



**First Session — Thirty-Fourth Legislature**  
of the  
**Legislative Assembly of Manitoba**

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**DEBATES**  
and  
**PROCEEDINGS**  
**(HANSARD)**

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37 Elizabeth II

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**MANITOBA LEGISLATIVE ASSEMBLY  
Thirty-Fourth Legislature**

**Members, Constituencies and Political Affiliation**

NAME	CONSTITUENCY	PARTY
<b>ALCOCK, Reg</b>	Osborne	LIBERAL
<b>ANGUS, John</b>	St. Norbert	LIBERAL
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BURRELL, Parker</b>	Swan River	PC
<b>CARR, James</b>	Fort Rouge	LIBERAL
<b>CARSTAIRS, Sharon</b>	River Heights	LIBERAL
<b>CHARLES, Gwen</b>	Selkirk	LIBERAL
<b>CHEEMA, Gulzar</b>	Kildonan	LIBERAL
<b>CHORNOPYSKI, William</b>	Burrows	LIBERAL
<b>CONNERY, Edward Hon.</b>	Portage la Prairie	PC
<b>COWAN, Jay</b>	Churchill	NDP
<b>CUMMINGS, Glen, Hon.</b>	Ste. Rose du Lac	PC
<b>DERKACH, Leonard, Hon.</b>	Roblin-Russell	PC
<b>DOER, Gary</b>	Concordia	NDP
<b>DOWNEY, James Hon.</b>	Arthur	PC
<b>DRIEDGER, Albert, Hon.</b>	Emerson	PC
<b>DRIEDGER, Herold, L.</b>	Niakwa	LIBERAL
<b>DUCHARME, Gerald, Hon.</b>	Riel	PC
<b>EDWARDS, Paul</b>	St. James	LIBERAL
<b>ENNS, Harry</b>	Lakeside	PC
<b>ERNST, Jim, Hon.</b>	Charleswood	PC
<b>EVANS, Laurie</b>	Fort Garry	LIBERAL
<b>EVANS, Leonard</b>	Brandon East	NDP
<b>FILMON, Gary, Hon.</b>	Tuxedo	PC
<b>FINDLAY, Glen Hon.</b>	Virten	PC
<b>GAUDRY, Neil</b>	St. Boniface	LIBERAL
<b>GILLESHAMMER, Harold</b>	Minnedosa	PC
<b>GRAY, Avis</b>	Ellice	LIBERAL
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HELWER, Edward R.</b>	Gimli	PC
<b>HEMPHILL, Maureen</b>	Logan	NDP
<b>KOZAK, Richard, J.</b>	Transcona	LIBERAL
<b>LAMOUREUX, Kevin, M.</b>	Inkster	LIBERAL
<b>MALOWAY, Jim</b>	Elmwood	NDP
<b>MANDRAKE, Ed</b>	Assiniboia	LIBERAL
<b>MANNESS, Clayton, Hon.</b>	Morris	PC
<b>McCRAE, James Hon.</b>	Brandon West	PC
<b>MINENKO, Mark</b>	Seven Oaks	LIBERAL
<b>MITCHELSON, Bonnie, Hon.</b>	River East	PC
<b>NEUFELD, Harold, Hon.</b>	Rossmere	PC
<b>OLESON, Charlotte Hon.</b>	Gladstone	PC
<b>ORCHARD, Donald Hon.</b>	Pembina	PC
<b>PANKRATZ, Helmut</b>	La Verendrye	PC
<b>PATTERSON, Allan</b>	Radisson	LIBERAL
<b>PENNER, Jack, Hon.</b>	Rhineland	PC
<b>PLOHMAN, John</b>	Dauphin	NDP
<b>PRAZNIK, Darren</b>	Lac du Bonnet	PC
<b>ROCAN, Denis, Hon.</b>	Turtle Mountain	PC
<b>ROCH, Gilles</b>	Springfield	PC
<b>ROSE, Bob</b>	St. Vital	LIBERAL
<b>STORIE, Jerry</b>	Flin Flon	NDP
<b>TAYLOR, Harold</b>	Wolseley	LIBERAL
<b>URUSKI, Bill</b>	Interlake	NDP
<b>WASYLYCIA-LEIS, Judy</b>	St. Johns	NDP
<b>YEO, Iva</b>	Sturgeon Creek	LIBERAL

## LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, September 2, 1988.

The House met at 10 a.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### INTRODUCTION OF BILLS

#### BILL NO. 24—AN ACT TO INCORPORATE THE DAUPHIN GENERAL HOSPITAL FOUNDATION

**Mr. John Plohman (Dauphin)** introduced, by leave, Bill No. 24, An Act to Incorporate The Dauphin General Hospital Foundation; Loi constituant la Fondation de l'Hôpital général de Dauphin.

#### MOTION presented.

**Mr. Plohman:** I have a brief explanation of this Bill, Mr. Speaker.

Mr. Speaker, very briefly for the Members' greater understanding, the purpose of this Bill is to establish an independent foundation separate and apart from the Dauphin Hospital. This will allow for the receipt of charitable donations often dedicated for a specific purpose to be managed separately from the general operating funds of the hospital. The foundation also will be used as a fund-raising centre for special health care projects that may not have other sources of funding, and I recommend this Bill to the House.

#### QUESTION put, MOTION carried.

#### BILL 25—THE UNFAIR BUSINESS PRACTICES ACT

**Mr. Jim Maloway (Elmwood)** introduced, by leave, Bill No. 25, The Unfair Business Practices Act; Loi sur les pratiques commerciales déloyales.

#### MOTION presented.

**Mr. Maloway:** Mr. Speaker, it gives me great pleasure to speak to this Bill on first reading. The Unfair Business Practices Act is just another tool in the tool box for the director of the Consumers' Bureau. While the existing Consumer Protection Act passed by the Schreyer Government in 1969 was far ahead of its time at that time—it deals with warranties, credit terms, direct selling, licensing and bonding—the Act itself comes up short in the area of unfair business practices and the enforcement provisions against such practices.

Under the current Act, there were about 2,500 complaints dealt with. About 1,300 were resolved by mediation, and I believe that mediation will still prevail as the most popular resolution under the new Act.

\* (1005)

Currently, Mr. Speaker, six provinces have such legislation: B.C., Alberta, Ontario, Quebec, PEI, Newfoundland. Saskatchewan, in the last couple of weeks, has announced that at the next Session it too will be bringing in a similar Bill to this.

The legislation itself will allow the director to walk softly and carry a big stick. I believe that it will have a calming effect and a settling effect on those small number of bad businesses operating within the province. Once the director makes a few examples of these bad operators, I believe the rest will either leave town and go to the only two provinces without such legislation, or will reform, or will go out of business altogether. The director will investigate, will order and make an order, and a person being charged with such order will have 21 days to appeal such order to the courts.

Another important aspect to the Bill will allow for class actions on the part of consumers and consumer groups such as the Consumers' Association of Canada, which I must tell you is very supportive of this legislation. The initial response from small business has been very good, because I believe that small business wants to get rid of the bad operators who reflect badly on all small business in the province.

There are numerous cases of pensioners. One that I cited the other day was—

**Mr. Speaker:** Order, please. The Honourable Member is given the opportunity to make a brief explanation as to the purport of the Bill.

#### QUESTION put, MOTION carried.

### ORAL QUESTION PERIOD

#### Manfor Ltd. CEO and Board Replacements

**Mrs. Sharon Carstairs (Leader of the Opposition):** My question is to the Minister responsible for Manfor (Mr. Ernst). Manfor is an issue of grave concern for all Manitobans, and yesterday the Minister responsible announced the appointment of a new chief executive officer, as well as a new board of directors. These new appointments came at a time when very important negotiations are being carried on with regard to the sale. It would appear that, if this Government was truly interested in selling this corporation in a positive way for the people of Manitoba, a more logical course of action would have been to retain the key players instead of replacing them with individuals with little or no familiarity with the current operations of the corporation.

My question, Mr. Speaker, why were the president and all but two members of the board dismissed?

**Hon. Jim Ernst (Minister responsible for Manitoba Forestry Resources Limited):** The first obligation of

this Government with respect to Manfor is to the employees of the company and to the people of the North to create a long-term stable situation with regard to jobs in the North. That is our first obligation.

For the past 12 months to 14 months, Manfor has been in a holding pattern. They put the marketing manager, Mr. Bourgeois, into the position of chairman and the position of CEO of the company on an interim basis, admitted by Mr. Bourgeois to me himself on my very first meeting with him, because they had nobody else. The chairman had resigned, as had the president. They put the marketing manager, Mr. Bourgeois, into that position on a temporary basis until the company was to be sold. We are now some 14 months beyond that. Negotiations are ongoing for divestiture but may take some time before it gets completed. It behooves us to make sure the company is operated on as good a basis as possibly can happen. Mr. Bourgeois was replaced yesterday by Mr. Paul Demare, who has 18 years' experience dealing with Manfor. We have placed a new chairman of the board, Mr. Jones, who happens to be the chairman of Investors Syndicate, a very, very experienced businessman.

In addition to that, we have replaced on the board a number of very effective responsible and experienced people, not necessarily with the operation of Manfor but with the operation of business.

\* (1010)

#### **Manfor Ltd. Bourgeois Severance Package**

**Mrs. Sharon Carstairs (Leader of the Opposition):** Will the Minister responsible for Manfor tell this House what was the severance package offered to Mr. Bourgeois?

**Hon. Jim Ernst (Minister responsible for Manitoba Forestry Resources Limited):** Mr. Bourgeois and I had a meeting yesterday morning—a very cordial meeting. He understood the circumstances surrounding the matter. We are in the process of working out a severance package.

#### **Manfor Ltd. Executive Search**

**Mrs. Sharon Carstairs (Leader of the Opposition):** With another question to the same Minister, what nationwide advertising campaign was conducted to find an individual most suitable to head this very important corporation?

**Hon. Jim Ernst (Minister responsible for Manitoba Forestry Resources Limited):** The corporation is being headed by Mr. Jones of Investors Syndicate, nationally recognized in this country by his peers. He is a very responsible experienced businessman, the chairman of the board of Investors Syndicate. That is the best person we could find. You do not need to advertise if you have got people like that resident in Winnipeg, who are prepared to serve.

#### **Manfor Ltd. Board Replacements**

**Mrs. Sharon Carstairs (Leader of the Opposition):** We are talking about the president, not the chairman.

Can the Minister inform the House did the board approve the appointment of the new president prior to the board's dismissal, or was it necessary to replace the entire board in order to get that approval?

**Hon. Jim Ernst (Minister responsible for Manitoba Forestry Resources Limited):** Mr. Speaker, firstly let me say that the appointment of Mr. Demare, a person of some 18 years experience with Manfor, who knows full well the operations of the company, knows full well the operations of the forest industry across the country, is someone who we are very, very pleased to have been able to have, someone who we were able to get in Manitoba, who is resident in Manitoba, and who was able to come forward on short notice to take responsibility in this area.

I must also point out to the Leader of the Opposition, the entire board was not replaced. Two representatives of the employees, who previously served on the board, are continuing to serve on the board.

#### **Manfor Ltd. Demare Former Severance Package**

**Mrs. Sharon Carstairs (Leader of the Opposition):** It did not hurt that he was a Tory either.

Would the Minister please tell the House, when Mr. Demare left the corporation several years ago, what were the circumstances under which he left? What was the severance package he received at that time?

**Hon. Jim Ernst (Minister responsible for Manitoba Forestry Resources Limited):** That matter had been raised by the press with me after comments, I think, from the Member for Flin Flon (Mr. Storie).

Let me say this, that I have checked with Mr. Demare, with the solicitor for the corporation, Mr. Ray Taylor, who has been the solicitor of the corporation for the last 20 or so years and is familiar and, not only that, had checked all of his records to ensure that the information he gave me was correct. Mr. Demare left the corporation on a mutually agreed arrangement because he was asked to move his family to The Pas under the previous chairman, Mr. Harvey, who was resident in The Pas and who wanted all administrative people located in The Pas. Mr. Demare, who had a family starting to attend university and just finished high school, chose not to move to The Pas because of those reasons, and accordingly resigned his position with Manfor.

\* (1015)

#### **Manfor Ltd. Board Replacements**

**Mrs. Sharon Carstairs (Leader of the Opposition):** In his opening comments, the Minister said that we should be concerned with the employees and the people of the North. With that, we totally concur.

Would the Minister please explain, therefore, why no Natives were appointed to the board and why only two of the 10 new appointments actually reside in the North?

**Hon. Jim Ernst (Minister responsible for Manitoba Forestry Resources Limited):** Let me say, firstly, that with the prime obligation to the employees of the company and to the people of the North, it is the responsibility of this Government to find the best possible business people we can find to run that company. This is a major, major corporation. It has lost some considerable amount of money over the past number of years. There are concerns in the North amongst the employees. The employees are very nervous. They do not know what the future holds for them. It is our responsibility to ensure that we have the best possible people on the board.

There may not be a Native person on the board. I was not, quite frankly, able to find a top notch business person, Native, in the short period of time that I had available to me to replace that board. That does not preclude the fact that I will continue that search. My colleague, the Minister of Northern Affairs (Mr. Downey), is giving me some assistance in that regard. But let me say this: the board that existed before that had, for instance, no women on the board. In this case, there are four women on the board.

### Hazardous Waste Disposal Public Hearings

**Mr. Gary Doer (Leader of the Second Opposition):** My question is to the First Minister (Mr. Filmon). All Governments in Canada have agreed to establish round tables on the environment with business leaders, etc., for September of this year, and our Minister of the Environment (Mr. Connery) has not yet met and consulted with any major environmental group.

Further to that, Mr. Speaker, this week, in answer to questions dealing with the sewer situation of the City of Winnipeg, the Minister of Environment, indeed, and I have got the transcript, gave Manitobans two choices on the sewer system: one is to not enforce the existing law; or, the other option was to have the materials put in sloughs and we could see people "burnt to death," quote, unquote, from the Minister of Environment. I think both choices are unacceptable. The Minister of Environment should be enforcing the law.

Last week, we asked the Minister of Environment, and indeed the Premier, to conduct public hearings on the disposal of material and environmental chemicals and petrochemicals in the sewer system of Winnipeg.

Would the First Minister (Mr. Filmon) please now order those public hearings so Winnipeggers and Manitobans can get involved in their environment and get involved with solutions and options that are a little bit more creative and consistent with the law than the Minister of Environment (Mr. Connery)?

**Hon. Gary Filmon (Premier):** May I say, firstly, that our objective is to ensure that we are doing everything possible to protect Manitoba's environment. I have said before, and I believe it, that we ought to treat the

environment as though not it was left to us by our forefathers but that we are borrowing it from our children.

We have to ensure that the laws are being upheld, and my Minister of the Environment (Mr. Connery) is doing so in his discussions publicly, because there have been many discussions publicly as a result of the incident of the manhole covers exploding, there have been many discussions about the difficulties that you face in trying to police the laws of our province.

I think that the Member ought to know. He has glowingly said that we have the best Environment Act in the country. That, in itself, is obviously not enough if there are opportunities to circumvent the Act or opportunities for people to do such things as illegally dumping substances in our sewer system where we have a hundred thousand manholes throughout the City of Winnipeg.

It is a very complex issue; it is not a simple matter of this or that. The Environment Department has technical experts—engineers, scientists, laboratory people—who are doing everything possible to trace down the sources of material into our system and to try and come up with ways and means of ensuring that illegal dumping does not occur.

If, at the end of all of that investigation, the Minister decides that sufficient knowledge is not available, that more knowledge must be sought through public consultation, we will consider that as well.

\* (1020)

**Mr. Doer:** The laws are not being upheld; there has not been one issue of any licence in the City of Winnipeg pursuant to the new Environment Act which was proclaimed on April 1.

When we were dealing with the situation in Brandon, when our colleague raised the issue of the odours in Brandon, we immediately had a public hearing within one working day, dealing with the odours in the City of Brandon.

Why are odours more imperative to have public hearings than dangerous, exploding sewer manhole covers? And we know, in discussion with many people, that there are lots of chemicals and petrochemicals being dumped in those sewers, and people want public hearings with rules of evidence so that they can get at these issues.

**Mr. Filmon:** Very simply, the issue in Brandon was whether or not the standards for odour levels were high enough. We are not saying that our standards, our laws, are not tough enough here. If he is saying that, then the NDP passed the wrong Act.

The issue is that the Act is tough enough, the regulations are tough enough, but we are now finding that there are ways and means to circumvent it. Those are procedural matters. Those are matters that have to be investigated by the department to come up with solutions to prevent people from circumventing the Act and the regulations. If they cannot come up with

Friday, September 2, 1988

sufficient means to prevent that from happening and they require further public consultation, that will be done, too.

**Mr. Doer:** I cannot understand the reluctance of the First Minister (Mr. Filmon) to have a public hearing. There are constituents—in fact, constituents of the Premier called us yesterday asking for a public hearing on the disposal of dangerous goods. There is a constituent, indeed, that we sent a letter to the Minister of Environment (Mr. Connery) yesterday on, talking about 200 barrels of toxic and highly inflammable waste in the close proximity to Lindenwoods.

People want to get involved in their environment. They do not want these goods in the sewers; they do not want these goods in their neighbourhood. They have lots of ideas; they want to get involved in their environment.

Why will the Premier, the First Minister (Mr. Filmon), not order a public inquiry? It has been a week and a half. The people of Manitoba have a right to discuss their own environment.

**Mr. Filmon:** The people of Manitoba do have a right to discuss their own environment, and they are. They are calling the Minister; they are talking to the Government; they are putting forth papers with suggestions. There is ample information of dialogue going on within the newspapers, within this House, day after day after day. That is public discussion of environmental issues that is presumably geared towards finding solutions.

The problems today are with enforcement, and the enforcement has to do with finding who the perpetrators of the crimes are and stopping them from perpetrating the crimes in the future. We are doing that, and there is public consultation and discussion scheduled for the establishment of a hazardous waste disposal facility for Manitoba. That will require public hearings. They will be scheduled and we are committed to them.

**Mr. Doer:** With the greatest respect, constituents of the Premier himself (Mr. Filmon) are phoning our office because they have no confidence that anything will be followed up by his Minister of Environment (Mr. Connery). Indeed, a constituent of the Premier—

**Mr. Speaker:** Question. Does the Honourable Member have a question?

**Mr. Doer:** —has forwarded material to us about 200 barrels that are highly toxic.

Will the Premier (Mr. Filmon) please order today, a week and a half after this major explosion in the City of Winnipeg, immediately a public inquiry that will allow an investigator and a commissioner, an independent person, to use rules of evidence to get at the bottom of the dangerous goods in this city and the dangerous goods that are being put in our sewer system so Manitobans can be involved in their own environment.

**Mr. Filmon:** We are happy to have information being provided for us by members of the public. We have

public consultation bodies on the environment that have been set up by the provincial Government and are there to provide us with the information. In the past, various Members of this Chamber have been members of those environmental councils. I believe the Member for Niakwa (Mr. Driedger) has, I believe the Member for Wolseley (Mr. Taylor), and so on.

There are means of public consultation and public input into the decisions that are being made by this Government. We will continue to listen, we will continue to investigate to develop solutions to the problems that exist, but I say to you, Mr. Speaker, that all of these problems have existed for many, many years. They did not occur within the last three months.

The PCBs that were in storage in that boxcar in Transcona were there since 1982. The dumping of chemicals into the system illegally has occurred throughout the past six-and-a-half years of NDP administration and nothing was done about it.

We are committed to finding solutions and we will find the solutions, and they are not going to be found merely by holding public hearings on it.

\* (1025)

### Canada-Manitoba Tourism Agreement

**Mr. Neil Gaudry (St. Boniface):** To the Minister of Tourism (Mr. Ernst), terms of the Canada-Manitoba Tourism Agreement signed three years ago called for an expenditure of \$8 million to stimulate activity in the private sector, through assistance to resort operator and other tourist attraction. Mr. Speaker, can the Minister tell us how much money has been dispensed to date?

**Hon. Jim Ernst (Minister of Industry, Trade and Tourism):** Mr. Speaker, that is a rather specific question. I do not have the exact information, so rather than give the Member any kind of false information or misinterpreted information, I will take the question as notice and provide the answer, either in Estimates later this morning or at the next meeting of the Chamber.

**Mr. Gaudry:** As of August 26, 1988, just more than \$1 million had been spent during the past three years. That leaves \$7 million left to spend and only two years left to spend it. Will the Minister immediately initiate discussion to change the guidelines so that the small business operators, the lifeblood of this province, can take advantage of this program in that large operators appear to fail to avail themselves to this program?

**Mr. Ernst:** Let me say, firstly, that this Government is not about to throw money around like drunken sailors, that we are not prepared to throw money at a problem just because it is there. It is taxpayers' money, whether it is Manitoba's taxpayers' money or whether it is federal taxpayers' money, our Government is a little more responsible than that.

With respect to the specific question on the take-up of the money under that program, as I indicated, I will provide that information either at a later sitting or in Estimates later today.

### Tri-Lake Development Project Funding

**Mr. Neil Gaudry (St. Boniface):** Mr. Speaker, can the Minister inform the House if a Tri-Lake Development is under consideration and what funding is proposed to be given to this project?

**Hon. Jim Ernst (Minister responsible for Manitoba Forestry Resources Limited):** Yes, it is. We have had representation from the Tri-Lake's area to have a funding for a program there to raise the level of the lakes to make it more effective and a more usable tourist area. No decision on funding as yet have been taken.

### Beaconia Beach Security and Land Management

**Mr. Harold Taylor (Wolseley):** My question is to the Minister of Natural Resources (Mr. Penner). What do the names Al Mackling, Leonard Harapiak and Jack Penner have in common? Well, they are all names of recent Ministers of Natural Resources, also Ministers though that took no action to protect some of Manitoba's most treasured, most cherished natural resources. Our fabulous beaches—Beaconia Beach is and has been badly, badly abused by all-terrain and four-wheel drive vehicles. It is used as a parking lot, a thoroughfare, a race-track, a shooting gallery. This once gorgeous stretch of beach is also used as a dump site for refuse, for abandoned cars, thousands of broken beer bottles, broken appliances.

My question is why is the Minister following in lock step with the NDP Ministers? Why is he unprepared to take any action to predict the safety of beach users and to preserve the natural habitat of the beach itself?

\* (1030)

**Hon. Jack Penner (Minister of Natural Resources):** I am very pleased that the Member of the Opposition has raised this question because it is an important one. It is something that I suppose previous Governments have dealt with or attempted to deal with. However, we must remember that our beaches are public beaches. They are public property and people of this province have and should have access to those beaches.

There are, however, regulations that can be put in place that would restrict the very functions that you referred to. We are at present evaluating and looking at ways and means of putting in place the kind of restrictions that would not cause the kind of litter that you are referring to. I have personally visited some of these beaches, the ones that you are referring to, taken a look at them and realize full well some of the things that are going on over there.

However, some of the things that you are dramatizing—and I say they are being dramatized—simply are not quite as extensive as what you are referring to. However, we will, when we have decided what kind of pertinent action can be taken to make

sure that our beaches will be safe and will be safe from litter as well as the kind of traffic that you are referring to and the dangers that you are inferring that exists to the public today.

**Mr. Taylor:** Well, that is most interesting, Mr. Speaker. It does not quite tie with the facts, but will the Minister tell the group of concerned citizens who have banded together to form a non-profit group, known as the Friends of Beaconia, who wish to operate the beach under permit from his department, at their own costs, permit and tax costs, in conjunction with the local Rural Municipality of St. Clements, that he will assist them in that permit application? It has been sitting there since '84.

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

**Mr. Penner:** If the Honourable Member opposite would care to listen to what I have said before and will care to listen to what I am saying now, I will say to him that we are evaluating. We are looking at the situation; we are going to take into consideration every proposal that comes our way and are going to listen to those kinds of proposals. There has been a proposal put to the previous administration some four years ago. However, there has been no other application for privatization or the development of any other beach area since that time, especially in Beaconia.

I want to say to you, Mr. Speaker, that for the record, if and when an official proposition or proposal comes our way for the development of any of our natural resource areas, I will seriously consider those proposals. Until now, we have not received that proposal.

**Mr. Taylor:** I would ask the Minister to check his own files because I have photocopies of it. I would suggest that we are not talking privatization, but preservation. So if I could have -(Interjection)- this is an advertisement for—

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

**Mr. Taylor:** —Beaconia madness.

**Mr. Speaker:** Order. Order, please. I would like to remind Honourable Members that Beauchesne, Citation 333, “. . . it is improper to produce exhibits of any sorts in the Chamber.”

The Honourable Member for Wolseley, with a supplementary question.

**Mr. Taylor:** Thank you very much, Mr. Speaker. Given the evidence that is available, both orally and pictorially, of the problems that are coming at that beach, that have been there for a number of years of people being harassed and virtually driven at, how many more weekends will go by before security and land management are finally restored; and what, if anything, is that Minister going to do for this upcoming long weekend?

**Mr. Penner:** It is interesting that the Honourable Member opposite would raise this issue in this manner.

As I said to you before, we have had a proposal for the development prior to 1984. We have not had on record any proposal for development for Beaconia since that time.

The question was what is the Minister going to do about our beaches and the access to our beaches? As I said before, our beaches are public property and should and will remain open to the public for the enjoyment of the public. We have had exactly one complaint from the Beaconia Beach area from one person. That person is the very same person that applied for the development of that beach area during 1984.

It surprises me that the Member opposite would stand there and say that we should look at only one proposal for the development of that beach area. I suggest to you that it is our responsibility, as a Government, to make sure that if and when we look at the privatization of our beaches that all the people that might have an interest in the development of those beach areas be given an opportunity to bid on those opportunities.

### **Manfor Ltd. Executive Search**

**Mr. Jerry Storie (Flin Flon):** I was going to direct my question to the Minister of Natural Resources (Mr. Penner) and ask what does the Member for Wolseley (Mr. Taylor) and the Liberals have in common with Joe Jarmac. They want to make private beaches all along Lake Winnipeg.

My real question is to the Minister responsible for Manfor (Mr. Ernst). Through the election and in the Throne Speech, the First Minister (Mr. Filmon) went on at some length about the need to bring responsible management to the efforts of our Crown corporations.

I would like to direct my questions to the Minister responsible for Manfor, an important Crown corporation to the province and to northern Manitoba, and ask specifically if the Minister can indicate who recommended that Mr. Paul Demare be appointed as chief executive officer and president? Which professional company did he hire to search for an executive and make recommendations to the Minister?

Did the Minister ask for the input of any senior management at Manfor who have worked with this individual before? Did the Minister ask for the input of the board who have run Manfor responsibly and profitably for the last two years? Did he ask for input from any of those individuals who have knowledge of both the individual and the needs at Manfor?

**Hon. Jim Ernst (Minister responsible for Manfor):** If I wanted to be facetious, I could have asked the Member to repeat the question.

Let me say this: Mr. Demare is a very experienced, qualified person. He is a chartered accountant, he has held a variety of management positions throughout the management area of Manfor. He has had extensive experience in the operations of that company.

Mr. Speaker, you do not just find people to operate large corporations with experience in that industry just

anywhere. The former Government knew that when they hired somebody from Montreal and had to give him a house in Montreal and a house in The Pas and a house in Winnipeg, and a membership at the St. Charles Country Club and a variety of other things. We have had to do none of that and have found a very experienced person to operate this company.

**Mr. Speaker:** The Honourable Member for Flin Flon, with a supplementary question.

\* (1040)

**Mr. Storie:** The Minister responsible for Manfor (Mr. Ernst) knows that the individual who was chief executive officer was doing that job, and chairman of the board, at less salary than the money that he is giving to his political friend to operate Manfor currently.

My question to the Minister responsible for Manfor is why would the Minister choose an individual who is not familiar with the current operations of Manfor, who was let go by that company for specific reasons, and not the one alluded to by the Minister? Why would the Minister choose to remove a chief executive officer that had brought Manfor to profitability for a Conservative Party member, a supporter, a contributor to the tune of \$285, for a job that he is paying in some \$100,000 more than the previous chief executive officer?

**Mr. Ernst:** I cannot let the Member for Flin Flon (Mr. Storie) put on the record inaccurate information. Let me say this, Mr. Speaker, with regard to the salary of the former president, Mr. Bourgeois, which was \$130,000 a year, let me say that Mr. Demare has taken on that job at \$100,000 a year. So that, by anybody's arithmetic, including New Math, is not more, but less. So let us be clear about that.

### **Manfor Ltd. Board Replacements**

**Mr. Speaker:** The Honourable Member for Flin Flon, with a final supplementary question.

**Mr. Jerry Storie (Flin Flon):** Mr. Speaker, we have become used to the odour of political appointments in this Chamber over the last few months, but this is stench.

The question to the Minister, apart from the political appointment, the \$100,000 gift to one of his friends, my question is to the Minister: Why, in the replacement of the board, did he choose to ignore the only Native person who was a member of the board? Why did he choose not to reappoint that person? Why did he choose not to reappoint a person who represented the Woodlands area, the small communities that are impacted by Manfor's operations? Why did he choose, instead, to appoint his friends from other parts of the province without the knowledge and experience that these individuals brought of some five or six years of successful operations at Manfor?

**Hon. Jim Ernst (Minister responsible for Manitoba Forestry Resources Limited):** As I said earlier, the prime responsibility of the Government, with respect



to Manfor, is to ensure that there is a long-term operation there with long-term stable jobs for the people at Manfor. For the past year and a-half, the company has not operated on the basis of a full blown operation. It has been put into a holding pattern by the Member for Flin Flon (Mr. Storie) when he was the Minister, and I was informed of that by the former president, Mr. Bourgeois. He told me that. He said, "The company is in a holding pattern; I am here on a temporary basis until the company is sold."

### Highway Overpass Construction

**Mr. Edward Helwer (Gimli):** I would like to direct my question to the Minister of Highways and Transportation (Mr. Driedger). Now that the tenders have been called for the first phase of the overpass at No. 7 Highway and the Perimeter Highway, can the Minister tell us does he have a commitment from the City of Winnipeg as to when they will complete their portion, inside the Perimeter Highway, of Highway 7 and also Highway 8?

**Hon. Albert Driedger (Minister of Highways and Transportation):** First of all, in view of the deterioration that has taken place in our highways over the past six years, I am very pleased that my Government has seen fit to take and escalate the money that is going to be spent on these programs.

I am also very pleased to indicate that the tenders have been let for the overpass on Highway 7 and the bypass, which basically indicates that we have major work that has to be done on our major trunk highways around the city, and that commitment we are working on. I think the overpass tender that has been let is a continuing commitment to that.

I have talked to the Minister of Urban Affairs (Mr. Ducharme) and we will be jointly discussing with the City of Winnipeg about the possibility of seeing whether they will consider escalating the highway program that is within their jurisdiction so that the entrances into the city from Highway 7, as well as some of the other approaches that we have, that we can have good, proper approaches to the city.

### Department Ministers Clerical Staff Intimidation

**Hon. Gary Filmon (Premier):** Yesterday I was asked a question by the Member for Thompson (Mr. Ashton), a question that alleged that action on the part of senior staff in the Department of Labour and, in specific, both inside this House and outside, the Member for Thompson raised the name of the Deputy Minister of Labour and Environment and one other senior staff who I believe has been identified as the director of personnel.

Before the weekend goes by, Mr. Speaker, I want to say I want to have on the record the response that I have been able to obtain from discussion with senior staff, because the allegations were ones of a very serious nature, of harassment and intimidation of staff members within the department.

I want to say that I want to read on the record the response of the Deputy Minister, because I do not

believe that it is fair and reasonable to have him the subject of unfair allegations in this Chamber. He has become the subject of harassment, firstly by the Leader of the NDP (Mr. Doer) and now by the Member for Thompson (Mr. Ashton), and I want to ensure that his words are being put on the record on my account, because he cannot be here to defend himself.

I say to you firstly that he has given me not only orally, because we had a discussion of some 25 minutes in which I asked him to place in writing the entire sequence of events that may have led to these allegations, and he said, and I say, I quote:

"I want to assure you at the outset that there is absolutely no factual basis to these allegations. They are totally, utterly, completely and demonstrably false. Quite the contrary, every effort was made to ensure that employees were dealt with sensitively and according to well-laid-out and understood personnel procedures.

"Further, there was full consultation at every step with the senior staff of the Civil Service Commission within the department and the MGEA."

At every meeting that he had with these two employees—and I will say for the benefit of the House that the two employees were ones whose positions became redundant because there was a reduction from two Deputy Ministers to one. Therefore, one administrative assistant to the Deputy Minister and one secretary to the Deputy Minister were no longer necessary because they had no Deputy Minister to report to.

In the course of going through the procedure to redeploy those people, every single step of the way was checked out in accordance with the Civil Service Agreement, in accordance with the MGEA Collective Agreement, and at no time did they raise a complaint, which they can well do under the agreement. They could lodge a complaint about harassment or discrimination. Under the agreement, they did not go to MGEA with a grievance. MGEA raised no grievance with the Civil Service Commission or the Government, and I regard these allegations as totally false, spurious and as an indication of how low the ND Party will stoop to bring matters to this Legislature. I demand a full withdrawal on the part of the Member for Thompson (Mr. Ashton).

### Health Sciences Centre Bed Closures

**Mr. Gulzar Cheema (Kildonan):** My question is for the Minister of Health. Delaying medical procedures in Manitoba has become a way of life, as a matter of fact, the slogan for this Government. With the closure of beds at Health Sciences Centre and those beds becoming office space, it will not help the situation. There is an ongoing delay in physiotherapy. There is a delay in speech therapy; there is a delay in surgical procedures such as urology and ophthalmology. Would the Minister tell this House what is the waiting period for coronary by-pass surgery?

**Hon. Donald Orchard (Minister of Health):** Let me—first off, I apologize for missing the first sentence in

Friday, September 2, 1988

the preamble to the question, but I am assuming that I gathered the substance of the question amidst the background noise in the Chamber.

My Honourable friend should know that there have been no permanent closures of beds in the Health Sciences Centre as has been alleged by the NDP. There have been no renovations and permanent office space located in summer-closed beds as alleged by the NDP. Those four beds, in rooms of a respiratory wing of 22 beds, are being used on a temporary basis for physicians' offices and one secretary's office. As need arises, they will be vacated and returned to the use of hospital beds. The office use is temporary, contrary to the allegation by the NDP which my Honourable friend appears to be picking up.

Let me simply assure my Honourable friend that he maybe should attempt to get more reasoned fact than has been given to the House by the NDP when he poses questions.

**Mr. Cheema:** Mr. Speaker, my question was different. My supplementary to the same Minister. I will tell this Minister that there is a waiting period of more than 24 weeks for coronary by-pass surgery at the Health Sciences Centre. At present there are about more than 60 patients waiting for their surgery. That was my question—can the Minister tell this House what he is going to do to reduce this waiting period, given the fact that the patients are suffering, families are suffering and professionals go under a lot of stress.

**Mr. Orchard:** Yes, there is a waiting list for coronary by-pass surgery at at St. Boniface. The waiting time at Health Sciences Centre is longer than normal at this current date for two reasons. My Honourable friend, if he has gotten his information, would know the reasons. But I am pleased he is bringing the question up so I can provide those reasons.

First of all, the open heart surgery unit, the operating theatre was closed for two-and-a-half weeks this summer because of a viral infection which the management of the open heart surgery unit deemed was serious enough to find out the source of it before they continued risking patient health. That two-and-a-half week closure delayed operations which were normally scheduled and caused the waiting list to grow.

In addition to that, the Health Sciences Centre for the balance of this month is on their summer operating schedule of three operations per week. That will be advanced to the normal schedule at the end of this month as has been the traditional operation for years.

**Mr. Speaker:** The time for oral questions has expired. Does the Honourable Member for Kildonan (Mr. Cheema) have leave for one (question)? (Agreed) The Honourable Member for Kildonan.

\* (1050)

**Mr. Cheema:** Mr. Speaker, my final supplementary to the Minister of Health (Mr. Orchard).

Manitobans are confused. We hear one thing from the Minister of Health and another thing from our

Premier (Mr. Filmon). Can the Minister tells us—and we are hearing something different from the Health Sciences Centre—what is the policy of this Government regarding bed closures?

**Mr. Orchard:** I hope my honourable friend will give me the opportunity to reply in full to his question.

Mr. Speaker, the policy of this Government and this Premier (Mr. Filmon) is to allow no permanent bed closures in our hospital system for budgetary reasons. That policy emanated from the fiasco of closures imposed by the NDP last fall to control the deficits in the hospitals and for budgetary reasons without regard to program delivery in those hospitals. The allegation has been made by the Leader of the New Democratic Party (Mr. Doer)—

**Mr. Speaker:** Order, please. The Honourable Minister of Health (Mr. Orchard) to finish his question.

**Mr. Orchard:** The allegation by the Member—

**Hon. James McCrae (Government House Leader):** Mr. Speaker, I rise on a point of order. Perhaps it is because it is Friday, but perhaps it is because of the location in this House of the Honourable Minister of Health (Mr. Orchard) so close over there to Members of the New Democratic Party.

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

**Mr. Speaker:** Order.

**Mr. McCrae:** As you can see right now, it is very difficult for Honourable Members on all sides of the House to hear the answers when Members of the NDP engage in heckling in the way they are.

Mr. Speaker, just as you called for order a moment ago, we hear from the House Leader for the New Democratic Party (Mr. Cowan) a rude comment following upon the heels of your own suggestion that Honourable Members be quiet and listen to the answer. I think Honourable Members of the New Democratic Party should behave themselves and that you, Sir, should ask them to do so.

**Mr. Speaker:** Order. The Honourable Member does not have a point of order. The Honourable Member for Concordia, on a point of order.

**Mr. Gary Doer (Leader of the Second Opposition):** On the same point of order, I know that the Member for Churchill (Mr. Cowan) has never been rude in this Chamber.

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

**Mr. Doer:** I think it is appalling that the Government House Leader (Mr. McCrae) would say that. On the same point of order, this Minister goes into a five-minute tirade and does not allow us to ask very important issues on bed closures, and why the Minister of Health (Mr. Orchard) has not responded to a letter from the

Health Sciences Centre for weeks. Perhaps that is the sense of our frustration on this very important issue.

**Mr. Speaker:** I would like to thank both Honourable Members, but they do not have a point of order. It is Friday. They gave you leave for your question. The Honourable Minister of Health (Mr. Orchard), to finish his answer.

**Mr. Orchard:** With the last comment by the Leader of the New Democratic Party (Mr. Doer), I am surprised, like in the tale of Pinocchio, that you were not knocked off your chair by his growing nose.— (Interjection)— I appreciate my honourable friend's yelling, hollering and screaming, but I have learned to develop a thick skin from my NDP friends and their interjections do not bother me, and I hope they do not trouble anyone else in the Chamber.

Allow me to indicate to my honourable friend, the Member for Kildonan (Mr. Cheema), the allegations made by the Leader of the New Democratic Party (Mr. Doer) (a) that there were permanent bed closures acceded to by myself as Minister some 10 days ago were false. My honourable friend yesterday indicated that staff were permanently deployed. If he were to talk to the management of Manitoba Health Sciences Centre, he would find that accusation was false.

The Leader of the New Democrats also said there are renovations going on and office spaces that are in there, and the ward is closed because of office space renovations. That is false because there are temporary offices there. While the beds were closed during the summer, the normal shut down for summer period of time until September 6, as has happened in the past and office space was needed, it is used temporarily, so his allegation was false on that account yesterday.

I simply want to tell my honourable friend that in the imposed bed closures last year by the New Democratic Party, the Leader of which was in Cabinet and part of that decision is still ongoing within the Health Sciences Centre, and they warned the Government last fall that in the beds they targetted for closure last fall under their mandated closure because of budgetary and deficit control reasons, that they may have to change the mix of beds because they were forced to make those decisions without planning, which was our criticism of it from Day One. It is nothing to do with current administration of the Department of Health.

### COMMITTEE CHANGE

**Mr. Gilles Roch (Springfield):** I move, seconded by the Member for Lac du Bonnet (Mr. Praznik), that the composition of the Standing Committee on Privileges and Elections be Hammond for Derkach.

### ORDERS OF THE DAY

#### ADJOURNED DEBATE ON SECOND READING

**Hon. James McCrae (Government House Leader):** Would you be so kind as to call the Bills as listed on

the Order Paper on page 2 in the order in which they appear and, in addition, Bill No. 14 and Bill No. 15 on page 3.

**Mr. Speaker:** On the proposed motion of the Honourable Attorney-General, Bill No. 4, The Re-enacted Statutes of Manitoba, 1988, Act; Loi sur les Lois réadoptées du Manitoba de 1988, standing in the name of the Honourable Member for the Interlake (Mr. Uruski). The Honourable Member for Brandon East.

**Mr. Leonard Evans (Brandon East):** Could the matter stand in the Honourable Member's name, please.

**Mr. Speaker:** Let it stand in the name of the Honourable Member for the Interlake (Mr. Evans).

**Mr. Leonard Evans:** It is not a point of order, Mr. Speaker. Obviously if anyone else wishes to speak on it there is no problem.

**Mr. Speaker:** Does anybody wish to speak on Bill No. 4?

On the proposed motion of the Honourable Attorney-General, Bill No. 5, The Statute Re-enactment Act, 1988; Loi de 1988 sur la réadoption de lois, standing in the name of the Honourable Member for Flin Flon (Mr. Storie). (Stand)

### BILL NO. 6—THE FIRES PREVENTION AMENDMENT ACT

**Mr. Speaker:** On the proposed motion of the Honourable Minister of the Environment (Mr. Connery), Bill No. 6, The Fires Prevention Amendment Act; Loi modifiant la Loi sur la prévention des incendies, standing in the name of the Honourable Member for Radisson (Mr. Patterson), but the Honourable Member for Thompson (Mr. Ashton) has 22 minutes remaining.

\* (1100)

**Mr. Allan Patterson (Radisson):** We, on this side of the House—this particular group on this side of the House endorse this particular Bill. Firstly, I should like to just say that the Fire College System that is set up under The Fires Prevention Act certainly is a good one. There is no need for me to say much about fire prevention. It is a motherhood type of statement and all efforts to move in that direction are to be commended.

Nevertheless, this Bill merely calls for the ability to charge tuition fees for out-of-province students at our fire colleges, thereby bringing in some probably modest but, nevertheless, additional revenue to the department, which could be put to effective use.

### BILL NO. 8—THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES AMENDMENT ACT

**Mr. Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 8,

The Court of Queen's Bench Small Claims Practices Amendment Act; Loi modifiant la Loi sur le recouvrement des petites créances à la Cour du Banc de la Reine.

**Mr. Richard Kozak (Transcona):** Mr. Speaker, I move, seconded by the Honourable Member for St. James (Mr. Edwards), that debate on Bill No. 8 be now adjourned.

**MOTION presented and carried.**

**Mr. Speaker:** On the proposed motion of the Attorney-General (Mr. McCrae), Bill No. 9, Statute Law Amendment (Re-enacted Statutes) Act; Loi modifiant diverses dispositions législatives (Lois réadoptées), standing in the name of the Honourable Member for St. James (Mr. Edwards). (Stand)

**ADJOURNED DEBATE ON SECOND READING**

**BILL NO. 10—THE COURT OF QUEEN'S BENCH ACT**

**Mr. Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 10, The Court of Queen's Bench Act; Loi sur la Cour du Banc de la Reine, standing in the name of the Honourable Member for St. James (Mr. Edwards).

**Mr. Paul Edwards (St. James):** I want to make some comments on this Act. I think it is an important Act for the development of the legal system in this province and, in particular, of course, the Courts of Civil Law in this province.

I want to start my comments by congratulating the committee that worked on this Act, and indeed the committee that worked on the rules which will hopefully follow this Act in short order, on their very excellent job and very, very hard work over many, many months.

I recognize the trend in this Act to move toward the Ontario system. The Ontario system has, indeed, led this country in the development of civil proceedings and the overall trends are towards a greater use of discovery procedures. By that I mean, particularly, the use of oral discoveries and documentary discoveries; the increased ability to discover witnesses, not just the parties involved in a pre-trial way; and the compulsory use of pre-trial conferences.

The rules, I think, that we will see following this Act, and I have been privileged enough to see a copy of the draft rules, will continue on that trend and I certainly—as the House knows, I have made comments about that trend and my comments on the previous Act with respect to the Small Claims Court. I am not sure that it is entirely appropriate for the smaller scale of claims, for the claims—and I think I suggested in my prior speech—under \$20,000 even, rather than just \$5,000.00. I think the increased imposition of discovery procedures and of pre-trial procedures often make even the claims between \$5,000 and \$20,000 simply uneconomical to take through all of the procedures set

out by the new rules and the new trend in civil procedures.

In any event, this is the thrust behind this Act, as well as many simply modernizing improvements that are also present in this Act. Again I want to reiterate my compliments to the committee for this work, and I can only hope that the reinstatement of the Law Reform Commission will in fact bring this type of modernization and progressive thinking to many of our statutes in this province, many of which are sadly needing that revision, that rethinking.

The specific parts of this Act that I would like to comment on at this time—and again, let me state that the thrust of it I certainly support, and I certainly appreciate the work that has been done in putting that thrust which is a thrust in the common-law world into the Manitoba statute.

I want to start by looking at Section 5 of this new Act, which deals with the composition of the court. This section is in fact unchanged from the prior Section 6.1. However, I want to talk briefly about the five family division judges which are working full time in this division. There is no change in substance, as I have said. I simply want to comment that the Family Court Division of the Court of Queen's Bench is an extremely integral part of the Queen's Bench in this province, and the move to specialization in the family law area is certainly, I think, welcomed by all people who come before that court and indeed all Manitobans. It was long overdue when it came into place, and now we are seeing many, many instances where the administration of family law and the resolution of disputes within family relationships is lacking. There are many, many areas that need improvement, and I know that I have certainly the agreement of the present Attorney-General (Mr. McCrae) on that score.

I am eagerly awaiting improvements in such things as access and the enforcement of access orders, the increasing recognition of the real sufferings of children caught in the throes of a family dispute. I would suggest that the next appointment to the family division, and it is my understanding that there is an opening in the family division, be someone who has a demonstrated ability to understand the realities of a family in the throes of a break-up.

It is an extremely unfortunate circumstance, and I have had, as a practising lawyer, some exposure to that area. It is very, very difficult from all sides, and we want to ensure that the bitterness that is felt in a marital break-up is diffused as much as possible, and that there are as many opportunities for mediation and conciliation and protection of the children involved as possible.

We have been a province that has led this country in the family law area and, in particular, I am thinking of our Maintenance Enforcement Branch, which has been recognized around this country as being exceptional. We need to move on from there because the entire nation and indeed the common-law world is in a pretty sad state. Certainly just the fact that we have led in one area should not allow us to become passive in this area and, to that extent, I want to take

this opportunity to comment on the importance of the family division to this side of the House and the Official Opposition.

\* (1110)

Next, Mr. Speaker, I want to turn to Section 9(4) of the new Act. Again, there is no change. I simply want to put on record my comments with respect to the judges outside of the City of Winnipeg. The rural Queen's Bench judges are much, much fewer than of course the urban judges. I guess that is a function of not being a provincial court but rather being a Queen's Bench Court, and of course many, many fewer Manitobans ever come before a civil court in the Queen's Bench than will come before the provincial court. That is why, in my statements on The Small Claims Amendment Act, I indicated that I thought the lower-level small claims matters should be dealt with through a civil side of the provincial court.

However, Section 9(4) which provides: "Not less than three judges shall reside in, or in the vicinity of, a judicial centre located outside the City of Winnipeg," I query whether or not that is enough. We have to keep in mind, I think, that roughly 40 percent of the population of this province lives in rural Manitoba. I would suggest that, with many dozens of Queen's Bench judges, we could certainly do with a minimum greater than three.

The next section I want to comment on is Section 11(2) which indicates: "A master has jurisdiction as provided by statute or the rules." I have some concern, and I hope that this will be raised in the committee stage—perhaps it can be allayed by a legal opinion from the Attorney-General (Mr. McCrae)—that this limit is in any way unconstitutional. There is a strange series of cases in Canada dealing with the constitutionality of the courts. It literally takes doing a Master's Degree in Law to figure out the jurisdictional issues between superior and inferior courts in this country. It is an absolute mess.

The cases have taken on the theory that what you had in 1867 you continue to retain and it cannot be taken from you. But of course society has so dramatically changed since 1867, we have no idea, in many cases, what a superior judge did then and whether or not what he is doing now is in keeping with that. This use of masters is an extremely important one. I know from practising in the civil side, time before referee in a master is cost efficient. It means you do not have to go in front of a judge. The use of masters and referees can be extremely effective in stopping people from abusing the court system by bringing many, many interlocutory motions and not allowing a plaintiff to get to court to get his day in trial.

This subsection is new and allows the rules of the Queen's Bench to dictate what the jurisdiction will be of the master. As I say, I have had a look at the rules, and I know that the masters' powers are increased. I certainly support that. I would hope that it is within the bounds of the Constitution, and I look forward to that debate in the committee stage.

The next section that I want to highlight and speak briefly about is Sections 27(1) and 27(2), which follows

up on my earlier comments about the family division. I want to reiterate that I certainly look forward to the filling of the vacancy in this division. I will hazard a suggestion and go so far as to say that I would like to see a female put in that position, in the new position in the family division. We do not have anywhere near parity of female judges in the Queen's Bench in this province, and I think we are lacking in that regard. While of course competence should be the first criteria, there are many, many very competent female practitioners in the family law area. I would suggest that should be the prime group from which a future judge should be selected.

I am happy to say that through the Canadian Bar Association and the Law Societies in this country cooperating, we are coming to a new way of choosing judges. We are looking more and more to recommendations from the local lawyers and the local Attorney-General's Department with respect to who should be a judge. That is, I think, an important step. We need to have, I think, some restriction on the appointment of judges for patronage reasons.

In any event, I leave those comments on the record, for what they are worth, and I would hope that the Family Division can be, as I say, expanded, improved upon, and I look forward to the appointment of another judge.

The next section that I want to comment briefly on is Part IX, the Jurisdiction of the Family Division. This has been generally improved and modernized, and I support, in particular, this part of the new Act. I note that there has been a change from the definition of "investigator" to "family evaluator," which, according to the Act, "means a person appointed as a family evaluator by the Attorney General." The Attorney-General thereby is given power to appoint an employee of the Government to the position of family evaluator. The write-up in the materials that I have, provided to me by the Attorney-General, states that this should be an improvement. I certainly hope it will be an improvement.

As I have said earlier, the Government's involvement in the judicial system has to be monitored very carefully. The role of the Attorney-General is not to dictate how so much decisions should be made but merely how the courts should be run, and to conduct the legal proceedings in which the Government has a stake or in which it is felt important enough to represent the public. In any event, I will hopefully have further comment from other individuals on the Law Amendment Committee when it goes to that stage.

I next want to go to the Section 58 of the new Act. This is quite a dramatic change, I think, and quite an important one for civil practitioners. It changes what was previously known as a certificate of *lis pendens*, which could be put on a title when a piece of property became at issue in a claim. This certainly, I think—and I am sure this is the reasoning behind the changes—has been abused, has been used to tie up property in order to perhaps force a defendant's hand when it should not be.

I simply want to say that the principle behind this section dealing with firming up the obligations of a

party when they tie up a piece of land in a lawsuit is welcomed. I again know, from personal experience, that there have been times when that has been abused, and the provision for damages to be paid when it is improperly done, I think, are an improvement.

I want to make brief comment on Section 61, and while I am not going to be going through this section by section, I can assure Members of this House, as I have gone through some sections and pointed out things; but I want to deal with the principles. Let me just make one more specific—the principles of the Bill are embodied in the sections and certain sections have more principles than others. Perhaps I will just mention the principles and not speak of the actual sections. However, you are going to get the same stuff.

\* (1120)

In any event, I have been made aware and I thank the writer, Mr. Marc Monnin, of the well-known firm in Winnipeg—Aikins MacAulay & Thorvaldson—for bringing to my attention something that is left out of this Act, and that is they talk about, in Section 63, the licensed health care practitioners. I see the Attorney-General nodding. I see he has probably received this same letter and I look forward to discussing that with him in committee stage. I am sure we can mutually agree on Mr. Monnin's point.

The other thrusts which I want to touch on briefly, and I might ask the Speaker to tell me how much time I have remaining.

**Mr. Speaker:** The Honourable Member has 24 minutes.

**Mr. Edwards:** Yes, I see I have 24 minutes remaining and I am not even halfway through the Act, so that is good; but I do take counsel from the fact that the very specific matters will be debated fully in the committee stage and I simply want to raise some of the areas that I think are great improvements or need work.

As I have said, the rules of the court will follow this Act and will expand upon the discovery procedures available to litigants, but it is not just that. It is the rules that will be demanded of litigants as they are working their way through the civil system.

Part XVI of this Act deals with that ability of the rules committee to set those rules. The rules committee is given a far broader ability to do that than they had in the past. That thrust is probably advisable because the rules committee will be able to meet on a more regular basis and will be able to keep completely up to date on what the changes are and what the changes need to be. In particular, with a whole new set of rules coming in and a great changes in many areas, it is most definitely a good idea to have a committee watching how those changes are going to affect the courts in Manitoba so that they can troubleshoot, as it were, and make the changes where necessary.

I simply question Section 92, which purports to give the rules committee the ability to change substantive law in the rules. Again, and this goes back to my earlier comment, I have some concern about the ability of them to do this, not, of course, being a body of the

Legislature. Procedure is one thing. I have some concern that substantive changes may in fact not be able to be made by a separate rules committee, and again perhaps the Attorney-General can furnish me with a legal opinion which may allay those fears, but the substantive changes in the rules may, in fact, be more properly within the form of the political people in the province.

I want to point out that there is another aspect of this Bill, and it may be a conflict for me. It deals with the bill of costs for lawyers. It states that the rules committee is going to have the ability to assess—sorry, not the rules committee—the committee is going to make rules respecting the assessment of a lawyer's bill of costs to his or her client as opposed to costs awarded by the court in a proceeding. This may, in fact, be an improvement. I think time will tell.

In my experience, the taxation officers within the Court of Queen's Bench have done a fair job, not that I have ever been in front of one. My bills have always been reasonable, and I hope that this improvement is, in fact, an improvement.

I also note, on a personal note perhaps with the Attorney-General, that the court reporters under this new Act are to be the system by which the operator is to be changed slightly. At the present time, court reporters are employed under The Civil Service Act in the same manner as other employees, and this section is repealed—I am going to trust the Attorney-General on this one. I know he has more experience than I do with respect to court reporters and how that works in this province. They have always done a fine job as far as I am concerned, but I have never been involved in how they are actually employed or paid. As I said, and I now have the assurance on the floor from the Attorney-General that, in fact, this area has been well thought out.

Mr. Speaker, I want to say that I—and reiterating in conclusion that I support the thrust of this Act, and I again want to reiterate that I look forward to the rules coming into place. I think that they are long overdue and I know that the Bar in this province awaits their passing eagerly. I look forward to discussing some of the details that I have raised in this brief walk through the Act in the committee stage. Therefore, it is with pleasure that I stand to recommend that this Bill gain speedy passage of this House with the caveat that the committee stage look at some of the things that I have raised and, indeed, outsiders have raised as well. Thank you very much, Mr. Speaker.

**QUESTION put, MOTION carried.**

**Mr. Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 11, The Child Custody Enforcement Amendment Act; Loi modifiant la Loi sur l'exécution des ordonnances de garde, standing in the name of the Honourable Member for St. James (Mr. Edwards).

**Mr. Edwards:** Mr. Speaker, I am not completely sure of the procedure. If I might, I would like to go back to the other Bill. I have just been advised by one of my

Friday, September 2, 1988

colleagues that he would have liked to have had some comments on that Bill. Is that a possibility, or perhaps I can be advised by the Speaker in that regard.

**Hon. James McCrae (Government House Leader):** I would not want to preclude anyone from the opportunity to speak on a Bill that I think is a very good Bill. There are other opportunities for the Honourable Member, but if he wishes to speak at second reading, on behalf of my colleagues on this side, we will grant leave to return to Bill No. 10 so that we could hear the brief comments of the Honourable Member for Seven Oaks (Mr. Minenko).

**Mr. Speaker:** The Honourable Member will have ample opportunity to put his remarks on the record, whether in committee or third reading. Is that agreeable or whatever? (Agreed)

On the proposed motion of the Honourable Attorney-General, Bill No. 11, The Child Custody Enforcement Amendment Act, standing in the name of the Honourable Member for St. James (Mr. Edwards).

**Mr. Edwards:** I would ask that this matter be stood down and continue to stand in my name. (Stand)

**Mr. Speaker:** On the proposed motion of the Honourable Attorney-General, Bill No. 14, The Regulations Act; Loi sur les textes réglementaires, standing in the name of the Honourable Member for Transcona (Mr. Kozak).

**Mr. Richard Kozak (Transcona):** I adjourned debate on this Bill on behalf of the Honourable Member for St. James (Mr. Edwards) and I ask that he now be given the floor.

**Mr. Edwards:** I would ask that this matter be stood down in my name at this time, seconded by the Honourable Member for Transcona (Mr. Kozak).

**MOTION presented and carried.**

\* (1130)

### **BILL NO. 15—THE COOPERATIVE PROMOTION TRUST ACT**

**Mr. Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 15, The Cooperative Promotion Trust Act; Loi sur le fonds en fiducie de promotion de la coopération, standing in the name of the Honourable Member for Burrows (Mr. Chornopyski).

**Mr. William Chornopyski (Burrows):** Mr. Speaker, I want to say right at the outset that I am a great supporter of the co-op movement, always have been, but I must also say that I listened to the Member for Thompson (Mr. Ashton) speak on this and I have to make some comment in respect to his remarks.

The Member for Thompson (Mr. Ashton) of course made some remarks about the kind of advantage that

the co-op movement has provided in his riding, and particularly in respect to the price of gasoline. In his remarks he indicated that the co-op movement was responsible for keeping the price of gas down, not only in Thompson but in the surrounding areas. I certainly cannot argue with that; I am not aware of that. The only thing that I would say is that I was disappointed after hearing that the same co-op movement did not show that in the rest of the Province of Manitoba. From time to time we did have a price war on gasoline but it certainly was not the co-op movement that was the instigator of that price war.

I want to say, Mr. Speaker, that I was a member of two cooperatives, so that should be a fair indication that I am a supporter of that movement. But I have to very sadly admit that both those organizations have now ceased to exist. I have to admit that when they ceased to exist it was not without cost to me. In other words, they have gone bankrupt.

The amusing thing that I found while listening to the Member for Thompson (Mr. Ashton) was, when he was speaking, he was speaking in a fashion that one would almost think that there was no co-op movement that ever went wrong. I want to indicate that I am aware of several that went wrong, and cost the taxpayers of this province a great deal of money. One of them, of course, being the Co-op Implement, which the Province of Manitoba has poured millions of dollars into. I am not even sure that they still exist, but if they do they are barely alive. The other one that cost me a few dollars was the Red River Co-op that no longer exists—that is, a particular segment of that movement, and I think it was the grocery segment.

The co-op movement, although is a wonderful thing and has done great things, is certainly not 100 percent. There are some that do not quite make it, and I think the reason for those that have failed is perhaps no different than some of the private businesses that fail. Maybe the directorship is at fault or management or whatever, but there have been failures, nonetheless.

I want to make some remarks about the co-op movement that I am aware of. There are, as I say, many in the rural areas that are successful to the point where they have expanded enormously. One that I belong to in a rural area has done very well and it continues to do very well and is expanding on a regular basis. There are some housing co-ops in the City of Winnipeg that I am very close to that are fairly successful but, by and large, many of those are a bit of a burden to the taxpayer of this province and of this city. Very few of them exist that are not subsidized to some extent, although I support them because they do provide housing to those who are not able to provide housing for themselves in any other way, and especially those people who are on a fixed income, very low wage earners and the like. In that respect, I do support the co-op movement.

There was one other area that I wanted to talk about, and that is the credit union movement. That particular movement is another movement that is not totally successful. There have been many that have gone bankrupt. There have been many that the taxpayer had to subsidize to a large extent so, although it is a very good movement, but it is not a totally successful movement in every aspect of the co-op movement.

**Friday, September 2, 1988**

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I just wanted to make those few remarks. As I say, I listened to the Member for Thompson (Mr. Ashton) and I could not help but make these few remarks because he did not mention one failure. He just talked about the successes and not the failures, and I thought that it would be fair to bring out the facts as they are. Although there are successes, but there are also failures. Thank you very much.

**Mr. Speaker:** Is the House ready for the question? The Honourable Member for Brandon East (Mr. Evans).

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, I move, seconded by the Member for St. Johns (Ms. Wasylcia-Leis), that debate be adjourned.

**MOTION presented and carried.**

**Hon. James McCrae (Attorney-General):** I move, seconded by the Honourable Minister of Urban Affairs (Mr. Ducharme), that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

Before the motion is put to the House, perhaps Honourable Members would agree to call it 12:30 p.m.

**Mr. Speaker:** Is it the will of the House to call it 12:30 p.m.? (Agreed)

The hour being 12:30 p.m., this House is adjourned and stands adjourned until 1:30 p.m. Tuesday. Everybody have a great long weekend.