



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

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**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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41 Elizabeth II

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

Members, Constituencies and Political Affiliation

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, December 9, 1992

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

**Mr. Gulzar Cheema (The Maples):** Mr. Speaker, I beg to present the petition of Martha Cinch, Shelly Perkins, Sharlyne Neufeld and others urging the government of Manitoba to consider taking the necessary steps to reform the Pharmacare system and to maintain its comprehensiveness and universal nature and to implement the use of the health smart card.

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, I beg to present the petition of Karen Holden, Nicole McCrank, Pat Tognet and others requesting the government of Manitoba pass the necessary legislation/regulations which will restrict stubble burning in the province of Manitoba.

### READING AND RECEIVING PETITIONS

**Mr. Speaker:** I have reviewed the petition of the honourable member for The Maples (Mr. Cheema). It complies with the privileges and the practices of the House and complies with the rules. Is it the will of the House to have the petition read?

To the Legislature of the province of Manitoba

WHEREAS each year smoke from stubble burning descends upon the province of Manitoba; and

WHEREAS the Parents Support Group of Children with Asthma has long criticized the harmful effects of stubble burning; and

WHEREAS the smoke caused from stubble burning is not healthy for the general public and tends to aggravate the problems of asthma sufferers and people with chronic lung problems; and

WHEREAS alternative practices to stubble burning are necessitated by the fact that the smoke can place some people in life-threatening situations; and

WHEREAS the 1987 Clean Environment Commission Report on Public Hearings, "Investigation of Smoke Problems from Agriculture Crop Residue and Peatland Burning," contained the recommendation that a review of the crop residue burning situation be conducted in five years' time, including a re-examination of the necessity for legislated regulatory control.

THEREFORE your petitioners humbly pray that the Legislative Assembly will urge the government of Manitoba to pass the necessary legislation/regulations which will restrict stubble burning in the province of Manitoba.

### TABLING OF REPORTS

**Hon. Rosemary Vodrey (Minister of Education and Training):** Mr. Speaker, I am pleased to table the financial statements for the year ended March 31, 1992, for the University of Winnipeg and also the Annual Financial Report for the year ended March 31, 1992, for Brandon University.

\* (1335)

**Hon. Eric Stefanson (Minister of Industry, Trade and Tourism):** Mr. Speaker, I am pleased to table the Annual Report, 1991-92, of the Manitoba Research Council.

### INTRODUCTION OF BILLS

#### Bill 12—The International Trusts Act

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 12, The International Trusts Act (Loi sur les fiducies internationales), be introduced and that the same be now received and read a first time.

**Motion agreed to.**

### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, may I direct the attention of all members to the gallery, where we have with us this afternoon from the Sisler High School forty-two Grade 11 students, and they are

under the direction of Miro Procylo. This school is located in the constituency of the honourable member for Inkster (Mr. Lamoureux).

Also this afternoon, from the Immanuel Christian School we have twenty Grade 8 and Grade 9 students under the direction of Otto Bouwman. This school is located in the constituency of the honourable member for Radisson (Ms. Cerilli).

On behalf of all honourable members, I would like to welcome you here this afternoon.

## ORAL QUESTION PERIOD

### Economic Growth Employment Statistics

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, my question is for the First Minister (Mr. Filmon). Last spring, when we unfortunately had the news that we were in last place in economic performance, the Premier asked us to look at his positive perception of how things would go in 1992. He pointed to employment growth potential in Manitoba; in fact, he pointed to his budget that his Minister of Finance (Mr. Manness) had prepared, where employment growth was predicted to be at 1 percent.

We have unfortunately yesterday received statistics in Manitoba and Canada, Mr. Speaker, that illustrate the first nine months of employment in Canada by province. Last year, we were seventh in terms of employment with a decline in employment, and this year, the first nine months of 1992, we are down to eighth place. Only Newfoundland and Nova Scotia have a further decline in employment than Manitoba and, of course, they have had the devastating fishery decisions that have affected their employment situation.

We are over double the national average in terms of employment decline. Given the fact that this Premier has told us year after year just to look forward to the next six months or the next year, and every time we get there we see some devastating results, why is the Premier's economic strategy failing? Why are we in eighth place? Why are we not having jobs that are growing in our province? Why are we declining massively as we are today? Why is this economic strategy that is chaired by the Premier not working?

**Hon. Gary Filmon (Premier):** Mr. Speaker, I would have thought that the Leader of the

Opposition, in keeping with the advice that I gave him yesterday to start to look positively instead of always knocking Manitoba and Manitobans, might have instead picked the story out of the paper today about the growth in housing starts in Manitoba, indicating that year to date for 1992, that is, as of the first 10 months of this year, Manitoba showed a 17.2 percent increase, which is the fifth best in the country. I would have thought that he would have pointed to that as a positive indication of just how the economy is starting to pick up.

I might have thought that he might have looked at the statistics that were put out by Statistics Canada just last Friday that show that Manitoba still has the second lowest unemployment in the country. I would have thought that he might have pointed to that as being an indication that, despite the fact that these are difficult times—there is a recession worldwide; Canada is suffering—we still have the second lowest unemployment rate in the country.

I might have thought, Mr. Speaker, that he would have pointed to the total capital investment in Manitoba which, this year, is projected to rise to 3.3 percent which is the second best performance in the country. Those are positive statistics and those are indications of growing confidence in the economy. We still have not come out of the woods. Like everybody in this country, these are difficult times, but those are indications that those are positive signs.

I would have thought that the Leader of the Opposition would have spent a little more time on that, rather than always groping and searching for anything negative he possibly can raise.

\* (1340)

**Mr. Doer:** Mr. Speaker, the Premier knows, or he should know as head of economic committee of cabinet, that all the sectors that he cherry-picks to answer my question are included in the decline in employment in Manitoba. The fact that we are in eighth place should worry the Premier, and he should be honest enough to admit it.

### Royal Trust Relocation

**Mr. Gary Doer (Leader of the Opposition):** I want to ask another question, a specific question on a specific announcement made by the Premier dealing with our economy. In June of 1991, at a press conference that he held with the Minister of

Industry, Trade and Tourism (Mr. Stefanson) in the city of Winnipeg, the Premier announced that some 200 jobs would be moved from Toronto to Winnipeg as part of a Royal Trust relocation to the city of Winnipeg. The Premier gave us a number of speeches in this Chamber about that very same announcement, Mr. Speaker. Hansard is full of his quotes on the Royal Trust decision.

I would like to ask the Premier: What is the status of that announcement, given that his own words in the media the next day indicated that in the spring of 1992, we would see some of those jobs and they would continue on developing in Manitoba up to 200 by the year 1994? Starting in the spring of '92 and moving into '94, we would see 200 new jobs, which was announced by the Premier and his Minister of Industry, Trade and Tourism.

**Hon. Gary Filmon (Premier):** Mr. Speaker, if the Leader of the Opposition has been reading the financial pages during the past while, he will be well aware of the difficulties that Royal Trust has been facing, difficulties that I might say have resulted in them laying off substantial numbers of people in Montreal, in Ontario and other places.

We have remained in close touch with the Royal Trust people, have had continuing discussions with them. They still are committed to an investment in Manitoba. I assure him that there will be news on that in the not too distant future.

I might say to him that I am surprised that he has not made a comment about a company that he maligned substantially last year when he gleefully talked about the MacLeod Stedman people being down to an employment level of 120 people. They have since, of course, been bought out by Cotter, and the employment levels are now double what they were last year, and he was knocking that company, Mr. Speaker. That is the kind of negativism that he brings to the floor all the time.

I can assure him that we have remained in close touch with the people from Royal Trust, that they are still committed to an investment in Manitoba and that there will be news on that in the not too distant future.

**Mr. Doer:** Mr. Speaker, I asked the Premier a specific question about Royal Trust.

We have talked to laid-off workers from Great-West Life who feel that they have the same kinds of skills and abilities to get the jobs that the Premier promised in June of 1991, the jobs that the Premier promised to the people of Manitoba. They

have contacted us, and we have contacted Royal Trust and we have talked to employees who have phoned Toronto. They say there are no jobs coming at this point. There are no jobs coming, as the Premier had promised. There are no jobs that they can apply for. There are no opportunities that they can apply for. We phone Winnipeg and they say they do not know what is going on in terms of the Royal Trust deal.

Given the fact that it was the Premier who negotiated the deal with the Royal Trust company, given the fact that it was the Premier who had the press conference and made the statement that there would be 200 jobs starting in the spring of 1992, what are the specific numbers of jobs that we will have in Manitoba? Is it no jobs, as Royal Trust is telling us from Toronto? Is it the 200 jobs that the Premier is telling us? Who is telling us the truth?

**Mr. Filmon:** Mr. Speaker, I know that the Leader of the Opposition would want to turn this into as negative a situation as he could. I know that he does not want to understand the difficulties that Royal Trust has faced. All you need to do is to read the articles in the business sections to find out what is happening with respect to Royal Trust.

I will not repeat the layoffs and the reductions that they have had in other provinces. I will repeat that we have remained in close contact with them, that they still remain committed to an investment in Manitoba and there will be announcements coming in the future.

Now, he can either take a positive view on this and work with us to ensure that Manitoba does get an investment in jobs, or he can go out and try to destroy this by phoning around and bad-mouthing the province and trying to make it more difficult, Mr. Speaker.

If that is what he wants to do, if he wants to destroy an investment opportunity, Mr. Speaker, he will be demonstrating to people just exactly where he stands.

\* (1345)

### **Decentralization Politicization**

**Ms. Rosann Wowchuk (Swan River):** Mr. Speaker, we have always known that this government's decentralization plan was politically motivated. Numbers released by the government

yesterday proved that most government jobs were delivered to ridings with Tory cabinet ministers.

Today, given that I have a government communication strategy on decentralization which I will table, which talks about the election on the horizon, dangling the carrot in front of rural Manitobans and pork-barrelling, I want to ask the minister responsible whether he will now admit that decentralization was an election ploy, that they were dangling a carrot in front of rural Manitobans. Will he further admit that jobs were delivered after the election on a political basis?

**Hon. Gary Filmon (Premier):** Mr. Speaker, you know, we have the great hypocrisy of the New Democrats, who fought tooth and nail against decentralization, now going out and trying to make a political issue of decentralization, when this government made a commitment to the people in rural and northern Manitoba, a commitment which they have kept, a commitment to decentralize jobs that has resulted in, by the end of this fiscal year, approximately 640 positions having been decentralized.

I might say, Mr. Speaker, to show the equanimity and the fairness with which this government has dealt with decentralization, we have reviewed the numbers in every possible way we could to assess fairness since those phony accusations were made yesterday.

I might say, Mr. Speaker, that despite the fact that in rural and northern Manitoba New Democrats represent 34 percent of that population outside the city of Winnipeg, we have decentralized 40 percent of the jobs into those constituencies.

Mr. Speaker, that is fairness, that is equanimity, that is dealing in a way that is totally nonpolitical, something that would be foreign to New Democrats, foreign totally to New Democrats. I know that they cannot understand it, because they do not practise that kind of fairness when they are in government, but we do.

### Communication Strategy

**Ms. Rosann Wowchuk (Swan River):** Mr. Speaker, we are not against decentralization, we are for fairness. We want fairness.

Mr. Speaker, I want to ask this government if they are so committed to decentralization and if they say there was no political manipulation, why was there

such a manipulated communication strategy? They called for no media—in Winnipeg, low-key regional conferences, orchestrated clips by MLAs, no municipal officials at these meetings. What were they afraid of? Why did they not want the media to know what they were—

**Hon. Gary Filmon (Premier):** Mr. Speaker, this is the most foolish line of questioning I have ever heard. Here we have, during the announcements, the unveilings and the openings of these decentralization offices, New Democratic members clamouring to be on the stage, like the member for Brandon East (Mr. Leonard Evans), wanting to be there in front of the cameras, wanting to get his little 15 seconds of fame. We have the member for Interlake (Mr. Cliff Evans) wanting to be in Ashern next week as part of the announcement, asking the minister responsible—

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

\* (1350)

### Point of Order

**Mr. Cliff Evans (Interlake):** Mr. Speaker, on a point of order, I have an invitation from government to attend this function in Ashern.

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

\* \* \*

**Mr. Filmon:** What greater example of fairness could be given, Mr. Speaker? There we are, inviting the New Democratic members so that they can share in the credit, so they can bask in the limelight, so that they can be part of a positive announcement despite the fact that they voted against it in the House. I cannot think of anything more fair.

### Politicization

**Ms. Rosann Wowchuk (Swan River):** How can this Premier be so cynical? We are talking about fairness and the political manipulation that this government has done.

I want to ask again if this government will admit that they were using political manipulation in dealing with this. They knew technology was not in place. They knew that their facilities were not in place; yet they announced projects in areas where there was no technology and after they lost those seats they

did not follow through with putting those jobs in place.

**Hon. Gary Filmon (Premier):** Mr. Speaker, we promised a couple of years ago that there would be, I believe it was 600-plus jobs. We have delivered almost all of those jobs.

Mr. Speaker, there have certainly been close to 90 percent of the jobs decentralized. We have opened offices and we have put the functions in place, and everybody in every community has given us nothing but credit for having done this program. They have given us credit in Thompson, which is a New Democratic constituency, where we promised 33 jobs and we delivered 52 jobs.

Mr. Speaker, in her constituency we promised five jobs and we delivered five jobs. I cannot understand this line of questioning. We have done what we said we would do, and we have got nothing but credit from those rural communities. The only people in this whole province who are unhappy are the New Democrats.

### **Brighter Futures Program Social Assistance Recipients**

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, my question is to the Minister of Family Services (Mr. Gilleshammer).

Families throughout Manitoba, indeed Canada, received their last family allowance cheques just a few short days ago. That has been replaced by the federal Tory position of a child tax credit, a benefit tax credit.

The Minister of Family Services has not told Manitobans how this will impact on them, particularly if they are in receipt of social assistance benefits. Will the minister now make a definitive statement on what will be the impact, on his payment to these people, on social assistance benefits?

\* (1355)

**Hon. Harold Gilleshammer (Minister of Family Services):** Mr. Speaker, we have been very interested in acquiring information from the federal government on their new Brighter Futures program. We are still working with officials from the federal government to acquire some of the details of that program, and these are the subject of ongoing discussions.

**Mrs. Carstairs:** Mr. Speaker, it is very clear from all of the material that has been prepared that a person on social assistance will receive not one new additional penny from this benefit program.

Will the minister now assure social assistance recipients that they will not be penalized by this provincial government because of this new change in federal policy?

**Mr. Gilleshammer:** Mr. Speaker, we will continue to monitor the developments that are taking place at the federal government level. We are acquiring more information almost on a daily basis as to the details of that program. We will use that material to see how it fits with the provincial program, and certainly decisions will be made in due course.

**Mrs. Carstairs:** Mr. Speaker, the statements of the minister are very, very disturbing. He is clearly stating that he has not made a decision as to whether he intends to cut benefits of people on social assistance.

Will he tell this House today that no social assistance recipient will receive less money from this provincial government because of a federal government change in policy?

**Mr. Gilleshammer:** I want to assure the member and other members of the House that we have constantly reviewed our social allowances benefits to Manitobans, and are probably one of two provinces last year to increase those benefits at the rate of inflation. At the same time, we have brought in a number of other enhancements which I alluded to in my comments the other day. As we get more information from the federal government, we will be making those decisions in due course.

### **Chris Davis Wheelchair Purchase**

**Ms. Judy Wasylycia-Lels (St. Johns):** Mr. Speaker, this government continues to talk health care reform but practises callous cutbacks and imposes hardship on individuals through lack of co-ordination between various departments.

Mr. Speaker, it is not health care reform when this government drags its heels on funding a specialized wheelchair for Chris Davis so that he can live in the community and save taxpayers' dollars. It is shameful when this government will not commit to paying for this wheelchair, and yet one of Manitoba's most hard-pressed communities, St. Theresa Point

comes forward with a donation to Chris Davis of \$8,000 to help pay for that wheelchair.

I want to ask the Minister of Health if he will now follow the example of St. Theresa Point community, the leadership offered by those people who have donated, collected money, taken from their own salaries so that a wheelchair purchase could be more feasible today than it was yesterday. Will he follow that leadership and act—

**Mr. Speaker:** Order, please. The honourable member has put her question.

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, as I indicated on Monday, the issue of a wheelchair is not the issue on placing this individual in other than an acute care hospital. It is the medical condition and the stability of that and the ability to provide this individual's medical needs safely in other than an acute care hospital that is the issue that I am coming to grips with.

Mr. Speaker, I indicated to my honourable friend that the wheelchair program in Manitoba provides up to \$10,000 in terms of modifications and we have been working on that modification program. This particular wheelchair, the individual has had for approximately six weeks and finds it to his liking.

\* (1400)

I congratulate St. Theresa Point for providing, not to the individual but to the Victoria General Hospital Foundation, the funds so that if modifications to a chair will exceed \$10,000 that some of that funding can be used. But, Mr. Speaker, the first issue and the foremost issue that my honourable friend seems to have forgotten about is the medical safety for this individual which we are attempting to assure in a location other than an acute care hospital.

I know my honourable friend has not phoned the doctor involved at Victoria General Hospital to understand the issue and is hung up on the wheelchair which got her temporary coverage in the news, but my issue remains the safe care of this individual, something my honourable friend ought to consider in her attempt to bring the issue forward.

**Ms. Wasylycia-Lels:** Mr. Speaker, I would like to table the statement delivered today by Chief Ken Wood at Victoria Hospital when he presented a cheque for \$8,000 to Chris Davis, where it states, we are poor but we are happy spiritually, we are happy to share with others that need the little we have for ourselves.

I would like to ask the Minister of Health, who should be embarrassed and hanging his head in shame today, will he not now tell Chris Davis and the St. Theresa Point community that this cheque is not needed, that this minister and this government will take action and will purchase the wheelchair today?

**Mr. Orchard:** Mr. Speaker, so that my honourable friend does not get too excited in front of the television cameras, maybe my honourable friend ought to consider what I have been saying and consider it rather seriously. My honourable friend seems wont that we should immediately place this individual outside of a hospital.

My honourable friend has not taken the time to discuss the medical issue with Dr. MacKenzie. Perchance she should, because the wheelchair, Sir, is not the issue preventing that movement from the acute care hospital to an alternate care location. It is the medical safety, the medical condition and the circumstances of providing safe alternate care that drives this process, not the existence of a wheelchair, as my honourable friend would believe.

Please, for the interest of the individual involved, would my honourable friend take time to check with Dr. MacKenzie at Victoria General Hospital and find a little more background and fact to this issue?

**Ms. Wasylycia-Lels:** Mr. Speaker, let me ask the Premier (Mr. Filmon) a question, who will know from reports of this issue that in fact the medical requirements of Chris Davis can be met in the community if the government is willing to do so and if they can get their act together with respect to interdepartmental co-ordination.

I want to ask him if he will put a mechanism in place to bring together the Departments of Health, Housing and Family Services so that people like Chris Davis do not fall between the cracks and so they can live in the community and make a contribution to our society.

**Mr. Orchard:** Mr. Speaker, you know, again my honourable friend refuses to acknowledge the medical circumstances that I have alluded to.

I would simply like to say to my honourable friend that some time ago, Sir, before this individual's admission to an acute care hospital, the kind of co-ordination my honourable friend is urging upon me today took place and, in fact, we had the opportunity for community placement for this individual. It was there, but the individual's medical



condition changed so that today those circumstances cannot be met in the circumstance that was available as of June of this year.

Sir, I realize my honourable friend does not have that information, and my honourable friend has refused to phone Dr. MacKenzie at Victoria General Hospital. I cannot make her phone and get more information and more facts about assuring the safety of this individual, but surely my honourable friend wants to assure this individual's safety and not just simply pretend the issue is narrowed to a wheelchair availability.

### Point of Order

**Ms. Wasylycia-Lels:** On a point of order, Mr. Speaker, I believe that the minister has been imputing motive throughout his response to my questions and suggesting I have not done my research.

I would like to table a copy of a letter indicating that this minister's Department of Health approved funding for the wheelchair back on August 10, and the minister has broken his word.

**Mr. Speaker:** We will accept the tabled document, but the honourable member does not have a point of order.

### School Divisions Medical Services

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

The province has offloaded millions of dollars of cost to school divisions. Hundreds of jobs in education have been lost. Now a further \$17 million will be cut in the Education budget.

Since The Manitoba Teachers' Society has passed a resolution indicating that teachers will not provide medical services to children, what plans does the government have in place to provide assistance to school divisions in order to provide these medical services?

**Hon. Rosemary Vodrey (Minister of Education and Training):** Mr. Speaker, first of all, the member insists on continuing to mention a speculative number, an unconfirmed number. I will remind him of the fiscal position of this province and that Manitobans are expecting this government to be extremely fiscally responsible in our planning.

In relation to the medically fragile child, I have been working with our colleague the Minister of Health (Mr. Orchard). We have been looking very carefully at a plan that we will be hoping to bring forward.

**Mr. Chomiak:** Mr. Speaker, my supplementary is to the same minister.

Can the minister outline whether or not she will be responding or the ministers will be responding to a report that has been on her desk for a year and a half calling for this co-ordinated plan? When will we see the plan? There has been a report on her desk for a year and a half, and she has not even responded.

**Mrs. Vodrey:** Mr. Speaker, well, certainly, there has been a response, but I believe what the honourable member is asking is perhaps are we meeting as a government, and I can tell him, yes, we are.

He is confusing, however, two matters. There is one matter where there has been working already from among four departments, an interdepartmental co-ordination team. The Department of Justice, the Department of Health, the Department of Family Services and the Department of Education have been working to bring forward a plan in relation to the very specific issue of the medically fragile child. My colleague the Minister of Health (Mr. Orchard) and I have been working on that issue.

**Mr. Chomiak:** Mr. Speaker, given the budget cutbacks and potential cutbacks from this government, can the minister outline today when she will come forward with a plan to allow the school divisions, which must set their budgets now, to know what services will be in place to provide for the medical services of children in the system?

When will that plan come forward? The budgets are due already this week.

**Mrs. Vodrey:** Mr. Speaker, certainly I am in communications with school divisions on a very regular basis, and my colleague and I are endeavouring as soon as possible to bring forward the plan.

### Foreign Domestic Workers Minister's Awareness

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I have a question for the Minister of Culture, Heritage and Citizenship. It is in reference to the two

domestics who have been asked to leave Canada. Gloria Ulip had left last Monday, and Lenore Panas has to leave by December 15.

In particular with regard to Lenore's case, the Minister of Immigration said that he did not want to intervene because he was wanting the federal court to make a decision before he would comment on that particular case.

Mr. Speaker, what we want is to see Lenore able to stay here until the federal court at least has made that decision. I believe that the minister is fully aware of these two domestic workers.

I would ask the minister: Can the minister indicate to this House if she has had any contact with her federal counterpart with respect to the Lenore Panas case?

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship):** Mr. Speaker, my officials have been in touch with immigration officials from the federal government on an almost day-to-day basis regarding this issue.

Our understanding is that one of the women did leave voluntarily about a week ago, and my understanding is that the second woman has agreed voluntarily to leave a week or so from now and let the process take place. If the member for Inkster has any more information that he would like to share with me that I might be unaware of—as of yesterday, that was my understanding.

**Mr. Lamoureux:** Mr. Speaker, Lenore Panas definitely wants to stay in Canada at least until the federal court, because she was wanting to be here so that when the decision is made that she will have some hope of being able to be in Canada permanently. There is a resolution on the Order Paper.

My question to the minister is: Would the minister indicate her support to allow this resolution to be debated today? Because it is so time sensitive, Mr. Speaker, we are looking at having this resolution debated today so that we can send a strong message.

### Point of Order

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, this question is certainly out of order. That is a matter dealing with House business, Orders of the Day. I would say that this question is totally out of order.

I am a recipient of a request from the second party House leader requesting a certain matter be dealt with in respect to the number of resolutions and the manner in which they are dealt with, Mr. Speaker, and I will be replying to the member in due course.

**Mr. Kevin Lamoureux (Second Opposition House Leader):** On the same point of order, Mr. Speaker, the government can choose which minister to answer the question. If the government House leader feels it is a House question, he could have stood up and answered the question as the House leader.

This is a question that I have asked the Minister of Culture, Heritage and Citizenship if she herself would support, because I believe that she is being very sincere on this particular topic. We are just trying to find out if, in fact, she would.

**Mr. Speaker:** Order, please. On the point of order raised, the honourable government House leader indeed did have a point of order.

The honourable member's question is out of order according to Beauchesne's 410(10) that "the subject matter of questions must be within the collective responsibility of the Government or the individual responsibility of Ministers."

I believe the honourable member's question indeed could better be settled outside this Chamber in conjunction with the other two government House leaders. I would ask the honourable member for Inkster to kindly rephrase his question, please.

\* \* \*

**Mr. Lamoureux:** Mr. Speaker, my question then would be to the minister. Will she agree to contact her federal counterpart later on this afternoon if at all possible and report back to myself either on this side or to the Chamber?

\*(1410)

**Mrs. Mitchelson:** Mr. Speaker, I intend indeed to get an update this afternoon on exactly what is happening and ask whether that has been a consideration by the federal government.

### Immigration Agreement Status

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, dealing with immigration, I know there are a number of provinces, I believe seven provinces, that have

entered into an immigration agreement with the federal counterpart.

I would ask the minister, what seems to be the problem in terms of Manitoba not entering into the same sort of an agreement dealing with issues like settlement and ESL?

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship):** Mr. Speaker, my department is aggressively working toward the finalization of an immigration agreement with the federal government.

Since the creation of the Citizenship Division just less than a couple of years ago and the appointment of people into that division, we have been aggressively pursuing, and we are at a point where we are ready to sign an agreement with the federal government. There are still some outstanding issues that the federal government has not agreed to, but we are aggressively pursuing that matter.

#### **Manitoba Arts Council Executive Director Dismissal**

**Ms. Jean Friesen (Wolseley):** Mr. Speaker, the Manitoba Arts Council is an arm's length agency appointed by each government to distribute grants and support to Manitoba's quite large cultural community. This council has recently taken the unprecedented step of dismissing its executive director without any explanation, and this is an executive director who is a long-time serving and very dedicated public servant.

I want to ask the Minister of Culture, Heritage and Citizenship what action she has taken to ensure that fair procedures and principles of natural justice have been followed in this case.

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship):** Mr. Speaker, the Arts Council has been an arm's length organization of government for many, many years. It is not my policy to politically interfere with either granting decisions or administrative decisions that that arm's length organization takes. I believe they will act in the best interests of the arts community, and they will certainly be judged based on the decisions that they make.

#### **Arts Policy Government Position**

**Ms. Jean Friesen (Wolseley):** Mr. Speaker, does this dismissal indicate a change in Manitoba's commitment to the principle of the funding of both individual artists and organizations and to the nurturing of both established and experimental endeavours?

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship):** Mr. Speaker, there has been no change in this government's policy or procedures.

The Manitoba Arts Council performs a very valid function within our provincial government. We understand and recognize and realize the importance of our cultural community and what benefits there are to Manitoba as a result of the funding that we have provided in the past, and we will continue to do that.

#### **Manitoba Arts Council Annual Report**

**Ms. Jean Friesen (Wolseley):** Mr. Speaker, will the minister tell the House when she intends to follow the recommendations of her own Arts Review Committee, the DeFehr report, and require that the Manitoba Arts Council report annually directly to the Legislature so that public accountability can be ensured?

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship):** Mr. Speaker, we have implemented some of the recommendations of the Arts Policy Review Committee. We will continue to move along that path and implement other recommendations as time and resources become available.

#### **Assiniboine River Diversion Federal Environmental Review**

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, my question is for the Minister of Environment. We have seen in this country that there has been the Rafferty-Alameda dam; there has been the Oldman River dam; and now we have the Assiniboine diversion. All of these have been major water "developments" that have proceeded without the proper federal basin-wide environmental review.

I would like to ask the minister: What progress is being made to ensure that this major development in Manitoba will have a basin-wide review, preferably a federal review including full intervenor funding?

**An Honourable Member:** Old Glen, we call him.

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

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

**Hon. Glen Cummings (Minister of Environment):** I am not used to being heckled from behind, Mr. Speaker.

Mr. Speaker, the member incorrectly categorizes this process as in any way avoiding proper environmental review and action. The fact is the Department of Environment has laid out some fairly wide-reaching and encompassing guidelines for which the proponent will have to respond to, and this will be a completely open and very full process.

### **Water Conservation Policy Implementation**

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, my supplementary is for the Minister of Environment or the Minister of Natural Resources (Mr. Enns).

Why is it taking so long to ensure that Manitoba has a water conservation and protection policy that would do things like ensure that the proper environmental impact assessments are carried out? Why is it taking so long?

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, there has been an enormous amount of work done in this province in respect to the environmental assessment process. Manitoba has one of the most complete and all-encompassing processes in the country.

Anytime that there is a project, particularly one of this nature, that requires a lot of examination from an environmental point of view and certainly has a broad aspect of community interest on both sides, this is the type of process that is ideally suited to allowing public discussion and input on both sides so that environmental and social issues are properly looked at.

### **Water Sales/Transfers Government Policy**

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, I would remind the minister that a full consultation

was done and completed in 1986 and this was the document produced. I would think that a lot of the problems as I have read would still apply. I would like to ask the minister: How is the government dealing with the controversial and serious issue of sale and transfer of water and water rights between water users? What is the government policy with respect to water sale?

\* (1420)

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, I would remind the member, and she was referring to work that was done to provide preliminary information on this project, that our process is driven by the rapidity of response and application of, first of all, the proponent and, secondly, those who wish to have input into the process and then how quickly the proponent will respond to guidelines that are produced as a result of that.

The fact is that the concerns and the issues that the member raises will be well and fully dealt with through the environmental assessment process that we have in our province and the hearing process that flows from that. I think that the member only needs to look at the projects that we have implemented or have put through the process in the last three years to know that we have one of the most full and complete and, in the eyes of many people, rather time-consuming process.

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

### **ORDERS OF THE DAY**

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, second readings today of the bills in this order: Bills No. 3, No. 5, No. 4, Nos. 2, 6, 7 and 10.

### **SECOND READINGS**

#### **Bill 3—The Oil and Gas and Consequential Amendments Act**

**Hon. James Downey (Minister of Energy and Mines):** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Manness), that Bill 3, The Oil and Gas and Consequential Amendments Act (Loi concernant le pétrole et le gaz naturel et apportant des modifications corrélatives à d'autres lois), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Downey:** Mr. Speaker, let me at the outset indicate to the members of the Legislature that I am the owner of some mineral rights in southwestern Manitoba which could well be perceived as a conflict by some individuals, and it is stated in my conflict of interest forms where they are, as well as the Leader of the Opposition (Mr. Doer) sometime ago tried to make a big to-do over the fact that I had some shares in a small oil company.

Well, Mr. Speaker, nothing has changed. The value of the oil shares have not gone up; they have in fact gone down, and I would invite him if he wants to talk to me about them later. I do, Mr. Speaker, want to declare that to the House in the introduction of the Oil and Gas Act.

Mr. Speaker, I am pleased to introduce The Oil and Gas Act for second reading.

When one thinks of the oil and gas industry in Canada, Manitoba does not immediately come to mind to many people throughout particularly a province like Alberta. However, development of Manitoba's petroleum resources are a significant source of economic activity in the southwest part of the province. Additionally, the province collects a significant amount of revenue in the form of royalties and production taxes from oil and gas production in the province.

By way of history, oil was first discovered in Manitoba in 1951, about 20 miles west of Virden in what is now called the Daly field. In fact, if you travel west of Virden on the Trans-Canada Highway, you will see a monument and a pump jack commemorating this first well.

I can as well add that I remember in the community of which I lived in southwestern Manitoba, in a small school district known as Coultervale, there was an oil well that was drilled in the early 1950s. The individual who was in charge of the operations did not listen to what headquarters said to tell him and he drilled a little bit deeper than what they wanted him to. Lo and behold, black gold spouted out the top of the tower. Many people saw this and of course started the oil boom and the whole oil fever in that area. I remember very clearly, Mr. Speaker, that event as a young boy in southern Manitoba.

Through the '50s, development of fields in the Virden area brought a boom to that part of the province. During the 1960s and '70s, drilling activity

was reduced but ongoing production operations provided a strong economic base for the Virden area.

In 1978, the previous Conservative government of the day, recognizing that Manitoba's petroleum potential had not been fully explored, introduced fiscal incentives to encourage the oil industry to give Manitoba another look. The result of this renewed interest was the development of the Waskada Field and the oil boom of the early 1980s. I am sure that anyone who reads the papers is aware, however, that the oil industry has fallen on hard times as the result of low commodity prices and increased regulation.

I will be visiting Waskada later on today to meet with my constituents to discuss some of their concerns. Of course some of the concerns relate to value that has been added to the land because of the oil development.

Mr. Speaker, we continue to believe that Manitoba's petroleum potential has not been fully realized. We believe that policies must be put in place to ensure the continued sustainable development of the province's petroleum resources. The Oil and Gas Act is the foundation of these policies and is an important part of this government's plan for economic development in Manitoba.

The Oil and Gas Act provides the rules of the game, so to speak, and for sustainable development of the province's oil and gas resources for the benefit of all Manitobans. It establishes the rules that we consider fair and comprehensive which will enable people to operate in the province in the full knowledge of the requirements and expectations placed upon them.

Private sector investment in the province's oil and gas resources will be encouraged through simplification of legislative requirements. Further, regulations will be developed under the act to accommodate changing technology and provide a positive investment climate.

We hope, through these initiatives, to build Manitoba's petroleum industry into an integral part of this provincial economy.

Over the past two or three years, staff from the department have been aggressively marketing petroleum investment opportunities in Manitoba. As a result of these efforts, together with a series of innovative new fiscal incentive programs, there are

signs of a renewed interest by the oil and gas industry in Manitoba.

Geophysical exploration is up over last year. A number of exploratory or wildcat wells have been drilled. It is our hope that introduction of this act will foster that interest and lead to successful development of Manitoba's petroleum resources. At present, legislation governing oil and gas operations in Manitoba are found in a number of separate statutes—The Mines Act, The Pipe Line Act, The Gas Storage and Allocation Act and The Securities Act.

In all cases, this legislation has been significantly amended for nearly 40 years. As a result, the current legislation fails to address developing technology and, more importantly, society's concern for protection of the environment. Additionally, the existing statutes are overly complex, confusing and at times contradictory. I should note that even though the current legislation is deficient in providing for protection of the environment, over the years the Petroleum branch of my department has introduced a series of operational policies and regulations that have filled the environmental gap in the legislation.

The industry, by and large, has accepted its responsibilities with respect to the environment and complied with the policies and regulations. There do remain, however, problems or deficiencies that cannot be dealt with through regulation or policies. The proposed new Oil and Gas Act is designed to address these problems in a fair and workable manner. The proposed Oil and Gas Act is a companion piece of legislation to The Mines and Minerals Act which was proclaimed in the spring of 1992. Similar to The Mines and Minerals Act, the 10 principles of sustainable development are central to the Oil and Gas Act.

Part of the act which is subsection 2 of the act, 2(1) in the bill, states in part:

"The objects and purposes of this Act are

"(a) to provide for, encourage and facilitate the safe and efficient development, and the maximum economic recovery of the oil, gas, helium and oil shale resources of the province in accordance with the principles of sustainable development;"

The next subsection sets out these principles in the context of oil and gas development. For example, the bill requires that decisions respecting the development of oil and gas resources be

integrated with decisions respecting the protection and management of the environment so that oil and gas industry activity is conducted with due regard for its impact on the environment, and environmental programs and initiatives are instituted with due regard to their economic impact.

\* (1430)

The bill also requires that government and industry acknowledge in their respective policies and practices their stewardship of the oil and gas resources of the province, so that the economy is developed and the environment is preserved for the benefit of the present generation and future generations of Manitobans and that the responsibility for sustaining a sound, healthy oil and gas industry in the province is shared by industry and government alike and specifically that land which is in environmental terms is damaged or diminished by oil and gas industry activities be rehabilitated.

If you refer to Section 2 of Bill 3 you will see the items listed under sustainable development closely parallel the 10 principles established by Manitoba's Round Table on Environment and Economy, putting them in an oil and gas context. Further on rehabilitation, we are proposing that an abandonment fund reserve account be set up to ensure that in situations where a company is unable to continue operations, the site of the associated wells and facilities will be rehabilitated.

The account will be funded by industry through surcharges on well licence fees and by annual levies on inactive wells or facilities. The fund will be used as a last resort and any expenditures out of the fund constitute a debt of the operator to the Crown. The effect of this is that where legal issues have bogged down a company's operation, the fund could be used to take action forthwith to return land to product activity and to repair any environmental damage.

The act also provides a clear enforcement mechanism that is very specific and effective in addressing problems arising from noncompliance. The new act will correct a major deficiency in the existing legislation by putting substantive legislation into the act itself, shifting it out of the regulations. This is consistent with the rules of our Legislature, which require that regulations should not contain substantive legislation but should be confined to administrative matters.

For example, in the past, tenure of Crown-owned oil and gas rights, which is an important element in any petroleum development, has been dealt with by regulation. In other words, the provisions for obtaining a lease of Crown-owned oil and gas rights could be changed by Order-in-Council, which has been done with fairly significant results.

For example, in 1992, the government of the day discontinued Crown-leased sales, thereby eliminating a mechanism for industry to obtain Crown oil and gas rights in a competitive manner similar to systems in place in other western Canadian jurisdictions. This measure contributed materially to a very low level of activity in the 1970s. I should add that in 1979 the Conservative government of the day restored the Crown-lease sale system again by regulation, and we are now placing it, Mr. Speaker, in the act.

In spite of the apparent bulk of this bill, we are in fact streamlining the oil and gas legislation. In addition to repealing the remaining provisions of the old Mines Act dealing with oil and gas, this bill will also repeal The Pipe Line Act, parts of The Gas Storage and Allocation Act and specific provisions of The Securities Act relating to gas and oil.

The new act incorporates in a single act the necessary provisions of the legislation being repealed. Furthermore, substantive provisions that were formerly in the regulations have now been put directly into the act; the size and the scope of the regulations will be correspondingly reduced.

On that point, regulations under the new act are currently being drafted with the goal of having them ready for consultation with client groups which coincide with or shortly after the bill makes its way through the legislative process.

Part 1 of the act includes definitions and the objectives and purposes of the act. In addition to sustainable development of the province's oil and gas resources, purposes of the act include the prevention of waste and the protection of the correlative rights of owners of oil and gas rights. The act also provides for the safe and efficient construction and operation of petroleum pipelines situated entirely within Manitoba and of underground hydrocarbon storage reserves.

Part 2 sets out the powers and the duties of the minister, Director of Petroleum, Petroleum Registrar and Petroleum Inspectors. It also includes guidelines on conflict of interest for employees.

Part 3 establishes the Oil and Gas Conservation Board, which is designed to operate as an independent review and advisory body to the minister. Through this board, the public and the interested parties will be provided a hearing and review process on matters resulting in petroleum resource decisions of significance.

Parts 4 and 5 deal with tenure of Crown oil and gas rights, while Part 6 requires registration of agents that acquire leases from private owners of oil and gas rights. At present there are more complex licensing and registry systems under The Securities Act.

Part 7 provides for licensing and standards for geophysical exploration.

Part 8 provides for the licensing of wells and clearly states the responsibility of the well licensee in respect of operations of the well or problems arising from those operations.

Part 9 provides a framework for development and production of the province's oil and gas resources, including provisions relating to well spacing, production rates, enhanced recovery and processing of gas. The part also contains important provisions relating to the prevention, control, cleanup and reporting of oil and saltwater spills and the abandonment of wells and facilities. The operator's responsibilities for rehabilitation of land damaged by its operation is spelled out in this part of the act.

Parts 10 and 11 deal with pooling and unitization which are operating arrangements designed to permit the efficient development of oil and gas resources when multiple operators and resource owners are involved.

Part 12 provides for the construction and operation of the flow lines and pipelines. Flow lines are the smaller diameter pipelines that carry fluid from a well to a primary processing facility called a battery. Pipelines, on the other hand, are generally larger diameter, longer systems that gather production from a number of batteries for delivery for the even larger interprovincial pipeline systems. The provisions in this part relating to pipelines replace the provisions of The Pipe Line Act which is being repealed.

A significant change is that acquisition of surface rights for purposes of a pipeline are being brought under The Surface Rights Act. Previously, if the proponent of the pipeline and a landowner were

unable to come to terms, the proponent could proceed under The Expropriation Act.

Part 13 provides for storage of hydrocarbons in naturally occurring underground reservoirs, replacing similar but narrower provisions in The Gas Storage and Allocation Act. There are currently no underground storage reservoirs active in Manitoba, but there is potential for development of such facilities for natural gas load levelling or for other purposes.

Part 14 requires that an applicant for a licence or a permit under the act provides a performance security to ensure compliance with the act. The security can be in the form of a deposit which is refundable after the site of the operation, well, or facility is rehabilitated in accordance with the act and a certificate of abandonment signifying such rehabilitation has been issued. A performance security can also be in the form of a nonrefundable levy on licences issued or on wells and facilities that are inactive. These levies are deposited in the abandonment fund reserve account that I mentioned earlier.

Part 15 provides a process by which provisions of the act can be enforced. The process includes notices of noncompliance and shut down, shut down orders and, if all else fails, seizure. Under seizure the minister may authorize the director to seize a well or facility and effect compliance with the act. This part also provides a method of appeal to an order of seizure made by the minister.

Part 16 provides for royalties on production from Crown-owned oil and gas rights and further provides authority to the Lieutenant-Governor-in-Council to vary a royalty in special circumstances; for example, to encourage the application of unproven or, one may say, exotic recovery technologies.

Part 17 provides for collection of debts due the Crown under the act, while Part 18 deals with record keeping and reporting requirements as well as with confidentiality of information.

\* (1440)

Part 19 covers offences and penalties, and Part 20 addresses a number of general issues and provides regulation-making authority.

The remainder of the bill includes, in Part 21, transitional provisions, and in Part 22, repeal of certain statutes and consequential amendments of others.

Mr. Speaker, these are some of the highlights of the new Oil and Gas Act. I commend it to you, Sir, and to the House. Because of the complexity of Bill 3, I would like to take this opportunity to extend an invitation to make arrangements for our staff to provide opposition critics with a special briefing for their assistance. I welcome that at the convenience of those members of opposition.

Mr. Speaker, I commend this bill to the House, to the committee of the Legislature and would hope that we could see a relatively smooth passage of this Legislation.

Thank you.

**Mr. George Hickes (Point Douglas):** Mr. Speaker, I move, seconded by the member for Swan River (Ms. Wowchuk), that the debate be adjourned.

**Motion agreed to.**

### **Bill 5—The Northern Affairs Amendment Act**

**Hon. James Downey (Minister of Northern Affairs):** Mr. Speaker, I move, seconded by the Minister of Natural Resources (Mr. Enns), that Bill 5, The Northern Affairs Amendment Act (Loi modifiant la Loi sur les affaires du Nord), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Downey:** Mr. Speaker, I am extremely pleased that my colleague the Minister of Natural Resources (Mr. Enns) seconded this bill. It gives me a lot of comfort, and I am sure the members of the opposition should find comfort in that, that he has seen fit to allow his name to stand to second this important piece of legislation.

I am pleased in the introduction of Bill 5, The Northern Affairs Amendment Act, that this bill identifies two changes that are primarily process orientated. One change is to clarify the existing consultation process with our community councils regarding the reissuance of permits of a current occupation of use of Crown land.

Presently, with respect to Crown land permits of occupation or use, we only consult with community councils with respect to the initial disposition. This process is well understood and accepted by Northern Affairs communities.



We have added, Mr. Speaker, subsection 9(2.1) to establish the existing process in legislation. A failure to do so would require repetitive consultations and give the volume of Crown land permits issued in northern Manitoba. This would be inefficient and expensive, the principle being that once the consultation has taken place on a piece of Crown land, that would be the consultation that would take place for a period of time.

If a new lessee were to come along, then it would require, I am sure, again consultation with the community. However, ongoing leases would not in fact have to be reconsulted, because it would take tremendous amounts of staff time and cost to carry out such an activity.

The second change will make applicable to local committees and community councils the same process which applies to incorporated community councils with respect to issues otherwise within the jurisdiction of the Public Utilities Board. This involves the Minister of Northern Affairs (Mr. Downey) giving approval for matters such as community by-laws affecting sewer and water rates.

The balance of amendments, Mr. Speaker, deal with changes in language for the process of incorporating our community councils, again, a new initiative, or a major initiative which the communities are anxious about.

At the time, Mr. Speaker, The Northern Affairs Act was initially enacted, Manitoba was a letters patent jurisdiction with respect to corporations. Since that time, the province has become an articles of incorporation jurisdiction. As the office dealing with incorporation documents for incorporating community councils will be the Corporation branch, the change to articles of incorporation will make the incorporating of community councils a more efficient process.

Mr. Speaker, these are the amendments which are part of the ongoing review of my department as established in regard to The Northern Affairs Act. Just to further add, I would like to say that it is my understanding that we have received communication from the chairman of the Public Utilities Board supporting the move to have the Minister of Northern Affairs set the levies for the sewer and water rates for our communities as is done under other acts of this Legislature.

So, Mr. Speaker, I would hope for the support, ask for the support of the members opposite again in

supporting this bill for the support of northern Manitoba. I would expect and appreciate smooth passage of this legislation.

**Mr. Cliff Evans (Interlake):** Mr. Speaker, I move, seconded by the member for Elmwood (Mr. Maloway), that debate be adjourned.

**Motion agreed to.**

#### **Bill 4—The Retail Businesses Sunday Shopping (Temporary Amendments) Act**

**Hon. Eric Stefanson (Minister of Industry, Trade and Tourism):** Mr. Speaker, I move, seconded by the Minister of Education and Training (Mrs. Vodrey), that Bill 4, The Retail Businesses Sunday Shopping (Temporary Amendments) Act; Loi sur l'ouverture des commerces de détail les jours fériés—modifications temporaires, be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Stefanson:** Mr. Speaker, as the members of this House are aware, our government recently announced its intention to introduce legislation to allow Sunday shopping on a trial basis here in Manitoba. To support this decision, we are introducing temporary amendments to The Retail Businesses Holiday Closing Act, The Employment Standards Act and The Payment of Wages Act.

This proposed new legislation, The Retail Businesses Sunday Shopping (Temporary Amendments) Act, is retroactive to November 29, 1992, and will be in effect until April 6 of 1993. Mr. Speaker, during this five-month trial period, retail businesses normally operating with more than four employees will be permitted to open any time between 12 noon and 6 p.m. on Sundays.

Stores that normally operate with four or fewer than four employees will be allowed to continue operating under the same terms and conditions that applied prior to the introduction of these amendments. Based on assessment of this trial period, Mr. Speaker, government will decide whether to proceed with Sunday shopping on a permanent basis and, if so, under what would be appropriate terms and conditions.

Mr. Speaker, the decision to allow Sunday shopping on a trial basis responds in part to public demand. It expands the choices available to all Manitobans, giving them greater flexibility in

deciding when to shop. This flexibility of choice has been available to Canadians in other provinces for quite some time now. Right now the Provinces of British Columbia, Alberta, Saskatchewan—in fact, all of the other western provinces—as well as Ontario, New Brunswick, Prince Edward Island and, most recently, Quebec, permit Sunday shopping on an expanded basis.

What is interesting to note is some of these changes have occurred in the last handful of months and that we have governments representing all three major political parties bringing in these kinds of changes, whether it be Ontario, New Brunswick, Quebec or here in Manitoba. Of course, wide-open Sunday shopping has long been available throughout the United States, and for many years now a steady flow of Canadian consumer dollars has supported the activities of U.S. retailers who open their doors to Sunday shoppers. Arriving now when retail sales are more brisk than at any other time during the year, Sunday shopping should help to stimulate retail sales activity here in the province of Manitoba.

\* (1450)

Mr. Speaker, we do not pretend that by allowing Sunday shopping cross-border shopping will come to an abrupt end, but we do believe that it will help to stem the flow of some spending by Manitobans in other provinces and in U.S. markets by providing the consumers here in Manitoba with an option that until now existed only beyond Manitoba's borders. Obviously, there is an opportunity to keep as many dollars as possible here in the province of Manitoba. Studies indicate that the restrictions spur increased cross-border shopping, decrease tourism expenditures in Manitoba and, as a result, fewer employment opportunities and a decreased tax base here in Manitoba.

The Manitoba Hotel Association is a good example of one organization that has a great deal of interest in tourism, that has expressed support for what they recognize Sunday shopping can do in that particular industry. In fact, I was talking just the other day to one of our downtown hotel operators who indicated that he is currently in the process of pursuing bus tours here to Manitoba to entice them to come and spend a weekend or more days in Manitoba, and part of his package will be that he will encourage them to shop here in Manitoba on Sundays. Obviously, other aspects of the current economy might well help that individual operator

and other operators, Mr. Speaker, in terms of the current state of the Canadian dollar and other issues. He as an individual hotel operator sees a significant opportunity to entice and to draw Manitobans here to the province of Manitoba.

Another personal example: I was on the flight home on Sunday from Toronto with a group of Manitobans because of the successful bid for the Pan Am Games in 1999, and the stewardesses were good enough to announce that over the PA system on the airline on two different occasions during that flight. When they heard we were from Manitoba, one of the stewardesses came up and asked the simple question whether or not we now allowed Sunday shopping because they had a six-hour stopover in Winnipeg and they were from the province of Nova Scotia. When they heard that they could in fact go shopping here in Winnipeg and in Manitoba on Sunday, they certainly were ecstatic to get the opportunity to do just that and intended to go over to one of our local shopping centres and to spend some of their hard-earned money right here in the province of Manitoba.

At the same time, restrictions on Sunday shopping can have a negative social impact. With changes in employment patterns and demographics, families are finding it increasingly difficult to confine all of their shopping activity to one day over the weekend, Mr. Speaker.

Of course, the existing legislation does allow some Sunday shopping activity, but the current restrictions are not practical from the consumer, retailer and retail employee standpoint. The current legislation restricts retail operations to four employees. For consumers this restriction creates unnecessary inconvenience. With more and more two-income families and single-parent families, the weekend is in fact the only time to shop for many Manitobans.

For retailers the existing legislation creates considerable hardships as well. By limiting the capacity for retailers to provide adequate service and security, Mr. Speaker, it is a significant barrier to their operating efficiencies. In light of the economic downturn which has affected all aspects of the Canadian and our economy, and particularly the retail sector, such operational barriers do nothing to encourage improved retail business activity.

From the retail employees' standpoint, restricted Sunday shopping also creates some difficulties. By restricting stores to a maximum of four employees, the existing legislation makes it unnecessarily hard for employees who must cope with the difficult conditions created by a reduced-staff complement on Sundays.

The results of several economic studies and opinion research, Mr. Speaker, weighed heavily in favour of Sunday shopping. Studies conducted in North Dakota show that Sunday shopping has clearly had a positive impact on that state's economy. Unfortunately, North Dakota's gain has been our loss.

Manitoba spending in North Dakota is estimated to be \$92 million as a result of open Sunday shopping. Combined with spending by Manitobans in Minnesota, total cross-border spending attributable to Manitobans spending in the United States on Sundays is around \$110 million annually.

Our estimates show that Sunday shopping in Manitoba could have a positive economic impact on the provincial economy. Obviously a retention of any portion of that \$110 million, let alone what is spent in other provinces and other jurisdictions, is a positive impact to the economy of Manitoba.

In addition to these findings, all of which suggest potential economic gain for the Manitoba economy, opinion research shows that in terms of personal preference, a majority of Manitobans support the introduction of Sunday shopping. Fifty-four percent of respondents surveyed favour Sunday shopping unconditionally. Self-described cross-border shoppers were among those most in favour.

Today, Mr. Speaker, over the wire service, we also see that a recent survey was done by Prairie Research Associates Inc. It reads that a majority of Manitobans surveyed recently by Prairie Research Associates said they approved of wide-open Sunday shopping. More than 50 percent gave a nod of approval to the Manitoba government, which is running a five-month test of Sunday shopping. Only 41 percent said they do not approve of Sunday shopping.

What is interesting—and I will get to it in a minute. This is on the basis of unconditional—In fact, the question that was asked by Prairie Research was: As you know, the provincial government approved a five-month trial period for wide-open Sunday

shopping; would you say that you approve or disapprove of wide-open Sunday shopping?

When you get into potential conditions, Mr. Speaker, you see that the numbers do change somewhat in terms of the level of support. Support for Sunday shopping rose with the applications of conditions, as I have already mentioned, conditions such as limited hours—an example, in the trial period, the limited hours are to operate between 12 noon and 6 p.m.—the season of operation and the provision for a trial period. More than three-quarters of the respondents who were surveyed favoured Sunday shopping under at least one of these conditions.

So, Mr. Speaker, you see that it goes from just over 50 percent unconditionally to about 74-75 percent when you start to attach what Manitobans consider to be reasonable conditions to Sunday shopping. Even among those opposed to Sunday shopping, the people who said they were opposed to Sunday shopping or unsure of their position, 37 percent of those people favour an initial trial period.

Even the people who were opposing it said that they would favour a trial period to see just what the impact is on the economy, to see what the reaction is of consumers, to see what the reactions are in rural and urban Manitoba and so on. So even the people opposing it indicated that a trial period was a reasonable thing to do, not unlike what was done in the province of Ontario a year ago, not unlike what was done in the province of New Brunswick and has been done in other jurisdictions, Mr. Speaker.

There is some concern that Sunday shopping will shift consumer spending in smaller towns to larger centres, but as part of the survey again, Mr. Speaker, 97 percent of rural Manitobans surveyed said that Sunday shopping would either not change their shopping habits, as they say they will continue to do the same volume of their shopping in their home town, or they would spend even more on purchases from their home town merchants—97 percent said that. They would either spend as much or more in their home towns. Only 3 percent indicated that they might shop less in their own community or do not know what they would do.

Once again, Mr. Speaker, this clearly shows that a trial period provides the opportunity to assess just how valid that statistic is. It seemed as though some of the members across the way had their own information on this that does not seem to support

what we are saying. This is research material done. We now have it again today with Prairie Research confirming the kinds of numbers that we have outlined.

As I have already noted, most other Canadian provinces currently allow Sunday shopping. Research conducted in these jurisdictions has shown strong support for expanded shopping on Sunday. In Toronto, Mr. Speaker, Goldfarb Consultants conducted a research project designed to identify the level of support for Sunday shopping among Ontario residents.

\* (1500)

Key findings of the 1990 Goldfarb study include over three-quarters of all respondents surveyed favoured Sunday shopping there as well, a similar pattern to what we are seeing in Manitoba. Over three-quarters of those who worked on Sundays favour Sunday shopping. Support is highest among single parents, working women and those who work irregular hours. A large majority indicated Sunday shopping does not interfere with their family activities, Mr. Speaker.

Mr. Speaker, based on these results, it appears that limiting or restricting Sunday shopping particularly affects single parents, working women and people whose jobs require them to work irregular hours. Since Sunday shopping restrictions hurt these individuals more than any others in society, failure to introduce Sunday shopping shows a lack of sensitivity to the needs of these groups and the time pressures under which they must function. I also hasten to point out that demographics continue to show increases in the number of Manitobans who belong to these groups.

Mr. Speaker, the Goldfarb study also found that an overwhelming majority of respondents believed Sunday shopping in Ontario had exerted no negative or detrimental impact on their family, personal or religious life. These are examples of people who were tested functioning under that environment. Also, these respondents did not feel that Sunday shopping had negatively affected quality of life within their communities. Among these same respondents, a full 90 percent said that they do not spend any less time with their families because of Sunday shopping. Furthermore, two-thirds of the survey respondents agreed that Sunday shopping allows for weekends, and I quote: To be better organized to create family contact time.

Mr. Speaker, I want to stress that the legislative amendments that we are proposing in connection with Sunday shopping are designed to provide choices to all groups affected by the change.

### Point of Order

**Mr. Dave Chomiak (Kildonan):** Mr. Speaker, the minister is making constant references to studies. I wonder if the minister would be so kind as to table these studies and the polls that he is spending most of his time in his speech referring to.

**Mr. Speaker:** The honourable member does not have a point of order.

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**Mr. Stefanson:** Mr. Speaker, as I was saying, I want to stress again that the legislative amendments that we are proposing in connection with Sunday shopping are designed to provide choices to all groups that will be affected by the change.

While the amendments respond to Manitoba consumer interest in expanded Sunday shopping options, they also protect the rights of retailers and their employees.

Through an amendment to The Employment Standards Act, employees are empowered to refuse to work on Sundays. This right to refuse work applies only to employees of those businesses that are allowed to open now as a result of the Sunday shopping trial period. By giving 14 days notice, employees may opt out of working on Sundays.

The amended legislation further protects employee rights, Mr. Speaker. It prohibits employers from discharging staff based solely on their refusal to work Sunday shifts or based on any employee efforts to enforce these rights as defined under this amendment.

Employee complaints concerning violation of the right to refuse work on Sundays will be investigated by the Department of Labour's Employment Standards branch.

Mr. Speaker, retailers, too, have their rights protected under these proposed amendments. They may or may not elect to open their doors to the public on Sundays. The choice is theirs, whether or not the retailer wants to open on Sunday or not. Whether they are in a strip mall or a stand-alone business or wherever they may be located, the

choice is to the individual retailer whether or not they will open their doors on Sunday.

Stand-alone retail businesses have, of course, always been able to choose their hours of operation within the parameters outlined by provincial law. However, commercial shopping centre tenants have traditionally been required to open their doors to business during the shopping centre's established hours.

With the amendments that we are proposing, these retailers will have the option to close on Sundays, regardless of provisions in their lease or any other agreement, Mr. Speaker. This provides a more level playing field for all retail business owners and ensures that those who wish to remain closed on Sundays can do so without penalty.

Mr. Speaker, I would like to point out that these changes to The Retail Businesses Holiday Closing Act, which allow expanded shopping during the specified trial period, will not apply to the statutory holidays of Christmas Day or New Year's Day. I would also like to stress that we will closely monitor public response to this decision.

Mr. Speaker, this is a reasonable trial period, and will cover both the best and the worst time frames in the retail sector. Some retailers in Manitoba do as much as 35 percent of their annual volume in the month of December alone, and, of course, January and February in the retail business tend traditionally to be the slowest times of the year. So the trial period gives us a good range in terms of covering the impacts in terms of the impact to retailers as well as consumer response and interest and concern on this issue.

It is our hope that this move will help to stimulate Manitoba's economy and will ensure that our province maintains a competitive pace with the economic jurisdictions that surround us.

I have already outlined, Mr. Speaker, what is happening in the rest of Canada, what is happening throughout the United States, and the current situation that we face as it relates to the Sunday shopping situation. Thank you very much.

**Ms. Becky Barrett (Wellington):** Mr. Speaker, the minister's comments in introducing this bill for second reading were very interesting and provide a rich background and a field for discussion and debate on the theory and the practice behind Bill 4 that we are discussing today and will be discussing by several of our caucus members.

There are some specific issues that I am prepared to raise, and I know other caucus members are too, about some of the ramifications of this bill on the people of Manitoba, but I would like to spend some time talking and responding to some of the items that were raised in the minister's speech just ended.

First is the whole issue of the process that this bill is part of. Mr. Speaker, as we know and as government members well know, in the parliamentary system that we are a part of, the normal process for legislation is for a piece of legislation to be introduced, first reading, for second reading and debate in the House on the principles of the legislation, then a public hearing process—and parenthetically, I am very proud that Manitoba is the only province in the country that requires public hearings on its legislation, and I think that is something we in Manitoba can all be proud of—and finally, third reading before passage or defeat of the bill, of the legislation.

Mr. Speaker, in virtually every case, this process is followed before the impacts of the legislation are felt by the people of Manitoba, and that is only logical, that you have a bill that changes how the people of Manitoba go about their daily business debated and have input from the public before the impacts of that bill are felt.

Mr. Speaker, in this case, the government of the day has unilaterally, and I would suggest without due process and certainly without due consultation, undertaken to abrogate the spirit if not the strict legality of this process that has helped frame the parliamentary system for over a thousand years in western society.

The process does not and has not allowed for public consultation. It has not and it does not allow for input by interested individuals and organizations in this province, and therefore, we are very much opposed to the process that this bill has undergone so far. We have stated publicly and will continue to state in the House that this bill should not be debated, should not be passed or defeated by us in the Legislature while the bill is, in effect, in force in the community. The public hearings should have been undertaken. The process should have been followed before the wide-open Sunday shopping was actually allowed. So, Mr. Speaker, the process is far from perfect and smacks of this government's lip service to the concept of consultation, rather than its support of consultation in actuality.

\* (1510)

Mr. Speaker, the minister referenced several "studies" showing support for Sunday shopping. He began with anecdotal "studies" from flight attendants whom he met. If I may, the gender-neutral language, which the Minister responsible for the Status of Women (Mrs. Mitchelson) should have informed her cabinet colleague of, is flight attendant, not stewardess.

Mr. Speaker, the minister spoke about the comments made by several flight attendants on a trip he had back from Toronto, saying that they were delighted that they would be able to spend six hours, their layover, shopping in Manitoba. He spoke about several other personal encounters he had with people who were supporting wide-open shopping. He also talked about a North Dakota study which said that there was wide support for Sunday shopping in that state and mentioned that there was \$92 million that Manitobans spent in North Dakota and \$110 million that Manitobans spent in Minnesota directly related to the fact that Manitoba currently does not have, or did not have before November 30, Sunday shopping while North Dakota and Minnesota do have Sunday shopping.

Mr. Speaker, as the member for Kildonan (Mr. Chomiak) requested, it would be very interesting and very helpful for us on this side of the House to have access to those figures, to know where they came from, to know how specifically they were related to shopping by Manitobans across the border on Sunday.

Mr. Speaker, even if those figures are accurate for this current year or the last year or whatever year they are accurate for, the minister chooses not to understand that much of the reason Manitobans have cross-border shopped in the past is due to the fact, not that stores in Manitoba have not been open on Sundays, but due to the fiscal and monetary policies of both the federal Conservative government and the provincial Conservative government: the high interest rates, the high dollar, the Bank of Canada's propping up the dollar, the other fiscal and monetary policies, not the least of which is the goods and services tax that was put on the people of Canada by the federal Conservative government with absolutely no outcry, feigned or real, on the part of the Manitoba Progressive Conservative government.

The goods and services tax, along with the Free Trade Agreement, have been the twin pillars of our destruction, not the fact that Manitobans cannot full-blown shop on Sundays throughout the province.

Mr. Speaker, as well, the minister spoke about several studies that were done, in particular one by Prairie Research Associates, where he said only 41 percent of those surveyed disapproved of wide-open Sunday shopping. I would like to suggest that traditionally a political party in the province of Manitoba who gets only 41 percent of the popular vote forms a majority government and in some cases a very substantial majority government. This is a very, very high percentage of people surveyed under any circumstances who say they do not want wide-open Sunday shopping.

I have a couple of questions, Mr. Speaker, for the minister. I would appreciate his tabling or responding as quickly as possible while we are still debating this issue some of the parameters of that survey.

Number one, who was sampled? What was the number of people who were sampled? Number two, from where in the province were they sampled? Where do these people live? The minister says that 97 percent of rural Manitobans said that Sunday shopping would not change their shopping habits. I would like to know if that 97 percent of rural Manitobans come from Thompson, Swan River, Dauphin, Souris, Virden or, if they, like upwards of three-quarters of the population of the province of Manitoba live within 75 kilometres of the city of Winnipeg. Are some of these people rural Manitobans who are in this survey?

Many of the people in Manitoba who consider themselves to be rural Manitobans live within 75 kilometres of the city of Winnipeg. Those local Chambers of Commerce, those local retailers in cities and communities like Stonewall, Gimli, Portage and Steinbach, all of whom are represented by members of the Progressive Conservative Party, have come out openly and said, wide-open Sunday shopping will have a devastating effect on their businesses in their communities. I think it is important that if the minister is putting statistical analyses and survey results on the record that he share with all members of the House the specifics about those studies so that we can be better informed, and perhaps it will help reframe our concerns about this whole issue.

Mr. Speaker, the third issue that I would like to talk about in the minister's comments this afternoon is the whole issue of choice. I find this amusing. It would be amusing if it were not so potentially tragic. The whole idea that employers, that employees, that retailers throughout the province of Manitoba have a choice as to whether they stay open or closed on a Sunday under this legislation is ridiculous. It bears no relationship to the actuality of what will happen in the province of Manitoba, none whatsoever. It is the most ephemeral of choices.

Mr. Speaker, this government has espoused, like its federal counterpart in Ottawa, like its counterparts in Britain and lately in the United States, the benefits of the free market economy, that the competition in the private sector, the social Darwinism of the fittest shall survive is the only way economically to go in this world.

We on this side have talked at great length about the inherent pitfalls of that market economy-driven ideology. I will not go into that discussion now, except to say that as many of the small businesses in the ring around the city of Winnipeg, within a half hour to 45 minutes of the city of Winnipeg, have said, Mr. Speaker, they have absolutely no choice. If they are going to survive, they will have to open on Sunday. They will have to open on Sunday because of the market-driven economic forces at play in this bill, because they know that the large retail chains, which are the major proponents of this legislation, will open on Sunday. Their high volume, their economies of scale will demand that the smaller retailers stay open on Sunday.

\* (1520)

The only thing that has protected small retailers throughout this province, not just in the rural areas around the city of Winnipeg but in the city of Winnipeg itself, the corner stores, the small individual retailers, the small businesses that form the backbone of our economy—65 or 70 percent of the jobs in this province are from small businesses. What is going to happen to these jobs when they do not have the one protection that they had under the old legislation, which is that the large volume-driven retail outlets could not open fully on a Sunday? That was the one time that many small businesses could make some additional revenue, could have some chance at having some competitive, level playing field with the large retail chains.

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

Mr. Acting Speaker, the idea that this provides, as the minister said, a level playing field for all of the retail outlets in the province is laughable. It just is not true. What it does is that it eliminates any possibility of even the marginal level playing field that we had under the limited Sunday shopping that was in place before this legislation was imposed without having been passed by the House. What it means is, as I have stated before, that individual small businesses will be forced to remain open seven days a week. They may have to remain open longer hours during the week. They will have to not have any choice as to whether they are open six days a week. They will have to remain open seven days a week.

So the idea that this provides for choice is—for the minister to stand in his place and say this provides for an increased amount of choice is reprehensible. If he is going to argue for his bill, argue for it on realistic premises, not on issues such as choice.

Finally, I would like to speak in response to the minister's comments about the concept of protection for workers. It was delicious, I might say, that the minister is all of a sudden so concerned and solicitous for the rights and the best interests of women employees, of single parents, most of whom are women, of women who work in the retail sector. I think this is just the height of ridiculousness as well, Mr. Acting Speaker. Everything this government has done in its complete lack of strategic economic planning has been designed and has had the impact and the effect of making life more difficult for retail workers, for small businesses, for single parents and for women in this province.

We have story after story, statistic after statistic, failure after failure of this government to provide any kind of protection for the workers and the families of this province, except the large retail corporations and the large businesses that have been lobbying for this change.

The minister speaks about the changes to The Employment Standards Act that will allow for the absolute right of refusal to work on the part of employees and that, if there is any concern about this, the Employment Standards branch of the Department of Labour will investigate any employee complaints. Well, Mr. Acting Speaker, I know that the Minister of Labour (Mr. Praznik) is prepared to speak on this issue today, and I will ask the Minister of Labour now to please address if he can in his remarks these questions that I have.

What happens if an employee refuses to work on Sunday and an employer lays her, which is usually the gender of employees in the retail sector, off? Mr. Acting Speaker, most of the employees in the retail sector in Manitoba are not unionized. They have no recourse other than to the basic rights under the provincial legislation. So an employee refuses to work on Sunday, is laid off because the employer knows that with the unemployment rate as high as it is in the province of Manitoba there are lots of people out there who would be willing to work any hours that they can get. So he lays her off. She says, this is unjust. So she takes it to the Employment Standards branch of the Department of Labour.

A couple of questions, Mr. Acting Speaker. Given the facts of the new changes to the Unemployment Insurance Act, given the fact that women and low-paid employees and employees in sectors such as the retail trade, which are less stable than almost any other sector in this economy, are under enormous pressures with the federal changes to The Unemployment Insurance Act, given that, given the fact that an employer could lay off an employee who refused to work on Sunday, what kind of time frame is that employee looking at between the time they are laid off and the time they get a decision made by the Employment Standards branch? Is the Minister of Labour during this five-month trial period prepared to put on additional staff in the Employment Standards branch to take care of these issues in an expeditious fashion?

Mr. Acting Speaker, I do not expect to hear a response from the Minister of Labour that will make me or any of the retail workers in this province happy, but I thought it was important to put these questions on the record. Again, as in the idea of choice, the idea of protection for workers would be laughable if it were not so frightening for workers and families in Manitoba.

Mr. Acting Speaker, I would like to spend my remaining time talking about some of the principles behind this piece of legislation. The minister spoke of consultation that had been undertaken and the fact that there was public demand and that many consumers had been calling for. Again, I would like to state that I would imagine that the consumers who are calling for and the public demand is coming largely from the large retailers who will be very happy with the wide-open Sunday shopping and does not reflect the full range of public opinion in

Manitoba, which the government could have sampled far more effectively than they did in their survey had they chosen the legitimate parliamentary route of introducing legislation and going through the public hearing process, having public hearings throughout the province of Manitoba on an issue that has this wide-ranging impact on people and businesses, particularly those outside the city of Winnipeg.

The government might have found that there was a very large segment of the population who will be very adversely affected by this legislation, but no, the government consulted with the same groups that the government always consults with—big, big, big business, the large corporations, the large retailers. The question I have to ask the government is, why all of a sudden we have to have this piece of legislation, why all of a sudden the government felt incumbent upon it to implement the legislation prior to its being passed or debated in the House. The answers, I think, are fairly clear, Mr. Acting Speaker.

Mr. Acting Speaker, one of the premises upon which this legislation is based is that there will be more economic activity generated by wide-open Sunday shopping. I would suggest that from consumers outside the province of Manitoba, such as from the northern tier of the United States coming across the border to shop in Manitoba, that number would be far more increased by a change in the federal fiscal policies—reduction if not elimination of the goods and services tax, a change in the monetary and fiscal policies. Sunday shopping in Manitoba is not going to generate that kind of revenue, additional revenue, in the province from out-of-province people.

\* (1530)

Mr. Acting Speaker, if we assume that much of the additional revenue will be coming from Manitobans—I just do not understand, because if you have \$100 to spend, you are going to spend \$100 whether you spend it in six days or seven. The additional day of shopping is not going to engender the kind of additional revenue for the vast majority of Manitobans. As a matter of fact, a substantial argument could be made that the reverse will actually be the result of wide-open Sunday shopping, that there will be in many instances and in many sectors less money available to spend.



The small retailers who will now be forced to stay open on Sunday or longer hours will have to increase their costs. Because they operate on such a narrow profit margin as it is, they will have to increase their costs to take into account the increased overhead expenses that they will have to incur, and a one-seventh increase in the heating and utility rates, not to say anything about the increased staffing costs, is a very large percentage increase for a small-business person who is operating on a minimal profit margin at best.

This will have the impact, Mr. Acting Speaker, particularly in small businesses, of forcing an increase in rates, in their prices, with the additional impact then of people going to larger retail outlets. Surprise, surprise. It is not the small-business person in Manitoba who is angling for this wide-open Sunday shopping. It is the large retailers who will have the success in this endeavour at the expense of the small-business community.

Another argument that was made by the minister is that cross-border shopping will be eliminated or cut down by having wide-open Sunday shopping. He spoke about the fact that British Columbia is one of the provinces that has had Sunday shopping. As a matter of fact, they have had it, I think, for approximately 10 years. So British Columbia should be a good example, a long-term example, of what happens when a province has wide-open Sunday shopping and has had for a decade, the last decade, Mr. Acting Speaker, where we have gone through a recession and a boom and now two years of another recession. So we have a little, very scientific sampling, much more scientific than the consultation that this government undertook in British Columbia, of what happens with cross-border shopping when you have Sunday shopping.

Well, Mr. Acting Speaker, what has actually happened in British Columbia over the past 10 years is not that cross-border shopping has decreased but, in fact, it has increased. In fact, 25 percent of the dollars that Canadians spend in cross-border shopping, one-quarter of the millions of dollars that Canadians spend in the United States, is spent by British Columbians crossing the border and shopping in Washington and the northwestern tier of states in the United States.

Sunday shopping in Manitoba is not going to stop that cross-border shopping. Other things will stop cross-border shopping, but wide-open Sunday

shopping is not going to stop it in Manitoba, and it certainly is not going to increase the flow of U.S. dollars coming to Manitoba. What will do that is a change in federal policies.

Mr. Acting Speaker, the provincial government has spent much of its time in the past four years talking about the need for the strengthening of the family, a need for a return to more traditional, and I use the phrase advisedly, family values. It talks about how we need to strengthen families in the province of Manitoba.

One of the worst impacts of wide-open Sunday shopping in the province of Manitoba will be on families in Manitoba. Make no mistake about that. Many of the small businesses that we have talked about being most adversely affected by this wide-open Sunday shopping are run by and staffed almost entirely by family members, nuclear family members, extended family members, cross-generational family members, Mr. Acting Speaker, and many of those small family businesses are owned and operated in rural Manitoba and northern Manitoba, where we have some of the highest unemployment, some of the worst economic conditions in the country, thanks in no small part to the lack of provincial and federal economic strategies to deal with those issues, but that is yet another speech.

Mr. Acting Speaker, I find it interesting to say the least to have on the one hand the pious mewlings of the government on the need for traditional family values and, on the other hand, taking unilateral actions that will decimate the family in the province of Manitoba, even more than it already has been by the financial troubles facing the families of Manitoba.

It is not only that Sunday has traditionally in our society been a day of rest. It is not just that; it is that there has been one day where families generally could gather together, one day where families generally did not have to worry about working seven days a week, one day where the vast majority of families could gather.

Mr. Acting Speaker, we have a modified Sunday shopping law which has worked very well in this province for six or seven years now, which has allowed for the large retail stores, large grocery, food stores to open, but not to open fully so that they take away the level playing field, but to open with the same number of people that other stores would have. Frankly, we feel that that compromise has

worked very well for the people of Manitoba. It has allowed the vast majority of people who work in the retail sector, in the small-business sector, to have one day where they do not have to work, to have one day that they could spend with their families.

What the impact of this will be is that not only will those small businesses need to remain open seven days a week, the larger retail businesses will remain open seven days a week, and the employees of those businesses will also have to work seven days a week. So it is not just the small-business community that will be negatively impacted and the people who work in the small-business sector, it will be the thousands of retail workers in this province who work in the larger retail chains and retail stores throughout the province who now will have to be faced with a very difficult decision for them to make. Their employers are going to say: You do not work on Sunday, fine; I do not need you; I will hire someone else. In today's economic situation, many people will not be able to have the choice that this government says they will have not to work on Sunday.

Another impact that this is going to have, and not just on the small-business sector but on the large retail outlets as well, is that because there will not be the massive increase in revenue coming to those outlets, those stores, this whole sector, there will be a decline in the number of full-time employees heavier than we have seen, and we have seen a large decline in the number of full-time employees in the retail sector. So there will be a decline in the number of full-time employees, an increase in the number of part-time employees and a lowering of—[interjection]

Well, Mr. Acting Speaker, the government benches are talking about the fact that some unions are opposed to this legislation. I would suggest that it only makes good business sense for the government to not support this as well, because if you have employees who have a lower hourly rate, whose take-home pay is reduced substantially—guess what?—they do not have money to spend.

\* (1540)

I do not understand, Mr. Acting Speaker, why it is so difficult for the government, not only the provincial government but the federal government, to understand that if you do not have money, if you do not have a job, you do not have money to spend. It

is simple. If I do not have any money, I cannot spend anything. If I have a good, full-paying, full-time job that has a modicum of job security, some sense that I can move up in my chosen field if I prove myself to be a good employee, if I have some security that my job will be there next week, next month, next year, then I am confident in my ability to provide not only the basics for myself and my family, but also maybe spend some of that discretionary income.

If, on the other hand, as is the case in Manitoba today, that the consumer confidence level has never been lower, any money that I or anyone else who is working has to spend, we do not. We are saving it; we are putting it aside; but we are not shopping and putting money into the retail sector of our province.

We are choosing not to buy houses, never mind the Premier's (Mr. Filmon) comments earlier today. If he had read further in that article or quoted further in that article, he would have seen the negative parts of the housing market as we know it today. They are not buying cars. They are not buying washers and dryers.

The reason people are not shopping and are not spending is because they do not have any confidence, they do not have any money.

Wide-open Sunday shopping is only going to increase the lack of confidence because people will not have full-time jobs. Again, the small retailers are going to be substantially hurt; workers in the retail sector who work for the large retail outlets are going to be substantially hurt.

Mr. Acting Speaker, the government talks about its consultative process, and we know on this side of the House that what the government means by consultation is either another word for lack of action, for dithering, for doing nothing, or it means, we consulted with people that we knew would tell us what we wanted to hear. That is why this government chose to implement this legislation before it had come before the House. That is why they did not hold public hearings throughout the province. They have not even held public hearings as required by the legislative process.

The retailers throughout Manitoba are opposed to this legislation. I am sure that there are members on the government benches who are well aware of that because they have received communications from the retail sector in their small communities that

are opposed to this, that are saying exactly what we are saying here today.

This will not benefit Manitobans as a whole. It will only benefit the large retail chains. It will only benefit employers who now have yet another stick to hold over their employees, and it will not have a net positive impact on the financial health of the province of Manitoba. But then why, Mr. Acting Speaker, should we be surprised by that? There has been nothing that this government has done in the four and a half years since its first election to increase the economic health of the people of Manitoba, the corporate sector of Manitoba, the small-business sector of Manitoba or any other part of this province.

The shop owners and the chambers of commerce in the small communities surrounding Winnipeg are opposed to this legislation. The Manitoba Chamber of Commerce is opposed to this legislation. Only the Winnipeg Chamber of Commerce and the large retail stores are in favour of this legislation, Mr. Acting Speaker.

We know on this side of the House that the reason the government chose this backhanded, cowardly way of implementing this legislation by not going and following the parliamentary process, we know the reason they did that is that they are well aware of the problems facing the people of Manitoba, but they are listening to the corporate sponsors who support the Progressive Conservative Party in this province and in the country as a whole. They are being very consistent in their total lack of support for the families of Manitoba, for the small-business backbone of this province, for the single parents.

Others of my caucus colleagues will be speaking on this legislation, caucus colleagues of mine from the inner city of Winnipeg, from suburban Winnipeg, from rural Manitoba and from northern Manitoba. We are the ones who are reflecting what Manitobans feel on this issue, not the government. Thank you, Mr. Acting Speaker.

**Hon. Darren Praznik (Minister of Labour):** Mr. Acting Speaker, I am very happy to have the opportunity to join in this debate. I think we will truly have a very good debate in this House. I know there will be many members on all sides of the Assembly who will want to participate in it.

The previous speaker, the member for Wellington (Ms. Barrett), raised a number of points that I would like to refer to throughout the course of my remarks,

but one in particular. I would be remiss as deputy government House leader, Mr. Acting Speaker, if I did not make reference at the beginning of my remarks.

I think the member for Wellington made reference to the process of this act, which would establish the trial period, we admit very freely, retroactively, which is always something that governments should use sparingly. She criticized us in some way of offending a thousand years of parliamentary tradition and made some, I think, very strong remarks about this process. I would hope that she would publicly be prepared to make the same criticism of her fellow New Democrats in Ontario, where a very similar process to ours was used by them, I believe, last year to do virtually the same thing, to bring about a trial period.

I note from this side of the House, Mr. Acting Speaker, that members of the New Democratic Party continually fail to make any reference to New Democratic Party governments in other parts of this country. In fact, I would even suggest that in their collective minds, if you ask them, they would be hard-pressed to even admit that there are any other New Democratic Party governments in Canada.

It seems that the remarks of the fall of 1990 after Mr. Rae's election in Ontario and the Premier Bob comments of the member for Thompson (Mr. Ashton) and others, we do not seem to hear these any more, Mr. Acting Speaker. They seem to all have been forgotten as New Democrats stand very sanctimoniously in this Chamber on the issues of Sunday shopping and other issues, pontificating about their philosophy and beliefs in the way things should happen, very conveniently forgetting that their own party, people that they break bread with regularly at national meetings, people that they send their staff to support in election campaigns have done all the things that they stand in this House and so sanctimoniously condemn.

I would remind the member for Wellington on the process, just one issue, for example, where her fellow New Democrats, her beloved New Democrats have used—in fact, one could even argue we have copied the Ontario process, Mr. Acting Speaker. I would hope, in fact, I look for the member for Wellington (Ms. Barrett) to issue a press release condemning Premier Bob Rae and his government in Ontario. If she were really serious in those statements, she would issue one, and I do not think she will.

The member for Wellington, as I am sure other New Democrats will do, will have dire predictions about the effect of this legislation. That is one reason why we have a trial period, just to see what effects, what will in fact happen. If the member is right in her predictions, then that will be proven at the end of the trial period.

This trial period is one that takes into account the greatest retail period of the year, the period before Christmas, and probably the worst retail period of the year, the period after Christmas and around Autopac renewal time. It is a trial period that tests the best and the worst in the retail trade to see what in fact will happen. At that time, Mr. Acting Speaker, we will see what Manitobans have said about Sunday shopping, because one thing that is very certain is that Manitobans will ultimately decide this issue. They will vote upon it with their feet as they have been doing regularly since 1985-86 when this legislation was last amended. What Manitobans do will be proven in this period. If Manitobans do not want Sunday shopping, then they will not frequent retailers who open on Sunday. If a very significant number of Manitobans want Sunday shopping, then they will vote with their feet during this period.

I have to tell members opposite, and I am sure these sentiments are shared by many members of my caucus, this decision was not arrived at easily or certainly quickly. It was a decision to go to this trial period that was arrived at after a lot of thought and contemplation about our society, about what the public was doing and what was happening out there, Mr. Acting Speaker.

\* (1550)

I can tell members opposite, I have never been a strong personal supporter of having wide-open shopping all the time. I have been someone who, at least in my beliefs, has thought very strongly of the need for a common day of rest, but yet I cannot stand here as a hypocrite, because the family business in which I was involved, the fruit and vegetable business in the R.M. of St. Andrews, we regularly opened on Sunday. We did because it was our best retail day. It catered to our customers, a large number of whom were the Sunday drivers on Highway 9, off for a visit to Lower Fort Garry or Lockport or out to the beaches. We chose to close Monday because that was a very poor day for us. We made that decision because our season was short, we were competing with others. It was a decision, our family worked Sundays under the

previous legislation, and we made that decision because it was what our customers wanted and expected of us.

Mr. Acting Speaker, what concerns me so very much in the remarks of the member for Wellington (Ms. Barrett), and I am sure remarks we will hear repeated over and over again from members opposite in this debate, is that somehow our society is static and espouses a principle that we have rejected on so many other occasions. Mr. Acting Speaker, members opposite, like the member for Wellington (Ms. Barrett), I am sure, will become very sanctimonious. They will become very pure in their thoughts and their comments, and they will remind us how it is so important that we have this common day of rest. Yet where we are today, which is where we have, by and large, limited open Sunday shopping, was arrived at by a bill that was brought forward by members of the New Democratic Party when they were in government, and supported, I admit, freely by all members who sat in the Legislature at that time. But that legislation opened the door for full-scale Sunday shopping in Manitoba, and anyone who denies that (a) does not understand the law, and (b) is living in a dream world.

Mr. Acting Speaker, the law that the New Democratic Party brought to this Legislature in 1985-86—and I was not a member at that time, so the date escapes me—but the legislation that they brought to this House provided for openings with four or less employees. If they were serious at that time about just allowing retailers to open with the small retailer, they would have provided in that legislation for only retailers who normally employed four people, but they did not do that. The member for Wellington (Ms. Barrett), I hope she listens to this remark, but the New Democrats did not put the prohibition on opening to stores that normally employed four, the small retailer that she talks about protecting. What they did was to allow any store, no matter what its size, to open if they could do it with just four employees.

So what that created was a scenario where today we have Safeway opening up on a Sunday, and people waiting 40, 50 minutes, an hour in line to make their purchase, choosing to do that, Mr. Acting Speaker, but very unhappy with that. A situation where major retailers in the electronic industry, in the lumber industry could open their stores with four people and do, sometimes at great inconvenience

to their customers. It did not stop those retailers from opening, but it created a very uneven playing field. Larger retailers who competed with the Safeways and the electronics stores that opened and the lumber yards and the furniture stores that were able to open on Sunday with four—those that could not do it with four could not physically open. So it created a very uneven playing field in the retail market, and that has been one of the driving forces towards further amending our Sunday shopping legislation.

The fact is that big retailers did open and that consumers had a taste of Sunday shopping, Mr. Acting Speaker, right here in Winnipeg, and constituents of the member for Wellington (Ms. Barrett) go every Sunday to those Safeway stores and buy. They wait in long lines, and they complain and say, why do the legislators not at least allow us to have convenience? It also created a demand among those retailers who were not able to open because they could not open physically with less than four people, for they said, we did not have a level playing field, that our competitors were opening, particularly the large warehouse companies in the electronic field, for example, the furniture industry that could open with a minimal amount of staff. Their competitors, Manitoba companies many of them, could not open with four or less employees, and did not have a level playing field.

So two of the major pushes for a change to this legislation were a direct result of the 1985-86 legislation that was brought in by the New Democratic Party. So to somehow try to hide today and say that the previous legislation was wonderful and a great compromise and did not create any problems is simply not true.

The door was very much open by their legislation, and it created two of the driving forces behind the current test period and the current demand by so many Manitobans who on Sundays have gone out and shopped or wanted to shop that has resulted in this trial period.

Mr. Acting Speaker, as I have indicated earlier, as an individual I am someone who has traditionally espoused the view of a common day of rest. I am not someone who intends to shop on Sunday. I do not like shopping at the best of times, and I probably avoid shopping. It is not one of the activities I enjoy, and I certainly do not intend to do it on Sundays but, for those of us who have had that viewpoint, even

though I do not want to be accused of being a hypocrite—I was a part owner of a business that opened on Sundays and worked in it on Sundays—one has to look at how even those who have taken that position have been undermined somewhat in making that argument.

In my own community of Beausejour that I represent in this legislature, a few months ago one of the three grocers, an independent grocer, one of the small grocery stores that the member for Wellington (Ms. Barrett) speaks of, decided to open for limited hours on Sunday. The Home Hardware store that opened a year or so ago in Beausejour, probably one of our two largest retailers, has, since it opened, opened on Sundays. So we have had Sunday shopping in Beausejour.

They have managed to open under the rules of less than four employees but, if you fight this argument, if you fight this bill on the basis of the principle of opening or not, under the current law we have had Sunday shopping in a town like Beausejour, and I am sure that is repeated in other communities. People are in those stores shopping. It happens.

So for those like myself who have had some sense of having a common day of rest in our own communities, we have seen that principle undermined somewhat by the activities of retailers in our own towns, and that is despite the local Chamber of Commerce in Beausejour opposing an expanded Sunday shopping but, yet, they have it in their own community.

\* (1600)

Again on a personal note, when I go to church in the village of Garson, where I live, after church on Sunday if one goes into the local Garson grocer, our local store, many of the people that I go to church with are in that store after mass on Sunday. They have chosen to shop on Sunday. They may not think about that, and they may not be comfortable with larger retailers being open, but they in fact are choosing to shop on Sunday.

Then one gets into the arguments of fairness and level playing field, but more and more and more, no matter how much myself, the member for Wellington (Ms. Barrett) or any member of this House, the member for Lakeside (Mr. Enns) would like to have a time when we do have a common day of rest in which we have no retail, the fact is that the people of Manitoba, indeed, the people virtually of all of

North America, have with their feet voted to do otherwise, because they go to those retailers. They have accepted the principle of shopping on Sunday.

This test period again will prove whether or not Manitobans generally want expanded Sunday shopping or not because Manitobans will vote with their feet, and we have to respect that.

Mr. Acting Speaker, if one goes back a little farther and on the principle of a common day of rest, one should not forget that in this country—in fact, the original Sunday shopping legislation was struck down by the courts of Manitoba, because it offended the Charter of Rights and Freedoms, because it provided a day of rest on religious grounds.

Our society has changed greatly. The principle of having a free Sunday was very much part of the religious heritage of this country, but we as Canadians, rightly or wrongly, accepted a Charter of Rights that prevented us, as our courts struck down our Manitoba legislation in the mid-1980s, rejected that principle, and so left us with a position today probably reflective of what society wants. Where we do not have those same types of restrictions, we have much more freedom on what people can do throughout the week and when they choose to have their day.

I say this, Mr. Acting Speaker, I am in agreement with some of the comments from the member for Wellington (Ms. Barrett). I say that with some regret, perhaps a great deal of regret, because we see in our own society so many changes that have led to a host of social problems, breakdown of the family, all of those things. I am not blaming it on one incident or another, but it is part of a general change in our society for better or for worse. It is the reality.

The member for Wellington's remarks, I think, require response on many particular points. I was quite interested, as were members on this side of the House, to hear her comment that we should not have a market-driven economy. I think very often that members opposite tend to pull out an ideology in which to fight every issue that they choose to fight, even though their colleagues in government in Ontario, in Saskatchewan, in British Columbia are not following that same ideology, recognizing the changes in society.

But they pull out the ideology, and, of course, a good term for a New Democrat to throw out is we should not have a market-driven economy. Well, that says to me—and I hope no one would fault me

for speculating here a little bit—but it says to me, and I speculate, that the member for Wellington (Ms. Barrett) has never thought about what that really means.

Mr. Acting Speaker, because if one does not have a market-driven economy, then one has a centralized or a controlled or a planned economy which means somebody makes the choices instead of individuals doing it for themselves. It means someone decides what kind of shoes I should wear or when I should buy the shoes or what I should eat or how much I should eat.

When one thinks it through a little bit, it becomes very silly. If the public that we represent ultimately do not want to shop on Sunday, if significant numbers do not want to shop on Sunday, there will be no demand. Let us face the realities that I have outlined already, that more and more people in our society choose to shop on Sunday, whether it is in stores that are currently open, whether it is stores in the United States or it is in stores that will be open under this test period. The test period will prove one way or another how Manitobans feel as they vote with their feet.

I would remind members opposite as well that, as I have indicated in the Speech from the Throne debate, my remarks in that debate, and as I indicated earlier in my remarks today, the New Democrats tend to operate as if there was no world outside of Manitoba. They conveniently forget that in our country today, six provinces have already adopted some form of more open Sunday shopping. Quebec has moved to the same kind of process of expanding as we have. That makes eight of 10. Virtually every state in the United States has gone to some expanded form of Sunday shopping. None of them have backtracked because of a host of adverse circumstances. They have all moved that way, but yet New Democrats seem to think that this is the first and only place it has happened.

One has to realize that we live in a world with neighbours and that the world is changing for better or for worse and that Manitobans are no different than consumers and citizens of any of those other provinces that have Sunday shopping, including three New Democratic Party provinces, or any states in the United States, Mr. Acting Speaker. We are all part of the same continent, and we are not immune to those kinds of changes for better or for worse.

Mr. Acting Speaker, if I may for a few moments talk about some of the concerns that I think members of this side of the House do share with many critics of this legislation, we are concerned about how in fact this bill does operate. If Manitobans demonstrate during this test period that they in fact want expanded Sunday shopping, if they vote for it with their feet, then we will be faced with the issue of how we deal with that on an ongoing basis.

This legislation was not designed to be the final word on Sunday shopping. It was designed to be a test. From this test period, this trial period over the next five months, we will see how various aspects of this work, how the public reacts to it, how employers react to some of the rights that we have provided to employees, how they are carried out. From the information that we garner during this trial period, if, and I underline if, it is the decision of government to move forward with a bill to bring forward Sunday shopping on a regular permanent basis, then we will use the results of this period in the consultations.

I would like to indicate clearly today that both myself and the Minister of Industry, Trade and Tourism (Mr. Stefanson) have corresponded with the Labour Management Review Committee to seek their opinion on the specifics of any bill or the results of the trial should that in fact happen. We will then be looking to, if we decide to proceed, draft legislation that will deal with many of the very legitimate specific concerns that may arise during this trial period.

I, as Minister of Labour, am very concerned about the absolute right of employees to opt out with sufficient notice of the right to work on Sunday. Mr. Acting Speaker, it is something we are monitoring and will monitor very closely to see how that is respected and what sanctions, if in fact they are needed, would prevent any problems that do arise. I would remind members opposite that we currently have the same absolute opt-out right for overtime. I am advised by the chair of the Labour Board that there have been very few situations, none in fact that he could recall at the time, where we have had a complaint to the Labour Board about the exercise of that same absolute right to refuse overtime.

Today, I do want to use this opportunity to send a very clear message to the business community that we in fact will be watching how they recognize that absolute right of employees to opt out. Mr. Acting

Speaker, I say to them very clearly, if they are in fact good managers I am sure they will use this as an opportunity to find those amongst their current staff who wish to work on Sundays, and many do because of their circumstance, convenience, students, for example, who work in the retail trade.

Seek the volunteers who wish to work Sunday hours, Mr. Acting Speaker. Seek the volunteers in their own establishments, and I am thinking of the larger retailers, their employees who wish to work the additional hours on Sunday and, in cases where they do not have enough, hire other employees to fill that gap.

But, Mr. Acting Speaker, this side of the House has recognized very clearly that many Manitobans—

**The Acting Speaker (Mr. Penner):** Order, please. I have a difficult time hearing the speaker, and I was wondering whether we could have a bit more order in the House so that I could hear the speaker. Thank you.

\* (1610)

**Mr. Praznik:** Mr. Acting Speaker, we recognize, we have provided in this legislation for that absolute right. We are monitoring it through the Employment Standards branch. Included in this right, of course, are the appropriate remedies that are currently available, and we will be seeing how they play out during this trial period.

But I say this to employers, if employers wish to abuse that right, Mr. Acting Speaker, then they will have to face the consequences of a decision of this government at a later time, whether it is to proceed at all or whether there are other actions that would be included in a bill that would be bringing forward Sunday shopping on a permanent basis.

So I issue that warning very clearly today, Mr. Acting Speaker. Employers have a responsibility to recognize that right we have provided, and if one looks at all of the people who wish to work in the retail business who are not now, there is really no reason or very few reasons why any retailer wishing to open on Sunday, particularly the larger retailers, would not be able to find sufficient staff to operate their stores without inconveniencing or diminishing or denying the absolute right of their employees, with proper notice, of opting out of working on Sunday shopping. So I put that on the record today, and we will be watching it as I have indicated already.

Mr. Acting Speaker, I want to conclude my remarks by stating again that we know that this is a very difficult issue. There are many Manitobans who will have difficulty with this in principle. There are many Manitobans who feel, as I have, that a common day of rest, based on religious grounds or others, certainly is something that should be considered or be part of our society, but we have to recognize, as well, that society has evolved beyond that, and not because members of this side of the House have deemed it to be or chosen that to be the case or changed legislation, but the door in Manitoba, in response to what was happening across the country, was opened by members in the Pawley administration.

In fact, their own legislation was designed—I do not know—knowingly or otherwise, in such a way that it created two very strong forces that have led us to this day, and our fellow citizens, whether they be the people I go to church with in Garson, who go into Garson Grocery on Sunday after mass and shop, whether it be my constituents who go to Home Hardware in Beausejour or to the grocery store on Sunday that is open, or Manitobans who go to convenience stores, they have accepted the principle of shopping on Sunday.

The question is, Mr. Acting Speaker, how far is that to advance, and Manitobans, by those thousands who flock to the Safeways every Sunday, to those who flock to the other stores that have opened, have demonstrated their growing preference to shop on Sundays. They have demonstrated that.

Mr. Acting Speaker, whether the member or I as an individual think that is good or bad, whether members opposite think that is good or bad, the fact is our society, Canadians, indeed, North Americans, have moved more and more to that position over the last two or three decades, and we are not going to stop that. But members of the New Democratic party again tend to demonstrate that they can build a wall around Manitoba and turn off the lights and not see what has happened everywhere else, not even see what Manitobans have been doing, not—

**Mr. Leonard Evans (Brandon East):** The Manitoba Chamber.

**Mr. Praznik:** Well, the member for Brandon East (Mr. Evans) talks about the Manitoba Chamber. In my own community of Beausejour, as I have indicated, the Beausejour Chamber of Commerce

has opposed it, but two of the major retailers in Beausejour both opened on Sundays and created the pressure on other retailers.

Mr. Acting Speaker, for me to get up in this House and somehow say very sanctimoniously that there should be no Sunday shopping, my own constituents are shopping on Sunday; my own retailers are opening up and, even before this trial period, were opening up to sell on Sunday; and more and more of my constituents were going to shop. So somehow to think that we can maintain some righteous position when those trends are all moving towards more Sunday shopping is somewhat silly.

Mr. Acting Speaker, I would like to just tell honourable members across the way a little personal story that I think exemplifies how positions have changed.

This last year I had occasion to attend Mass at the Vatican in Rome, and when I walked out of St. Peter's basilica at noon, on a Sunday, at the Vatican, in Rome, I looked at the Vatican store, which is right outside the exit, and, Mr. Acting Speaker, I counted at least 14 nuns in habits selling a host of souvenirs, including a beer bottle opener with a picture of the Pope.

(Mr. Speaker in the Chair)

Mr. Speaker, as a Catholic whose church has taken a position against Sunday shopping, I was somewhat embarrassed because that operation would be illegal in Manitoba, but it underlines how often we like—and all of us do—to hold to those principles that talk about a common day of rest, talk about the family, talk about some traditional values, but yet, in reality, our societies, even the church of which I am a member, have undermined that in those actions.

How do I stand here today and oppose this kind of trial that Manitobans have been moving towards since the New Democrats opened the door in '85-86? In response to changing demand of society, how do I stand here and honestly say that we should stop this, when my constituents shop on Sunday, when retailers in my riding were opening on Sunday long before this bill, and when my own church operates a store that would be illegal in Manitoba?

It is hard to do, so I say that I look forward to the results of the trial period, and I know that if it is the result of the trial that Manitobans do with their feet



vote for this that we will have to bring in legislation to deal with the issue on a permanent basis, that a lot of the specific issues legitimately raised by the Federation of Labour, by members opposite, by members of this caucus, that we will have to address those at that time if we move to Sunday shopping on a permanent basis.

I have committed, as has the Minister of Industry (Mr. Stefanson), to consult with labour-management review at that time on the employment aspects of such a bill. So I indicate those safeguards to members opposite and I look forward to the contributions of other members in the course of this debate.

Thank you.

**Mr. Conrad Santos (Broadway):** Mr. Speaker, the story of the honourable Minister of Labour induces me to tell another story. When Ronald Reagan was still Governor of California, being on the extreme right, he was asked by a reporter why he could not try the Keynesian position for a trial period, and the good Governor replied: Well, Nancy and I tried it last night and it did not work.

Mr. Speaker, due to the economic recession, business in this province has been bad. There was a wholesaler who had a lot of trouble getting a retailer to pay his accounts, so the wholesaler sent a threatening letter to the retailer and the retailer wrote him a reply explaining how he pays his accounts. Every month, he said, I place all my bills in a hat, and then I figure out how much money I have to pay all my accounts. Then I have my bookkeeper draw as many bills as I can out of the hat that will be covered by the money that I allocated to pay all my bills. He said, if you do not want my way of paying the bills, next month I will not even put your account in my hat.

Business is terrible nowadays, and many people in business are grumbling so much. One of them I overheard said, I can hardly wait for things to improve so that I can afford to go on a nervous breakdown. There are many honest businessmen who would even go to the extent of putting on an out-of-business sale and, if they are truly honest, then they will really go out of business.

\* (1620)

Business these days is a really uncertain enterprise. It is like a bicycle. Unless you keep the bicycle moving forward, it will wobble. Business requires some kind of human relations. It is like

playing tennis. If you do not serve your customer well, you end up being a loser. It is usually the case that the individual himself decides whether or not he would like to go into business, but whether he will stay or not in business is not for the businessman to decide. It is usually decided by his clientele, his customers, the buying public whether or not the businessman will stay in business.

Before anybody would venture and go into business he must have to do a lot of preliminary study and preparation and planning, because going into business without planning is like having an automobile without an engine. The automobile can run only if it is going downhill. If any businessman is doing the right thing and he had planned well, he cannot even be sure of success in his enterprise, because there are so many imponderable factors at work in the success of an enterprise.

With respect to this issue of Sunday shopping, I will try to restate some of the issues and then review the arguments in favour of the government or the proponent and then come up with some counterarguments.

The first issue in this debate on Bill 4 is whether or not Sunday shopping will stimulate the economy in Manitoba. Will Sunday shopping boost the economy in this province or not? The proponent, the government, will say of course it will stimulate economic activity, it will stimulate purchases and buying, but the economy is in a recession, and the recession is not because there is no Sunday shopping. It has nothing to do with the recession. The recession is a result of many factors, many variables.

As we have stated before, we are tied to the world economic condition. The worldwide collapse of the prices of forest products and metals and minerals and other resources has something to do with the economic condition that we are suffering now. It is not due to a lack of Sunday shopping.

One reason why we are in a recession today probably is due to the policy of the federal government, the high-interest policy in order to boost up the exchange value of the dollar, because of course it is down now. Ideally, when the interest is down we should be improving our exports.

Another cause of this economic condition is of course the increasing deficit position of the budget of the federal government. It is not due to shopping. The Sunday shopping issue has nothing to do with

our economic situation. It does not mean that because there is Sunday to shop, customers who have allocated some of their money for shopping will have more money. They will still have to spend the same amount of money that they have budgeted for their shopping activities. Therefore it will not necessarily stimulate economic activity. What they can do on Sunday, they can also do five days, six days of the week, and if they have very limited money to spend and they are withholding on purchases because of economic insecurity, Sunday shopping will not help. It will not stimulate economic activity.

Will Sunday shopping discourage cross-border shopping in the United States? That is another issue. Maybe one of the arguments of the government and the proponent of this Sunday shopping law is that Sunday shopping will at least stem the tide of Canadians crossing the border and buying stuff in the United States and bringing these things home.

Let us analyze. Why do people go and cross the border and have to travel several miles to buy things in the United States despite the low exchange value of the Canadian dollar? To pay to get one U.S. dollar, you have to pay \$1.29, so that alone should discourage Canadians from going and spending their money across the border.

Why do they still do it? Rightly or wrongly, there is a perception that the price level in the United States is generally lower than the price level in Canada, and this is sometimes attested to by people who go there and buy things like a dress. I have personally heard of somebody who went there and said she got a party dress for \$99 at the Target store which would normally cost \$300 in Eaton's. Of course, with such savings like that, people will persist on crossing the border and buying in the United States despite the fact that they have to pay \$1.29 per U.S. dollar of money that they want to spend across the border.

**An Honourable Member:** Did you buy one?

\* (1630)

**Mr. Santos:** I did not. I am a frugal person. I use all my clothing. Have you seen me change my clothes? I do not believe in ostentatious show. I believe in utility. Rightly or wrongly also, people perceive that there is a higher quality of goods coming from the United States, and when they compare what they buy here and what they buy

there, despite the fact that they have to pay transportation or gasoline money in order to cross the border, some of the Canadians, despite the high rate of exchange to exchange your Canadian dollars with U.S. dollars, they still would persist in going there because they perceive there is some advantages they get in going across the border.

That explains why there is cross-border shopping. It has nothing to do with Sunday shopping. Sunday shopping therefore will not stem the tide of people going across the border, because they can do two things all at once: buy some product of which they like the quality at a lower price, and at the same time have some sightseeing opportunity while they are travelling across the border to the United States.

The third issue is whether or not Sunday shopping will create additional jobs. The reasoning is that because there is need to open the shop on Sunday, therefore, the employer will have to hire extra hands to do all the selling on Sunday. Will this result in the creation of additional jobs? Well, ask any employer. The employer would probably ask the regular employees, particularly those who are not on any union contract, to do some work on Sunday, rather than hire new people.

If these employees refuse to do it when they are not protected by any collective agreement, that itself is grounds for firing those nonunionized workers. But the unionized workers at least are protected by collective agreements. Usually a provision in the collective agreement is that working on a Sunday will be based on a voluntary basis, that they cannot be coerced or compelled if they do not want to. If there is an insufficient number of volunteers to do some selling on Sunday, the employer will then have the option of asking the nonunionized worker. If there are not any, then that is the time for the employer to hire extra hands to do some selling on Sunday. Let us remember that Sunday is one of those traditionally observed special days for our society.

That reminds me of a job seeker who was looking for a job, and he happened to see an advertisement which said, the opportunity of a lifetime. So he went and asked what the job entailed. The retailer said, well, I have too much worry in this company, in this firm. I am trying to create a position that will do all the worrying for me. The applicant said, what does that mean? What do I do? What are my duties? How much do I get for this worrying? The employer said, well, you get \$30,000. Where are you going

to get the \$30,000? asked the applicant. Well, that is your first worry.

There are so many people looking for jobs that pay good, but these people are not necessarily looking for work, like a student who went to the employment centre and asked the counsellor that he would like a job. He said, are you willing and ready to work? Not necessarily, he said, but I want a job that has good pay. Many people want a job. They want salary, but they do not want to work. It is work that is important. It is work that we are being paid for.

Sunday is a day of rest. Indeed, it is one of the Ten Commandments. It says there, six days of the week, thou shall work, very clear, but on the seventh day, you shall not work, neither shall your wife nor your maidservant nor your manservant. They shall not do any work. That is a direct command, and now we are making a human law contrary to the law of God. Who do we follow?

I tell you, it is not merely the moral basis of this, there is a biological basis for the need for rest. The human body itself, under pressure six days of the week, needs rest at least one of the seven days. If you do not have that rest, try to go to work on a Monday after you have overworked yourself on the weekend and see how you feel. It is biologically needed for rejuvenation, for rebuilding of our system, of our physical bodies, mentally, physically, that we need a rest at least one day of the week.

Aside from the biological reason, there is also a social and family reason. Usually, Sunday is the only day in seven days that the members of the family are gathered together and share the same dinner. You have heard of the saying, families that do not eat together, they do not stay together. We are now living in an almost alienated society, everybody doing his own thing. It is essential that we keep family values, that at least once a week we eat together and share together in order to make our lives more comfortable in the sense that we have confidence, a network of support around us when we face the challenging world.

So there are both biological as well as social reasons why people would be opposed to Sunday shopping. You have heard the command, render unto Caesar what is Caesar's and unto God what is God's. We have to follow all these moral laws, because they are all designed for our own good. It is because of this materialistic drive in this world,

people wanting to have more and more of the same things, that has driven us to even expropriate the only one day that we should be devoting to the divine Creator. We need a day of rest.

Another issue is: Will this Sunday shopping encourage the tourism industry in this province? The argument is that if we have Sunday shopping, then the Americans will probably cross the border, come here and shop on Sundays. That is the argument. Do you think that is the case? That will happen if they have no Sunday shopping across the border, but they do. Why should they bother doing all the travelling if they want to do some Sunday shopping? All they need to do is stay home.

\* (1640)

So it is not the case that tourism will increase because of our Sunday shopping law. No American will come to Manitoba simply for the reason that the stores are open on Sunday, because there is Sunday shopping across the border in the United States. Normally, the high exchange value of the U.S. dollar, as I said, will encourage Americans to come across the border and spend their dollars across, because then their money increases from \$1 to \$1.29 Canadian. Then they will look at the price of the gasoline. They will look at the GST over and above the PST, and they say, to heck with it, why should I go there and pay their taxes? Therefore, we know that the Americans do not come here because of our GST over and above the provincial sales tax. The Americans do not come here because generally the price level is also higher here compared to the United States.

Tourism is suffering because of inadequate promotion, because we do not want to spend enough promotional money in order to attract the tourists in Canada. It is a good thing now that they had voted our Folklorama as one of the outstanding tourist attractions for this province. This is a good sign and may improve the tourism industry in the years to come. All the arguments, therefore, that support the Sunday shopping cannot stand on their own legs.

We should be happy in this country. This has been voted as one of the best places in the world to live, Canada. Where else in the world can you just, if you are hungry, pick up the phone and say, hello, Pizza? Where? In five minutes, 10 minutes you have your dinner ready. If it happens to be

Domino's Pizza and say, okay, I am hungry, if you are late 30 minutes, I am eating but I am not paying.

Well, there is even some buying and selling that I heard on the radio on Saturdays. [Interjection] Well, if it is vegetarian pizza, it is good for the body. It is a well-balanced diet. It is okay. [interjection] I do not know, but if you will ask me, I believe more in eating than in exercising.

Let us take the case of that guy—what is the name of the guy who invented jogging? I think his name was Jim Fixx. He invented jogging. Where is he now? He died jogging. Yes, he was jogging when he had a heart attack and died. So Conrad Santos will just keep on eating. Where is Conrad Santos who keeps on eating? He is here, still alive. [interjection] No, because jogging is strenuous, especially in wintertime. Try to jog. There are some people who are so addicted to jogging, they jog even if the situation is unfavourable, like it is cold. It is strenuous to the heart, and people who are already—and I am reminding you, do not shovel snow too much because you may have a heart attack.

So we have seen that the lack of Sunday shopping is really irrelevant to the economy of Manitoba. Indeed, and in truth, we always blame any government for economic troubles and economic recession. The truth of the matter is that these things are beyond the hands of government. There are forces in the economy that the government can hardly control, but in a democracy we lay the responsibility on those who are at the helm of government because the government is in a position to alter the course of the economy.

Look at what happened in the United States economy now that Bill Clinton is at the helm instead of George Bush. There is an uplifting of optimism on the part of the American public, on the part of the American consumer. There is even a picking up of their economy little by little, and if this economy improves, then we, being the next neighbour, are about to benefit from that economic uplift from the United States. [interjection] Well, one of the arguments is that there are too many provinces already doing this Sunday shopping. We are being left behind, so why not join the crowd? It does not mean that, because the majority are doing it, it is right. There is no magic to it. You have to investigate an issue whether or not it is valid or not, because each community has its own value system.

It so happens that maybe in Manitoba there are more entrenched family values—

**An Honourable Member:** Two wrongs do not make a right.

**Mr. Santos:** Yes, and we have to observe all these values when we change our laws. The truth of the matter is that the law cannot so terribly depart from the beliefs or attitudes of the people that are being governed; and if the people said, that is not morally correct, we should not do it. I have always said this before, Mr. Speaker.

I can even sing to you if you want about my belief on the morality of the law:

Morality is principle, essence of politics.  
Nothing is truly viable unless based on ethics.  
Nonpolitically correct if it is morally wrong,  
Policies that we must reject if we are to rule for long.  
Obscurity is more likely for those politicians  
Who are guided by expediency in making decisions.

Thank you, Mr. Speaker.

**Mr. Leonard Evans:** I rise to participate in a debate on a matter that has caught the attention of many, many Manitobans and has divided Manitobans. For all the fun that members opposite want to make at the criticisms being offered by this side, I want to remind those honourable members that some of their greatest supporters are opposed to what this government is doing. What we are espousing in many ways are the arguments made by the same supporters of some of these MLAs across the way on the government side.

**An Honourable Member:** Leonard, they were opposed to what you did in '87.

**Mr. Leonard Evans:** That may be, Mr. Speaker, and I recall that there was a certain talk show, certain radio station in the Steinbach area that had an open-line program, for example. They were asking people what they thought of Sunday shopping and, frankly, the fact is that a totally overwhelming number of the callers were opposed to Sunday shopping, and the member representing the constituency of Emerson knows that.

\* (1650)

The fact is that there is a great deal of hostility out there. You can read quotes from various church ministers in the paper. For instance, Pastor Roland

Marach of the Portage Avenue Mennonite Brethren Church is totally opposed to this. So do not think that we are just here espousing the views of one select group in society. I say there are many, many good people out there who are totally and seriously opposed to what this government is going to do.

I think above all else what causes the people of Manitoba great concern is the fact that this government announced it and put it into place before this Legislative Assembly has debated it and has decided upon it. Mr. Speaker, that is nothing short of an arrogant move by this government.

We do not need arrogance in government, but I am afraid I have to observe that this particular move is a very arrogant move. I would like to know whether the police of this province are now carrying out the law of the province. The law of the province is that not more than four employees should be employed on Sunday, and yet there is a breaking of the law.

**An Honourable Member:** What did Bob Rae do?

**Mr. Leonard Evans:** I am talking about the province in which I am elected to be a member. I am talking about the province of Manitoba, where we have the responsibility. This is our jurisdiction, and I will be concerned about what we do in this jurisdiction. The fact is we have a massive breaking of the law courtesy of this government, and that is simply not acceptable, Mr. Speaker, totally unacceptable, totally an act of arrogance in my mind and has annoyed thousands upon thousands of Manitobans, not just the issues, not just the fact that we are opening the doors to Sunday shopping, but the fact that you have done it without adequate consultation, without fulfilling the democratic constitutional method of lawmaking in this province. If for no other reason, we should stand up and oppose this legislation here, because you have done it in a way that is antidemocratic—you do it; you announce it.

I do not know what the police forces in this province are supposed to be doing. If they were doing their job upholding the law, they would be charging all those stores that have been open the last couple of Sundays. They should be charging, because the law has not been changed.

The cabinet is a powerful mechanism. The cabinet is a powerful organization. You are not the dictators, but you are acting like dictators. Well, this is a dilemma, is it not, for the police forces? I mean,

what a way to carry out a government. I mean, what is the rush?

Surely there should have been the normal procedures, the debate in this House, and then the opening of the committee process whereby people, the public at large, could make representation, so that we would have something in the order of genuine consultation.

We also know from talking to people about this matter that they feel this government has consulted and has listened but to a very narrow group, mainly representatives of the large retail sector in particular. That is not only me saying that, because you can read reports in newspapers where small-business people themselves are saying that the government is not doing them a favour by moving as they have to open Sunday shopping. They are not doing the small-business person a favour. You can quote one retailer after another in the newspapers of this province to that extent.

Mr. Speaker, I would like to know whether this government is prepared to have a free vote on the matter, whether the Premier (Mr. Filmon) is ready to allow the members on the back bench on that side to vote according to their conscience or even according to what they deem to be the wishes of their own particular constituents. I deem I would not be surprised if there were not some constituencies, because I know the minister can quote surveys that have been done and most Manitobans saying in the survey they agree with this, but I dare say there are many rural constituencies, in particular, where if you did a survey and you did it honestly and carefully, the bulk of those people are against this move by this particular government. You would think that those MLAs, the Emerson MLA (Mr. Penner) in particular, would get up and represent those constituents.

I know in my own case, Mr. Speaker, I have not been able to carry out a survey, but I know not only does the Brandon District Labour Council oppose it, but so does the Brandon Chamber of Commerce.

I spoke to the president of the Brandon Chamber of Commerce the last weekend when we had our annual Christmas parade and tried to ensure that they had not changed their position. They said the position is the same. The position of the Brandon Chamber of Commerce is to oppose the Sunday shopping legislation which we have before us. So I would say, it would be very interesting to see how

members of this Legislature voted if the Premier (Mr. Filmon), if the government was prepared to have a free vote.

I think it might ease the conscience of some of the members opposite if they were allowed to vote according to their conscience in this matter, rather than in accordance with some pressure or consensual move—[interjection] Look, Mr. Speaker, the Minister of Urban Affairs (Mr. Ernst) is making comments from his seat and trying to come with some kind of perverted logic saying that I am saying that the Winnipeg Chamber of Commerce has not got a legitimate position. There can be a legitimate position on either side. I am not saying that.

I am simply saying that who are we speaking for and who do you think wants this. I am saying, do not give me this. You have done a survey, and it says a great percentage of the people of Manitoba want it. I think if you talk carefully to many, many organizations, they do not want this legislation.

So you can talk to the president of the Brandon Chamber of Commerce; you can talk to some of the retailers who were quoted in the newspapers or you can talk to some employees affected. I recall in my house a couple of weekends ago, one particular employee was so unhappy that she had to work the next day. This was a Saturday, she was going to have to work the next day. She did not know how she was going to do it. She could not be replaced because of her knowledge of the particular job. It is not that easy to say, oh, we will get someone else to take your place if you cannot do the job.

In many of these establishments, there is a certain expertise that is needed, there is a certain knowledge of the products, there is a certain knowledge of the techniques and you just cannot simply replace employees. So this person has had no alternative. She says, Len, I am being forced to work. She was damn mad at this government for forcing her to work, she says, on Sunday, because this was her day to take off, and she was very, very annoyed. So what you are doing, whether you like it or not, you are forcing a lifestyle change on many families in this province that do not want it. [interjection]

Well, Mr. Speaker, I think back, yes, we brought in a reasonable measure with the three employees. You know what? Sterling Lyon—how often was Sterling Lyon accused of being arrogant? But you know what? Sterling Lyon did not do this. What

Sterling Lyon did was change the figure three to four. He said, well, that is reasonable; instead of a three limit, we will have a four-person limit. That was reasonable. Sterling Lyon would not have done this.

**An Honourable Member:** He was a parliamentary supremacist.

**Mr. Leonard Evans:** Sterling Lyon, yes, believed in the parliamentary system. He knows what constitutional procedures are. He knows what democratic procedures are. So I would say even Sterling Lyon, who had the same pressures that this government has, refused to move as the Filmon government has.

Mr. Speaker, I say that there are people out there who are really upset with what this government is doing. I mentioned the Brandon Chamber of Commerce. I mentioned Brandon District Labour Council. The Union of Manitoba Municipalities have passed a resolution opposing it. I have got a letter today, as I am sure many of the rural members across the way have. To whom it may concern—this is by a gentleman, I do not know him, Mr. Clare Tarr, who lives in the MacGregor area: We are again faced with the prospect of Sunday shopping. We have noted opposition in the rural areas, including the Manitoba Chamber of Commerce, the UMM, the Union of Manitoba Municipalities, and numerous communities have contacted this writer.

We have been led to believe that a split may exist along government lines, that is urban-rural. Sunday shopping will have a detrimental impact on the rural economy. It is still regrettable that rural Manitoba is always the first to feel the effects of any economic downturn. With this, we are asking for the support of all rural MLAs and indeed any other lobby or concerned groups. Can we ask that each one responds to this concern? Thank you—

\* (1700)

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

When this matter is again before the House, the honourable member for Brandon East will have 28 minutes remaining.

## PRIVATE MEMBERS' BUSINESS

**Mr. Speaker:** The hour being 5 p.m., it is time for Private Members' Business.

## PROPOSED RESOLUTIONS

### Res. 1—Stubble Burning

**Ms. Judy Wasylycia-Lels (St. Johns):** Mr. Speaker, I move, seconded by the member for Transcona (Mr. Reid),

WHEREAS the inappropriate use of the practice of stubble burning creates health problems for considerable numbers of Manitobans each year; and

WHEREAS the autumn of 1992 proved especially problematic because certain factors, such as the lateness of the harvest and the heaviness of the stubble, caused greater numbers of farmers to resort to burning; and

WHEREAS this situation led to intolerable levels of smoke in the province of Manitoba such that residents suffered severe respiratory problems; and

WHEREAS the 1987 Clean Environment Commission Report, recommended that a five-year review of the practice of stubble burning should be undertaken to document any hazards to public health or the environment caused by this practice; and

WHEREAS such a review was never undertaken; and

WHEREAS stubble burning is in no one's long-term interest since it depletes the soil; and

WHEREAS the policy of voluntary guidelines for the appropriate use of stubble burning, when this practice is necessitated by certain conditions, has been proven ineffective; and

WHEREAS a permit system for stubble burning is already in place in some parts of the province.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to initiate interim measures to regulate the practice of stubble burning, including a permit system with strict guidelines and penalties which can be imposed on any person endangering public health through the inappropriate use of this practice; and

BE IT FURTHER RESOLVED that this Assembly urge the Minister of the Environment (Mr. Cummings) to consider giving a mandate to the Clean Environment Commission to undertake its recommended review and document the effects of stubble burning on public health and the environment; and

BE IT FURTHER RESOLVED that this Assembly call on the Department of Agriculture to consider initiating research to develop both viable alternatives to the practice of stubble burning and alternative end uses for the waste straw.

#### Motion presented.

**Ms. Wasylycia-Lels:** Mr. Speaker, I am pleased to be able to introduce this resolution for the consideration of all members in this Chamber and am particularly pleased that by the luck of the draw this resolution of significant concern on the health front has been placed No. 1 on our list. I think there is a bit of destiny at work in this place and in our procedures because it is such a significant issue, a growing issue for so many Manitobans.

I believe that there is an interest and a concern on all members in this Chamber from all political parties. I believe that we have all learned a great deal about the hazardous impact of stubble burning on health and safety of the citizens of this province over the last six months or so.

Mr. Speaker, I also recognize that there has been less than effective action in the past by all political parties in all governments on this issue. However, it is clear the evidence is growing that the situation is changing, that our knowledge is increasing about this whole area. That is true not only for members in this Chamber but for a wide cross-section of Manitobans.

I believe that the concerns being raised today are concerns felt not only by citizens, urban residents here in Winnipeg who have felt very definitely the impact of smoke from stubble burning, but concerns are also being expressed by farmers, by rural residents, by people everywhere, whether in Winnipeg or outside the perimeter of this city.

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

So this resolution is timely, and it also comes forward with a sense of urgency. I think we all know from this past fall just how urgent the situation has become. We recognize the unique climatic conditions of this fall but also realize that those conditions may continue. We also have learned from the extreme situation that arose this fall how important it is for us to take action to prevent risk to health and safety no matter the severity of the stubble burning and the smoke arising from that stubble burning.

There are several sources of expertise for demonstrating a clear link between stubble burning and risk to one's health and safety. I start by pointing to the hundreds and hundreds of Manitobans who have called, written or signed petitions about the impact of stubble burning. Everyone in this House would have heard from constituents about the severe impact on either that individual's health directly or someone very close to that individual.

Mr. Acting Speaker, we had many letters, just as I am sure all members in this House have had. I refer just to a couple as an indication of the impact of stubble burning on the health of many citizens in our province. I quote from one particular letter without giving the source: Tomorrow we will be leaving Winnipeg, heading into the Whiteshell in an attempt to avoid the excess levels of stubble smoke which is now covering Winnipeg. There is nothing that can describe the feeling of being near death due to suffocation and knowing there is nothing I can do about it.

That particular quote from that individual's letter says a great deal to all of us about how life-threatening and dangerous the smoke from stubble burning can be. We have heard from others who have young children with very serious respiratory problems. One individual wrote us with the question: Can you or anyone else for that matter tell me what the effects are of administering massive doses of steroids to persons, young or old, apart from relieving acute congestion of the respiratory system? How will the steroids affect his future health and well-being? We will never know because there is no alternative open to him except to die.

Those two examples are perhaps, one could say, extreme in terms of the impact of stubble burning on some very serious and existing medical conditions, but they help us understand the emotion that people bring to this issue and, I believe, direct us to take action so that every individual, no matter what the impact of stubble burning, feels relief and comfort.

\* (1710)

Our job as legislators, I believe, is not just to respond to the most extreme cases, but to respond to any possibility of danger to health and even further to apply the World Health Organization definition, that we too must respond to general annoyance. In fact, the World Health Organization

defines health as not just being the absence of illness, but it means general well-being. It is our job to address this issue from the perspective of health and well-being. I believe that the evidence calls on us to act accordingly.

We have also heard from experts in the field, not just individuals whose lives have been endangered or placed at risk or placed under great annoyance because of stubble burning, but we have also heard, and so have members of the government heard, from physicians and health care experts in this field. Most recently, the Manitoba Medical Association has included in its latest publication a copy of its letter it wrote to the Minister of Health (Mr. Orchard) on October 13. I quote briefly from that letter: In January 1990, the MMA brought to your attention some serious concerns about the health and safety hazards of stubble burning. This was in the hope and expectation that the Manitoba government would take significant action. Now, as the problem of stubble burning persists, we are reiterating those concerns with a plea that they be urgently addressed in the interests of public health and safety.

I will skip down to two recommendations that the Manitoba Medical Association makes. No. 1, that Manitoba Agriculture and Manitoba Health be informed that the Manitoba Medical Association believes that there is a net negative impact on health and the environment from the burning of stubble and peat; and No. 2, that during periods of hazardous smoke conditions on provincial highways it is the duty of the Department of Highways to continuously monitor for such hazards and to effectively warn motorists by adequate roadside signals that they are entering an area where safe progress is endangered.

The MMA concludes by saying: The MMA still firmly believes that there is a net negative impact on health and the environment while public outcry resounds louder than ever. In addition to media reports about people with aggravated respiratory problems, we are hearing directly from patients who demand that something must be done, end of quote.

Mr. Acting Speaker, not only have these concerns been expressed by the Manitoba Medical Association, but warnings and concerns have also been forthcoming from officials within the Department of Health. During this past fall, when the situation was so severe, an official within the Department of Health indicated quite clearly that,



although in the past there had been questions about the impact of stubble burning on one's health, the opinion in the department had now changed due to medical evidence, though the official pointed out that there was no question that stubble burning posed a health hazard and that there were documented health risks. The official pointed to hazards to sensitive populations, being asthmatics, the very old, the very young, people with cardiac abnormalities. The official also pointed out the traffic hazards that have been documented as well.

(Mr. Speaker in the Chair)

Finally, Mr. Speaker, the documentation and the evidence for the link between stubble burning and the impact on one's health has been clearly reflected in the work of the Clean Environment Commission. I remind members in this House again of the 1987 ruling by the commission that, although at that time there was no evidence to support links between stubble burning and negative impact on one's health, there was growing evidence to suggest the matter had to be reviewed from the point of view of health and safety and environmental concerns.

That commission in 1987 recommended that a thorough review of this matter be done in a five-year period. That direction was expressed clearly, and admission of that direction was clearly stated in a letter by the Minister of Health (Mr. Orchard) to myself, after I wrote to him about this issue over a year ago.

In that letter, the Minister of Health indicated, and I quote from this letter dated January 31, 1992: The Clean Environment Commission's recommendations in 1987 called for a review of the crop residue burning situation be conducted in five years' time, including a re-examination of the necessity for legislative regulatory control. While Manitoba Health is not convinced of the potential usefulness of regulatory control of stubble burning, we fully support the CEC recommendation for a review of the topic. Your concern is shared by my department. I appreciate your comments as well as the offer to share names of those interested in the process.

So, Mr. Speaker, we now have a considerable body of expertise and opinion and advice that this issue has become so serious to the point that people's health and safety are at risk and that action must be taken. We have come forward with a

suggestion for action. We believe that it reflects a wide range of Manitobans and their opinions, including farmers, rural residents as well as Winnipeggers affected directly by the smoke from the stubble burning.

Mr. Speaker, I would hope that we would be able to find some support and unanimity in this Chamber for the kind of action that is recommended. Some would say it does not go far enough; some would say it is far too tough. I believe it is a good starting point. Steps need to be taken for strict regulation for research into alternative methods for getting rid of waste straw and for ensuring that the directions outlined by the Clean Environment Commission are followed and that thorough investigation clearly documenting what we know, but putting in writing and officially documenting the links between stubble burning and the impact on health and safety.

Finally, Mr. Speaker, let me say that we have been somewhat disappointed in the response of this government. I want to, although, acknowledge that the steps that were taken this fall by the Minister of Agriculture (Mr. Findlay) and the Minister of Environment (Mr. Cummings) and others around trying to get some handle on that very difficult situation this fall—we appreciate those efforts and so do many Manitobans. However, we have all concluded that those measures do not go far enough, that in many ways they did not meet the objectives, and clearly that is not the solution. The solution is immediate, tough regulation with a view to finding alternatives so that we can ban stubble burning altogether. It would be our hope that we all rid ourselves of the old expression and attitude of, see no evil, hear no evil and smell no evil. As long as that occurs and as long as we are blind to what is happening around us, concerted action will not happen and people's health is at risk. That can only mean tremendous strain and pressures on our health care system with unnecessary cost being added up.

So, on the basis of individual health and safety and on the basis of collective action for meaningful health care reform and savings for taxpayers down the road, I urge the government and all members of this House to join in support of this resolution.

Thank you, Mr. Speaker.

**Hon. Glen Findlay (Minister of Agriculture):** Mr. Speaker, this is not an easy issue to talk about from a health point of view or from an agricultural point of

view. I appreciated the comments of the member for St. Johns, and I also appreciate the resolution and the nature in which it is written.

As I read through it, I cannot find tremendous amount of fault with it, because it sort of follows along the lines of what we did this past fall when a real problem did emerge. We took action, we certainly improved the circumstances in the city of Winnipeg, and I think a lot of people have respected us for that. Maybe I was a little bit disappointed at the end when the member said it did not go far enough.

Well, let me talk about the reality that we have to deal with, ladies and gentlemen. We have an agriculture industry that produces a lot of straw in the process of growing crops. We have had stubble burning ever since I can remember in this province. I can assure members here that the amount of burning has gone down substantively over the years to the point now where less than 5 percent of actual stubble in the province is burned. That has happened for a number of reasons but, mainly, because we have educated farmers better as to why they should not burn. The agronomic value of working the straw into the ground increases till. It increases organic matter, increases the nutrient level in the soil, and it is certainly very conservation-conscious.

\* (1720)

That principle has worked, in my mind, quite well over the majority of Manitoba, with the exception of the area particularly to the west, southwest and the south of the city in Winnipeg. The reason why it has not worked as well there is because of the nature of the soil. It is very productive soil. It grows more straw than almost anywhere else in the province. It grows taller straw, but even in this area over the last four or five years since the Clean Environment Commission Review was done and said the approach to take is education, we have proactively taken the approach of education from '87 through till '91. We certainly attempted education-wise to deal with the issue in '92, and we reduced the amount of burning around the city over that period of time.

Now, any given time you drive by a field that is producing smoke, you will say it is not working, but if you look over the statistics over time, the amount of burning has been reduced. We have tried to educate the farm public that the way to burn in terms

of reducing the impact on city people is to burn in the daytime.

There is one simple reason why we say that. It is because the issue in the city is not really the burning of stubble, the issue is the production of smoke. There are ways and means and times of the day and climatic conditions under which you can burn and produce very little smoke, and certainly very little smoke comes into the city of Winnipeg.

Through education we tried to get that point across, but this year was a very unusual year. I tend to describe it as the summer that never was, because we had no heat this summer. Crops grew very, very slowly. It ended up obviously with a late harvest, and it was good growing conditions, cool and wet, and we had a tremendous volume of straw.

What the farmers are faced with—and I am not giving excuses for them to burn, but I am telling you the reality that they faced—they probably believed everything we said about conservation, and they should work it in, and it should not produce smoke.

But the reality they faced was we have this large volume of straw, and I am concerned that if I try to work it in this late in the fall, the soil is cold and the nights are long and the days are short, there will not be much microbial decomposition of that straw, therefore, next spring I will have a very poor seed bed, and maybe a seed bed that will not give very good germination.

Now that is something they have learned over the years. So they try to get rid of the straw, and the cheapest way they know is burning.

I am personally very disappointed in what happened this year. I did not want to see that happen, but as September rolled along I knew what was going to happen. But I did not think it was appropriate to step in with a heavy hand and say, do not do it. We stepped up our educational process, and it did not do the effect, the full job.

What happened on the 7th and 8th of October was the worst possible thing. There was little or no wind, lots of burning, basically a climatic inversion. I have gone to public farm meetings, Manitoba Pool particularly, and I said, that practice and what happened this fall is intolerable. I said that to farmers, and nobody came back at me.

Now that is a dangerous thing to say to the farm community when you call it that. They also understand that they cannot repeat those conditions again. Now, the actions we took after the 7th and

8th by saying a seven-day ban on burning, the odd person violated it as we all know, and from the 15th on we used a process of trying to make decisions everyday.

There was a committee formed of Agriculture, Health, EMO, the Fire Commissioner's Office, Emergency Preparedness Canada, and the process was to review the climatic conditions each day first thing in the morning, make a decision by 7:30 as to what areas would be allowed to burn that day, and the hours in which it was lawful to light the match.

In most cases it was, like, from 10 in the morning till 2 in the afternoon or till 3 in the afternoon, knowing full well that the burn would be completed by four or five o'clock before the so-called problems of night, and the dew came down and the creation of smoke started.

If you burn at those times of the day and there is no air inversion and there is any kind of air movement, smoke dispersion is real fast.

My own belief is, and I think the member for St. Johns (Ms. Wasylycia-Leis) indicated, it improved significantly when that process was used. Now we all know that there were people who violated those guidelines. There were people that burned in areas where they should not have burned, and I will admit that on the 21st, 22nd, 23rd of October there was more smoke in this city than we wanted to see, but we knew it was coming from people that did not abide by the required directions.

Now, some people say, you can ban it, you can use permits, and I say, that is good but, if someone does violate it, what are you going to do? How are you going to prove? I have talked to the RCMP about the enforcement side. The enforcement side has got to be there if any process of controlling or regulating or prohibiting, whatever you want to do, is going to work. [interjection]

I know. The member for Transcona (Mr. Reid) says he is responsible for his land but, you see, the RCMP say, we have to have proof, evidence that the person actually lit it. Now, if he goes out there at eight o'clock at night in the dark or ten o'clock or two or three o'clock in the morning in the dark, who is going to see him? The member says he is responsible for his land, and we may well be able to in that general area deem somebody responsible for whatever happens on the land. Well, now, that is pretty authoritative, but it might be—[interjection] I

know. We all want to see this thing controlled, and I am saying, yes, the process we used this fall improved things. It was not a total solution.

I think we learned a lot from it. The farm communities learned a lot from it. I have seen some pretty responsible statements coming out of the city too, realizing we have to in some cases use fire to get rid of this excessive amount of straw. I am glad that they understand that. Now we have to find a process to do it that is reasonable, responsible and does not produce the smoke that infiltrates other people's living spaces, because I agree with the member for St. Johns (Ms. Wasylycia-Leis). She says, health has to be—I think she used the words effective living or safe living or responsible living or something of that order. I agree with that, and I think the farm community basically does too.

The education process has worked to a point, but it has not gone far enough. The conditions this fall—in hindsight, one said, well, we should have been regulating earlier, but now we have the proof. Well, I think we are very fortunate that we have the proof that we have to do something and that we cannot allow that to happen again without having had anything really happen significant this fall in terms of major traffic accidents or loss of life. We are very fortunate for that, really; I believe that. I said this all to the farm public, and they are very understanding at this time, but I can assure the member, and I am glad that the member for Transcona (Mr. Reid) is not saying, outright ban, he is saying something like responsible and all that sort of thing.

Now, there is no question that in the research area we are looking as agricultural scientists for the kinds of crops that grow less straw, the mechanical conditions under which you can break that straw up, whether it is a better straw chopper on the combine or yet another unit that you pull behind the combine that chops it up into little bits that can be worked into the soil. That is all agronomically good. Some of that technology in terms of that kind of machine is available now, very recently available. The plant breeding to produce shorter straw varieties is moving in that direction.

**An Honourable Member:** Zero tillage.

**Mr. Findlay:** The member for Brandon East (Mr. Leonard Evans) says, zero tillage. That principle works reasonably well on certain soil types and certain volumes of straw, and it works fairly well in

the southwest region of the province, where it is practised to a fair extent but, in the Red River Valley, with a large volume of straw, it has not proven to work that well.

The other thing is, if you leave that straw there and do not work the soil, the soil is wet in the spring, and one of the biggest troubles in the Red River Valley is to get that soil dried out so you can seed it. That is why they want to have the straw worked in and, therefore, zero tillage is not a practice that will really work in these kinds of soils—unfortunate as heck, because this is the place you would love to do that and not have to burn the straw, but the agronomic facts are that we have large volumes, we have to do something with it, and zero tilling has not proven itself in these kind of soils with these volumes of straw. But there is evidence, research-wise and mechanically that there are things we can continue to do.

Mr. Speaker, how much time do I have left?

**Mr. Speaker:** Four minutes.

**Mr. Findlay:** In that context, the EMO committee certainly is going to make a report on the episode of October and the conditions from October 15th on. The Minister of Agriculture, the Minister of Health (Mr. Orchard) and the Minister of Environment (Mr. Cummings) have met with their staff, and we have formed a committee which we are announcing today to bring back recommendations on how we can protect vulnerable Manitobans from the negative effects of stubble smoke.

We have, on this committee, people from the Concerned Parents of Children with Asthma, the Lung Association, Keystone Agricultural Producers, members of my department and producers trying to come up with a solution that identifies how we can handle this episode in the future.

Mr. Speaker, I look forward to the input from those people using the information from this fall and the evidence they bring to the table as to how to approach handling of straw and stubble in the future.

\* (1730)

So in context, Mr. Speaker, I would like to move an amendment to the resolution. I will say first off, it is not changing the intent of the resolution. Most of the WHEREASes, I have looked at, I can agree with them, but I would like to move, seconded by the Minister of Natural Resources (Mr. Enns),

THAT we delete from the conclusion of the seventh "WHEREAS," to the end of the resolution and insert the following:

WHEREAS The Emergency Measures Organization is readying their final report on the interim ban and controlled burning during the fall of 1992; and

WHEREAS the government of Manitoba has announced the formation of a Stubble Burning Advisory Committee.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba support the provincial government in its consultative process with the rural and urban citizens and stakeholders leading to the development of measures and enforcement procedures to prevent infiltration of residential areas by smoke during the harvest season; and

BE IT FURTHER RESOLVED the Department of Agriculture will work aggressively with researchers and farmers to develop and promote viable alternatives to the practice of stubble burning, the development of shorter-strawed varieties and alternative end-uses for excessive straw.

Thank you, Mr. Speaker.

**Motion presented.**

**Mr. Speaker:** The honourable minister's amendment is in order.

**Mr. Paul Edwards (St. James):** Mr. Speaker, it gives me great pleasure to rise today on this resolution in the sense that this matter is coming to the fore of the Legislature. I just heard the Minister of Agriculture (Mr. Findlay) propose an amendment which, let me say at the outset, I think is a real breakthrough, and I want to say that on the record that I think it is certainly something that our party can support. We have been looking for it for five years. That is the only reason that I have any regret about standing up today is that it has taken five years. In my experience, since I got elected in 1988, every fall I have raised this in the Legislature in one form or another.

Mr. Speaker, I recognize that this was a particularly bad year for this; however, it is not a unique year. It has been a consistent problem every year. It was certainly worse this year, but it is as regular as clockwork in this province that there is a stubble-burning problem. People are incensed; children and seniors go to hospitals and emergency

departments; and there is an environmental and a health hazard inflicted upon many thousands of Manitobans.

It is high time that this happened; nevertheless, it is good that it is happening. I want the Minister of Agriculture (Mr. Findlay) to know that. In fact, I have a resolution on the Order Paper which expresses many of the same concerns that the member for St. Johns (Ms. Wasylycia-Leis) does in her resolution. In fact, if one looks at the BE IT RESOLVED of my resolution, it is precisely this, that there be a committee struck to bring together the interested parties.

I note the Minister of Agriculture has specifically said that there will be representatives from the farming community obviously, from the concerned parents of asthmatics, from the Lung Association. So, if the government is bringing together those people to come up with a permanent solution, then that is precisely what my resolution called for. That is precisely, I think, the type of leadership that has been lacking in the past. If it is here now and going forward, and we can have this resolved in one way or another by next fall, I think that will be a major step forward.

Mr. Speaker, I am pleased, therefore, to say at the outset that I am going to be pleased and our party will be pleased to support this amendment. I look forward to the results of that committee, because I believe and I have believed throughout this debate and discussion on this issue that there is middle ground, that there are solutions that can work for the farming community and for the nonfarming community that often pay the health and environmental costs for this. I believe there is middle ground.

I say that, not just having spoken to urbanites who have suffered the consequences. I have heard from literally dozens of farmers in the farming community and have spoken with them in the course of these five years in dealing with this issue and speaking out on this issue. It is interesting that oftentimes my comments have been picked up in many rural papers and that draws response from the rural community.

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

I have found, interestingly, that the position I take does not find discontent or disagreement in the vast majority of the representatives in the agricultural

community whom I hear from. I am not a farmer, so I have always said up-front that I am not going to tell them or pretend to know—[interjection] Yes, the Minister of Agriculture (Mr. Findlay) says, he has an investment for me. Maybe that is why I am not a farmer, because the investment these days is onerous and sometimes not too profitable, I understand that. The point is, I have always felt there was middle ground.

I have always deeply resented those—members of the government have done this on a regular basis every year, who have attempted to paint this as a rural-urban issue, as an issue where urbanites are pitted against rural Manitobans. It is not a rural-urban issue; it is a people issue. All Manitobans pay the price for smoke that comes across their land where they live, their rural communities or their urban communities.

I have heard from hospital administrators and doctors, not just in the city of Winnipeg but all over this province. So I do not accept, and, in fact, I resent any attempt to say that this is an issue which pits rural Manitobans against urban Manitobans. As I say, I have read rural newspaper articles, and I can read them here if I had time, editorials and articles in rural newspapers setting out how agriculturally it is inefficient and unproductive and bad farming practice to burn stubble.

I can show you the leaflet of the Department of Agriculture which sets out all the evils of stubble burning. I can quote you the Minister of Agriculture (Mr. Findlay) himself 15 minutes ago saying, Mr. Acting Speaker, that he thinks there are better ways to deal with this and looks forward to finding a permanent solution. So I do not think we have what many would try to paint as a rural-urban split, and I think it is time we put that to rest and got people together from both those communities to come up with a permanent solution.

Mr. Acting Speaker, it has always struck me as extremely paradoxical that if you or I, did we have the habit, were to light up a cigarette in the lobby of this building, we would be prosecuted if we were not in the right room, as I think the Acting Speaker knows. We would be taken to court and prosecuted under the laws of this province—or any public building. We supported that and that is good legislation. The same person can go outside the Perimeter Highway and light a fire and send a cloud over 650,000 people and do it every day and not be prosecuted.

\* (1740)

Now, where is the logic in that? That has happened year after year after year in this province. It does not make sense.

The fact is there is no justification in my view for the health hazard that this inflicts on people, and I have had discussions with the heads of emergency at the Health Sciences Centre and Grace Hospital, Concordia Hospital, St. Boniface Hospital, Victoria Hospital in this city and hospitals in rural Manitoba who tell me of the hundreds of people who start suffering from this smoke before people like you and I who do not have these breathing problems ever smell it or see it. They start suffering. Their lungs pick it up and they start suffering the asthma attack or the emphysema attack and, long after the stubble smoke is cleared, they are still suffering. They do pay the price.

Who pays the greatest price? Talk to the doctors, the emergency departments, and they will tell you the majority are one of two groups: children with asthma, who are particularly prone to this and to be put into an asthma attack; and seniors with emphysema problems. Those are the two groups who are hardest hit by this problem, Mr. Acting Speaker. So we are hitting the most vulnerable people in our community on a regular basis every fall. That is not to mention the environmental problem this poses. Can you imagine a plant, a company getting away with putting a cloud over 650,000 people that choked them for seven or eight hours? Can you imagine? That company would not be allowed to do that more than once.

If the enforcement branch was doing its job in the Department of Environment, absolutely they would be taken to task, Mr. Acting Speaker, and very, very quickly. If you or I were to ever light a fire on our property, you can be darned certain we would have the Fire Department and, if we did it again, we would have the police and a Crown prosecutor. You cannot do that. The Public Health Act disallows it and has for years.

In 1988, the atmospheric pollution regulations were passed by this government. They clearly outlaw this type of burning, and it has never been enforced. Why not? It is clearly an infringement of that act. That is the fallacy of those who say we need to legislate against this type of activity. It is in the law. It has been there since 1988. No one in this province can put the types of smoke and fumes

into the air and inflict that on other Manitobans, and they have not been able to do it for years.

Mr. Acting Speaker, it is not a question of legislation particularly. It is a question of desire to deal with the problem, and I have never said, deal with it with a heavy hand. I have always said, do what now this government has seen fit to do after many, many years of being asked, and that is bring the people together to get a solution that works for all. There are solutions. Other provinces have found those solutions, notably Saskatchewan, where they have found ways to deal with the problem that have met the needs and the interests of all communities. I have no doubt that with good will and good faith and a commitment which is made good upon by this government there will be a solution, and there must be a solution, and it must be a permanent solution. I look forward to that.

Mr. Acting Speaker, I am only saddened that it took a year like this, which was a year that produced much more smoke than normal, which was an abnormal year. A veritable crisis was created. As is often the case, it takes that to cause governments to come to the table to want to do something about it. I am saddened that it took that, but that having happened, at least we are moving forward it appears, and that is good.

Now, Mr. Acting Speaker, with respect to the minister's comments, the educational work has not done the full job. Those are his comments. I agree. Again, I have been saying that for years. It has gone a long way. It was a recommendation of the Clean Environment Commission. It was a good recommendation. It has never ever been purported to be the full answer. We know now it is not the full answer. The truth is, those who are still doing this irresponsibly, and there are ways to burn responsibly, those who are doing it irresponsibly know full well that they are doing it against all of the educational advice. I am convinced at this point, with all of the educational work that is done, they are making an intentional choice to ignore that and to do it. So now we have got to move to plan B. For those who are still doing it, there has to be some muscle put into it, some regulations put into effect which the government is willing to go through on.

The question of proof, the minister raised; now that is in my view, Mr. Acting Speaker, a cop-out, and let me tell you why. Anybody who knows about regulatory offences as opposed to criminal code offences will tell you that there is a very simple tool

to deal with that question of proof, and that is the reverse onus. There is a reverse onus in place for most land-use offences. The Noxious Weeds Act is one example. Any nuisance claim that is brought in this province or nuisance action in regulatory offences, the onus is shifted, and it works like this: A fire is occurring, stubble is burning, and stubble smoke is being created on somebody's land. The owner has the onus to show that he did not intentionally set it. The charge is laid. The owner goes to court and is asked to explain in effect, because it is recognized that the authorities cannot be on their land 24 hours a day. All regulatory land-use offences provide that reverse onus.

Mr. Acting Speaker, the interesting anomaly is that The Public Health Act with atmospheric pollution regulations currently in place, which, in my view, would prohibit this, already includes that reverse onus. That is a red herring. I do not accept that as any reason for not enforcing the law which is already there. [interjection] Well, I would be thrilled to speak to the officials because I realize the RCMP had that concern, but I think the government has many, many lawyers who, I think, could give advice, and I do not know if they have spoken to them. But there are many land-use offence regulations. They all deal with that same problem.

Finally, Mr. Acting Speaker, let me just say that, while clearly I accept that this year's situation reached crisis proportions, the fact is that it was a misconception to see this as an emergency in the sense that these fires were intentionally set. We knew they were going to be set. It was not like a train derailment that occurs, or an act of God. These were intentionally set fires.

This is not, in the strict sense of the word, an emergency that was predictable. The exact magnitude of it was not predictable perhaps, but even the minister says he knew it was coming, he knew it was going to be bad. The truth is, this is a solveable problem, and let us solve it. I look forward to that.

Thank you.

**Mr. Jack Penner (Emerson):** I just want to put a very few short comments on the record on stubble burning. Being a farmer myself, as are a number of people in this Chamber, you have to respect and admire that these people in fact try to carve a living and the way they carve a living out of soil.

Our soils differ in various parts of the province, and the soil surrounding the city of Winnipeg is probably some of the heaviest soil that we have in this country. It does not lend itself to the incorporation of the straw as some other soils do in some other parts of the province. I think we need to respect that.

The cost of the incorporation of this straw, especially when you have a heavy crop of straw like you did this year, can be very, very immense. Few people realize that the amount of equipment that is required—the heavy equipment required—to do this kind of incorporation is indeed a very, very heavy expense to the farmer.

I do not agree with the honourable member for St. James (Mr. Edwards) that this is an urban-rural issue. It is a matter of a practice that has been used by the farm community for decades. It has been used very effectively and, with the new kind of seeding equipment that is in place now, if you can get rid of this straw in this heavy soil without disturbing the soil too much, it lends itself to proper seeding conditions in the spring. That is important, especially in these heavy clay areas.

I want to put on the record though that I am totally opposed to straw burning as an individual. We have never burned straw on our farm, because we do not think that we have the need to, but it is, as I say, a costly operation. It takes the investment of some large, heavy equipment and the expense of that is not nominal.

So, for those members that live in the city of Winnipeg and for all urbanites, I think we need to make those kinds of considerations. I think there are ways to educate farmers over the long term of a proper way and an effective way of the incorporation of this straw and seeding at the same time.

Thank you, Mr. Acting Speaker.

\* (1750)

**Mr. Daryl Reid (Transcona):** I am pleased to rise and add my comments to this very important resolution. I am sure, like many other members in this House, we have all received our phone calls and our letters dealing with this issue of stubble burning. I know in my recent discussions with the member for Kildonan (Mr. Chomiak), he has indicated to me that he has received literally dozens upon dozens of calls and letters from his constituents, as I am sure we all have. We are all quite concerned about the

effect that this issue is having upon our individual communities that we represent.

I listened with interest to the comments by the Minister of Agriculture (Mr. Findlay) where he talks that there has been a significant decrease in the amount of stubble burning that takes place within the province. He says, it is down to less than 5 percent of the stubble that is being burned now in our province.

I do not profess for a moment to be an expert on agricultural issues. I have had some experience working on farms through my young adult years. I have watched some of the practices that have taken place and there are, of course, varying conditions around our province, as the Minister of Agriculture (Mr. Findlay) has pointed out.

That does not mean to say that there are still not problems out there with stubble burning, even though, I believe that in the minister's comments, a large number of the producers in our province are responsible producers and they do not support the practices of stubble burning when they can move away from that particular type of practice. That does not mean to say though that those remaining who use the practice of stubble burning are not creating a serious health effect upon the communities.

I know that this fall in particular and in the two previous falls for which I was the representative of my community or at least running for election to represent my community, I was aware of concerns of the residents of my community when the issue of stubble burning came up because, while this problem has gotten progressively worse and seems to have become a severe problem this fall, looking at the situation, I believe we have to take some necessary action now to put in place the necessary controls or at least make an effort in that direction to encourage those, at least through the education process and, where education fails, to take some further steps to ensure that those who are continuing this practice are made aware of the consequences of their actions upon others in our society.

Mr. Acting Speaker, I look at the people who have come to my office in my community and have, during the course of this fall when the stubble burning practice was taking place, I would get calls very early in the morning from very frantic parents trying to draw to my attention so that I could put my

comments to the government and make them aware of what was happening to their families.

It was very difficult for me as an individual to have to listen to these concerns, not because I did not want to listen to those concerns, but because there are members of my own family, my own children, who have an asthmatic condition. I could emphasize very deeply with these parents who were calling me and were frantic.

It is very difficult for a parent to sit in their home during the evening and into the early hours of the morning and listen to their children wheezing, trying to gasp for their breath. It is very difficult for a parent to have to listen to that.

So when these parents come to me and say that they have to take their children to the hospital in the middle of the night, I know what they are living through, because I have had to do that with my own children. I know what those conditions are like, and it is not a pleasant picture to have to take your child to the hospital and have them put into an oxygen tent or on oxygen through the mask and hope that they get better. It is a very difficult situation for a parent.

By this resolution I think we can move in the right direction and that by the amendments that the minister has put forward for this resolution, I believe that this is a fair and reasonable position to take. It is a fair compromise. I think that we, looking at the parties that are involved in this—the parents support group for children with asthma; the EMO; the producer representatives; and the government itself—should give them the opportunity to come forward with some concrete proposals and some concrete actions that we can take to resolve this issue.

I believe that by these amendments that are here to this resolution that we had put forward, while the amendments are not exactly what we had hoped for, nevertheless they are a fair compromise position and we are willing to give the government the opportunity, along with the other groups that are involved, to bring forward some concrete actions on this matter.

I thank you for the opportunity, Mr. Acting Speaker, to put my comments on the record on this very important topic today.

**Mr. Kevin Lamoureux (Inkster):** We think that this is a positive step. This is the reason why I am going to be extremely brief on this, just put a very few



words on the record, because it is, as I say, a very positive step forward.

Every day prior to Question Period getting underway, Mr. Acting Speaker, we are hearing from petitions. We have had thousands of urban and rural Manitobans signing petitions, and basically what the petition is asking for, and I am just going to read the very last THEREFORE: "Your petitioners humbly pray that the Legislative Assembly will urge the government of Manitoba to pass the necessary legislation/regulations which will restrict stubble burning in the province of Manitoba."

Mr. Acting Speaker, we have approached this, whether it is the public as a whole or the politicians, in a very responsible manner. It is not an urban-rural issue. This is an issue in which all Manitobans have an interest in terms of the chaff, that there are good potential industries, with a proactive government, that we can see something come out of it. We have to think in terms of what is in the best health care need of all Manitobans, including the farmers themselves.

With those very few words, I wanted to pay special tribute to a constituent of mine, Kim Lachuta, who has put in a lot of effort in terms of getting these petitions before us. We are talking about several

thousand individuals that have signed these petitions. Thank you.

**The Acting Speaker (Mr. Laurendeau):** Is the House ready for the question? The question before the House is that proposed Resolution No. 1 be amended.

Is it the pleasure of the House to adopt the amendment?

**Some Honourable Members:** Agreed.

**The Acting Speaker (Mr. Laurendeau):** Agreed? Agreed and so ordered.

Is the House ready for the question? The question before the House, the private member's Resolution No. 1 as amended.

Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**The Acting Speaker (Mr. Laurendeau):** Agreed? Agreed and so ordered.

Six o'clock? The hour now being six o'clock, this House will stand adjourned till tomorrow (Thursday) at 1:30 p.m.

