of the bill, so there seems to be no problem from that respect. I think that there is no one who would not support the fact that in this day and age we have to be a little more concerned about the vast quantity and array of substances that can be dangerous or injurious to life and environment, and I want to reassure the members that we are talking here about dangerous and hazardous substances in large quantities and that is clearly stated in the intent. It's a very short clause, but it states in that clause called the Intent of the Act that this is not intended to apply to goods in domestic quantities. Therefore, we're not talking about the substances that are used by the individual farmer on his land or in his household. That is not what we're concerned with, Mr. Speaker.

We're concerned about the actual process of producing these goods and moving these goods in large quantities to get them to market, to get them to the users who are going to transform these goods, who are going to use them in commercial quantities. In the transit of this produce there can be accidents.

I agree with the Member from Arthur; you cannot legislate the avoidance of human error. Accidents will happen, I agree with that as well, but, Mr. Speaker, I think we have a responsibility to try and minimize. We know we cannot ensure that there will not be any errors. We know we cannot avoid that accidents will occur sometimes, but we have a responsibility, Mr. Speaker, to try and minimize those risks, To minimize those occurrences and I think this is what the intent of this act is meant to do.

For the Member for Morris who was asking the other day, "What are we talking about?" Well, we're talking about hazardous goods and the Member from Turtle Mountain and the Member from Arthur have raised questions in terms of the numerous potential regulations that can arise and what exactly are we talking of. For the very fact that these have not been clearly defined and because we intend to be practical, we intend to conform as well with what is being done in other jurisdictions. There are a number of committees at work nationally, especially what is known as the WHMIS

Committee, which has on this committee, representatives from all the provinces who are trying to devise some kind of list of what we are referring to when we're talking about dangerous substances, so that we could have a uniform system across the country. We haven't got it right now. I'm told that progress is occurring that we should perhaps have this in the fall. We are trying to devise a system that is going to be in conformity with what is happening elsewhere in the other provinces. When we're talking about the transportation of dangerous goods for instance; and I think the Member from Morris was asking that question, why the manifest system? Is this going to impose undue paperwork, for instance, and cost?

We're talking about a very simple system; one that would be applied federally and would be used in all of the provincial jurisdictions - the same particular document - a manifest document with carbon copies. There would be actually very little time required to fill these documents and it's a pull-out which is simply sent in when the product has completed a particular segment of its journey from the time it's created to the time that it's finally disposed of as a waste. The sample copy that I've seen has nine copies. Nine copies, but only one segment of that copy is to be filled by each one of those bodies as it goes through the system. I don't know how effective it is in terms of a carbon copy, I don't know. Presumably, that was a sample and what will be the final manifest paper or document used I am not sure yet, because we have agreed, and the other provinces as well, that the federal jurisdiction will provide the manifest documents and we would all use the same documents. We're trying to do likewise in the handling of dangerous goods. We're not trying to impose undue bureaucracy.

I agree with the Member from Turtle Mountain that the intent is not to - and we have to ensure that we're not multiplying the bureaucracy for the sake of multiplying the bureaucracy. Perhaps the Member from Virden has a good suggestion when he says that he recommends, as a suggestion, that we should review The Regulation Act with the view of implementing some kind of a sunset clause whereby within a given number of years, if regulation has not been reviewed, then it automatically is invalidated.

There may be merit to that and I'm not going to discuss it any further in the context of this particular bill, but I think that generally speaking, regulations have been passed - I think members will agree - not to abuse of the public, not to keep the public in the dark because generally the public is, and as far as the experience within the department that I am responsible for and I know the Minister is responsible for that department before, did likewise, there was an extensive involvement of the public in the preparation of the regulations which go on sometimes for a period of two to three years. And that is, for instance, what is happening right now with the pesticide permit which has been raised across this House a number of times in the last few days, it's being sent out as a draft regulation. We invite public input. We seriously consider the comments and the suggestions that are made. We then send it back so that they can see how we've taken into account the suggestions they've made.

It may be that when a member out there of the public sees how it's being modified, taken into account other

person's input, he likes it even less than he liked it the first time. He may react, in fact, even differently than he did the first time. That's why I think that we keep them involved in this process so that by the time we reach a final draft, we have maybe not a draft regulation that everybody likes, but a draft regulation that meets the general consensus of the public, one that is practicable and one that is enforceable.

I think, Mr. Speaker, that even though there is allowance made in this bill for a wide variety of regulations, it would be my hope that as we implement it, that it will not be necessary to introduce all of these regulations. It will be also my hope, Mr. Speaker, that since the Transportation of Dangerous Goods legislation is not yet proclaimed federally, that we will have a period of time where this particular bill, here in Manitoba, will be implemented on a pilot basis, on a voluntary basis where we will have a chance to iron out some of the difficulties that might be encountered in that particular process.

Thank you, Mr. Speaker.

QUESTION put, MOTION carried.

BILL NO. 10 THE FAMILY MAINTENANCE ACT

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 10 standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, we've examined this bill and the detailed comments from Miss Diamond which the Attorney-General had tabled in the House. I thank the Minister for providing that information and we're prepared to have this bill proceed to committee where we can deal with any detailed questions.

I would simply ask the Attorney-General, if he would perhaps sum up just for a moment, Mr. Speaker, unless there are other members who wish to speak, to indicate whether or not the bill has been sent to the Family Law subsection the Manitoba Bar Association? If it has not been, I wonder if he would undertake to make arrangements to do that in order to allow them perhaps at least a few days until next week when the bill would be considered at Law Amendments Committee or whatever other committee it would be referred to, to give them time to review the contents of the bill because their remarks have been very helpful in the past at committee stage, Mr. Speaker.

MR. SPEAKER: Are you ready for the question?

The Honourable Attorney-General will be closing debate.

HON. R. PENNER: Yes, I'll simply close debate by thanking the Honourable Member for St. Norbert and assuring him that if in fact the Family section of the Manitoba Bar has not been consulted, that it will be immediately given a copy of both the bill and the explanatory notes so that it may prepare itself for committee to the extent that it wishes to make submissions.

QUESTION put, MOTION carried.

MR. SPEAKER: On the proposed motion of the Honourable Minister of the Environment, Bill No. 11 standing in the name of the Honourable Member for Niakwa.

MR. H. ENNS: Mr. Speaker, I would ask your indulgence to have this matter stand.

MR. SPEAKER: Stand.

On the proposed motion of the Honourable Minister of Culture, Bill No. 14, standing in the name of the name of the Honourable Member for Lakeside.

MR. H. ENNS: Stand, Mr. Speaker.

MR. SPEAKER: Stand.

BILL NO. 15 THE CANADA-UNITED KINGDOM JUDGMENTS ENFORCEMENT ACT

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 15, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Thank you, Mr. Speaker, with respect to this bill, too, we have examined it and are prepared to have it proceed to committee to be dealt with so that any detailed comments can be dealt with at that stage.

QUESTION put, MOTION carried.

BILL 16 - THE CHILD WELFARE ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Community Services, Bill No. 16. The Honourable Member for Gladstone.

MRS. C. OLESON: Mr. Speaker, I adjourned this debate for my colleague, the Member for Kirkfield Park.

MR. SPEAKER: The Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: Thank you, Mr. Speaker. I have a few comments on Bill 16, An Act to amend The Child Welfare Act. This bill certainly does seem to be a complete takeover of the Children's Aid Society of Winnipeg and one of the clauses indicates that - and it's a new added one - they will be able to issue a written directive to an agency. It then goes further on to mention that the section, it must be conforming to a written directive of the director.

Now in that area, conforming to a written directive of the director, it begs the question also about the unwritten directives. Does the agency have to comply or can they request and receive the directive in writing with the director's signature.

The section that deals with the exercise of powers of the powers of the director, it repeats these specifics and I understand that they want it more general, but will they be identical for all the child welfare agencies? That's just another question that has been asked about that.

Then it goes onto the new section of transfer of contracts. It indicates that the Minister may transfer responsibilities for carrying out duties under this act and it certainly seems to have been included to facilitate reorganization. But it has some further implications. At any time, responsibilities or guardianship can be transferred by the director. This may be perhaps against the wishes of the first agency.

It could be used as a means of control if an agency's decisions do not agree with those of the government. I think that certainly the government's hand seems to be everywhere in this act. It goes on to give notice and in the bill it says, "Where a transfer is made under Subsection (1), under this act notice is required to be given to a child caring agency, the notice shall be valid if given to the director or to the successor agency as the case may require." Here again, we're running into an area that could be possibly a conflict situation and could create huge communication problems within the agencies over responsibilities.

The section that deals with vested rights unaffected, which deals with adoption, I guess the question is what does vested rights of natural parents or guardians mean? Who defines it and what effects will this have upon adoptive parents, if biological parents still have rights to the child? This is a question that I'd like to see the Minister answer.

Then finally, Mr. Speaker, we come to the section that deals with prescribing provisions to be contained in the by-laws of a society. This section is amended by adding those words and this gives the government the direct right to dictate the by-laws through this area and if the government was honest, it might as well just take over the agencies, because they appoint the members of the board, they control the funding, set the by-laws, now can transfer duties and guardianship without being requested to do so; they have total control and will not accept responsibility . . .

MR. SPEAKER: Order please.

MRS. G. HAMMOND: Accountability . . .

MR. SPEAKER: Order please.

MRS. G. HAMMOND: I'll just be finished in one minute

MR. SPEAKER: Does the honourable member have leave? (Agreed)

MRS. G. HAMMOND: Thank you. Accountability will, in effect, decrease as no one will have in fact authority and responsibility. So I think, Mr. Speaker, that there are a number of questions to be added to what I have said already, and I'm hoping that the Minister will be able to answer some of these questions.

MR. SPEAKER: Order please. The time is 4:30 p.m., the debate will stand open.

BUSINESS OF THE HOUSE

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, before you call the business of Private Members' Hour, I would like to

announce some committee meetings and changes in committee meetings, Sir. I believe there may be an inclination to proceed with the business in Private Members' Hour in a different order than that provided normally for Wednesdays, and I would ask that we consider doing that, by leave.

But, first of all, Mr. Speaker, in view of some travel problems, I would like to advise that in consultation with the Opposition House Leader, we would like to move the meeting of the Standing Committee of Public Utilities and Natural Resources to discuss the Manitoba Energy Authority and the Manitoba Hydro-Electric Board Report from tomorrow morning at 10:00 to tomorrow evening at 8:00. That, Sir, would mean that the House would not sit tomorrow evening and that we would agree to adjourn at 5:30 tomorrow.

In addition, Sir, tomorrow evening we would have a meeting of the Standing Committee on Statutory Regulations and Orders to consider bills referred to date.

It would also, Sir, be proposed that we, if necessary, have additional meetings of the Standing Committee on Public Utilities to complete examination of the Energy Authority and Hydro Report Monday morning at 10:00 and again next Monday evening at 8:00.

It would also be proposed, Sir, that if public hearings and clause-by-clause is not finished on those bills that are referred to Statutory Regulations and Orders for consideration tomorrow night, to continue that meeting Monday evening at 8:00. So, Sir, there would be two Standing Committees tomorrow evening and Monday evening and Public Utilities alone Monday morning.

Sir, if I have leave, I would like to move a motion to move those bills which were referred to the Law Amendments and other committees - I believe they were all law amendments, to date - to the Standing Committee on Statutory Regulations and Orders, so that they will be on the list for tomorrow evening.

MR. SPEAKER: Does the Honourable Minister have leave? (Agreed)

HON. A. ANSTETT: Mr. Speaker, I would move, by leave, seconded by the Honourable Minister of Government Services, that Bills No. 4, The Blood Test Act, Loi sur les analyses du sang; No. 5, An Act to amend The Highway Traffic Act; No. 8, An Act to amend The Securities Act; No. 9, An Act to amend The Liquor Control Act; No. 12, An Act to amend The Public Schools Act, Loi modifiant la loi sur les écoles publiques; be withdrawn from the Standing Committee on Law Amendments and transferred to the Standing Committee on Statutory Regulations and Orders.

MOTION presented and carried.

PRIVATE MEMBERS' HOUR

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, would you call Private Members' business in the following order, by leave, Sir: Bills 7, 17, 13, 25, the order in which they appear on the Order Paper; and then, Sir, the Private Members'

Resolution standing in the name of the Member for River Heights.

There may be an inclination, Mr. Speaker, and I am agreeable - the two second readings first - 13 and 25, followed by the two adjourned debates.

MR. SPEAKER: By leave, public bills, private members' public bills, Bill No. 13 - the Honourable Member for St. Norbert.

SECOND READING

BILL 13 - THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES ACT

MR. G. MERCIER presented Bill No. 13, An Act to amend The Court of Queen's Bench Small Claims Practices Act, for second reading.

MOTION presented.

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

MR. G. MERCIER: Thank you, Mr. Speaker. Mr. Speaker, the effect of this bill would be to increase the jurisdiction of the Small Claims Court from \$1,000 to \$3,000.00. Mr. Speaker, the existing limit of \$1,000 was established a number of years ago and I believe that it should be increased in order to give people of this province a forum in which they can deal with their matters and their cases in a very inexpensive and informal and very efficient manner.

Mr. Speaker, whilst I had the privilege of being Attorney-General for this province, I had referred the question of the amalgamation of the Court of Queen's Bench and the County Court to the Manitoba Law Reform Commission for study. Of course that report was made to the government and that whole amalgamation is now proceeding. We've heard the Attorney-General indicate that it will become effective July 1st.

Mr. Speaker, as well, at the same time I referred that matter to the Law Reform Commission, I asked the Law Reform Commission to include in their study a report on means to ensure or improve the speedy, inexpensive and appropriate adjudication of small claims, because I had a concern and still do and that is why I've introduced this bill that with the abolition, virtually, of the County Court, there is removed the historical, local court where a matter could be dealt with in a speedy and efficient and inexpensive manner. No longer will we have - certainly to the same extent, Mr. Speaker, with the amalgamation - a local court system that allowed the public to have matters tried in a less expensive way than they would in the superior court system.

The Law Reform Commission, Mr. Speaker, made its report in a report dated March 7, 1983, and made a number of recommendations. They talked about the monetary jurisdiction of the Small Claims Court and they pointed out, on Page 10 of the report, "The Small Claims Court has jurisdiction to hear any matter within the authority of County Courts as long as the amount

in dispute does not exceed \$1,000.00." The monetary jurisdiction of the court has remained constant since September, 1977, despite the fact that the Consumer Price Index for Canada, all items, has risen over 65 percent since that date. Of course, Mr. Speaker, this is now 14 or 15 months later.

More importantly, we have been informed by members of the practising bar that it may cost up to \$3,000 in legal fees and disbursements to try an action under Part I of The County Courts Act. This means that persons with claims under \$3,000 may be discouraged from proceeding in a more formal setting of the county court with legal representation because the cost would exceed the amount of the recovery.

A solution is to expand the monetary jurisdiction of the Small Claims Court which is specially suited for self-representation so that the administration of justice becomes more accessible to persons who require judicial redress regardless of the amount of their claims. They recommended the increase to \$3,000, Mr. Speaker. No action to date has been taken with respect to this report. The Attorney-General has indicated he's been more concerned and has had the amalgamation of the Court of Queen's Bench and the County Court and the unified Family Court as a higher priority, Mr. Speaker.

But I humbly submit to you, Sir, and to the members of this Legislature that with evidence like this that, as of 14 or 15 months ago, the Consumer Price Index had increased 65 percent since the limitation of \$1,000 was established in September, 1977. There is a clear need and a clear requirement to increase the jurisdiction of the Small Claims Court. Particularly, Mr. Speaker, when we have statements with claims above \$1,000 and up to \$3,000 going through the County Court now, that the legal costs will exceed the amount of the recovery.

Mr. Speaker, I'm sure all members of the Legislature will see clearly that in view of the increase in prices that has taken place since the establishment of the \$1,000 limit that it makes a great deal of sense to increase that limit at the present time and allow people to process their claims in an efficient and inexpensive manner without having to incur a significant legal cost by lawyers.

I say so, as a lawyer, also, Mr. Speaker, I think members of the public, whom I have met and discussed their experiences with in Small Claims Court, have generally been very satisfied. If they wish to use a lawyer, they can. They're not prohibited from using lawyers, and some people do choose to use lawyers, but the vast majority choose to avoid that expense and to have their matter heard in this informal manner and at very little expense and have it decided, and not have any monies that they recover simply go to pay the expenses of a lawyer.

Mr. Speaker, the Law Reform Commission did make a number of other recommendations which eventually received serious consideration by the Provincial Government as to whether they wished to go into a little more formal setting in Small Claims Court where you have a form of a Provincial Judges Civil Court deal with small claims within this expanded jurisdiction rather than simply clerks of the courts.

Again, there has been some small amount of criticism, but I don't think it has been that much. I frankly don't think the number of appeals from Small Claims Court have been that high as to indicate that the quality of

justice in the Small Claims Court is inadequate, Mr. Speaker. I would point out to members of the House, Mr. Speaker, I obtained some statistics with respect to the number of claims filed in the Small Claims Court from 1976 up to this year. In 1976 - 3,800 claims; 1977 - 3,900; 1978 - 4,500; 1979 - 4,900; 1980 - 4,200; 1981 - 3,900; 1982 - 4,100; 1983 - 4,247.

Mr. Speaker, you can see that over the years, I think leading up to and including 1979, the number of cases built up to about 4,900 cases and then they have levelled off and have been reducing since then. I suggest that may very well be an indication that because of inflation, as the Member for Lakeside indicates, many of the jurisdiction of the Small Claims Court has been whittled away by inflation. Mr. Speaker, we should certainly take that into consideration.

I also point out to members of the Assembly, Mr. Speaker, that effective January 30th of this year the Province of Saskatchewan has increased the jurisdiction in their Small Claims Court from \$1,000 to \$3,000.00. So this is not something unique that the Province of Manitoba would be involved in.

I would in fact think, Mr. Speaker, and I believe this bill should be passed now in order that more Manitobans can receive inexpensive, efficient and informal justice. I tend to think that over the future years, we should consider increasing the jurisdiction of the Small Claims Court to perhaps \$5,000 and to develop a system of provincial court judges in the Civil Court who might hear perhaps the cases involving the larger amount of claims, perhaps from \$2,500 or \$3,000 up to \$5,000.00. Those limits on their jurisdiction should be increased, if possible, on an annual basis so that inflation doesn't whittle away at the court's jurisdiction, thereby at the public's right to have a matter determined and decided upon in this efficient, inexpensive, informal way.

Mr. Speaker, this is not a matter that I have simply become aware of in the past week or so and brought to the attention of the Legislature. I point out that it was in May of 1981, when I had referred this matter to the Law Reform Commission for study and to report because I believed there had to be a change and an increase in the jurisdiction of Small Claims Court. That report was made in March of 1983 and there is nothing done about it to date. The evidence clearly supports, Mr. Speaker, not only the report and what has been done in Saskatchewan, but the evidence as to the number of claimants before the court that an increase in jurisdiction in the Small Claims Court is justified and is required and is in the public interest.

Mr. Speaker, I want members opposite to consider this matter in a serious and in a non-partisan way. I have introduced Private Members' Bills in past years, Mr. Speaker, but have not yet succeeded in having one passed. I hope the government is not proceeding, as I suspect that they have in the past, in a partisan way in refusing to allow private member's bills, introduced by the opposition, to be passed for fear that some member of the opposition may get some form of credit for having a bill passed. I urge the members opposite to consider this in a non-partisan way. It is clearly in the public interest to have this bill passed and I ask them to consider their responsibilities to their constituents. Which of their constituents would object to an increase in the jurisdiction of the Small Claims

Court which would allow those constituents to have a matter decided between the current limit of \$1,000 and the new limit, that I'm proposing, of \$3,000.00? Who would object? Which constituents would object to having an inexpensive, informal court decide a matter where you don't have to hire an expensive lawyer, Mr. Speaker? Which of their constituents would object to this? I don't think there will be any objection.

I think it's something that's urgently required in the administration of justice in Manitoba, Mr. Speaker, and I ask members opposite to deal with this matter in a non-partisan way, because I think it is in the public interest and I think it's something that is required in the administration of justice in the province.

Thank you, Mr. Speaker.

MR. SPEAKER: Are you ready for the question?
The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, I move seconded by the Minister of Government Services, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: Bill No. 25. The Honourable Member for Morris.

BILL 25 - THE LIQUOR CONTROL ACT (2)

MR. C. MANNES presented Bill No. 25, An Act to amend The Liquor Control Act (2) for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Morris.

MR. C. MANNES: Mr. Speaker, I will begin my presentation on second reading of this bill, I suppose, in the same manner in which my colleague just completed his. I would appeal to members opposite to listen to the few remarks that I have to make regarding Bill No. 25 and find it within their hearts to give a non-partisan assessment to this particular bill and pass it accordingly.

Mr. Speaker, Bill 25, An Act to amend The Liquor Control Act (2), is being brought forward by myself at this particular time to help out a small number of small country golf clubs who are not eligible, at this present time, to serve liquor. Because they are not, Mr. Speaker, under specific sections of The Liquor Control Act, which I will spell out in greater detail in a few moments, many volunteer operators of some of the country golf clubs are finding themselves in positions of having to clean up various bottles and cans and the like thrown around golf courses. What the intent of Bill No. 25 is to allow them, under some circumstances, to supply, specifically beer, make available beer at their clubhouse premises.

Mr. Speaker, Section 111, Sub. 4.(d) of the existing Act indicates that unless a club - the whole Section 111 of course refers to club licences, but specifically to that section - indicates that unless a club has permanent local membership of over 100 that, indeed, it does not qualify for a full-time licence. Where we have problems is that in some of the smaller golf courses

throughout the province, sometimes that number is achieved and the next year, for whatever reason, it is not. Therefore, small golf clubs find themselves in positions of not being able to offer alcoholic beverages to, not only members of course, but a large number of non-members who frequent that particular recreational facility.

There's also another problem with the existing Act, Mr. Speaker, that delineates some area of responsibility between the owner and the operator, again of the golf course. I would say that in some rural situations we find, where the municipality or the town owns the property, but that the particular golf course in question is operated by a group of volunteer citizens - people who, of course, contribute their times and energies to the betterment of the community. It's on two scores then that some golf clubs within the province find themselves not being able to qualify under the present act to make available alcoholic beverages to people who frequent the course.

Mr. Speaker, what happens then, in some situations, is that golfers do arrive and knowing that there aren't those beverages at the golf club facility, after their 9 or 18 holes of golf of course, then bring their own beverages with them and then throw them around the course.

What the intent then is of Bill 25 is to allow privately-owned golf courses to, first of all, apply for a liquor licence and to serve alcoholic beverages within their facilities. The attempt by the particular golf course with which I'm concerned, and that's the Morris Golf Club, is not in any way to compete with local hotel establishments. Their intent is not to serve through all hours of the day or night. As a matter of fact, Mr. Speaker, they have told me that their intent is not to sell anything other than beer. They're not interested at all in offering hard liquor.

I think that if anybody understands the nature of rural golf courses they'll realize that there's self-regulation in effect because many people that are volunteer organizers who are responsible for the activities on these courses, of course, also want to see local establishments do well and that's why, I think, that they would be prepared, if regulations were acquired, that they not sell after 8:30, that they would more than gladly accept that type of regulation.

Mr. Speaker, just to sum up my request to the members opposite, is that they give consideration to Bill 25 and that they find it within their hearts to accept it and allow, to those patrons of smaller golf courses in rural Manitoba, the same opportunities to indulge in their own favorite form of beverage after their 9 or 18 hole golf outing, the same as other people within this province. I would hope that members opposite would feel free to support this particular bill.

MR. SPEAKER: Are you ready for the question?
The Honourable Minister for the Environment.

HON. G. LECUYER: Mr. Speaker, I wonder if I could ask a question?

I don't know, I may not have been listening too carefully when the member across was making his comments. I was in at the very beginning and I was in at the end, but I missed some of his presentation toward

the middle. — (Interjection) — Did I hear correctly? It seems to me the way I read the bill it allows for the sale of glass, as well as bottled liquor? On that basis, is the member saying that operators of such golf clubs would not be against regulation which would limit them, for instance, to the sale of beer; or does the passing this particular bill automatically give them the right to sell both and, in that case, does that create additional problems which would put them in conflict in very many instances with local operations in the towns where such clubs are located?

MR. SPEAKER: The Honourable Member for Morris.

MR. C. MANNESS: Well, Mr. Speaker, I'm very thankful to the member for asking that specific question, I didn't make reference to it in my remarks. The intent of the particular golf course that I was dealing with, and their request to bring forward the bill, was to apply specifically for a beer licence. However, in approaching the Liquor Control Commission, the people there told me that, in fact, a club licence - which I believe is more directed towards specifically beer - that form of licensing was being done away with and they were hoping that there would be no more applicants under that specific type of licence. They also indicated to me that it was the intent of the Liquor Control Commission to bring forward some changes in the next couple of years that would do away with that particular licence.

I can tell the member that my original intent was to bring in the bill, making specific reference to that type of licence, not a full liquor licence which would allow the selling of all alcoholic products, but specifically a beer licence. I was dissuaded from doing that by the Liquor Control Commission who said that it would probably be better to go after the liquor licence, but then it was the freedom of the golf course to sell whatever spirits they wished.

So, it's on that basis that I bring forward the bill requesting a liquor licence. Hopefully, that answer addresses the question of the Minister.

MR. SPEAKER: Are you ready for the question?
The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, I move, seconded by the Minister of the Environment, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: On the proposed motion of the Honourable Member for Wolseley, Bill No. 7, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, I wish this bill to stand until Bill 13 is dealt with.

MR. SPEAKER: Stand. On the proposed motion of the Honourable Member for Concordia, Bill No. 17 standing in the name of the Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I would ask leave to have this matter stand.

MR. SPEAKER: Stand.

The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker.

Mr. Speaker, would you please call the Private Members' Resolutions. The one standing in the name of the Member for River Heights, I believe is first.

RESOLUTION NO. 8

MR. SPEAKER: Private Members' Resolutions, Resolution No. 8.

The Honourable Member for River Heights.

MR. W. STEEN: Thank you, Mr. Speaker.

Mr. Speaker, I move, seconded by the Honourable Member for Gladstone

WHEREAS the Province of Manitoba has been honoured by being selected as the site for the Curling Hall of Fame and Museum of Canada; AND WHEREAS a lease has been signed with the City of Winnipeg and under which this facility will occupy two-thirds of the Assiniboine Park Pavilion;

AND WHEREAS the Curling Hall of Fame and Museum of Canada Inc. is currently conducting a national fund raising campaign to raise the \$1.5 million needed for this facility; AND WHEREAS this facility when completed will be a major year-round tourist attraction for Manitoba;

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba, heartily supports the efforts of the Curling Hall of Fame and Museum of Canada Inc. In its endeavours to locate the Hall of Fame in Manitoba and encourages the timely completion of this important project.

MOTION presented.

MR. SPEAKER: The Honourable Member for River Heights.

MR. W. STEEN: Thank you, Mr. Speaker. The purpose of moving such a resolution is really twofold, Sir, is that, as the Minister of Sports some weeks back made the announcement in this Legislative Assembly, that Manitoba over this past winter had accomplished great feats on the curling ice, and that five Manitoba rinks won five national championships this past winter. One of them went on to win a world championship.

The other purpose of bringing the resolution forward, Sir, is that Manitoba was selected more than a decade ago to be the host home province for the Curling Hall of Fame. The Manitoba Curling Association, along with the Canadian Curling Association, has had some growing pains over the past decade in the area of raising money and getting this Curling Hall of Fame and Museum off the ground.

I recall, Mr. Speaker, when I was a City Councillor in the early '70s that the Curling Association spoke to the city at that time. They were looking for perhaps space in the Winnipeg Arena; they also investigated the Winnipeg Convention Centre and, finally, now that

they have made an agreement with the city where they have entered into a 25-year contract or agreement where they will use two-thirds of the Assiniboine Park Pavilion Building. This agreement has a further 25-year extension that can be and will likely be exercised at that future date.

The Halls of Fame that I'm familiar with, Mr. Speaker, the two in Canada, the Football Hall of Fame in Hamilton and the Hockey Hall of Fame in the City of Toronto, have both proven to be excellent tourist attractions for those two particular cities.

In the United States, the Professional Football Hall of Fame in Canton, Ohio is a very large tourist attraction for that particular community; and the Hockey Hall of Fame in the United States which is not far from Winnipeg is across the border in Hibbing, Minnesota, and is an excellent tourist attraction in the iron range area of Minnesota.

I would hope, Sir, that by introducing this resolution you'll note that we want Members of the Legislature to give it its hearty support. In the past the Minister responsible for Lotteries has offered casinos to the curling people who have been able to use these casinos to raise some monies for this proposed Curling Hall of Fame. The reason that they need a \$1.5 million to finish this project is that the particular building in the Assiniboine Park Pavilion is not a winterized building and virtually has to be rebuilt from the inside out. In order to make the building a year-round facility it's going to cost a great number of dollars.

The Curling Association and the Curling Hall of Fame people have now hired themselves an Executive Director who will be organizing a national fund-raising campaign right across Canada to primarily work with people that are curlers and to work with corporate sponsors who have an interest in seeing that the game of curling is furthered.

So, Mr. Speaker, I would hope that, as I have said, that a number of Members of this Legislative Chamber would support this resolution and, as I said earlier, that Manitoba this past year had likely its best year ever on the curling ice. As I said we had the five champions.

I have a list of all the champions that Manitoba has had in the Brier, which is now called the Labatt's Brier; in the Senior Men's Canadian Championship; the National Mixed and the Junior Men's, as well as the Junior Girls' Curling. I don't believe it's necessary, Sir, to read that into the record, but I am sure that more than 50 percent of the Members of this Legislative Chamber have at one time or another tried the game of curling and some members have participated in curling in a competitive way.

I know that we, on this side of the House, are very proud of the fact that the Member for Gladstone's husband is the President of the Manitoba Curling Association this year. I might point out that in the many, many years that the Manitoba Curling Association has been in business, only three persons who resided outside of the City of Winnipeg have ever gone to the top office and been the president of the curling association. I think it's indeed a real honour for anyone to be President of the Manitoba Curling Association and particularly when it's a friend of members of this side of the House.

So, Mr. Speaker, with those few words, I would invite other members of the Legislative Assembly who may

have an interest in this resolution to join in and I hope they will support it. I would very much like to see it passed today because I am quite confident if it isn't it'll likely die on the Order Paper. It's one of those resolutions that I believe should have the endorsement of all members of the Legislative Assembly from both sides of the House.

MR. SPEAKER: The Honourable Minister for the Environment.

HON. G. LECUYER: Thank you, Mr. Speaker. I had no idea I was going to get up and speak on this particular issue today. But seeing that the opportunity is hereby provided, I would like to support this particular . . .

MR. SPEAKER: Order please. The Honourable Member for Niakwa on a point of order.

MR. A. KOVNATS: Should anybody speaking on this particular item have some curling ability or can anybody speak on this item?

MR. SPEAKER: I don't think that is a requirement for making a member's opinion available to other members. The Honourable Minister for the Environment.

HON. G. LECUYER: Even such disparaging remarks, Mr. Speaker, will not make me desist from giving my support to this particular issue.

I will further add for the Member for Niakwa's benefit, that I know that he will not be able to pick up on this challenge at this particular time of the year. But when cold days come around again, I challenge him to an hour or two of exercising in that particular sport. I am by no means an expert at it, but I support it because I feel that indeed not only is Winnipeg I think the capital of the world when it comes to curling, I think Manitoba is the capital province in the field of curling and it's most appropriate that we should have the Curling Hall of Fame here in Manitoba. We had, as the member has just alluded to, this year in Manitoba, some five national championships at the senior men's level, the junior, both men and women, as well as the senior men's level and the women's level. I guess the only area where we missed out in having the national championship is in one particular level.

So I think that this is a further indication that Manitoba, in the past, if we've achieved that kind of result, it's because there is a good participation of all the population across the province. It is a favourite winter sport. It can be practised by people of all ages, and I guess that's one of the reasons that both myself and the Member for Niakwa can support this because there are many other sports - and he less than I - that we cannot participate in at this point in time, not having enough energy left to do so. But I think there should be no one in this House to oppose this particular resolution and I will not speak long on it for the very reason that the member would like to see it passed. I, too, would like to see it passed.

I think the only thing that can come out of it for the Province of Manitoba and the people of Manitoba are benefits all around and I agree with it.

MR. SPEAKER: The Honourable Member for Gladstone.

MRS. C. OLESON: Thank you, Mr. Speaker. It's a great pleasure for me to participate in the debate on this resolution. I wondered, after the Member for River Heights was speaking, if I maybe should declare a conflict of interest in that maybe I shouldn't be speaking on it. However, I think I don't dare go home if I don't speak on it. So, you see, I'm in a little bit of trouble.

In contemplating how I was to approach this subject, I wasn't going to, of course, go into my curling skills which are non-existent, so I decided I would speak of it from a tourist's aspect because I think that a Minister in charge of Tourism would probably be quite aware it is one of the biggest tourist attractions in the province. There are many aspects of the curling scene that takes part in community life, in every community in this province. There are all sorts of activities that revolve around curling and some of the curling clubs even put on summer events to raise money for the winter season, so it contributes a great deal. But from the aspect of tourism, it is one of the major tourist attractions in the province. Thinking only about the playdowns themselves, the provincial playdowns, and the use of hotel accommodations, the use of restaurants and the social events that revolve around this sport alone would cause us to give thought to the tourism part of it.

Then, we have the number of tourist dollars generated when we have a national playdown in this province to be held in Brandon or Winnipeg or wherever. Fans from every corner of Canada and from other countries come to join in the fun and to watch the activity and many of them to take part, depending on what the competition is. Of course, there is the competition itself, and the accommodations and travel and so forth required for the people who are actually competing.

Curling draws vast numbers of fans. I can recall being in the arena this winter in the City of Victoria, and I'm sure between my husband and myself we knew half the people in the arena, and there were thousands of people. It draws fans who travel extensively. That is their winter holiday. I can speak from experience because if I want to travel anywhere with my husband, it has to be somewhere where there is a curling rink. So when we go to any place across the continent, be it winter or summer, we go to see what sort of curling facilities we have. From that point of view, it's not only the participants, but the fans that create the tourist attraction.

One of the major events which affects the accommodation to industry, the hospitality industry, if you will, in this province, is the major bonspiel which is held in Winnipeg every year where over 700 rinks compete in this, the largest bonspiel in the world. I think many of us were disappointed a couple or three years ago when the CBC undertook to do a documentary on the subject of this major bonspiel and did such an - unparliamentary I suppose would be the term that I would apply to it if I said what came to mind. But it wasn't a true representation of what actually goes on. They didn't go into the draw room and see the hours and hours of work and the technicalities that go into the computer system that sets up the draw, the technicalities that go into producing such a major event. Many of us were very disappointed with that. We thought it was a very, very strange view of the whole thing. They took one isolated incident and made a big story of it, which, of course, sometimes happens.

There are major events planned for the future in that the curling association, for their hundredth birthday in 1988, is planning on holding a bonspiel for 1,024 rinks. Now you can imagine the impact that would have on the city when all those people gather from all across this country and usually at that bonspiel there are people from Europe and people from the United States that compete. To put on this major event in its present size, they hire at least 30 people to help run this bonspiel, as well as the regular staff that are employed year round with the Curling Association, so it also employs people. It employs hundreds of volunteers that work throughout the year, and particularly at that time of that large bonspiel, to make this the event that it is.

The Manitoba Curling Association are also planning, and have already bid on, another two major events to the appropriate bodies. They've applied to hold the Brier in 1987, and they've applied to hold the Silver Broom in 1989. Of course, we will all recall the pride that we felt as we attended the Silver Broom in this province when it was held a few years ago, and how we enjoyed the spectacle and the national pride involved with the many countries that come to take part in that event, and how we enjoyed the entertainment that went along with it and the camaraderie between the countries which is typical of that sort of thing. It's also typical at a Brier of the activities, the camaraderie, the friendly rivalry between the provinces that we all enjoy and everyone waves their flag and at the end we're all one happy bunch.

But there are a few other things I could mention. There are so many aspects to this game. I think of some of the friendships that have come to my family, particularly, over the years. I can't think about curling without thinking of Ab Gowanlock who presently lives in Dauphin, who has represented this province and won two different Canadian championships; one in 1938 and one in 1953, so you see they were spread considerably apart and I think this is a great credit to that gentleman. My husband and I had the pleasure of being in Sudbury in the spring of 1983, last spring, and meeting Ab. He had won his first Brier in Sudbury, and he was there to throw the first rock at that event and to mingle with the crowd, because across Canada and across this province, he is known and is in attendance at pretty well every major curling event that's held, offering his sage advice, if anyone asked for his advice, and sometimes smiling rather indulgently at the antics of some of the younger curlers.

Another group that comes to mind, of course, is Lloyd Gunnlaugson and his rink which have, for three successive years, won the Canadian Senior Title which is no small feat.

So just mentioning those two, of course, I don't mean to overlook the accomplishments of many other people in this province, from all parts of the province who, over the years, have excelled at their game, the game that they enjoy and the game that brings them so much reward in the way of friendship and social activity, as well as the fact, of course, we all like winning games.

I think with those few remarks, I will close and urge you all to support this resolution.

MR. SPEAKER: Are you ready for the question?
The Honourable Member for Inkster.

MR. D. SCOTT: Thank you, Mr. Speaker. We will certainly pass this beforehand, but I didn't want to let the Member for Niakwa's comment go by and not have someone from this side who has thrown a few tons of granite down the ice to get up and speak on this resolution as well. So I commend the Member for River Heights for having brought forward this resolution. I feel that the establishment in Manitoba of a Curling Hall of Fame will not only be a tourist attraction, but it will also serve to show Manitobans the proud history that we have, the champions that have come out of this province - Donnie Duguid, the Richardsons, they're legends in the world of curling. Back in the early '60s when I started curling in high school, I mean everything you got one of the Richardson brother's name was on the curling broom or was on the shoes that you got. I certainly couldn't afford shoes, I taped up my Sunday shoes with electrical tape and used that as a slider. But the brooms had their names on it and it's a great legacy that these people have left in the sporting world to Manitoba, and it is the one sport that Manitoba, perennially, still dominates. It's often said that it's tougher to get by the Manitoba playdowns, to get to represent Manitoba than it is to win the Canadian championship.

In the Canadian championship, when you're going for the Labatt's Tankard or when you're going for the Silver Broom, in the ladies curling or the juniors or even the high school curling, once you get into the final championships, there are things, you can have a bad game and you can throw it off, but when you are in Manitoba trying to make it through the playdowns, you have to be on your toes, not for just a week, but you have to be on your toes for the whole season up until the winner is decided.

So we have a legacy in Manitoba which is something that Manitobans themselves can go back and look and bring the fond memories back to them of the games that they have witnessed in the many small rinks throughout the province. It's not just in the big Winnipeg rinks where our victors have come from; quite often they've been small rural rinks, curling on natural ice, going through a curling season that was certainly much more difficult than it is today with temperature controlled rinks. It's quite a different game today, actually, then it was many years ago when they did not have the temperature controls, were using natural ice, and there are still some small communities that are still using natural ice. Myself, I've only curled on it once, especially when it's cold it's one heck of a lot more difficult game to be curling on the natural ice.

In concluding, I'd like to extend my personal congratulations and hearty feelings to the organizing committee for having taken it as far as it has already to the City of Winnipeg, in allocating space in the Assiniboine Park in the pavilion there. I firmly believe that this will be, not only an inspiration for Manitobans, but it shall also be a major tourist attraction for people who are travelling back and forth across this country and coming up from the U.S. to visit our curling mecca, the Hall of Fame here in Winnipeg.

Thank you, Mr. Speaker.

MR. SPEAKER: Is it the pleasure of the House to adopt the motion?

MR. SPEAKER: Is it the pleasure of the House to call it 5:30?

The time being 5:30 and adjournment hour, this House is accordingly adjourned and will stand adjourned until 2:00 p.m. tomorrow. (Thursday)