



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

**DEBATES**  
and  
**PROCEEDINGS**

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**31-32 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
<b>ADAM, Hon. A.R. (Pete)</b>	Ste. Rose	NDP
<b>ANSTETT, Andy</b>	Springfield	NDP
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BANMAN, Robert (Bob)</b>	La Verendrye	PC
<b>BLAKE, David R. (Dave)</b>	Minnedosa	PC
<b>BROWN, Arnold</b>	Rhineland	PC
<b>BUCKLASCHUK, John M.</b>	Gimli	NDP
<b>CARROLL, Q.C., Henry N.</b>	Brandon West	IND
<b>CORRIN, Brian</b>	Ellice	NDP
<b>COWAN, Hon. Jay</b>	Churchill	NDP
<b>DESJARDINS, Hon. Laurent</b>	St. Boniface	NDP
<b>DODICK, Doreen</b>	Riel	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOLIN, Mary Beth</b>	Kildonan	NDP
<b>DOWNEY, James E.</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>ENNS, Harry</b>	Lakeside	PC
<b>EVANS, Hon. Leonard S.</b>	Brandon East	NDP
<b>EYLER, Phil</b>	River East	NDP
<b>FILMON, Gary</b>	Tuxedo	PC
<b>FOX, Peter</b>	Concordia	NDP
<b>GOURLAY, D.M. (Doug)</b>	Swan River	PC
<b>GRAHAM, Harry</b>	Virden	PC
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry M.</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HEMPHILL, Hon. Maureen</b>	Logan	NDP
<b>HYDE, Lloyd</b>	Portage la Prairie	PC
<b>JOHNSTON, J. Frank</b>	Sturgeon Creek	PC
<b>KOSTYRA, Hon. Eugene</b>	Seven Oaks	NDP
<b>KOVNATS, Abe</b>	Niakwa	PC
<b>LECUYER, Gérard</b>	Radisson	NDP
<b>LYON, Q.C., Hon. Sterling</b>	Charleswood	PC
<b>MACKLING, Q.C., Hon. Al</b>	St. James	NDP
<b>MALINOWSKI, Donald M.</b>	St. Johns	NDP
<b>MANNES, Clayton</b>	Morris	PC
<b>McKENZIE, J. Wally</b>	Roblin-Russell	PC
<b>MERCIER, Q.C., G.W.J. (Gerry)</b>	St. Norbert	PC
<b>NORDMAN, Rurik (Ric)</b>	Assiniboia	PC
<b>OLESON, Charlotte</b>	Gladstone	PC
<b>ORCHARD, Donald</b>	Pembina	PC
<b>PAWLEY, Q.C., Hon. Howard R.</b>	Selkirk	NDP
<b>PARASIUK, Hon. Wilson</b>	Transcona	NDP
<b>PENNER, Q.C., Hon. Roland</b>	Fort Rouge	NDP
<b>PHILLIPS, Myrna A.</b>	Wolseley	NDP
<b>PLOHMAN, John</b>	Dauphin	NDP
<b>RANSOM, A. Brian</b>	Turtle Mountain	PC
<b>SANTOS, Conrad</b>	Burrows	NDP
<b>SCHROEDER, Hon. Vic</b>	Rossmere	NDP
<b>SCOTT, Don</b>	Inkster	NDP
<b>SHERMAN, L.R. (Bud)</b>	Fort Garry	PC
<b>SMITH, Hon. Muriel</b>	Osborne	NDP
<b>STEEN, Warren</b>	River Heights	PC
<b>STORIE, Jerry T.</b>	Flin Flon	NDP
<b>URUSKI, Hon. Bill</b>	Interlake	NDP
<b>USKIW, Hon. Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, Hon. D. James</b>	St. Vital	NDP

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 24 February, 1983.

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

**MR. SPEAKER:** The Honourable Member for Burrows.

**MR. C. SANTOS:** Mr. Speaker, I beg to present the Second Report of the Standing Committee of the Rules of the House.

**MR. CLERK, W. Remnant:** The committee met on Monday, February 7, 1983 in Room 255 to consider matters referred.

Your Committee recommended, on a trial basis, that the provision of interpretation facilities be made available to Members at any time upon reasonable notice in writing being given to the Speaker. The matter of the installation of interpretation facilities in the press gallery, public gallery and loges was referred to the Board of Internal Economy for further consideration.

Your Committee agreed that the Legislative Assembly should arrange for the English translation of Members' speeches made in French for Hansard purposes. It was also agreed that whenever possible the French and English texts should appear in the same issue of Hansard; if not, in a subsequent issue.

Your Committee also examined the current Hansard Interjection Policy whereby an interjection is only put into the text if the speaker, who has been interrupted, replies to it. Otherwise, it is indicated in the text only as "(interjection)". Your Committee recommends two additions to the current Hansard Interjection Policy. First, that Hansard staff be instructed to include all audible, identifiable and significant interjections relevant to debate. Second, that in the case of general verbal confusion the words "Some Honourable Members: Oh, oh]" should appear in the transcript.

Your Committee recommended that Rule 35(5) be amended by striking out the words "by such members of the House as are of the Executive Council" and substituting therefor "by the First Minister or some other member of the Executive Council on his/her behalf".

The Clerk of the House was authorized to proceed with the printing and supplying of the new Rules Book format to all Members of the House. However, the Committee agreed that the book should remain blue in colour and that efforts should be made to improve on the quality of print and paper.

Your Committee also noted that in accordance with Rule 71(1) the Standing Committee on Statutory Regulations and Orders should undertake an examination of all Regulations still in effect since the last review held by the Committee on May 30, 1972.

On the subject of the incorporation of the Youth Parliament, it was agreed that the Rules Committee was not the proper vehicle to deal with this question. Subsequently, MR. GRAHAM agreed to assist the organization if possible.

Your Committee deferred further consideration of the following until a later date:

- a) the question of translation of the Journals;
- b) proposed changes to the Rules regarding Private Bills and consequential changes to the "Petitions" and "Proceedings on Bills" chapters;
- c) the subject matter of Bill 30.

The matter of a review of Speakers' Rulings was taken under advisement by the Chairman who agreed to report back at the next meeting of the Committee. The Committee agreed that the review would begin at the next meeting of the Committee should the Chairman determine that such a review was properly within the Powers of the Committee.

All of which is respectfully submitted.

**MR. SPEAKER:** The Honourable Member for Burrows.

**MR. C. SANTOS:** Mr. Speaker, I move, seconded by the Honourable Member for Inkster, that the report of the committee be received.

**MOTION presented and carried.**

### MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**MR. SPEAKER:** The Honourable Minister of Highways.

**HON. S. USKIW:** Mr. Speaker, it is my pleasure to table the Annual Report of the Department of Highways and Transportation.

**MR. SPEAKER:** The Honourable Minister of Cultural Affairs.

**HON. E. KOSTYRA:** Thank you, Mr. Speaker. It is my pleasure to table the 13th Annual Report of the Manitoba Arts Council.

**MR. SPEAKER:** The Honourable Minister of Government Services.

**HON. J. PLOHMAN:** Mr. Speaker, I wish to table the report of the Department of Government Services for 1981-82, and this includes the Annual Report of the Land Value Appraisal Commission and the Queen's Printer.

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** Mr. Speaker, I beg leave to file with the House the returns under the Controverted Election Act for the period January 1st, 1982 to December 31st,

1982 from the Court of Appeal and from the Court of Queen's Bench.

### INTRODUCTION OF CLERK

**MR. SPEAKER:** Before we reach Oral Questions, may I take this opportunity to introduce to the members the Clerk of the Legislature. Mr. Remnant commenced his duties at the beginning of the year and today takes his place at the table.

On behalf of all of the members, I welcome you to the Chamber.

### INTRODUCTION OF GUESTS

**MR. SPEAKER:** I further direct the attention of honourable members to the gallery where we have 60 students of Grade 9 standing from the Arthur A. Leach School under the direction of Ms. Manby. This school is in the constituency of the Honourable Member for Fort Garry.

There are also 16 students of Grade 6 standing from the Marion Elementary School under the direction of Ms. Lorraine Boisvert. This school is in the constituency of the Honourable Minister of Health and Recreation.

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

### ORAL QUESTIONS

**MR. SPEAKER:** The Honourable Leader of the Opposition.

#### Health Sciences Centre workers' strike

**HON. S. LYON:** Mr. Speaker, I have a question for the First Minister. The question, Sir, is how long does this government intend to permit the health care of sick people in Manitoba to be overridden by the unrealistic job action and strike being carried on at Manitoba's largest health care centre in the City of Winnipeg by the striking union?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, the position that this government is taking is the same position that the government led by the Leader of the Opposition took during the CUPE strike of 1980-81, I believe it was, in that we would permit the collective bargaining process to take place.

**HON. S. LYON:** Well, Mr. Speaker, does the First Minister subscribe to the proposition which was subscribed to by the previous government, that the right of Manitobans to receive needed health care takes precedence over the right to strike?

**HON. H. PAWLEY:** Mr. Speaker, the position that the government of the Province of Manitoba is taking during this particular strike is the same position that was taken during the period 1980-81 during a very prolonged hospital strike that took place in the City of Winnipeg at that particular time.

**HON. S. LYON:** Well then, Mr. Speaker, can we take it that the present government does subscribe, as indeed our government subscribed, to the proposition that I have just named, namely, that the right of Manitobans to receive needed health care takes precedence over the right to strike, will the First Minister forthrightly stand in his place and give that assurance to the people of Manitoba today?

**HON. H. PAWLEY:** Mr. Speaker, as I recall the position which was taken in 1980-81, which is the position that's being taken presently, is that the collective bargaining process ought to take its place, that that process would take its place until such time as there indeed was any danger to life or to limb; that is the position of the government of the Province of Manitoba as indeed has been the position taken by all previous administrations, to my knowledge, in the Province of Manitoba.

Mr. Speaker, just by way of addendum, I do believe that the strike involving the Health Sciences Centre could best be resolved by both parties returning to the bargaining table and resolving this matter in a satisfactory way.

**HON. S. LYON:** Well, Mr. Speaker, because we are unable to get the First Minister to make a forthright statement of principle, which would help to ensure that that kind of collective bargaining is carried on with the public interest in mind rather than the narrow interests of one union, will the First Minister then indicate to this House and to the people of Manitoba - going back to my first question - how long are he and his government prepared to have this deleterious reduction of health services to the people of Manitoba continue? How long are they prepared to allow this union to do things that are contrary to the health of the people of Manitoba?

**HON. H. PAWLEY:** Mr. Speaker, the Minister of Health is monitoring the situation pertaining to the strike on a daily basis, pertaining to the health, pertaining to issues of potential threats to life and to limb, that is the paramount concern of this administration in regard to the withdrawal of services in health institutions.

Mr. Speaker, it is rather interesting to note the comments by the Leader of the Opposition at this particular point in contrast to the position that he appeared not to have taken back in 1980-81, if indeed he's suggesting a change in course, when the strike continued for I believe it was weeks and weeks in the health care institutions in the Province of Manitoba.

**HON. S. LYON:** Well, Mr. Speaker, given the fact that in 1980-81 we had a government in this province that was prepared to give leadership to the people, and given the fact that that situation does not exist today, will the First Minister give some indication in his yearning for collective bargaining to resume, would he give some indication of the kind of leadership that he and his government are prepared to give to the people of Manitoba, to the public sector and the private sector, with respect to guidelines for settlements of disputes of this size; will the First Minister forthrightly stand up in this House and tell the public sector bargaining groups in Manitoba, management and labour, that his

government subscribes to 6 and 5, 4 and 3 or whatever it is, will he give some leadership to the people of Manitoba in collective bargaining?

**HON. H. PAWLEY:** Mr. Speaker, if the Leader of the Opposition would have followed closely rather than being misled by some of the statements made by some of his own colleagues in the front bench these last few days, he would have noted the kind of leadership that was provided by way of the reopening of the agreement pertaining to the Manitoba Government Employees Association in the Province of Manitoba which provides, Mr. Speaker, to Manitobans through the Government of the Province of Manitoba, some \$10 million to \$11 million made available voluntarily by way of reopening of agreement between the Manitoba Government Employees Association and the Government of the Province of Manitoba.

Mr. Speaker, if the Leader of the Opposition would remain patient the Minister of Finance will be providing an overall statement regarding the kind of issues pertaining to incomes, income thrusts, income directions, that ought to be followed in respect to all Manitobans over the course of the next year.

**HON. S. LYON:** Well, Mr. Speaker, it's all well and good for the First Minister and myself and the rest of us who are here thank God in good health, to remain patient but I'm afraid that his words give cold comfort to the sick people of Manitoba who are waiting for his government to act on their behalf. Can he tell us, Mr. Speaker, in his extended response to my question about leadership for the public-sector bargaining that is going on, whether he truly believes, as he just this moment left us to believe, that the Government of Manitoba settling over a 30-month period for a 27 percent increase in pay for the Civil Service of Manitoba with no reduction in staff, no cutbacks in staff, giving away thereby, Mr. Speaker, their right to manage properly the affairs of this province, does he suggest, Mr. Speaker, that that is leadership that the people of Manitoba are looking for, 27 percent pay increase over 30 months?

**HON. H. PAWLEY:** Mr. Speaker, since the Leader of the Opposition was given the opportunity to deliver a speech during question period, I intend to do likewise. Mr. Speaker, in reference to the representations that have been made by members across the way we have been subjected to some of the grossest misrepresentations that have been made in years in the Province of Manitoba.

Mr. Speaker, this last Saturday evening the Member for Rhineland, engaging in an interview on Provincial Affairs CBC, asked the former Minister of Health the following question and I would ask members to listen closely to the question involved. "Just recently the Manitoba Government reached a wage settlement with the Manitoba Government Employees Association. I understand that the Manitoba Government employees will receive about a 27 percent increase over the next 30 months. Now, this settlement must have serious ramifications on other employees in Manitoba." The former Minister of Health, not racing forward to correct the Member for Rhineland on his statistics and on the

representation that he made on public TV, responds, "Oh well, of course it does. One wishes the members of the Manitoba Government Employees Association all the best and certainly their leadership has done a job for them but the Provincial Government has surrendered in this instance in a way that will have a devastating effect on other Manitobans in the private sector."

Mr. Speaker, the applause indicates that honourable members across the way still have failed, either negligently or by deliberate omission to read the contents of the Manitoba Government Employees Association Agreement.

"The individual homeowner, the individual taxpayer, the municipalities, are trying to bring their budgets into line with the national economic recovery drive; the provincial public employer, the hospitals and schoolboards and all the public institutions who have been instructed by the government to operate on budgetary increases of 7 to 7.5. The whole effect on the morale of Manitobans who are trying to participate in the national economic recovery drive will be just devastating with that kind of surrender by the Provincial Government. They've just given the ball game away."

Mr. Speaker, that was gross misrepresentation and if I was not to be called to order for misuse of parliamentary language I would make some other reference to the statements that were delivered on the public TV by the Member for Rhineland and by the former Minister of Health and Social Development.

Mr. Speaker, the agreement does not relate to the next 30 months. It relates to the period April 1 for an 18-month period. It relates to a reduction in cost, Mr. Speaker, from 10.3 to 7.7 over the fiscal year 1982-83. Mr. Speaker, I deliver these facts to the Leader of the Opposition because apparently he has been misled by misrepresentations by the former Minister of Health, I think innocently by the Member for Rhineland and, unfortunately, Mr. Speaker, by some of the grossest misrepresentations that were made during the course of the week by the former Minister of Finance in the Province of Manitoba.

**HON. S. LYON:** Mr. Speaker, in view of the fact that you sat silent during that manifestly out-of-order breach by the First Minister, I claim the same privilege. Mr. Speaker, is the First Minister trying to tell the people of Manitoba that the outlandish settlement which has just been, I think, very cleverly negotiated by the President of the Manitoba Government Employees Association, who deserves credit for giving leadership on behalf of a small group of Manitobans whom he represents, why, Mr. Speaker, did the First Minister of this Province not show similar leadership on behalf of the other million people in Manitoba and bring into this Legislature an agreement on pay increases in the public sector that accurately reflects the economic condition in which Manitobans find themselves, which has been, to a large measure, contributed to by the negligence, the incompetence of the government which he laughingly heads?

**HON. H. PAWLEY:** Mr. Speaker, I will respond very slowly in order to attempt to ensure that members across the way, when they set aside some of their

emotional rhetoric, understand the basic facts involving the agreement with the Manitoba Government Employees Association.

No. 1, Mr. Speaker, the agreement was voluntarily arrived at, unlike threats and intimidation that is taking place in some jurisdictions in Canada; unlike imposed legislation that has been introduced in some other provinces of Canada; unlike the kind of social confrontation, Mr. Speaker, that has taken place in Quebec that will leave deep scars for many many years to come.

No. 2, Mr. Speaker, the agreement frees up some \$10 million to \$11 million for job creation efforts in the Province of Manitoba that would not otherwise have been available in Manitoba. It frees up, again I repeat for honourable members across the way, \$10 million to \$11 million, fiscal year 1982-83, monies that can be expended for job creation effort.

No. 3, Mr. Speaker, and I read this very slowly so it can indeed - I don't want to be unkind to the Leader of the Opposition - so it can register upon the Leader of the Opposition.

**HON. H. PAWLEY:** It reduces the payroll cost from 10.3 percent in fiscal 1983-84, to 7.7 percent. From 11.95 to 8.8, an annual average payroll cost of 5.9 over the 18-month life of the revised agreement, March 19, 1983 to September 28, 1984.

I'm going to take this opportunity to repeat that statement again because there appears to have been some confusion across the way, and I want to assume, Mr. Speaker, that it was because of some early utterances by some members across the way before they had an opportunity to properly peruse the agreement. I repeat, it reduces the payroll cost from 10.3 percent in fiscal 1983-84, to 7.7 percent cost, and from 11.95 percent to 8.8 percent, an average payroll cost of 5.9 percent over the 18-month life of the revised agreement March 19, 1983 to September 28, 1984.

Most important, Mr. Speaker, the agreement gives greater relative benefits to lower paid employees than those in higher incomes. Mr. Speaker, members across the way and the Liberal Government in Ottawa would have us impose a 6 and 5 kind of formula that would benefit those most that are earning \$75,000 to \$100,000 in our society and would weigh a disproportionate burden upon those in the lower income groups in the Province of Manitoba. This government will not pursue that course of action.

**MR. SPEAKER:** Order please, order please. I note that on Page 132 of Beausnesne under Citation 359(2), it says that the question must be brief, a preamble need not exceed one carefully drawn sentence, a long preamble on a long question takes an unfair share of time and provokes the same sort of reply. A supplementary question should need no preamble.

If the House wishes to have its Rules interpreted in a different manner, I would hope that they would make that quite clear so that I can co-operate with them in doing that.

The Honourable Leader of the Opposition.

**HON. S. LYON:** Mr. Speaker, I'm not in any way reflecting upon what you've read from Beausnesne but

I know from having read that citation over the last 20-odd years that the same restrictions apply to answers, Sir, and if the House is dealt with in a fair way there's no need to read the citation that you've just read to the House.

Now, Mr. Speaker, a question to the First Minister arising from the rather fatuous argument that he's been putting to the people of Manitoba whilst on TV here this afternoon when he thinks he can get away with it. Is it not a fact, Sir, that in the Manitoba Government Employees Association news release of February 15 which described this settlement to the people of Manitoba and to its membership and to us, and perhaps as we now come to understand it, perhaps describe for the first time to the First Minister what he and his Ministers negotiated, is it not a fact, Mr. Speaker, that in comparing the contract comparison on the final page of this news release put out by the MGEA - and I take it they know what they negotiated even if the government didn't - that it showed two columns - the existing agreement with a number of headings and dates on it and the proposed agreement. At the bottom, just for the sake of brevity, Mr. Speaker, is it not a fact - I ask the First Minister this question to see if he can throw some of his illumination upon this topic, either that or say Mr. Doer was misleading the people of Manitoba - for the existing contract 24 months, it's described as being a 24.6 percent compounded contract? The proposed contract, the one that was signed by this First Minister and his government, 30 months, 27.5 percent compounded; no layoff; no wage control.

Now, Mr. Speaker, was the head, the President of the Manitoba Government Employees Association, misleading his membership and the people of Manitoba when he put out that news release, or is the First Minister trying to shade it with half-truths today, which has become a habit of this government?

**HON. H. PAWLEY:** Mr. Speaker, if the Leader of the Opposition would calm down for a moment and reflect a little closely on the figures - I regret that he hasn't done his own calculating . . .

**HON. R. PENNER:** He can't.

**HON. H. PAWLEY:** . . . because if he had done his own calculating he might have arrived at the same conclusion that the Manitoba Association of School Trustees arrived at. Mr. Speaker, it was only a few days ago I received a communication from the Manitoba Association of School Trustees commending the Government of the Province of Manitoba for having obtained a 7.8 percent cost in respect to 1982-83 salaries in the Province of Manitoba Government Employees Association Government Agreement, 1983-84. Mr. Speaker, if an independent group outside of this particular body, such as the School Trustees Association, can arrive at that kind of calculation - we arrived at 7.7 rather than 7.8 percent - I think the Leader of the Opposition could do likewise.

**HON. S. LYON:** Well then, Mr. Speaker, if my honourable friend wishes to continue in his apparent attempt to mislead the people of Manitoba, will he tell this House

and the people of Manitoba, whether Mr. Doer, the President of the Manitoba Government Employees Association, was stating the truth or otherwise when he said, on the 15th of February in the MGEA press release, the following: "(a) extend the existing 13 percent wage increase from March 19, 1982 to June 18, 1983; (b) effective June 18, 1983, the negotiated increase of 10.3 percent would be implemented (12 months); (c) effective June 23, 1984 to September 28, 1984, three months, an additional increase of 1.5 percent in straight dollars would be added (\$370.00 per annum)."

Then it goes on to describe the wage controls and the long-term disability plan. Mr. Speaker, it goes on at the end to describe the total increase over 30 months as 27.5 percent. Will the First Minister say that the President of the Manitoba Government Employees Association was misleading his people and the people of Manitoba when he said that?

**MR. SPEAKER:** The Honourable Government House Leader on a point of order.

**HON. R. PENNER:** Mr. Speaker, it is well known and it's cited in Beausheue that it is out of order to ask a question of any member of the Treasury Bench to comment on a statement made by some other outside of the House and it's well known that the Leader of the Opposition is incapable of the most elementary arithmetic but there are others - the Member for St. Norbert, who can get out a slide rule - and if you delayed a contract three months out of 12 then you just take 25 percent of the amount, 25 percent from 10.2 reduces it to 7.7. Just get out your pencil, it's sticking in your ear.

**MR. SPEAKER:** Order please. The Honourable Member for Virden.

**MR. H. GRAHAM:** On a point of privilege. I believe the Honourable Attorney-General was abusing the Rules of this House by rising on a point of order to debate an issue that was on the floor and I suggest, Mr. Speaker, that he be chastised for abusing the Rules.

**MR. SPEAKER:** The honourable member to the same point of order. Does the Honourable Government House Leader have the appropriate citation that he wished to quote?

**HON. R. PENNER:** No, I don't have it with me, Mr. Speaker, it was contained in the list that you sent around.

Mr. Speaker, you've asked me a question, may I reply? The citation from Beausheue was contained in the list which you, yourself as Speaker, distributed to members of the House during the last Session.

**MR. SPEAKER:** Would the Clerk approach the chair, please?

Order please, I believe the citation that the Attorney-General referred to was Citation 359(6), "A question must be within the administrative competence of the government." That would seem to be the point that was being made. I would ask the members to bear that in mind when asking further questions.

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**HON. S. LYON:** Well, Mr. Speaker, I'm continuing on the premise that a 27.5 percent settlement made by the Government of Manitoba to its employees is, even though it's beyond the understanding of the Attorney-General, within the administrative competence of the government, wouldn't you say, Sir?

Will the First Minister tell us then if the press release put out by the Manitoba Government Employees Association was a lie?

**HON. H. PAWLEY:** Mr. Speaker, we are dealing with our particular analysis; I've outlined that to the House; I'm prepared to re-read the calculations. I know the Leader of the Opposition doesn't appreciate those calculations. I would like to just mention, Mr. Speaker, that the Winnipeg Chamber of Commerce recognizes this as a good deal and have said so publicly. Yes, and the Manitoba Association of School Trustees arrived at a calculation which was 1/10th of 1 percent different from our own for the fiscal year 1983-84. Now, maybe the Leader of the Opposition would like to check out the calculations himself without trying to raise some side issue or some red herring or blue herring in this Legislature pertaining to the MGEA and materials they distributed to their membership.

**HON. S. LYON:** Mr. Speaker, the record will speak for itself and so will Mr. Doer and when Mr. Doer speaks for himself I daresay that the phony smile of the First Minister will be wiped from his face. Will the First Minister give us an assurance, then, Mr. Speaker, given his rather pratfall attempts at evasion today, that the kind of shaded figures that he has tried to use this afternoon will not be replete in the Budget that his Minister is delivering tonight?

**HON. H. PAWLEY:** I rely upon you to advise whether or not such a question as that, that has absolutely no - how shall I put it? - intelligible meaning, is within the Rules of this Legislature?

### Northern Union Insurance Company

**MR. SPEAKER:** The Honourable Member for Tuxedo.

**MR. G. FILMON:** Thank you, Mr. Speaker, my question is for the Honourable Minister of Consumer and Corporate Affairs. Could the Minister confirm that, as a result of his actions in canceling the license of the Northern Union Insurance Company, all policyholders who are insured with that particular company no longer have any insurance coverage?

**MR. SPEAKER:** The Honourable Minister of Consumer and Corporate Affairs.

**HON. J. BUCKLASCHUK:** Mr. Speaker, with respect to the Northern Union matter. When the license for Northern Union to operate was canceled that did not mean that the policyholders did not have coverage. That coverage is being maintained to the best of the ability of the provisional liquidator and will continue

until such time as policyholders have been notified of a termination date.

**MR. G. FILMON:** Mr. Speaker, has the Minister indicated that the people who have policies under Northern Union despite the cancellation of the license are still covered? Is that what he has said?

**HON. J. BUCKLASCHUK:** Yes, Mr. Speaker, that is precisely what I said that the coverage is still there. The problem is that, depending on the extent of the assets within Northern Union, the portion of the claims that may be payable may be somewhat less than what would have been anticipated.

**MR. G. FILMON:** Thank you, Mr. Speaker, then can the Minister ensure all those that have policies that their claims will be paid, should they have any claims?

**HON. J. BUCKLASCHUK:** Thank you, Mr. Speaker. I cannot give you that assurance as we do not know at this time what the assets of Northern Union are. What I have done immediately upon the cancellation of the license was to advise policyholders to replace their policies with policies from other companies.

**MR. G. FILMON:** Mr. Speaker, may I ask the same Minister, for what length of time was he considering canceling the license of Northern Union Insurance Company?

**HON. J. BUCKLASCHUK:** The report was received by me on January 7th; we acted as expeditiously as we could. The hearing to deal with the matter was held on February 7th and 8th. The decision to impose a provisional liquidator, a supervisor, was made on the 8th. I believe the following day we canceled the license for Northern Union.

**MR. G. FILMON:** Mr. Speaker, if the Minister was considering this action from a full month prior to taking the action, why did he not take some firm step to ensure that some temporary umbrella coverage was there and available for those people so that he didn't leave people in the situation they now find themselves of possibly being uninsured despite having a policy?

**MR. SPEAKER:** The Honourable Minister of Consumer and Corporate Affairs.

**HON. J. BUCKLASCHUK:** Apparently the member doesn't quite understand what a show-cause hearing is all about. The purpose of the hearing was to have the principals of Northern Union and their legal counsel to answer the concerns that we had. On a basis of those hearings, we then took the action that we did.

**MR. SPEAKER:** The Honourable Member for Tuxedo.

**MR. G. FILMON:** I understand the due process. Mr. Speaker, that due process gave the Minister an opportunity to consider the consequences of his cancellation of the insurance. The consequences were that those people are not now insured if I understand what he said and he has taken no steps whatsoever

to see that they have coverage. So I ask him, why did he not take some steps prior to canceling the licence?

**HON. J. BUCKLASCHUK:** I think the member misunderstood what I said. I had indicated that the coverage is still there to this date and whatever actions we have taken has been in the interests of the consumers. Until such time as the company is completely liquidated, the claims will be honoured. I cannot give you any idea at this time as to the percentage, but the claims will be honoured.

### Grazing lease fees

**MR. SPEAKER:** The Honourable Member for Arthur.

**MR. J. DOWNEY:** Mr. Speaker, a question to the Minister of Agriculture. In view of the fact that after several months of pressure from the Opposition, the Minister finally moved to spend some money to support the beef industry in the province.

**SOME HONOURABLE MEMBERS:** Oh, oh]

**MR. SPEAKER:** Order please.

**MR. J. DOWNEY:** Mr. Speaker, in view of the fact that there are several hundreds of producers meeting tonight in Eddystone, Manitoba to protest a proposed grazing lease increase of many many percent, somewhere from 30 to 100 percent, on those same kinds of beef producers that he is proposing to help, can the Minister tell us in this House and the beef industry of Manitoba, what will his response be to those beef producers, through him or his department?

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**HON. B. URUSKI:** With respect to the matter of grazing lease fees, Mr. Speaker, the formula that has been in place for a number of years has not been altered, although for a few years the formula was not put into place, and an increase went in along with a program for long-term stability to the beef industry such as has never been envisaged in the Province of Manitoba and has been accepted by over 6,000 producers in this province. While the increase, Mr. Speaker, in some areas appears to be fairly substantial nevertheless the increase in fees in terms of Crown lands do not virtually come close to covering the cost of administering the Crown lands of this province, and these lease fees that are being charged are far less than the cost that producers would have to pay, whether it be on private land or on community pastures in which they would have to put their cattle.

**MR. SPEAKER:** The Honourable Member for Arthur.

**MR. J. DOWNEY:** In view of the fact that the beef producers are not going to get the assurance, Mr. Speaker, that the increases are not going to be curtailed by this particular Minister, will he then adjust the cost of production formula under the Beef Program so to take account of the massive increases in Crown leases?



**HON. B. URUSKI:** Mr. Speaker, when we discuss our Estimates we will discuss the extent of the increases that have been put into place. I am certainly always prepared to hear the views of producers around this province but specifically, Mr. Speaker, the increases in terms of the rates being charged on Crown land leases on a per cow carrying basis are approximately one-half or thereabouts of the rates being charged at community pastures and would be in that proportion as well as rates that would be charged on lands that do not belong to the Crown.

**MR. J. DOWNEY:** A final question, Mr. Speaker. In other words the Minister is telling us that he is not going to reconsider his decision to increase those large increases in Crown leases and that in fact he will be increasing them to the cattle producers, taking no account of the returns that they are getting for those cattle?

**HON. B. URUSKI:** Mr. Speaker, it appears that the Honourable Member for Arthur does not want to acknowledge or is not prepared to acknowledge that we have put into place a long-term stability into the beef industry as such, that was demanded of him and was refused by their administration when they were in office. This stability takes into account the cost of production of producers and of course with the stability and the end price to producers, costs of this nature should be able to be borne.

### Logging trucks - safety

**MR. SPEAKER:** The Honourable Member for Thompson.

**MR. S. ASHTON:** Thank you, Mr. Speaker. I have a question for the Minister of Highways and Transportation relating to safety of logging trucks.

I have received a number of reports from constituents of mine of problems related to the fact that logs have been falling off improperly fastened loads of logs being transported on Highway 391 between Ponton and The Pas.

I understand that this has been a problem for some time in Ontario. A recent news report indicated that there have been at least six deaths in the last few years related directly to this problem of improperly fastened log loads.

I was wondering, and in view of the fact that Ontario is reviewing this matter, whether the Minister of Highways and Transportation could indicate if Manitoba perhaps might either participate in that study or conduct a separate study since there appears to be very few other ways of preventing a major incident occurring in this area.

**MR. SPEAKER:** The Honourable Minister of Highways.

**HON. S. USKIW:** Mr. Speaker, the member certainly has a valid point and that is, if there are deaths occurring as a result of the malfunction of public vehicles on the highway system, that indeed it ought to be looked into. It has not been brought to my attention that there is anything lacking with respect to regulations that apply

to those vehicles but certainly I will take that matter under advisement.

**MR. S. ASHTON:** As a supplementary, Mr. Speaker, I would indicate that there is a provision of the law which indicate those loads have to be fastened safely. The problem in this case is that the RCMP obviously can't patrol an area approaching 100 miles of road and perhaps some preventative measure is needed.

### Dominion store employees

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

**MR. G. MERCIER:** Mr. Speaker, my question is to the Minister of Labour. I wonder if she could advise this House whether she has received any notification from Dominion stores that more than 100 employees are likely to lose their jobs as a result of the closing of four stores in the City of Winnipeg some time this year and if she has, could she provide the House with any further information?

**MR. SPEAKER:** The Honourable Minister of Labour.

**HON. M. DOLIN:** Mr. Speaker, I have not received such notification, although it is my understanding that Dominion stores' management has been aware of the situation for some time. We have received no official notification as of today.

**MR. G. MERCIER:** Mr. Speaker, in view of the fact that unemployment has grown dramatically since this government assumed office in November of 1981 and there are now approximately 30,000 more unemployed persons in Manitoba, does the Minister intend to take any action to help these employees find new jobs?

**MR. SPEAKER:** The Honourable Minister of Labour.

**HON. M. DOLIN:** Mr. Speaker, in any of these cases, any and all of these cases, our main concern is of course the employment of those people who are put out of work by plant closures. We are concerned on two levels; one is with the plant closures and the way in which these plants are closed without regard, in many cases, to the employees who will be losing their jobs and we do operate of course directly with the employees to help them, to find new jobs, to work with companies, with unions, with associations, with departments, staff of the economic development and of my own department working together in task forces, in groups, to assist in this situation.

**MR. G. MERCIER:** Mr. Speaker, I wonder if the Minister of Labour could confirm or reject the accuracy of the reports that the employees were offered by the company, that their jobs could be continued if they would accept a \$2.00 per hour reduction.

**HON. M. DOLIN:** No, Mr. Speaker, I do not have information on that.

**MR. SPEAKER:** Order please. The time for Oral Questions having expired, Orders of the Day.

## ORDERS OF THE DAY

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. R. PENNER:** Thank you, Mr. Speaker. Would you please call the Adjourned Debates on Second Readings of the following bills in the order in which I propose, 6, 7, 8, 9, 10, 11, 13 and 17.

### ADJOURNED DEBATE ON SECOND READING

#### BILL NO. 6 — THE PESTICIDES AND FERTILIZER CONTROL ACT

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Agriculture, Bill No. 6, standing in the name of the Honourable Member for Arthur.

**MR. J. DOWNEY:** Mr. Speaker, this bill stands in my name. I would like it standing in my name but however if anyone else wishes to speak I would invite them to do so, Mr. Speaker, if that's okay with the House.

**HON. R. PENNER:** Agreed, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Speaker. I want to address a few remarks to the Minister of Agriculture who has introduced this bill in the House and I suppose one should take a look at how bills are traditionally presented in the House and how bills originate and become part of the legislative proposals, by government.

Normally bills, as I understand the process, must receive the scrutiny of the Cabinet and eventually the caucus of the government before they come to the House as part of their legislative proposal for the year and I would like to pose a question to the collective backbench of the New Democratic Party right now, as to whether they received as justification for this Bill No. 6 the same kind of very minute explanation that the Minister gave when he introduced it in Second Reading, that it was primarily housekeeping amendments. I would like members of the backbench eventually in this debate on this bill to stand up and indicate the feelings they had on the Minister's recommendation for the needs for these amendments.

I'd like to hear particularly from the Member for The Pas who has a fairly active farming community in his constituency. I'd like to hear from the Member for Gimli, the Minister of pulling licenses from insurance companies - I forget his formal title - I'd like to hear his comments when he comes from a farming community, and the Member for Springfield. I'd even like to hear from the Member for Dauphin to see just how the Minister of Agriculture introduced this bill to Cabinet and caucus, because the Minister of Agriculture in saying that these were housekeeping amendments holds some of the very same questionable tactics in introducing a bill as he did with The Farmlands Protection Act just in December. He presented at best

weak information and at worst I suggest, Mr. Speaker, some blatant half-truths about the intent of Bill No. 6

Now, Mr. Speaker, this bill introduced by the Minister of Agriculture is essentially housekeeping amendments, and I quote his words on December 16th I believe, when he introduced this bill for Second Reading: "Yet this Bill No. 6, Mr. Speaker, with one page and four small amendments can drastically change the way the farming community can operate in the Province of Manitoba." "Drastically change", Mr. Speaker, and that is the kind of misleading opening remarks that the Minister of Agriculture has given us in introducing this bill in the mini-Session before Christmas and, Mr. Speaker, I'm interested in hearing from the Member for The Pas who is groaning in the back row. I'd like to hear his comments about this kind of a bill.

The first basic principle in this bill, Mr. Speaker, is to change the definition of a commercial applicator and the change is a rather subtle one, and I'd like to hear from the Member for Springfield if he realized what the intent of it was and what it would do. The Minister of Agriculture has removed in the definition any requirement of a certain amount of time being dedicated for the use of that particular application equipment to commercial application, application for which one can receive payment or other valuable consideration, he's removed that from the act, Mr. Speaker.

I want to just briefly explain some of the very common relationships that occur in the farming community. One I will describe that I do myself. I have a standing arrangement with my neighbour. When I finish spraying a given herbicide and my sprayer tank is half-full and I have no more need for the balance of that spray, rather than dump it on the ground or waste it, I have a standing arrangement with my neighbour whereby I will spray it out on his crop, in return for which he will do the same for me at some point in time or else we settle off the difference at the end of the year and pay each other for the chemicals that we've used. In that particular arrangement, Mr. Speaker, I turn into a commercial applicator of herbicides and pesticides in the Province of Manitoba. I fall under the control of this act. I must take out a license. I must go to a school and, Mr. Speaker, I must provide proof to the Minister of Agriculture that I have at least a \$250,000 property damage and public liability insurance or bonding. That is what this amendment will do to the farming community. It will disrupt normal operational practices that are existing and neighbourly in the Province of Manitoba. It will control the farm economy and the farmers in this province more and more by this socialist government under the misguided leadership of the Minister of Agriculture. That's what the first premise of this bill is going to do. The majority of farmers in Manitoba will now become commercial applicators subject to The Pesticides and Fertilizer Control Act and its regulations, and the regulations, Mr. Speaker, are indeed interesting to put all farmers in Manitoba, who have a similar arrangement to mine, under.

I will have to become, if I'm going to undertake that spraying on a part-time basis for my neighbour, I will have to get a Class II license as a commercial applicator of pesticides in the Province of Manitoba. Every time I spray on my neighbour's or anybody's ground, I have to fill out a 15-question questionnaire and turn it in to the Minister of Agriculture. I have to provide him with

proof of a \$250,000 public liability and property damage insurance policy before I can do that. Now let's carry this to the interesting conclusion which is here in this bill with these amendments.

If I refer the Minister to some of his regulations, a custom applicator which I now become, I have to list the equipment that I'm going to use. Part of that equipment is hand-carried, nonmotorized equipment. Well, Mr. Speaker, in layman's terms, that's a backpack sprayer that I used to spray dandelions on my lawn. Now, my father lives in the Town of Miami and in return for babysitting my children, he'll say to me, well, someday come in with a backpack sprayer and spray the dandelions out of my lawn. I have received other valuable consideration in the babysitting; I fall under this Act and I have to get a Class 2 herbicide applicator licence at a fee payable to the Minister of Agriculture. I have to describe to him - the Minister of Agriculture is saying to me, why don't I read the bill? - I have, Mr. Speaker, and that's why I say the Minister of Agriculture grievously misled the House when he introduced this bill just one-and-a-half months ago, as is his normal practice. Mr. Speaker, when I spray the dandelions out of my father's lawn . . .

**MR. SPEAKER:** Order please. The honourable member had accused a Minister of misleading the House.

**MR. D. ORCHARD:** Yes.

**MR. SPEAKER:** That is something that the member should apologize for and withdraw those remarks. It is clearly unparliamentary.

**MR. D. ORCHARD:** Mr. Speaker, I will withdraw the remark that the Minister misled this House and I will replace with: when the Minister introduced the bill, he was a stranger to the truth.

When I spray the dandelions out of my father's lawn in return for valuable consideration of the babysitting he may do for my wife, I have to tell the Minister of Agriculture the customer's name; the mailing address of the customer; the legal description of the property treated; the type of crop property treated; the stage of growth; the weeds, pests or other purposes of the treatment; the total area treated; the wind direction and velocity at the time of treatment; the air temperature at the time of treatment; the main formulation and concentration of pesticide used; the total amount of pesticide used; The Pest Control Products Act Canada registration number of the pesticide used; the carrier used, whether it be water, fuel oil, or other and the amount per unit area, and I have to add, general remarks because under the definition of this bill that this Minister has brought before the House, I am a commercial applicator of herbicides and pesticides in the Province of Manitoba and the Minister sits there dumbfounded not knowing what he brought before this House, Mr. Speaker.

Now, either he is ignorant of the fact that that is what this bill delivers to the farm community and he brought something in that he did not know the implications of, or he did know the implications of it, Mr. Speaker, and is knowingly trying to be a stranger to the truth with the people of Manitoba. It's one case or the other, Mr. Speaker.

Now, Mr. Speaker, I want to go on with another amendment. The second amendment that the Minister has brought in in this bill, is that he requires investigations of breeches of this Act or the regulations to be investigated by inspectors appointed by himself. Well, Mr. Speaker, the implication is clear. I undertake a normal neighbourly operation of spraying herbicide on my neighbour's farm of a neighbourly gesture, that makes me a commercial applicator and that brings me subject to the regulations of the bill, and as I say, I must prove to the Minister; I must buy a licence; I must attend his herbicide application school; I must prove that I have \$250,000 public liability property damage insurance and I have to do all of these things for the Minister of Agriculture.

The other major change in this bill, Mr. Speaker, is that the Minister now is bringing under the offenses and penalty section of the bill the fact that if anyone fails to comply with any of the regulations, that he's subject to a minimum of a \$100 fine or 60 days in jail. So, when I spray the dandelions out of my father's lawn for a valuable consideration of babysitting, the Minister of Agriculture can come to me and if I do not have his pesticide application licence and the liability or meet with any of the regulations, his inspector, who can now investigate complaints against the regulations as well as the Act, can lay a charge against me and the minimum fine is \$100 or I spend a minimum of 60 days in jail or both, and both of these are subject to The Summary Conviction Act, an Act, I do not need to remind members opposite that the Attorney-General amended last year to give more police state powers imposed upon the citizens of Manitoba. Those are the kinds of penalties that the Minister of Agriculture through these amendments are now bringing on the farm community. Mr. Speaker, this is unacceptable, truly unacceptable.

There is another interesting twist in the fourth major amendment in this bill and that fourth major amendment is in the sampling procedure that his inspectors may undertake. Now under the former Act, the sampling of plant or plant products, animal or animal products was to determine whether there were any concentrations of pesticides or fertilizers in them. Now he can go in with the change in this Act and he can sample any plant or plant product, any animal or animal product and test it for anything in the world with no correlation to looking for pesticides or fertilizers because he's removed that requirement in this Act, in this amendment.

So, that means that now the corner grocery store who has a meat counter can be subject to The Pesticide and Fertilizers Control Act, and some of the Minister of Agriculture's newly appointed inspectors can walk into that local butcher shop in Reston, Manitoba, and he can say, I'm inspecting meat and meat products, sample them, close down the butcher shop, do anything he wants. The consumers are adequately protected in all other Acts but yet, this draws them under this Act - and I noticed the Minister of Consumer and Corporate Affairs sitting there with a strange look on his face as if he didn't know this was happening.

Well, Mr. Speaker, he has a problem. He has a Minister of Agriculture that is going to impose his inspectors at will on the food retailing industry of Manitoba at his whim, at his desire, because plant and plant products,

that can mean that the Minister of Agriculture's inspectors can go into any bake shop in rural Manitoba and commandeer the loaves of bread there and say, I'm testing them, not for pesticides and fertilizers but for anything, because he removed the requirement to look for pesticide and fertilizer residues in his amendment. He's got some explaining to do, Mr. Speaker. He's got some real explaining to do on this bill.

Now, you know, I can understand why this Minister is maybe bringing this kind of Act in, he is desirous of putting the farm community more and more under government control. We've known that with the introduction of his land bill two years running. He wants to control the farm industry; he wants to control the beef industry. Now he wants to control the grain farming industry through The Pesticide and Fertilizers Control Act by making practically all farmers in Manitoba subject to a commercial applicator's license.

And I asked myself, why would the Minister of Agriculture be so foolish as to want to do this? Then, Mr. Speaker, I got going through some of my past files and I found some agriculture and food resolutions which were debated at the last NDP Annual Convention and, Mr. Speaker, it all comes full circle and now we know why the Minister wants to bring all farmers under the licensed custom applicator branch and license all of them in agriculture.

Here's one of the resolutions that the Minister of Agriculture obviously gave a lot of lucidation to at his last national convention, and it says, and I quote, it's '82 - I presume that's 1982 - it's Resolution 100-6 and it says: "Whereas modern agricultural practice has become increasingly reliant on expensive chemicals and, whereas such chemicals have a residual harmful effect on our environment, therefore be it resolved THAT the Manitoba Government encourage and promote alternate agricultural techniques to reverse an otherwise growing dependence on industrial chemicals such as manufactured fertilizers, herbicides and pesticides" - just the materials that his amendment to the Act are going to put more and more controls on so that the farmers are going to find it more and more difficult to legitimately use herbicides, pesticides and fertilizers on the farm. So he's following up on his resolutions, Mr. Speaker. We don't know whether they were passed or not but . . . oh, the Minister of Agriculture has got a comment —(Interjection)— certainly, when I finish you can ask me any questions you want.

We've got Resolution 82-100-7. They want the NDP Government to direct the Department of Agriculture to increase research into organic farming methods appropriate to Manitoba and, number two, to investigate the market possibilities of organically grown food products. And there's another one here. It's 82-100-9 and they don't want the thrust of . . . it says here, "Therefore be it resolved that the thrust of research and extension programs done by the Manitoba Department of Agriculture be changed to that of sustainable agriculture which would benefit farm families, the environment, the land base and the consumer of farm products." They want to eliminate the use of pesticides and herbicides, Mr. Speaker, and de facto they want to starve, because that's what the bottom line is when you take those management tools away from the farm community.

So, Mr. Speaker, I asked myself, why would the Minister of Agriculture bring in such an onerous bill, tell us that it's housekeeping amendments essentially when it is not, when it has four major detrimental changes to the farm community. Why would he do it? Well, to appeal to the left wing of his party that have taken that party over, that's what he did it for. He wants to bide by the extreme left in his party in farm policy. The even left of the NFU have now got control of the Minister of Agriculture and isn't that a beautiful place for the average farmer to find himself in.

Well, Mr. Speaker, I would like the Minister of Agriculture, since he did not provide us with any information when he introduced this bill, when he closes debate to tell us who recommended these amendments. That's all we want to know. We also want to know what arguments did these people recommending the change present to the Minister as need to make these changes. What was the need to put farmers under more regulatory controls? That's the question we want answered.

Another question I want answered by the Minister of Agriculture when he closes debate is how many violations are you hoping to prevent by bringing in these new and onerous changes in The Herbicides and Fertilizers Act? How much additional policing is it going to require? How many more new inspectors is the Minister going to have skulking around Manitoba, sneaking up on innocent farmers who happen to spray 10 gallons of additional spray on their neighbour's land or backpack spray their father's or their mother-in-law's or their grandmother's lawns of dandelions? How many inspectors is he going to have skulking around arresting these farmers and convicting them to 60 days in jail or \$100 fine, or both, as is provided in this Act. Most importantly, Mr. Speaker, what perceived problem is going to be resolved by placing those kinds of extreme restrictions on the farm community? What's going to be resolved?

Mr. Speaker, as I close, I challenge the Member for Gimli who represents farmers; I challenge the Member for Springfield who represents the farm community; I challenge the Member for The Pas who has a very active farm community and I challenge the Member for Dauphin, to explain how they let the Minister of Agriculture in their government sneak this kind of a bill past them either unknowingly or knowingly, and how they can justify the potential to have all farmers licensed as commercial applicators of pesticides and fertilizers; to provide the Minister of Agriculture with proof of \$250,000 property damage and public liability insurance or bonding; to provide the Minister of Agriculture with detailed information. And I want to ask members opposite how they could allow the freedom of any individual with a backpack sprayer to go and spray dandelions out of anybody's lawn anywhere in the City of Winnipeg, the Town of Dauphin, even in Flin Flon on your luscious and green lawns.

**HON. J. STORIE:** We have no dandelions.

**MR. D. ORCHARD:** I would like members opposite to justify how that is going to benefit the agricultural community and if they can justify it I am willing to listen. But I think in the analysis, that those members will find

that once again the Minister of Agriculture has delivered a bill to you, he has told you only half of the information. The information has been a stranger to the truth that he presented to you in justifying those amendments and you will find once again that your Minister of Agriculture has brought in an Act that's going to cause you a lot of pain to get passed.

**MR. SPEAKER:** Does the Honourable Minister of Agriculture have a question for clarification?

**HON. B. URUSKI:** Thank you, Mr. Speaker, since the Honourable Member for Pembina is so well aware of what the facts are and he knew all the regulations because he was quoting them, is he aware of the fact that regulations are now in place to exclude all farmers who do pesticide spraying off their farms on farms more than 500 hectares and, in fact, that the hectares are 1200 acres, Mr. Speaker, or thereabouts and that the work is carried out for not more than three individuals in any year, he is not considered as a commercial applicators, completely the reverse of what the honourable member was suggesting?

**MR. SPEAKER:** The Honourable Member for Pembina.

**MR. D. ORCHARD:** Mr. Speaker, I'll be more than pleased to answer that because obviously the Minister is slightly confused as to what he brought into this House. The Minister of Agriculture brought in An Act to amend the Pesticides and Fertilizer Control Act, in which the definition of a commercial applicator, and I will quote it to him, says: "... means a person whose application equipment is used for hire or for service to others for a fee charged or other valuable consideration to the extent of 50 percent or more of the annual uses of that equipment." He has taken the present clause in the bill and replaced it by removing the last line to the extent of 50 percent or more the annual usage of that equipment. So that means as I say, that if I has spray left over in my sprayer at the end of finishing my crop spraying, and I spray it out on my neighbour's, I become a commercial applicator. His regulations require commercial applicators to stake the type of equipment they are going to use. They must state hand-carried, No. 4, hand-carried, non-motorized equipment, the number of pieces. Those are backpack sprayers, Mr. Speaker. I own one.

If I spray dandelions out at my father-in-law's lawn in consideration of babysitting, I am a custom applicator, a commercial applicator subject to these — (Interjection)— well the lawyer, what's his portfolio? The Minister of Natural Resources, the lawyer says, I must be paid for it. I would like the lawyer in his legal brilliance to tell me what, 'feed for hire, or for service to others for a fee charge, or other valuable consideration,' is? That means, if the valuable consideration is returned for babysitting, I am a commercial applicator and the courts would so decide. Now any lawyer that would ask that stupid a question, Mr. Speaker, deserves to be a backbencher in the Government House not a Treasury Bench member.

Mr. Speaker, the Minister clearly doesn't understand what he brought in. He brought in a bill which will bring those kinds of circumstances subject to licence; subject

to regulation of The Pesticides and Fertilizer's Control Act; subject to improving liability and property damage insurance; subject to inspection and subject to penalty for failure to comply with the regulations because that also he has added in this Act.

I cannot backpack dandelions out of a little old lady's lawn in Miami or I will be a commercial applicator and the inspectors he has skulking around could issue me a ticket; could have me fined \$100 or 60 days in jail or both and all of that subject to The Summaries Conviction Act which the Attorney-General loosened up and allowed the police state to become more a fact in Manitoba. He doesn't understand what he brought in, Mr. Speaker.

**MR. SPEAKER:** Order please. Now that the honourable member has replied to the question, the bill will stand in the name of the Honourable Member for Arthur.

### BILL NO. 7 - THE DAIRY ACT

**MR. SPEAKER:** Bill No. 7, on the motion of the Honourable Minister of Agriculture, also standing in the name of the Honourable Member for Arthur.

**MR. J. DOWNEY:** Thank you, Mr. Speaker. As I understand, the introduction of the change in The Dairy Act was to give the government the permission to in fact set up a Dairy Board that would license and control potential or future dairy processing plants in the province; a general overseeing body that would in fact give the government the authority to set a board up which in fact, Mr. Speaker — and the Minister explained during the introduction of this amendment that it had been in place, or in fact the body had been in place for quite a few years. But, Mr. Speaker, there are a couple of comments that I would like to make simply to bring to the attention of the people of Manitoba and this Assembly, that during this Minister's term of office and during this Premier and his government's term of office we haven't been overly concerned about the development of new processing plants for the dairy industry in the Province of Manitoba.

In fact, Mr. Speaker, their record is one of closing and I would suggest that this Minister should have put in here, to accommodate the closing of all the dairy plants in Manitoba that have in fact been taking place during his term of office.

Mr. Speaker, last year my colleague, the Member for Roblin, the individual spoke many times about his concern for the loss of the Rosburn Plant, the loss of the Pilot Mound Plant and all those processing plants in the province that were being closed; those job opportunities that were being lost by the incompetent, by the incapable government action that said and promised during the 1977 election that that kind of thing wouldn't happen. Mr. Speaker, in fact, they were accommodating and almost promoting the transporting of milk and jobs out of this province to other processing plants in Western Canada.

Mr. Speaker, the proposed amendment we haven't got any difficulty with because it does in fact put in statute the authority for the setting up of a board. What we have the problem with is the inability, the incompetence that this government has shown in

providing the kind of support, the kind of leadership that not only the dairy industry has — and I specifically speak about the dairy industry on this bill but all of the agricultural industry, Mr. Speaker — it has been a direct, hands-on approach to try and tell the farmers that running through a government organization or through the government like the Beef Commission, is the best way that they can give support. To take control away, to give support, is the only answer they have. So, Mr. Speaker, those are the things that I wanted to put on the record and that is the incompetence of the government in handling and dealing with the dairy industry.

As well, Mr. Speaker, another concern that I have and that is, some of the recent changes that have taken place within the Dairy Board, the Dairy Milk Prices Review Commission, I would like the Minister at some point during his speeches or his comments during this next Session to tell us the difficulty that he was having, or his government were having with the past Milk Prices Review Commission that in fact did a pretty good job. How many issues have we had raised between the consumers and the producers in the dairy industry over the past many many months since we, Mr. Speaker, in our term in office, changed the legislation allowing the dairy industry to operate without a confrontation approach to the consumers of the province?

So, Mr. Speaker, I am sure some of my colleagues will have some further comments to make, but the main point is the inability of this government to deal with the closing of dairy plants. The loss of job opportunities to the dairy producers in the province can't go by without being put on the record in this Legislative Assembly.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for La Verendrye.

**MR. R. BANMAN:** Thank you, Mr. Speaker. I too would like to make several comments with regard to this bill and some related remarks to the dairy industry and the Manitoba Milk Prices Review Commission.

Mr. Speaker, the members opposite a number of years ago . . .

**MR. SPEAKER:** Order please. Does the Honourable Minister have a point of order?

**HON. B. URUSKI:** I neglected to call the Member for Arthur to order because the bill does not deal with the Milk Prices Review Commission. Mr. Speaker, I raise a point of order that the member is beginning his remarks on matters that are not contained under the purview of this bill. The Milk Prices Review Commission has nothing to do with the bill under question.

**MR. SPEAKER:** On the same point of order.

**MR. R. BANMAN:** Well, Mr. Speaker, I would point out that we were talking about the Dairy Act which means everything that is related with the milk industry — and I think the member opposite will agree — that once an Act has been opened the discussion at Second Reading deals with all aspects related to the dairy

industry and one of them is Milk Prices Review Commission.

**MR. SPEAKER:** Order please. I am sure the honourable member knows that at Second Reading he deals with the principle of the Act itself. I trust that he will govern himself accordingly.

**MR. R. BANMAN:** Mr. Speaker, one of the things that the members opposite were very annoyed at, raised a lot of criticism about and really tried to create a public furor about a number of years ago was when a few boards were let go and people were replaced; people that they had appointed were replaced by other people who we thought could do a better job in those particular portfolios.

I want to point out today, Mr. Speaker, that this Minister has fired the Milk Prices Review Commission. Mr. Speaker, that board was appointed for three years and how long did they serve? A little better than two years. This Minister has fired a number of very competent people in the agricultural community as well as some prominent consumers to replace them - with what? - if you look at the list, Mr. Speaker, to replace them with NDP political hacks. That's what he's done.

Mr. Speaker, that member over there wore a halo four years ago and condemned the other administration along with his other colleagues for firing members on the board, and what did he do? Mr. Speaker, he did exactly the same thing. Here's the Order-In-Council, Mr. Speaker, and it says very clearly that the members were appointed for three years.

**MR. SPEAKER:** Order please. The Honourable Minister of Agriculture on a point of order.

**HON. B. URUSKI:** Mr. Speaker, I don't mind the member dealing with the entire dairy industry but the member should be aware that the board that he is speaking of comes under another piece of legislation dealing with the pricing of milk in this province and has nothing to do with the Act that we have under consideration now, Mr. Speaker.

**MR. SPEAKER:** The Honourable Government House Leader to the same point of order.

**HON. R. PENNER:** Yes, supporting the point made by the Minister of Agriculture, I agree wholeheartedly, Sir, with your ruling that on second reading, there may be a wide-ranging debate on principle, but the point raised by the Minister of Agriculture doesn't in any way, negate what you've said or offer any contrary opinion to what you said. We stand by that ruling. But the Member for La Verendrye is very specifically dealing with a board that has nothing to do with this piece of legislation and when you get down to a specific that is completely beyond the scope of the legislation that is no longer a debate on principle it is out of order; it is irrelevant. There are all kinds of opportunities to deal with it.

**MR. SPEAKER:** Does the Honourable Member for La Verendrye wish to speak to the same point of order? I thank the Honourable Government House Leader and the Honourable Minister for their remarks. It's quite

clear that the remarks being made by the Honourable Member for La Verendrye are somewhat aside from the bill itself. I realize that the member may be using those remarks as a preamble. I hope that he will soon come back to the principle of the bill which it is usual to discuss on second reading.

The Honourable Member for La Verendrye.

**MR. R. BANMAN:** Mr. Speaker, Bill 7 deals with the dairy industry. Mr. Speaker, the things that I have . . . Mr. Speaker, Bill 7 deals with the dairy industry I don't care what the House Leader wants to call it.

The unfortunate thing is that the Milk Prices Review Commission and all these things have to do with milk, in case he doesn't know, and The Dairy Act has to do with milk. Mr. Speaker, as I mentioned a little earlier —(Interjection)— no, I'm speaking on the bill.

**HON. R. PENNER:** Well, you have made a ruling and I would just like to know whether the Member for La Verendrye is saying to the Speaker, I do not intend to obey your ruling? Because on his argument he would be able to discuss the complexion of the queen because it's milk-like in its character. That kind of logic has no place in this House nor can he stand and simply by proceeding in the way in which he proposes to do, defy your ruling.

**MR. SPEAKER:** The Honourable Member for Lakeside to the same point of order.

**MR. H. ENNS:** Mr. Speaker, I appreciate what the House Leader is attempting to say in limiting the debate to the appropriate area, but I don't think that he's aware of the nature of the Act that's before us that is establishing the control board, and as such, has the jurisdiction over the entire dairy industry. It is a new board that you are establishing; it's the old board that you are now acknowledging has always been there, I know that. But the function of that board, Mr. Speaker, is all-encompassing with respect to the dairy industry and, therefore, Mr. Speaker, the comments of the Honourable Member for La Verendrye are in order.

**MR. SPEAKER:** The Honourable Member for La Verendrye to the same point of order.

**MR. R. BANMAN:** Mr. Speaker, I would just like to quote from the bill: "The board shall perform such duties and functions as may be given to it under this Act or any other Act of the Legislature or by the Minister." When we're dealing with dairy, Mr. Speaker, this Minister is asking us to pass a bill which he says is not going to have any effect on the Milk Prices Review Commission. Mr. Speaker, I don't believe that and I don't think that I should be limited to discuss just the fine points within this bill. I think there are principles that have to be discussed with regard to this bill.

**MR. SPEAKER:** The Honourable Member for Arthur to the same point of order.

**MR. J. DOWNEY:** Yes, Mr. Speaker, there is, to support my colleague the member who is now trying to speak and being interrupted by the Minister. On the point of

order. Because, Mr. Speaker, the dairy industry is so complex and interwoven that the milk that comes from the cows - in case the Attorney-General is not aware where the dairy industry basically gets its milk - that the milk if it does not go into the industrial milk industry where, in fact, The Dairy Act takes over, Mr. Speaker, goes to The Milk Prices Review Act so it, in fact, falls within the total dairy industry and there is a case that can be made to speak on this particular issue in this Act, Mr. Speaker.

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. R. PENNER:** Just very briefly for the edification of the Member for Arthur, I have worked in the dairy industry at both ends, both the pulling and the pushing.

**MR. SPEAKER:** Order please. I thank all members for their illuminating remarks and remind the Honourable Member for La Verendrye that he's required by the Rules to remain with the principle of Bill No. 7. I would ask him to restrain his remarks to that principle.

The Honourable Member for La Verendrye.

**MR. R. BANMAN:** Mr. Speaker, the principle of the bill deals with the dairy industry and I accept your cautions when speaking to that but I want to, Mr. Speaker, say that part and parcel of anything that happens with industrial milk has to be dealt with by the Manitoba Milk Prices Review Commission before it can be dealt with The Dairy Act. You've got a board being set up here now which is going to administrate some of the product that they get from another board. Mr. Speaker, you can't very well deal with that in total isolation and I would like to speak to the point which I was endeavouring to get at before.

I think that there are a number of changes that have happened with regard to the dairy industry over the last couple of years which have proven to be very positive. Members opposite, when the Milk Control Board was taken out of existence, voted against it. The First Minister of the Province moved a six month hoist. They spoke against that bill, Mr. Speaker, very adamantly.

Mr. Speaker, we have seen that bill work out fairly well. I think that the Minister, in reviewing the functions of the board and reviewing the individual decisions made by the board then appointed, would find out that it was a difficult task but they did accomplish that task without too many problems for the consumer or for the processor as well as the producer. There were observations made by the members opposite that prices would go sky-high, that consumers and everybody would really really be gouged by the processor. But I think on the whole, if he talked to all the people involved in the dairy industry in the province, he would find that that particular measure has worked very well. Obviously, Mr. Speaker, if he thought that the Act wasn't working properly now, he would not only have made the changes that he's proposing right now, he would have rolled us right back into the old Dairy Control Act. Mr. Speaker, he hasn't done that because he's found it has worked very well.

The only objection, Mr. Speaker, that I want to make here today - I should say two objections - Number 1

is their stand with regard to the bill that was brought in in 1980 by the former Minister of Agriculture, doing away with the Milk Control Board. It's proved to be the right move and the Minister has indicated today by not bringing any other legislation changing that, that he and his colleagues and the now First Minister were wrong in trying to move a six-month hoist and not letting the bill pass. They were wrong because it's worked well.

Secondly, Mr. Speaker, the Minister has displayed something which we have seen all too often by this government. He went ahead after a number of years of crying, bemoaning the fact that the previous administration replaced some people before their times were up on boards. Here on the Milk Prices Review Commission, this Minister has fired a bunch of competent people before their time was up and replaced them with people, Mr. Speaker, that I suggest to you are NDP political hacks for his own political expediency and let the people of Manitoba know that he does not practise what he preaches.

**MR. SPEAKER:** The Honourable Member for Emerson.

**MR. A. DRIEDGER:** Thank you, Mr. Speaker, I move, seconded by the Member for Assiniboia that debate be adjourned.

**MOTION presented and carried.**

#### **BILL NO. 8 - THE CORPORATIONS ACT**

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs Bill No. 8 standing in the name of the Honourable Member for Tuxedo.

**MR. G. FILMON:** Thank you, Mr. Speaker, having reviewed the text of the bill we are prepared to have it pass along to committee so that any interested Manitobans may be able to make their views known on the bill.

Thank you.

**QUESTION put, MOTION carried.**

#### **BILL NO. 9 - THE PARTNERSHIP ACT**

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs, Bill No. 9 standing in the name of the Honourable Member for Tuxedo.

**MR. G. FILMON:** Mr. Speaker, we are prepared as well to move this bill along to committee.

**QUESTION put, MOTION carried.**

#### **BILL NO. 10 - THE REAL PROPERTY ACT**

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

**MR. G. MERCIER:** Mr. Speaker, with respect to Bill 10, I have only one or two concerns. I ask the Attorney-

General - perhaps he can clarify this at committee - whether or not he has reviewed this change in the responsibility of the District Registrar with any appropriate committee of the Manitoba Bar Association, Mr. Speaker. I appreciate the point that he makes about concerns being expressed about the complexity of the documentation that's sometimes required in order to effect transfers at the Land Titles Office dealing with estates but I think it is incumbent upon the Attorney-General to, I think, review these kind of changes with the appropriate committee, the Manitoba Bar Association. He may have already done so but it would be helpful if we had that information, I think, at committee.

**QUESTION put, MOTION carried.**

#### **BILL NO. 11 - THE REGISTRY ACT**

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General, standing in the name of the Honourable Member for St. Norbert.

**MR. G. MERCIER:** Mr. Speaker, this bill follows along the previous bill, Bill 10, dealing with The Real Property Act and I would simply raise the same concern, Mr. Speaker.

**QUESTION put, MOTION carried.**

#### **BILL NO. 13 - THE BUSINESS NAMES REGISTRATION ACT**

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs, standing in the name of the Honourable Member for Tuxedo.

**MR. G. FILMON:** Mr. Speaker, we are prepared, as well, to move this bill along to committee.

**QUESTION put, MOTION carried.**

#### **BILL NO. 17 - THE JUDGMENTS ACT**

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General, standing in the name of the Honourable Member for St. Norbert.

**MR. G. MERCIER:** Mr. Speaker, this bill would require that Certificates of Judgment be for at least \$500 rather than the present \$40 before they would be allowed to be registered in any Land Titles Office, Mr. Speaker, and by judgment creditor in the hopes of attaching some land owned by the judgment debtor. Mr. Speaker, this is an increase in the amount of some 1,250 percent and I think that it takes away a right or a remedy, particularly from smaller, average persons who may have occasion to become involved in this collection procedure.

The Attorney-General in October of last year issued a press release as I did when I occupied that office, I think, on an annual basis, about the number of claims in Small Claims Court and he indicated that in 1982



he expected the number of claims filed in Small Claims Court to reach 8,400 persons. Further on in that press release, Mr. Speaker, he indicated that of the total, 43.2 percent had to be enforced by way of garnishment, bailiff or by other means. Mr. Speaker, the Small Claims Court is an inexpensive way for persons to obtain some justice without having to go through the expense of hiring a lawyer; it is a relatively simple procedure which they can do on their own. It has some criticism, Mr. Speaker, but I think as I've indicated to the Attorney-General in the past, it is a procedure, I think, that could be improved, could be updated and perhaps the jurisdiction, in fact, should be expanded. I had offered, when I had referred the whole question of the amalgamation of courts to the Law Reform Commission to have them consider the expansion of Small Claims jurisdiction to \$2,000 and perhaps consider different methods of adjudication. I believe the Law Reform Commission has deferred that part of their study on the courts.

Mr. Speaker, this press release indicates to me and I think to others, that a great number of people are obtaining judgments, certainly under \$1,000.00. Now, how many of those judgments are under \$500.00? Mr. Speaker, they are looking for an inexpensive way of enforcing a judgment in those particular cases. I don't know how expensive it would be or how much work would be involved if the Land Titles Office were to give us some information about how many Certificates of Judgments that had been registered were in fact under \$500.00.

I would think, in view of the statistics provided by the Attorney-General on the operation of the Small Claims Court that a barely significant number of persons have been registering Certificates of Judgment in Land Titles Offices for amounts under \$500 as an inexpensive way of attempting to collect on their judgment. I think, Mr. Speaker, we are going to need some further information before this side of the House agrees with the concept contained in this bill, to raise the amount to \$500 before a Certificate of Judgment can be registered. We are talking, Mr. Speaker, about an inexpensive remedy which will cost a judgment creditor a few dollars to obtain from the appropriate court and to register in the Land Titles Office and then any land owned by the judgment creditor cannot be dealt with until that Certificate of Judgment has been disposed of.

This is a kind of a procedure, Mr. Speaker, which is used by average persons, small businesses, garages, small grocers, druggists, all sorts of people like that who can use this procedure and individuals who use this procedure to try to collect a judgment in this way and are able to do so on their own through the Small Claims Court and through this procedure of registering a judgment in the Land Titles Office.

So, Mr. Speaker, the concept embodied in this bill of increasing that amount is one I think on which the Attorney-General will have to provide us with a great deal more information before we can be expected on

this side to take away this right and this remedy from a lot of people in this province who are going through Small Claims Court and registering the small judgments between this \$40 figure and the \$500 figure. It is not one that we will agree to unless we can receive some substantial information that indeed the rights of a lot of people are not being affected by this bill.

Mr. Speaker, I think the rights and remedies of a lot of people are being affected by it. Certainly the Land Titles Office, Mr. Speaker, has objected in the past to the system of the general register and would be quite happy, I am sure, if it were done away with. But this is a service for people not for the Land Titles Office. I think the Attorney-General has to approach it from that point of view and I hope he will, and I hope he can obtain some of this information for us because as it stands now, Mr. Speaker, with the information that we have, I don't think the public is being served well by the introduction of this concept and the elimination of this remedy from what I think, are a lot of people in this province.

**MR. SPEAKER:** Are you ready for the question? The Honourable Attorney-General will be closing debate.

**HON. R. PENNER:** Yes, very briefly, the Member for St. Norbert raises some valid concerns. He has asked for information which he and other members of the House should have. I undertake to supply as much of that information as I can obtain when the bill goes to committee. I think there in a useful discussion we can arrive, at least I hope we can arrive, at what should be the appropriate limit and I assure him and members of the House that I will be perfectly accommodating on the basis of that information.

I should just point out that we are shortly to automate the general register and that in itself may make some difference to the appropriate proceedings here. But that information will be supplied at committee and at that time we will have the information necessary to arrive at a suitable figure for the limits for registering smaller claims.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. R. PENNER:** Mr. Speaker, at the risk of being told that I misrepresent or that gross exaggerations take place, I would invite you to find that it is now 5:30. There being no further business to transact this afternoon the House may rise and meet again on a greater occasion later today.

**MR. SPEAKER:** Is it the leave of the House that we call it 5:30? (Agreed)  
The time being 5:30, I am leaving the Chair to return again this evening at 8:00 p.m.