

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, February 6, 1990.

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

INTRODUCTION OF GUESTS

Mr. Speaker: Prior to Oral Questions, may I direct Honourable Members' attention to the gallery where we have, from the College Beliveau, twenty-nine Grade 9 students. They are under the direction of Mr. Tayeb Meridji. This school is located in the constituency of the Honourable Member for Radisson (Mr. Patterson).

On behalf of all Honourable Members, I welcome you here this afternoon.

ORAL QUESTION PERIOD

Place Promenade Appraisal

Mr. James Carr (Fort Rouge): Mr. Speaker, my question is to the Minister of Finance (Mr. Manness). Yesterday in the House, in response to a question, the Minister of Urban Affairs (Mr. Ducharme) said that he had valued the Place Promenade project at \$29 million.

I am going to table in the House, today, a sworn affidavit from Gary Julius, the executive director of Manitoba Housing and a member of the board of directors on the Manitoba Housing and Renewal Corporation, that says "the complex is currently estimated to be worth substantially less than the amount owing under the first mortgage." The value of the first mortgage is \$18.5 million.

My question to the Minister of Finance (Mr. Manness) is: can he tell us if the Minister of Urban Affairs (Mr. Ducharme), the mayor, the federal Minister, Mr. Epp, and the members of the board of the North Portage Development Corporation were aware of this appraisal when they took the decision to assume a debt of \$22 million, or at least \$4 million more than the Government's own appraiser had said the project was worth?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, I cannot answer that question fully. I can indicate to the Member opposite, though, that when I had a meeting with the Provincial Auditor on Tuesday of this week, in the morning time, I asked him how it is that he might attempt to place his evaluation on the property in question. The Provincial Auditor indicated to me that would be a difficult matter but that he would probably be approaching CMHC and in discussions with them try to attempt at least to put an accurate value on the property in question.

* (1335)

Appraisal Tabling Request

Mr. James Carr (Fort Rouge): Mr. Speaker, the attempt by the Auditor to put a value on the property is one thing; the attempt by Ministers of the Crown who have to make decisions based on that value is quite another. Could the Minister of Finance (Mr. Manness) take it upon himself to ensure that he would table, or the Minister of Urban Affairs (Mr. Ducharme) would table, any and all real estate appraisals that were perused by the shareholders and the board of North Portage Development Corporation before the decision was taken?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, I will take that question as notice, but let me correct the Member. I cannot recall my colleague, the Minister of Housing (Mr. Ducharme), at any time saying that the project was evaluated at \$29 million. He said that other people that were involved in this whole issue indicated that it might be \$29 million.

Mr. Carr: Mr. Speaker, any prudent decision would have involved a realistic and an independent appraisal of the worth of the project before there was an assumption of some \$22 million of debt. Would the Minister of Finance endeavour to make public all independent appraisals that were given to the decision-makers so that the people of Manitoba can better judge the wisdom of yesterday's decision?

Mr. Manness: Again, Mr. Speaker, I will take the question as notice for the Minister, but again I repeat what the Minister said yesterday, and I quote, you have to remember that North of Portage has a \$7.2 million investment in this particular property. Is that Member across the way suggesting that properties should have been left on the market for \$16.5 million, thereby putting at risk the \$29 million project? At no time did the Minister indicate that the project, indeed the whole project, is worth \$29 million today.

Monthly Shortfall

Mr. James Carr (Fort Rouge): Mr. Speaker, I have a new question to the Minister of Finance (Mr. Manness). Also in response to questions yesterday, the Minister of Urban Affairs (Mr. Ducharme), not in this House I might add, but outside the House to reporters, indicated that the revenue shortfall for Place Promenade would be \$127,000 for the year of 1990. On the record, in the Winnipeg Free Press of January 8, we have the president of the North Portage Development Corporation, the same source that the Minister quoted yesterday outside the House, who had said that the shortfall was somewhere between \$30,000 and \$50,000 a month. Mr. Speaker, these figures are wildly at odds, one from the other. Could the Minister of Finance please explain the discrepancy?

Hon. Clayton Manness (Minister of Finance): Well, Mr. Speaker, I was not part of the outside press

conference given by the Minister yesterday. I am not knowledgeable as to what he said in the hallway. I am certainly becoming knowledgeable as to what the Member opposite said in an article in 1985 when he had some glamorous remarks to make on the whole project. But nevertheless, let me say, and I am sure, by the way, that my colleague the Minister of Housing (Mr. Ducharme) no doubt will want to quote certain parts of that article, but in fairness the Minister and I discussed as to what degree the province may have continuous exposure with respect to the decision made over the weekend.

We also try to forecast what the losses would be over the next two years once that whole project became self-sustaining. So that question was asked, certainly from my point of view, from the Government's point of view, and as much information as possible was brought to bear, I think, before the decision was entered into over the weekend.

Vacancy Rate

Mr. James Carr (Fort Rouge): I have a supplementary question to the Minister of Finance (Mr. Manness). In order to establish the monthly shortfall, it is necessary to know what the vacancy rate is. Obviously the more people who are living there, the more people who are paying rent.

Can the Minister of Finance tell us what the monthly shortfall is, based on the vacancy rate that was given to him or to the Minister of Urban Affairs (Mr. Ducharme), upon which basis the decision was taken, and would he make those rent rolls public?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, in all honesty, I cannot tell him that, and I will take the whole question as notice.

Place Promenade Documentation Request

Mr. James Carr (Fort Rouge): Mr. Speaker, the people of Manitoba want to know that a very important decision was taken with all of the necessary information at its disposal. Would the Minister of Finance (Mr. Manness), who is a man who prides himself on competence and good administration, say to this House that he will endeavour to make public all of the documents that were necessary to make a decision on the future of Place Promenade, so not only the shareholders but the whole Province of Manitoba could be in a position to judge the wisdom of that decision?

* (1340)

Hon. Gary Filmon (Premier): Mr. Speaker, one has to wonder what information the Member for Fort Rouge (Mr. Carr) had when he wrote an article in the Winnipeg Free Press on June 2, 1985, entitled, "It's time to get excited, by Jim Carr at City Hall." He said, "Winnipeggers should be encouraged that a partnership between three levels of Government and two major developers will end an era of decay and deterioration

which took its toll on the city's reputation. The housing component to be built behind the shopping mall will appeal to middle-class tenants looking for an urban village setting. The North Portage plan is the best opportunity for revitalization we have seen in Winnipeg for years. There is not much doubt that the successful completion of the project will do wonders for the city."

Some Honourable Members: Oh, oh!

Mr. Speaker: Order. Order, please. The Honourable Member for Brandon East.

Economic Growth Housing Starts Decline

Mr. Leonard Evans (Brandon East): Information released today show that Manitoba housing starts fell by 25.1 percent in 1989 from 1988. We are eight, out of 10 provinces, Mr. Speaker, the second lowest in the country in terms of decline, another important indication, a very serious indication of a weak economy in this province. New dwellings have an important multiplier effect on the economy so that weakness in residential construction spreads rapidly to other areas, dampening the impact on demand for furniture, appliances and other household items. Has the Government any plans or ideas to offset the serious declining economic situation in Manitoba?

Hon. Jim Ernst (Minister of Industry, Trade and Tourism): Mr. Speaker, as the Acting Minister of Housing, I will take that question as notice for the Minister of Housing.

Economic Growth Housing Starts Decline

Mr. Leonard Evans (Brandon East): Mr. Speaker, I had hoped that this would be taken by the Minister of Finance (Mr. Manness). I really meant to address it, and I address this one to the Minister of Finance. The level of housing starts in Manitoba in 1989 are the lowest since the early '80s when Manitoba and Canada were suffering a very serious economic recession. In fact, Mr. Speaker, we have had two years in a row of declining residential construction.

Will the Minister of Finance (Mr. Manness) now acknowledge that Manitoba's economy is suffering under this Government, and will he take some responsibility, any responsibility, to counteract the situation?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, I did not answer the first question because he asked it of the Government, and I thought he would be directing that question to the Premier.

Mr. Speaker, let me say this Government was given a very clear mandate to clean up Government. First of all, we were asked to improve the climate within the Province of Manitoba. I think we have done that. We have done that through redistribution, of leaving more tax money in the pockets of our constituents, indeed, of all Manitobans.

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Mr. Speaker, we have also, of course, brought forward a number of initiatives, the last of which being the announcement with respect to Olympia, \$200 million effort with respect to our hog industry. There is more to do, and we acknowledge that. We will not do so in isolation. We will attempt to do so in partnership with all of the sectors, indeed business and labour throughout this province.

As we have said on many times, we yet have not turned the corner to prosperity. There is more to do. With the support of the Opposition, when we continue to bring down budgets that are going to cause the creation of jobs through tax decreases to individuals and to business, I know that indeed Phase 2 will mean not only more jobs but more housing starts.

Budget Request

Mr. Leonard Evans (Brandon East): Mr. Speaker, there is no question declining housing starts mean fewer jobs in Manitoba. The serious point is, although the starts declined by 25 percent last year over the previous year, in the last quarter the decline was 34.6 percent, meaning that it is accelerating. It is getting worse and worse as the year goes on.

Will the Minister of Finance (Mr. Manness) or the Premier (Mr. Filmon), if he wishes to answer this, but will the Government, will the Minister of Finance, be prepared to bring in its early budget, an early budget to deal with this situation?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, I find this passing strange. Last week, the Liberal Finance Critic brought forward—he at least had a press conference calling for an early budget. He has not asked one question in the House to try and promote that, and yet the Finance Critic from the NDP is echoing some of the same comments made by the Member opposite.

So I wonder who is working in concert here—obviously the Opposition. Yet, when we brought forward tax reduction efforts, the Liberals particularly have been in total opposition to it. When we have attempted to remove this addiction to borrowing money and to creating short-term, meaningless jobs, the NDP have hit us.

We have attempted to address a new approach. We have a new economic plan, we have a new economic thrust, and Manitobans are showing, at least in some polls, that they like what we are doing.

All-Party Committee

Mr. Leonard Evans (Brandon East): Mr. Speaker, all areas of the province are suffering. Statistics show that residential construction is down in Brandon, Portage, Selkirk, as well as Winnipeg.

Mr. Speaker, would the Minister be willing, would he be prepared, to set up an all-Party committee of the Legislature to examine the current economic situation and recommend policies to the Government to offset this economic decline?

* (1345)

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, it is obvious there is not a Party demarcation between those two seats on the other side of the House. They are each echoing each other's approach—

Some Honourable Members: Oh, oh!

Mr. Speaker: Order.

Mr. Manness: —that, or some proposed questions that were developed by the MLA for Osborne (Mr. Alcock) have somehow slipped onto the desk of the MLA for Brandon East (Mr. Leonard Evans).

Mr. Speaker, the Leader of the New Democratic Party (Mr. Doer) says it is a serious situation, and I acknowledge it is. It most certainly is, but if indeed the philosophy of the New Democratic Party is one that says we should continue to increase rates of expenditure of Government at the rate of 8 percent per year, and that we would lead to deficits that are going to surpass \$600 million leading to \$1 billion a year, I would say philosophically we have nothing, we share no common ground, certainly as to the approach. We share common ground with respect to the fact that we want to see more people employed in this province, that we want to see more housing starts, but the method by which we get to there, we obviously differ greatly.

Public Accounts Committee Place Promenade

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, my question is to the Premier (Mr. Filmon). When the Premier was on this side of the House, indeed sitting in this very chair, he argued very strongly that legislative committees should call witnesses to appear before them in order to get to the bottom of important issues.

On August 15, 1986, during the MTX fiasco, the Leader of the Opposition, now our Premier, asked the then Premier, and I quote, would he support that kind of initiative to ensure that witnesses are called before the committee to be able to be subpoenaed before a committee of the Legislature to answer questions? Given that the Premier (Mr. Filmon) is clearly on the record as advocating that witnesses appear before a legislative committee, in order to get answers to serious questions, will he now take the serious steps and the necessary steps to have all of the parties involved in the funding, development and construction of Place Promenade appear before the Public Accounts Committee of the Legislature to answer questions about Place Promenade?

Some Honourable Members: Oh, oh!

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

Hon. Gary Filmon (Premier): Mr. Speaker, what we have here is a Leader of the Opposition (Mrs. Carstairs)

who does not know what her responsibilities and rules are. Because she is unable to do her job, she goes around telling everybody else how to do their job. Because she is a total failure in her own responsibilities, she wants to deflect attention. She goes to school boards and tells them whether or not they should open or close schools. She goes to municipal Governments and tells them what they should be doing about their issues.

* (1350)

What she does not understand is that this administration, that this Government of the Province of Manitoba has the total responsibility of the Crown corporations within its jurisdiction. When we were talking about the Manitoba Telephone System, it is a wholly-owned Crown corporation of the Province of Manitoba, totally within our jurisdiction. Its employees are the employees of the Government and the people of Manitoba. Its board of directors is totally controlled and in fact appointed by the administration of the Province of Manitoba.

That is an entirely different situation versus an arms-length corporation that is not controlled, that is not under the sole jurisdiction of the Province of Manitoba, whose employees do not work for the Province of Manitoba. Indeed, the Leader of the Opposition (Mrs. Carstairs) cannot understand that. I regret that because that is why she cannot do her job.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please. The Honourable Leader of the Opposition.

Mrs. Carstairs: Mr. Speaker, is it not fascinating that the Premier (Mr. Filmon) thinks it is well within his jurisdiction to send the Auditor in to investigate it, but somehow or other it is not within the purview of this Legislature to examine it when the Auditor is a servant of this Legislature. The Premier of the Day, in 1986, wanted to limit the scope of the investigation in the same way that this Premier (Mr. Filmon) wants to limit the scope. Why can this Premier not see the wisdom of his own earlier position and call for the Public Accounts Committee to review the Place Promenade situation and not dodge it like a politically reincarnated Howard Pawley?

Some Honourable Members: Oh, oh!

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

Mr. Filmon: Mr. Speaker, I think the Leader of the Opposition (Mrs. Carstairs) has probably acquired a new speech writer. It is the one that the Prime Minister must have had last November when he suggested Howard Pawley was a statesman.

Mr. Speaker, as usual the Leader of the Opposition is not listening. Indeed, we have asked the Provincial Auditor, as the servant of this Assembly, to go in and do the fullest possible investigation of our investment

in Place Promenade—the investment that we are indeed responsible to the people of Manitoba for—so that we get all of the questions answered, all of the innuendos, allegations and everything that has been put forward on the table and investigated in—

Mr. James Carr (Fort Rouge): A point of order, Mr. Speaker.

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

Mr. Carr: Since this issue was raised in the Legislature some months ago there have been no innuendos. There have been no allegations. We have asked a series of questions seeking information—

Mr. Speaker: Order, please; order, please. The Honourable Member does not have a point of order. It is a dispute over the facts.— (interjection)— Order, please. The Honourable First Minister.

Mr. Filmon: I have not attributed innuendos and allegations to the Member for Fort Rouge (Mr. Carr). If he is sensitive then perhaps there is reason for him to be so. If he is afraid now that the Auditor is going to turn up information that makes him look foolish then that is fine with me, Mr. Speaker. He can get sensitive about it.

This Provincial Auditor, the servant of this Assembly, is not going to be restricted in any way. He will produce all the information, which the Minister of Finance (Mr. Manness) has agreed to make public, so that every single Member of this Assembly and every single resident of this province will know that he has made the most thorough investigation possible to try and get to the bottom of all the questions and all of the allegations and innuendos that have been put forward by anybody in this province—

Mr. Speaker: Order, please. The Honourable Leader of the Opposition.

Mrs. Carstairs: Mr. Speaker, the RCMP investigation of MTX was not sufficient. It was required to come before this Assembly. The Auditor in this case is looking at dollars and cents issues. We want to know the basis for the political decisions. The only way we can get to the bottom of those is if the entire affair is handled by a legislative committee.

* (1355)

Can the Premier (Mr. Filmon) give one good reason why he will not call North Portage Development Corporation before Public Accounts?

Mr. Filmon: Again—and I am sorry that I have to go through this so painstakingly slowly, but the Leader of the Opposition (Mrs. Carstairs) does not understand

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that the Manitoba Telephone System does, in fact, come before a committee of this Assembly on a regular basis each and every year to have its annual report reviewed and investigated by the Members of the committee of this Assembly. That is an absolute requirement of it.

We were only acting in conjunction with that requirement to ensure that the telephone system was answerable to this Assembly and respond to the investigations of the auditor of Coopers and Lybrand and the RCMP, because they were all relevant to its operations.

That resulted in the Government of the Day firing some five or six senior officials of the corporation, changing many of the members of the board of that corporation, changing many of the operations of that corporation and all sorts of things that were totally within the jurisdiction of this provincial Government and indeed this Assembly. That is the way in which that should be done and that is the way it was done.

Public Health Amendment Act Government Support

Mr. Paul Edwards (St. James): Mr. Speaker, my question is for the Minister of Justice (Mr. McCrae). I think all Manitobans shared in the shock expressed by Judge Norton yesterday when he found that it was not against the law to sell highly addictive and highly dangerous solvents to troubled youth in Manitoba.

Mr. Speaker, what was perhaps even more distressing was the finding that this situation had been allowed to persist under the previous administration as well as this administration. Solvents are the drugs of the very young and the very vulnerable and the very poor. We must do better for the vulnerable in our society. Will the Minister agree to deal with Bill No. 91, presently before this House, in a timely fashion before the end of this Session so that we can at least put these minimal protections into place?

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I believe Bill No. 91 is the Bill standing in the name of the Honourable Member for St. Johns (Ms. Wasylycia-Leis). I am sure the Honourable Member for St. Johns appreciates that the Honourable Member for St. James (Mr. Edwards) would bring the matter forward today as he has. I have had discussions with the Honourable Member for St. Johns and our work together in a co-operative way is ongoing.

Hazardous Products Act Solvent Inclusion

Mr. Paul Edwards (St. James): Mr. Speaker, again for the Minister of Justice (Mr. McCrae), the Bill brought forward by the Member for St. Johns (Ms. Wasylycia-Leis) comes under The Public Health Act. However, my question to the Minister is, will he have discussions with his federal counterpart to explore including the solvents under The Hazardous Products Act federally so that we can achieve a co-operative effort to curtail the sale of these solvents? We can only do so much provincially. Will the Minister commit today to speaking

to his federal counterpart about this problem which no doubt is a problem nationwide?

Hon. James McCrae (Minister of Justice and Attorney General): I have already done that, Mr. Speaker. The Honourable Member is correct, that there is only so much that can be done at the provincial level. As I said, I have been working with the Honourable Member for St. Johns (Ms. Wasylycia-Leis), who had the foresight to bring this matter forward.

Mr. Edwards: Mr. Speaker, I look forward to some results. Those discussions have also been taking place for over a year on gun control with no result.

Solvent Abuse Rehabilitation Programs

Mr. Paul Edwards (St. James): Finally, for the Minister of Health (Mr. Orchard), the Alcoholism Foundation of Manitoba has adult and family programs, but absolutely no youth substance abuse programs. There are approximately 20 beds in the province for long-term treatment of addicts, but they have lineups and there are no short-term treatment programs. Where are parents to turn for help, Mr. Speaker, in this province and in particular in rural Manitoba when they find their children addicted to solvents?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, the AFM provides reference to White Spruce Youth Treatment facility in Yorkton, Saskatchewan, under a conjoint agreement between the two provinces. We have made in the last year, I believe, six referrals to that institution; six referrals are pending. In terms of the activities amongst Child and Family Services, referrals are made to such organizations in the Province of Manitoba as St. Norbert Foundation for the treatment of youths addicted to substance. St. Norbert Foundation is a funded agency of the Alcoholism Foundation and derives its revenue on a per diem basis from the sponsoring agencies who refer those youths. My honourable friend may make the argument that there is not enough service, but he certainly cannot make the argument there is none, because that would be false.

* (1400)

Rural Police Services Report Recommendations

Mr. John Plohma (Dauphin): I have a question for the Minister of Rural Development (Mr. Penner). Policing costs to communities in Manitoba have skyrocketed over the past 10 years under an agreement that was negotiated between the former Lyon Government and the federal Liberal Government federally in this country, whereby the agreement called for increases contributed by municipalities from 50 percent to 70 percent of the costs.

The Minister of Rural Development received a report from the Advisory Committee on Policing last September that would see a major change in the way

that the funds are collected for policing and a major increase in contributions by rural municipalities in this province. I ask the Minister of Rural Development whether he has adopted this particular report from the advisory committee as policy of this Government.

Hon. Jack Penner (Minister of Rural Development): Thank you for the question. The committee reported, as the Honourable Member for Dauphin (Mr. Plohman) has indicated, that there is a need for rural municipalities to bear a greater portion of the costs, and the recommendations in the report also indicate that the province needs to assume a larger share of the cost of the policing for communities in Manitoba.

However, there are a number of other recommendations that are contained in the report that I believe need some further discussions with municipalities as well as communities all over the province, and I have indicated clearly to the municipal organizations, both the urban organizations and the UMM that I would like further discussions with them on how to implement not only the cost-sharing of police services, but as well, providing the services equally to both communities.

Mr. Plohman: The report sets as one of its objectives that it should provide benefits to the most needy communities. I ask the Minister if that is one of the objectives, and if his Government has accepted that objective, whether he supports the recommendation of this report that would see the provincial policing grant decline significantly for several villages in this province—Ste. Anne by 27 percent, MacGregor by 37 percent, Winnipegosis by 60 percent. Does he support that kind of a decline in the provincial grant for policing costs being applied to those communities?

Mr. Penner: Mr. Speaker, I think the Honourable Member would also like to indicate that the report indicates a substantial increase in funding to some communities similar to what the decrease is to others, and therefore I think it is important that we enter into further discussions with those communities that will be affected by the recommendations in the report. Then when those discussions have taken place I think we are going to be in a better position to make a decision on this matter.

Mr. Plohman: I have not said that there will not be increases to several communities, but I am concerned, I am very concerned about the major impact of the decreases to those communities because they will not share in the benefits. Winnipegosis cannot survive a \$15,000 cut in their grant. I ask the Minister whether he would accept the recommendation from the Village of Winnipegosis to have that increase phased-in, or that decrease in that grant phased-in over a five-year period in a similar way that R.M.s' increases will be phased-in. Will the Minister accept that principle?

Mr. Penner: There are many responses that I have received from the various municipalities and communities across this province since the report has been made public and has been provided to the various communities and the municipal organizations. Similarly,

I think it would be irresponsible of myself or our Government to take the recommendations put forward by one community and base our deliberations and consideration of funding towards policing to rural communities based on the recommendations of one community. I think the report is a much deeper document than that and provides some general overviews that I think have some reasonable application in this for our province and, therefore, I think needs to be discussed further with those communities affected by it.

Medical Profession Laboratory Misuse

Mr. Gulzar Cheema (Kildonan): Mr. Speaker, my question is for the Minister of Health (Mr. Orchard). People of Manitoba were shocked to learn, through the media, that a few doctors in Winnipeg have been involved in a conflict of interest regarding misuse of lab facilities for a possible financial gain.

Can the Minister of Health tell this House whether he will fully investigate the matter and what measures he will be taking to consider that this situation never arises again?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I presume my honourable friend is referring to the article that was today in the Winnipeg Free Press.

Let me indicate to my honourable friend that this issue stems back to 1985, where the College of Physicians and Surgeons foresaw the potential difficulty of private sector laboratories offering to physicians, or physician groups, certain incentives for use, which would be outside of the professional conduct of those physicians both as sponsors of the lab and indeed possibly as the groups so elicited for business.

That investigation was a lengthy one. It was determined, as was announced in the College's January newsletter, that indeed 11 of the 17 sponsors of that particular laboratory were contravening the directive of the College of Physicians and Surgeons, and the appropriate disciplinary action, as provided by the College of Physicians and Surgeons, has been taken.

Mr. Speaker, my honourable friend asked the question: what am I doing? The College of Physicians and Surgeons is responsible for those standards and have acted to curtail inappropriate violation—

Mr. Speaker: Order, please.

Health Care Service Duplication

Mr. Gulzar Cheema (Kildonan): Mr. Speaker, our health care costs have risen by 178 percent, while the population has grown by only 6 percent for the last 10 years. This has been due to the aging population, new technology, increasing patient demands and possible duplication of services.

Can the Minister of Health (Mr. Orchard) tell this House when the centralized computer services will be

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installed in Manitoba to identify and curtail the duplication of services and to save millions of dollars for taxpayers?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, my honourable friend has made one of his most intelligent statements in a preamble to a question. He has indicated what I have told him consistently, and it is the graph that I produced in the tabling of the Health Services Development Fund, that over the past 10 years our cost in health care has grown by 178 percent and population by 6 percent.

I appreciate my honourable friend's reiteration of that as a challenge and a problem faced not only by this province, but across Canada and in the provincial territories, a problem that I have elicited the support of my honourable friends in Opposition to create solutions. Today my honourable friend seems willing to advance something, but just the other day he is acceding to an interim report on extended treatment beds, which involves spending of considerable money, without any consideration of the cost.

Mr. Speaker, my honourable friends in the Liberal Party have to be consistent. Are you in favour of prudent management of the health care system, because that is certainly the agenda we are on—

Mr. Speaker: Order, please. Order.

Walk-In Clinics

Mr. Guizar Cheema (Kildonan): Mr. Speaker, we have given him a lot of recommendations and he knows it. He is on the record of praising us that we have been the main to promote the mental health services in Manitoba. For the last 18 months, the Minister of Health (Mr. Orchard) promised a number of times during Estimates that he will bring a policy on the walk-in clinics in Winnipeg. Can he tell us today when he will bring the policy to deal with the proliferation of walk-in clinics and potential for overservicing?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, that is exactly an issue that we wish to have a substantive discussion in co-operation with the MMA in resolving the walk-in clinic as an issue in health care. We look forward to those kinds of discussions.

Let me deal with my honourable friend's question specifically about laboratory testing. When I came into office, we instituted a menu order form for laboratory tests wherein physicians had to specify the test that was asked for. That was not a popular change in the approach to ordering tests, but that one single initiative appears to have saved in excess of \$1.5 million a year in laboratory testing so that services can continue to be improved and made available to the citizens of Manitoba as a result of those effective management tools and cost containment.

* (14 10)

Forest Fires Public Inquiry

Mr. Harry Harapiak (The Pas): Mr. Speaker, I have a question for the Minister of Natural Resources (Mr. Enns). Last summer during the height of the forest fires, the Minister was in Thompson, and in an interview with the Thompson Citizen in discussion with the fires he said: I have ordered a broad inquiry into the whole way in which the Government has handled the situation this year dealing with the fires.

Why has the Minister decided to abandon the in-depth inquiry into 1989 fires, in the Government, which he promised last summer and has instead gone for the public relations meeting between interested organizations and William Newton, a consultant which the Department of Natural Resources has hired?

Hon. Harry Enns (Minister of Natural Resources): Mr. Speaker, I am really somewhat amazed at where the Honourable Member for The Pas (Mr. Harapiak) is coming from. Right as we meet at this time, meetings are taking place in at least 13 or 14 different communities. A commissioner has been appointed by the province, Mr. William Newton, who is conducting these hearings. We had sent specific letters out, to particularly some of the leaders of some of the northern communities.

At the time that I made that statement that the Honourable Member refers to, there was a special request made that the hearings be conducted not here in the City of Winnipeg, but indeed in some of the communities where the fires did their damage, and that is precisely what we are in the process of doing at this time. I look forward to the information that we will be receiving from those hearings.

Public Inquiry Notice

Mr. Harry Harapiak (The Pas): Mr. Speaker, he acknowledged that the meetings are taking place outside of the City of Winnipeg, and we realize that the Native organizations need to be met with, but why were they not given more notice? They were given one week's notice from the time that they were starting up. Why were they not consulted with? Will the Minister abandon this public relations effort he has started? Will he go into the in-depth inquiry he promised last summer and involve the organizations that were involved in the fire at that time?

Hon. Harry Enns (Minister of Natural Resources): Mr. Speaker, I have to remind the Honourable Member that I was specifically questioned on one of my trips with my friend and colleague, the Minister of Northern Affairs (Mr. Downey), by representatives of the Native communities, particularly the MKO organization, not to begin these meetings while they were still busy trying to sort out the claims with the Emergency Measures Organization's personnel that were in the area, that have, I would say in record order, analyzed hundreds of claims, replaced burnt cottages, replaced damaged equipment. They asked us to let that work be done before we sit down for that more objective analysis of

how we could best fight fires in the future. I have to refute the Honourable Member's contention.

Mr. Speaker: Time for Oral Questions has expired.

* (1420)

ORDERS OF THE DAY

Hon. James McCrae (Government House Leader): Mr. Speaker, in the Chamber for the next 29 minutes we will deal with the Estimates of the Department of Education and Training, and for the next 25 minutes in Room 255 we will deal with the Estimates of the Department of Justice.

I move, seconded by the Honourable Minister of the Environment (Mr. Cummings), 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.

MOTION presented and carried and the House resolved itself into a Committee to consider of the Supply to be granted to Her Majesty with the Honourable Member for Minnedosa (Mr. Gilleshammer) in the Chair for Justice, and the Honourable Member for St. Boniface (Mr. Gaudry) in the Chair for Education and Training.

CONCURRENT COMMITTEES OF SUPPLY SUPPLY—JUSTICE

Mr. Chairman (Harold Gilleshammer): Order, please. I call this section of the Committee of Supply to order. This afternoon we shall commence consideration of the Estimates for the Department of Justice. We will commence with an opening statement by the Honourable Minister.

Hon. James McCrae (Minister of Justice and Attorney General): The year 1989-90 has been a year of transition for Manitoba's justice system. It has also been a year in which great progress has been made on a number of issues vital to its health.

We began the year by the formal creation of a Department of Justice that comprises all aspects of the administration of justice, including court services, corrections, criminal prosecutions, civil litigation, constitutional and family law, law enforcement and property rights.

We also took major steps to address the recommendations of the Dewar Inquiry into the so-called "ticketgate" matter.

The department's Criminal Justice Division was reorganized into the Public Prosecutions Division containing three branches: regional prosecutions, Winnipeg prosecutions, and special prosecutions and programs. The former system was criticized by former Chief Justice Dewar for inadequate case management and control.

The new structure is designed to be flexible enough to respond to the needs of the increasingly complex

justice system that we expect to see in the 1990s and beyond. At the same time, it is designed to respect the rights of the individual citizens that the system exists to serve.

Simultaneously with the reorganization, the department created a special group within Public Prosecutions to address the chronic problem of court backlogs. The goal was to eliminate unnecessary delays in court appearances by the end of 1989.

With the excellent co-operation of all those involved in our justice system, thousands of cases were reviewed and trial priorities set. Meetings were held with defence lawyers to iron out issues and reduce procedural disputes in court. Ways were found to make maximum use of courtroom time.

A couple of weeks ago I was able to announce the project's complete success. The standard date for trials in provincial court is now two to three months after the laying of charges for persons in custody and within six months for others. This is compared with anywhere from 12 to 14 months, between the laying of charges and a trial date, a year ago.

Changes that also originated with Justice Dewar's report were made to The Summary Convictions Act. These changes allow for judicial discretion in the granting of a discharge and a new hearing, but require that the reasons for such discretion be recorded.

Legislation has also been introduced to strengthen the independence of provincial court judges and create a new judicial appointments process. The changes were recommended in a review of The Provincial Court Act carried out by the Manitoba Law Reform Commission shortly after it was placed on a solid legislative footing.

The goal is to enhance the independence of provincial judges by making the nomination process more open, providing for independent review of their compensation, and enhancing the role of the chief judge, while protecting that person from being arbitrarily removed from office.

The delays at the Manitoba Land Titles office, originally slashed by a major effort in 1988, continue to be kept under control. As of January 19, the time for completing the registration of transfers and mortgages on properties with computerized titles is four working days; for properties with paper titles, transfers take nine working days; mortgages seven.

Manitoba has long been recognized as a Canadian leader in the area of family law, both in our legislation and our systems. In 1989-90 our Government has taken major steps to preserve Manitoba's pre-eminence.

In October, we introduced a legislative package that when approved will make Manitoba's laws on inheritance reflect evolving relationships in the modern family and ensure that family members are treated fairly after a death.

In today's world many people will marry more than once and will have children with more than one partner. The new legislation ensures that the interests of family members are safeguarded. It focuses on the inheritance rights of present and former spouses, support of

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children from a parent's estate, and provisions where a person dies without a will.

Also, in October, we expanded the services of Manitoba's unified family court to the entire province, the first province in Canada to do so province-wide. The unified court combines both legal and social components, the Family Division of the Court of Queen's Bench, made up of judges committed to and experienced in family law, and the Family Conciliation Branch of the Department of Family Services, which provides professional mediation and assessment services.

The unified family court replaces the traditional adversarial approach of ordinary courts with a focus on finding humane and constructive solutions even when reconciliation is impossible. When there are children involved, the court works to rechannel energies into the best interests of the children.

* (1430)

Since the unified family court was introduced, the response to it has been universally positive, not just from professionals such as lawyers and social workers but also from various women's groups and fathers' rights groups. The main problem was that it was available only to people who lived in the Winnipeg and Selkirk areas. People who lived in the rest of Manitoba did not have access to the same services. Their family law services were considered "reasonably adequate."

To me and our Government, "reasonably adequate" was not good enough for services that deal directly with Manitoba families. The answer was to expand the services province-wide. In October, with the federal Minister of Justice co-operating by appointing three new family division justices, that expansion became reality.

As Manitoba's Justice Minister one of my major goals is safe neighbourhoods throughout the province for children, senior citizens, visitors and for ordinary citizens. Crime prevention is a priority of our Government and of my department.

From a crime prevention point of view the most significant action taken in 1989-90 has been the implementation of Canada's most comprehensive program against impaired driving. We are the first province in Canada to introduce an automatic administrative licence suspension of drivers who are apprehended with a blood alcohol level of over .08, or who refuse to provide a breath sample. We are also the first jurisdiction in North America to impound, automatically, vehicles driven by suspended drivers. This program is tough and our Government is proud of that toughness. We believe our first responsibility is to the thousands of drivers on Manitoba's streets and roads who obey the law, not to the few who do not.

According to the office of the Chief Medical Examiner over 350 men, women and children have been killed in Manitoba over the past five years as a result of vehicle accidents that were alcohol related. We want that death toll to stop. Bill 3 is a major step.

To be effective, justice must be accessible not just to a few but to all. To be credible, justice must not

only be accessible but it must also be seen as accessible. To achieve that reality and that perception of reality is a major goal of the public inquiry into the Administration of Justice and Aboriginal People. Public hearings into the first part of the inquiry's mandate to look at all aspects of how the justice system operates in relation to aboriginal people and whether there are alternative methods of dealing with aboriginal persons involved with the law were completed early in April.

The inquiry's examination into the death of J. J. Harper and the murder of Helen Betty Osborne continued late into the fall. It has been a process fraught with controversy and tragedy, but I expect the inquiry's report, which is expected in 1990-1991, to tell us a lot about our justice system. I believe it will be very important to the future of the delivery of justice in this province, not just for our aboriginal citizens but for all Manitobans. I believe it has already made an important contribution to the system, not only by increasing the public's knowledge of how the system does work but by raising the public's expectations as to how it should work.

To demonstrate how important public expectations are to the functioning of the justice system one need only compare the Estimates we are about to review today with those of 20 or 30 years ago. Then there was no unified family court, family law branch or maintenance enforcement program; no Aboriginal Justice Inquiry or court communicators; no Victim-Witness Assistance or Child Abuse Witness Programs; no Criminal Injuries Compensation Board, Law Enforcement Review Agency or Human Rights Commission; no Constitutional Law Branch and no Charter of Rights.

These parts of our justice system have evolved because the public has come to see them as important. The partnership that is the modern justice system must reflect evolving public expectations. These Estimates reflect those expectations both now and for the future. Thank you, Mr. Chairman.

Mr. Chairman: Thank you. At this time we will allow time for the critic from the official Opposition Party, the Honourable Member for St. James (Mr. Edwards), to make an opening statement.

Mr. Paul Edwards (St. James): Mr. Chairman, might I ask at the outside how much time we have?

Mr. Chairman: The time will end at 2:55 p.m.

Mr. Edwards: I would like to thank the Minister of Justice (Mr. McCrae) for his opening comments. I will keep my comments as brief as possible to allow time for the Members from the third Party also to have some time to make a statement.

In this process we, of course, will be asking further questions of the Minister in this department in the concurrence debate. Such are the vagaries of the Estimates process which I am learning all too well. However, I do note that this department is an extremely important one in the work of the Government and in the life of the people of Manitoba. It in no way reflects

the way that certainly our Party feels about this department, that there are only some 20 or 30 minutes to discuss it. We will be pursuing all of the lines of questioning in the concurrence debate that we would normally do in Estimates.

Mr. Chairman, as for the department itself and the performance of this Minister, I want to start by talking about some of the successes. I think as a Party and as a critic it is important to be responsible in recognizing some of the successes of the department as well as the failures.

The obvious successes, some of them are still before us in respect to the family law package which is presently before the House. It is about time that something got done on that front. I think we are all looking forward to seeing some of that legislation in place.

With respect to the Aboriginal Justice Inquiry, I do count that as a success, Mr. Chairman. I think it went through, as the Minister has indicated, many trials and tribulations and problems, and we very much look forward to the report of the commissioners. I think it was important going through that process, that all political Parties basically respected the view that we would not comment on the day-to-day activities of that commission to allow the commission to do its work in a full and complete way and come forward with its report. We as much as possible sought not to have that enter the political forum except to give them a statute whereby they could continue their work.

As well, I must say that certainly some of the more pressing problems when this Minister took office, not particularly in the last year, but the Land Titles Office was a horrendous mess when this Government took office. There is no question that the times have been reduced.

The burning question will be whether or not those times continue to be reduced when we actually have some house sales, seeing as the market has generally declined. We have learned today, and it has come up in the House, that it is about as bad as it has ever been in this province. It may not be a particularly good time to draw final conclusions on the success of the Land Titles Office. However, I do have confidence certainly in the staff at the Land Titles Office and there is no question that the times have been taken down.

Some of the failures that have come to light in the last year—I have remarked many times on the problems with gun control. I know that this is primarily a federal matter. However, there is room for action on the provincial front. It is something I have called on this Minister to do repeatedly, both with respect to the retailers of guns but also with respect to lobbying his federal counterpart to actually do something to make sure that the Firearm Acquisition Certificate Program works and to make some progressive changes in the restricted weapons and in particular, of course, some form of verifying mental ability to handle a restricted weapon. I have made my views clear on that.

With respect to the police in this province, which the Minister is also responsible for as the province's chief

law enforcement officer, there are obviously problems which continue to exist, in particular the relationship between the rural-urban municipalities and the rural municipalities themselves, and working out the policing cost in the face of a federal Government that is generally withdrawing from this area in terms of financing. I think it is going to be a great challenge. So far we have a report that has been produced but there has not been a solution to that problem.

Corrections on its own has legion problems. I do not believe that our correctional system is living up to anywhere near what it could be and should be. That does not make us unique in this country, unfortunately. However, it is something that we, I do not think, can let rest. We must deal with Corrections in a way that allows us to stay true to the principle of rehabilitation as the most important goal, aside from protection of the public.

* (1440)

With respect to victims and victims' assistance, we saw in April of last year a Treasury Board edict put an absolute ban on payments out of the Victims Assistance Fund to victims groups, which was particularly problematic, because those groups were to get funding for the short term from the Victims Assistance Fund in one, perhaps two, years. With a year's work behind them many of these groups were cut off for the second year, thus seriously eroding some of the preliminary work they had done. That edict has been withdrawn and the ban has been lifted only recently. We have seen some payments out of that Victims Assistance Fund. However, it seems to be trickling out. I do not suggest being irresponsible in making payments, but I happen to know that there are many, many groups worthy of funding who are still waiting.

The Minister mentions crime prevention, and he says he has taken a significant step in crime prevention by bringing in Bill No. 3. I might also add that I think his road signs are a bit misleading. It says Bill No. 3; it is actually Bill No. 3 and Bill No. 54, because it took another Bill to get it right for this Government. So they are a bit misleading, but I will leave that for what it is.

The drinking and driving initiative is no doubt a deterrent and to that extent it may prevent some crimes. Crime prevention as a study does not base itself on deterrents. Crime prevention is just that. It is prevention through more sophisticated means than deterrents alone. The Criminal Code and the penal statutes deter. Crime prevention is far more than that and I was very disappointed this year that the Minister did not take the opportunity to attend a conference in Montreal for legislators, which followed the conference his representatives went to. It was a very much legislatively oriented one-day seminar in Montreal. Because he did not go, I was allowed to go, so I am thankful for that, but on the other hand I think he might have learned a bit about crime prevention and what it really is and can be.

Court reporters—we have a shortage in this province. We have to look at, I think, finding some way of perhaps training our own. They are trained in Edmonton and

Vancouver, but in large part they end up staying there, it turns out, at least in recent years, and we do have to deal with that.

With respect to the Court of Appeal, we have a vacancy. I look forward to an appointment being made and I have repeatedly called for some form of reporting device in the Court of Appeal.

Mr. Chairman, I think with that I will pass on to my colleague the Justice Critic for the third Party and simply indicate again that I know this Minister has indicated, and he did at Elkhorn way back in his first speech which I attended, to the Manitoba Bar Association, when he said that access to justice was going to mark his term. He has come some ways; there is a long way to go. I was very disappointed in particular at his recent decision not to allow anyone, and not just himself, to pursue any action on the racist pins and the racist documents which have entered this province, but to bar others. I do not think that is consistent with access to justice.

Mr. Chairman, with that I will close.

Mr. Chairman: At this time I would recognize the critic for the Second Opposition Party, the Honourable Member for Logan (Ms. Hemphill), to make an opening statement.

Ms. Maureen Hemphill (Logan): Opening and closing I think in this case. Thank you, Mr. Chairman. It is interesting that the major points that the Minister of Justice (Mr. McCrae) raises about being very proud of are in the area of crime prevention. I know that there have been some attempts to make some improvements in some areas, but this would also be the area that I would select as being one of the greatest disappointments in terms of really strong action by the Government.

When they brought in their drinking and driving legislation we know that it took a very strong, tough stand on drinking and driving. We were all in support of that I think, all the legislators in the Chamber. All the Parties supported it, and we know that it is helping, but we also know that it is not enough. What we have is a Government that on the one hand is giving very tough messages about drinking and driving and very, very tough fines and penalties if you do it, and we do not object to that, but doing very, very little, in fact almost nothing, with the \$10 million increased revenue that is coming in to deal with the question of prevention. The question of prevention, as my colleague said, does not just deal with fines, does not just deal with how you deal with them when they have committed a crime, but the prevention. We are looking at education, we are looking at treatment; we have no treatment centre, we have no place for people to go, they have to go to another province.

So some of the money that is coming from increased revenues from some of the increased sales they are going to get through their credit cards, from their cheque cashing, making it easier to get liquor, should be used for both education and prevention so that we are dealing with the effects of drinking and driving, not just taking drunk drivers off the road.

We also were very concerned about this Government and this Minister's handling of the Victims Assistance Committee—felt that it was an excellent committee. It took a while to get going but it was just at the point where really excellent proposals were coming in and being supported. I think that one of the things they wanted to do was perhaps take the money that was coming to that committee, about a million dollars, and take it into provincial revenues and have more direct control over the expenditures of that money.

I think that there was a study done by this Minister, and it is our understanding that the people that responded to the interim study said that 2 to 1 were really very, very critical of the study. I am wondering and will be anxious to hear if this Government is intending to really continue to support the work being done by the Victims Assistance Committee.

We also were very disappointed in the Minister's decision not to apply for the injunction for the pins through the Criminal Code or even through the Human Rights Code, since I think both were open to him. To have made the decision, and this is one that gets to the heart of the judicial system really, is the question of having access to the courts to determine questions where there may be differences of opinion between lawyers. I think in this case, to have received the opinion of lawyers in his department who said they did not think that it would stand up or that it would get the injunction, was not adequate.

If the Minister did not want to do it himself he should not have closed it off to the public, to have had access to the courts to determine, to have a judge and the courts determine whether that was racist material, because if all that was required was a lawyer to look at it and say it is or it is not, we would not need courts. We would not need a whole judicial system, we would just need one lawyer to give an opinion. The injunction should have been asked for, and it should have gone to the courts for resolution.

I think there is another area of concern. It was raised yesterday by a number of people who were talking about not being adequately or properly—or being misrepresented by a lawyer, and the problems that they encounter when they cannot get satisfaction from the lawyer and they also cannot get satisfaction from the Law Society. I do not have a lot of solutions there, but just to raise the question, I think that something needs to be done for the protection of people when the society that is the responsible one for policing itself does not deal with misrepresentation and with very legitimate complaints, does not seem to be doing that adequately. The whole question of the public having some right to protection from professional incompetence is something that I think should be looked at.

In terms of the family law, I think we all want to see improvements there and that there are some improvements. I just wish to bring to the Attorney General's (Mr. McCrae) attention that there are women's groups and organizations that have had a lot of involvement in the development of the law as it exists today and have been I think a very important part of bringing in and changing the law. There are some concerns that they do have in spite of wanting it to go

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ahead and wanting the improvements. They have some amendments that they would like to be made and we would just ask that there be an open mind when that opportunity comes, because we think some of the recommendations they are going to be making will improve the legislation that you want to put through.

* (1450)

I want to make one other point about safety and crime prevention. The Attorney General (Mr. McCrae) talked about safe neighbourhoods and that one of the things they were working for was safe neighbourhoods, one of the most important things, and to that end he suggested that the drinking and driving law was giving us safe neighbourhoods. Well, I think it is giving us safe streets. I think that is what it is giving us, and I suppose some of the streets are in neighbourhoods, so you might take it as far as to suggest safe neighbourhoods, but when you are dealing with the question of safe neighbourhoods, it is not drinking and driving that is going to help us.

It is progressive programs like the community-based policing program that has been piloted in the inner city, is now being piloted, has demonstrated that the crime rates are going down when the police are on the streets, in the neighbourhoods, know the people, getting to know the kids. Most of the crimes that are committed are done between kids 18- and 25-years-old, and a lot of the reason, some of the reason is because they have nothing else to do.

I guess I am saying that if the Minister and the Government is really concerned about safe neighbourhoods they certainly need to be looking at a broader programming than just getting drunk drivers off the streets, and looking at being very supportive I think in whatever way that he can to the city and the police department to expand, and not wait for another two or three years from our pilot projects to demonstrate the value, but to expand community-based policing. Then we would really be moving I think a long way toward improving the safety of our neighbourhoods.

Mr. Chairman: At this point, we would invite the Minister's staff to join us at the table for consideration of these Estimates. We would ask the Minister to introduce his staff.

Mr. McCrae: Mr. Chairman, it is unfortunate, I take it—maybe I could introduce the remainder of the staff at the back of the room as we go through line by line, but I do not know that is going to happen.

I see my colleague, the Minister of Government Services (Mr. Albert Driedger), here waiting for his Estimates to be considered. I know he is as anxious as I am to talk at length about the very positive things that are going on in his department just as I am about mine.

I have asked two officials to come forward at this point. Mr. Pat Sinnott is our Director of Finance and Administration. It gives me a great deal of pleasure to introduce you to our new Deputy Minister of Justice and Attorney General, Mr. Graeme Garson, Q.C. I do

not think he needs any introduction. I know everyone around this table knows who he is and knows something of his background. We are just very pleased as a department to have Mr. Garson on board. We know that will bode well for the department.

In their opening comments, Honourable Members referred to a number of items. I have made note of them. I realize time is short today. I have made note of them, and I take their comments seriously. I appreciate the positive comments they made, but I also recognize that there is always more work to be done. I do recognize what Honourable Members have said, not to say I would not like to debate each and every point they have raised because I would, but I will not take the time out of respect for the opportunity for Honourable Members in the next five or six minutes to ask questions. Hopefully they will be pointed questions and brief questions.

I know I would like to have some time left for the Honourable Minister of Government Services (Mr. Albert Driedger) so we could deal with his Estimates, as well as the Estimates relating to Canada-Manitoba Enabling Vote, Flood Control, Emergency Expenditures, and on and on and on.

It is unfortunate that these two Honourable Members could not get their colleagues to understand that justice in Manitoba is a very, very important matter. The Department of Justice needs to be heard from, but be that as it may, maybe these Members will climb up the ladders in their caucuses and have a little more say next year.

Mr. Chairman: Item 1 deals with Administration and Finance: Provides executive direction and co-ordination of Department programs. Provides research and planning services; central accounting, budgetary and financial services; personnel administration; records management; system development and computer services; and communication services to all divisions.

Item (a) Minister's Salary will be deferred until the consideration of the rest of these Estimates.

Item (b) Executive Support: (1) Salaries \$301,700—the Member for St. James.

Mr. Edwards: Mr. Chairman, specific to my comments before, is the Minister prepared at this point to table the opinion he received with respect to proceeding under the Criminal Code against the recent racist material which has entered the Province of Manitoba? Has he had a chance to discuss it with his colleagues, and is he willing to table that document?

Mr. McCrae: I thank the Honourable Member for the question. It is unfortunate that the Honourable Member for St. James (Mr. Edwards) and indeed also the Honourable Member for Logan (Ms. Hemphill) should show such a lack of confidence in the expertise in the Department of Justice. We have, in the Department of Justice, the best lawyers in this province and as far as prosecutorial expertise the best lawyers in this whole country. I am quite confident that the advice that I am getting is sound and good.

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The Honourable Member for St. James might be interested in knowing that I had occasion this morning to meet with the B'Nai B'rith League, representatives of the Sikh community, and a representative of the Manitoba Association of Rights and Liberties. We had a long and productive meeting—I suggest a fruitful meeting.

Maybe the Honourable Member has no confidence in what is going on in the Department of Justice, but the people I met with this morning left that meeting feeling satisfied that we were handling this issue as sensitively as is possible under the circumstances.

Mr. Edwards: On the contrary, Mr. Chairman, I also have a lot of respect and confidence in the lawyers who work for the department. It is for that reason that I would like to see their opinion, because I am very interested to read it and I may well be convinced. I gather that the Minister's answer is no, he is not willing to do that. For that reason I will—

Mr. Chairman: Order, please. I am interrupting the proceedings of this section of the Committee of Supply because the total time allowed for Estimates consideration has now expired.

Our Rule 64.1(1) provides, in part, that not more than 240 hours shall be allowed for the consideration, in Committee of the Whole, of ways and means and supply resolutions respecting all types of Estimates and of the relevant Supply Bills.

Our Rule 64.1(3) provides that where the time limit has expired, the Chairperson shall forthwith put all remaining questions necessary to dispose of the matter, "and such questions shall not be subject to debate, amendment or adjournment."

I am, therefore, now going to call in sequence the questions on the following matters: The Department of Justice, Resolutions 95 to 101; the Department of Government Services, Resolutions 58 to 64; the Canada-Manitoba Enabling Vote, Resolution 141; Flood Control and Emergency Expenditures, Resolution 142; Allowances for Losses and Expenditures Incurred By Crown Corporations, Resolution 143; General Salary Increases, Resolution 144.

I would remind Members that these questions may not be debated, amended or adjourned, according to the Rules of the House.

Resolution No. 95: RESOLVED that there be granted to Her Majesty a sum not exceeding \$4,553,000 for Justice, Administration and Finance, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 96: RESOLVED that there be granted to Her Majesty—on a point of order, the Member for St. James.

Mr. Edwards: Mr. Chairman, perhaps you can give me some guidance on this. I am not familiar with the Rules of the concurrence debate, but it was my understanding that we would move in and at the end of the concurrence

debate these motions on all of the remaining monies available would be passed at that time.

Mr. Chairman: Yes. My direction is that we will pass these motions at this time and there will be a separate concurrence motion brought to the House.

Mr. Chairman: Resolution No. 96: RESOLVED that there be granted to Her Majesty a sum not exceeding \$6,718,000 for Justice, Criminal Justice, for the fiscal year ending the 31st day of March, 1990—pass.

Mr. Chairman: The Honourable Member for St. James, on a point of order.

Mr. Edwards: Mr. Chairman, if we are out of time, how can we be continuing to vote on items before the committee?

Mr. Chairman: I quoted to you Rules 64.1(1) and 64.1(3) earlier, which states as procedure is as we are now doing.

The Member does not have a point of order.

Mr. Chairman: Resolution No. 97: RESOLVED that there be granted to Her Majesty a sum not exceeding \$5,109,600 for Justice, Legal Services, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 98: RESOLVED that there be granted to Her Majesty a sum not exceeding \$38,183,200 for Justice, Law Enforcement, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 99: RESOLVED that there be granted to Her Majesty a sum not exceeding \$21,267,700 for Justice, Court Services, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 100: RESOLVED that there be granted to Her Majesty a sum not exceeding \$22,807,100 for Justice, Protection of Individual and Property Rights, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 101: RESOLVED that there be granted to Her Majesty a sum not exceeding \$43,814,000 for Justice, for Corrections, for the fiscal year ending the 31st day of March, 1990—pass.

SUPPLY—GOVERNMENT SERVICES

Mr. Chairman: Resolution No. 58: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,209,700 for Government Services, Administration, for the fiscal year ending the 31st day of March, 1990—pass.

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Resolution No. 59: RESOLVED that there be granted to Her Majesty a sum not exceeding \$117,568,900 for Government Services, Property Management, for the fiscal year ending the 31st day of March, 1990—pass.

* (1500)

Resolution No. 60: RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,052,800 for Government Services, Supply and Services, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 61: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,882,000 for Government Services, Project Services, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 62: RESOLVED that there be granted to Her Majesty a sum not exceeding \$52,600 for Government Services, Land Value Appraisal Commission, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 63: RESOLVED that there be granted to Her Majesty a sum not exceeding \$715,500 for Government Services, Disaster Assistance, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 64: RESOLVED that there be granted to Her Majesty a sum not exceeding \$25,301,100 for Government Services, Expenditures Related to Capital, for the fiscal year ending the 31st day of March, 1990—pass.

SUPPLY—CANADA-MANITOBA ENABLING VOTE

Mr. Chairman: Resolution No. 141: RESOLVED that there be granted to Her Majesty a sum not exceeding \$24,714,300 for Canada-Manitoba Enabling Vote, Canada-Manitoba Enabling Vote, for the fiscal year ending the 31st day of March, 1990—pass.

SUPPLY—FLOOD CONTROL AND EMERGENCY EXPENDITURES

Mr. Chairman: Resolution No. 142: RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,700,000 for Flood Control and Emergency Expenditures, Flood Control and Emergency Expenditures, for the fiscal year ending the 31st day of March, 1990—pass.

SUPPLY—ALLOWANCE FOR LOSSES AND EXPENDITURES INCURRED BY CROWN CORPORATIONS AND OTHER PROVINCIAL ENTITIES

Mr. Chairman: Resolution No. 143: RESOLVED that there be granted to Her Majesty a sum not exceeding \$3,400,000 for Allowance for Losses and Expenditures Incurred by Crown Corporations and Other Provincial Entities, Allowance for Losses and Expenditures, for the fiscal year ending the 31st day of March, 1990—pass.

SUPPLY—GENERAL SALARY INCREASES

Mr. Chairman: Resolution No. 144: RESOLVED that there be granted to Her Majesty a sum not exceeding \$14,000,000 for General Salary Increases for the fiscal year ending the 31st day of March, 1990—pass.

That concludes our consideration of the Estimates in this committee. I would like to thank the Minister and the critics for their co-operation. Thank you.

Committee rise.

SUPPLY—EDUCATION AND TRAINING

The Acting Chairman (Mr. Gaudry): Would the Committee of Supply come to order, please. This section of the Committee of Supply has been dealing with the Estimates of the Department of Education.

We are on item 7. Bureau de l'éducation Française, (a) Division Administration: (1) Salaries \$95,400, shall the item pass—the Honourable Member for Sturgeon Creek.

Mrs. Iva Yeo (Sturgeon Creek): Last year at the end of Education Estimates, I met the Assistant Deputy Minister of this department on the stairs and asked about the state of the court hearing. He assured me that it was pending. I think we are still waiting for judgment to have been made. I am wondering if it is still pending.

Hon. Leonard Derkach (Minister of Education and Training): The ruling was received by my department this morning at eleven o'clock, Mr. Acting Chairman.

Mrs. Yeo: I suppose it is too early to anticipate the Minister sharing the ruling with us at this time.

Mr. Derkach: Mr. Acting Chairman, it is far too early for us to have done any sort of analysis on the ruling. Indeed, it took the Court of Appeal some 15 months to come up with the decision. It is certainly not a clear decision, from my understanding of it, in one way or another, and certainly there are many aspects of it that will have to be analyzed and reviewed.

I would reserve comment until such time that we have had ample time to look at it very carefully, because certainly it is a very important ruling for the province and especially for the Francophone community.

* (1420)

Mrs. Yeo: I am delighted, and I do not argue at all with that response.

The French graduate studies students' grant to study in Manitoba—some \$28,000 is an ongoing grant. I am not sure whether this should have been under the previous appropriation or not, but I am wondering if there is a similar grant from France as well to entertain Manitoba students going over to France to study, as well as ours that entertains French students to come to Manitoba.

Mr. Derkach: The grant of \$28,000 is given to two French nationals who study in Manitoba at the post-

graduate level. In return the Government of France pays tuition fees and lodging costs for 18 teachers from Manitoba, who are allowed to study there for four weeks during the summer months.

Mrs. Yeo: If there was a grant the other way as well, if there was a grant that the French Government had for our students to go and study in France, if we are in fact encouraging French students to come to—

Mr. Derkach: Mr. Acting Chairman, the reciprocity, if you like, is in the tuition and in the lodging costs that are paid for by the French Government for 18 of our Manitoba teachers going to France.

Mrs. Yeo: A few years ago Dr. Arthur LeBlanc of the University of Manitoba Continuing Ed Department stated some concerns about the English track universities, or the predominantly English track universities, not being able to keep up with the French Immersion student graduates from the various French Immersion programs throughout the province or even from the française programs, although I think a lot of those students in fact go on to St. Boniface College.

I asked questions with regard to increasing French courses, the availability of French courses at our English universities during last year's Estimates, and I wondered if there had been any progress, any new programs that were organized at the various English universities in the province.

Mr. Derkach: Mr. Acting Chairman, that is a decision that is really in the area of universities to make, and I suppose if the demand is there that is then up to the university to make that kind of judgment and then follow up with action.

The Acting Chairman (Mr. Gaudry): Item 7.(a) Division Administration: (1) Salaries, \$95,400—pass; 7.(a)(2) Other Expenditures, \$22,200—(pass); 7.(b) Curriculum Development and Implementation: (1) Salaries, \$860,600—pass; (b)(2) Other Expenditures, \$177,100—pass; 7.(c) Educational Support Services: (1) Salaries, \$234,800—pass; (c)(2) Other Expenditures, \$69,700—pass; (c)(3) Assistance, \$1,002,700—pass; 7.(d) Official Languages Programs and Administrative Services: (1) Salaries, \$370,500—pass; (d)(2) Other Expenditures, \$410,900—pass; (d)(3) Assistance, \$456,400—pass; (e) Library and Materials Production: (1) Salaries, \$378,000—pass.

Item 7.(e)(2) Other Expenditures, \$167,400—the Honourable Member for Flin Flon.

Mr. Jerry Storie (Flin Flon): Mr. Acting Chairman, I am wondering why there has not been an increase in this particular area. It is one of the areas where clearly the Department of Education has lagged behind in the provision of materials, particularly library materials, to the various française immersion programs as well as to libraries in general.

I am wondering if the Minister can indicate what the \$167,000 currently provides, by way of materials. What other expenditures are we talking about there, and is

this particular portion of the budget supported by the federal Government in exactly the same way as all the other sections? Is the Minister satisfied that the amount of money that is being spent is meeting the needs of the increasing numbers of students who are taking French programming of one sort or another?

Mr. Derkach: First of all, the types of materials that are supported under this kind of appropriation are books, films, videos, resource material, and indeed the federal Government pays 50 percent of these costs.

The Member asks the question why this area was not increased. I have to indicate to him that his Government, under the most recent Minister in his Government, Mr. Penner I believe, as a matter of fact cut out of their budget the French language bursary program for teachers. When you talk about French Immersion programs and the necessity of French services, certainly this was a serious setback on behalf of the former Government.

I have to indicate to you that we have reinstated that program, a program which I think is very important for Francophone Manitobans and for French language teachers in this province. In that area we have as a matter of fact increased our support to the French services of this province and indeed this is an area that we will be considering over the next course of a few months.

* (1430)

The Acting Chairman (Mr. Gaudry): Item 7.(e)(2) Other Expenditures, \$167,400—pass.

Resolution No. 34: RESOLVED that there be granted to Her Majesty a sum not exceeding \$4,245,700 for Education and Training for the fiscal year ending the 31st day of March 1990—pass.

Item 8. Expenditures Related to Capital, (a) Acquisition/Construction of Physical Assets: (1) Red River Community College, \$930,000—the Honourable Member for Sturgeon Creek.

Mrs. Yeo: What I wanted to ask was a question about the South Winnipeg Technical Centre related to taxes. I did ask a question not too long ago, within the past week, about the fact that South Winnipeg Tech has requested exemption as a public school in the province, because in fact they are under the jurisdiction of Assiniboine South, Fort Garry and St. Vital School Divisions.

I understand there has been correspondence which I have not seen, but between the South Winnipeg Tech and the Minister's Office and I believe the Minister said that this was out of his responsibility, that in fact it was a city thing. Some individuals in the finance department of SWTC believe that there is a provincial hook here in that they should be granted the same as public schools in the province, and in fact it is a public school.

Mr. Derkach: I do not recall any kind of correspondence between my office and South Winnipeg Technical Institute with regard to this issue and indeed my staff

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do not have any recollection of that kind of information either. I will take that question as notice and I will get back to the Member. We will research to see whether or not there is some correspondence that perhaps I am not aware of at this time.

Mrs. Yeo: Mr. Acting Chairman, I have a dreadful copy of a letter that was written on December 12, 1989, to the Minister. I do not have a response from the Minister. I would be pleased to pass it across the House right now if the Minister wishes. In it the individuals from South Winnipeg Tech have requested some assistance, because it is my understanding that these people have not paid taxes because they have felt that they were the same as other public schools throughout the province.

Mr. Derkach: Mr. Acting Chairman, this certainly is an issue that I have to indicate is somewhat new to me. I would certainly like to take that question again as notice and be able to do some research on it in terms of what it is the specific request is for. If it is a taxation issue, it is one that probably has to do with the South Winnipeg Tech and the city and really not between the South Winnipeg Technical Institute and the province. If there is some dispute there, certainly I am not aware of the details of it and would be prepared to take it as notice and get back to the Member.

Mrs. Yeo: Well I would have thought this was something to do with the Public Schools Finance Board because of the issue.

The capital buildings projects that were stated in 1987 for Winnipeg No. 1 School Division indicated that the 1987 project was the replacement of Champlain School, the demolition of the old building. The 1988 project was the replacement of Margaret Scott School with the demolition of the old building and the 1989 project was the replacement of Robert H. Smith School with the demolition of the old building. I am wondering what happened to the 1988 project? What was the 1988 project that was undertaken on behalf of Winnipeg No. 1 School Division?

Mr. Derkach: Mr. Acting Chairman, this gives me the opportunity perhaps to stand in my place and rebut some of the allegations that were made by the Member for Inkster (Mr. Lamoureux) who indicated that we are not responding to the capital needs of Winnipeg School Division in an adequate way. I have to tell you that in fact Margaret Scott was denied as a project, a capital project, for Winnipeg School Division. The Member for Inkster knows that.

Mr. Acting Chairman, Winnipeg School Division was told very specifically by the Public Schools Finance Board to name another project in place of Margaret Scott, because Margaret Scott School was denied. They were told that repeatedly. To date we have not had Winnipeg School Division come forth to rename their capital project for 1988, and, yes, they are still eligible. However, a letter is going out to them to indicate that we need to know fairly soon what their replacement project is, because if they do not intend to name one, then we have to move ahead with other plans.

Mr. Acting Chairman, the Member for Inkster (Mr. Lamoureux) also indicated when he came to see my special assistant, that Winnipeg School Division was not giving him the information. For that reason he came to my office to secure the accurate information on capital plans for Winnipeg School Division No. 1.

The Acting Chairman (Mr. Gaudry): The Honourable Member for Inkster, on a point of order.

Mr. Kevin Lamoureux (Inkster): On a point of order, I hope I will get an opportunity to ask a direct question that will contradict what the Minister has just finished saying. I take offence to the fact that at no time did I say that Winnipeg School Division No. 1 was not co-operating with myself. I would ask that the Minister withdraw those remarks.

The Acting Chairman (Mr. Gaudry): The Honourable Member does not have a point of order. The Honourable Minister.

* (1440)

Mr. Derkach: Thank you, Mr. Acting Chairman. Yes, indeed, he did indicate that, and for that reason I instructed my assistant to co-operate and to give him the kind of information that he would need, simply information that would be, I thought, used for his own enlightenment. Indeed, the Member then used that information as a basis for his grievance that he raised in this House.

That was fairly interesting, Mr. Acting Chairman, and it indicates why we impose the rule that was set, not by us, but by a former Government, that if a MLA wants information, then that information should be sought through the Minister's Office, because it clearly puts staff in a very, very awkward position when this is the kind of game that is played.

Mr. Acting Chairman, I have to tell you very emphatically that we have examined all aspects of the situation around Margaret Scott School. The criteria that are applied to Margaret Scott are those that are applied to all other capital facilities in this province. There are some 400 vacant spaces in surrounding schools in that area, 400 vacant spaces that could be filled.

Mr. Acting Chairman, it would be an unwise use of taxpayer dollars if we were to ignore the spaces that are available at Isaac Newton or any of the other three schools and then construct a brand new school to replace Margaret Scott. It would be an irresponsible use of taxpayer dollars. That is something that the Member for Inkster (Mr. Lamoureux) does not understand.

Mr. Acting Chairman, I have to indicate to you as well that Winnipeg No. 1 was given the opportunity to replace one school per year. That was to take care of

the deteriorating condition of the schools that exist in Winnipeg School Division No. 1. They -(interjection)-the Member for Ellice (Ms. Gray) says, yes, and they gave you Margaret Scott, but Margaret Scott did not fit the criteria. Is that so difficult to understand? Why did they not fit the criteria? Because there were a number of spaces available in surrounding schools where students could be accommodated and that is basically the reason.

An Honourable Member: Let us be fair about this. Let us be fair.

The Acting Chairman (Mr. Gaudry): Order, please. We are on Capital Expenditures, and please do not deviate.

Mr. Derkach: That is right. I will try to keep my remarks specifically to Capital Expenditures, which involves the replacement of schools.

Mr. Acting Chairman, the Member for Sturgeon Creek (Mrs. Yeo) has stood in her place several times and asked questions about Margaret Scott School, and I have tried to address those questions in the most fair and the most up-front way that I can. If the criteria are applied equally across the province, there is no argument. If there is new information that we do not know, if there is a new influx of people into that area which will take up all the vacant spaces, then, yes, we will take another at this particular facility. There are other ways to address the crying needs in that particular area of deteriorating schools.

We have indicated that Winnipeg School Division No. 1 should name another project to replace Margaret Scott School. Indeed, if there are schools that are falling down in that area—and we know there are old schools in there—they have the opportunity to name another facility to be replaced.

Mr. Acting Chairman, I do not know how the Public Schools Finance Board can deal more fairly with anyone than they have with Winnipeg School Division No. 1. They have dealt with Winnipeg School Division No. 1 in the same way that they have dealt with St. James or Birdtail River or Assiniboine South. The criteria must be the same.

Yes, we acknowledge the fact that there is a need for spaces in some of our suburban areas because the schools are growing. Wherever possible and as quickly as possible we have a program where high quality relocatable units can be put on in a matter of months so that we can accommodate the students as quickly as possible.

Mr. Acting Chairman, I would be happy to sit down with Winnipeg School Division No. 1 to discuss all of these issues, we have in the past. The Public Schools Finance Board has discussed the issues with them, and we are prepared to do that at any, any time.

Mrs. Yeo: Just on one last round here regarding the Fort Garry School Division and the area of Whyte Ridge, the Minister did send me a letter in June of '89 stating that Whyte Ridge school was on the drawing boards.

I understand he has actually seen some plans. I have also received some statistics just in the last—well 23rd of January, indicating that Whyte Ridge continues to grow at a rate of approximately 25 percent per six-month period. There are now over 600 occupied homes. There are 265 preschool age children and there are almost 300 children in the K to 6 category. There are also children in the Grades 7 and 8 category that they have not been recording, because it was the understanding that there would be a K to 6 school.

The people of Whyte Ridge, I understand, would prefer to have a K to 8 school in light of the fact that the High School Review recommends high school to be 9 to 12. They consider the fact that perhaps a K to 8 school might be more advantageous if in fact the Minister is going to recommend the 9 to 12 aspect for high schools. I wonder if the Minister has recently reviewed the numbers of houses in that it is an affordable type of settlement, if you will, far more affordable for young families than is for example a place like Lindenwoods, which I believe is having its second school built. It is a very family oriented type of community. Some of those children are on the bus for a significant length of time.

Many of the families have to be split up. In other words, there would be a child in Kindergarten, a child in Grade 3 and perhaps a child in Grade 6, each of those children in different schools. I think this is an area that requires immediate attention under the heading of Capital Expenses.

Mr. Derkach: Mr. Acting Chairman, the Member is right. There was some approval given to Fort Garry School Division to hire or get the services of an architect to start planning for the school. I have to indicate to the Member that there has been no formal approval as such given, but they were told that they could hire the services of an architect to start planning for the school. Whether the school is K to 6 or K to 8 is certainly something that is up to the local school division to decide and certainly something the Public Schools Finance Board will look at once the proposal comes before them.

The number of students in that area we understand is 150 and not over 300 as the Member indicates. Those are the numbers that the Public Schools Finance Board has to deal with at the present time.

Yes, the project is one that is going to be needed, we understand that. When the division was given approval to hire the services of an architect, as a matter of fact it took the school division a considerable length of time, some six months I believe, to take that step.

Therefore, I think the Public Schools Finance Board did react as quickly as they could in a very timely fashion. Then there is some responsibility on the school division to take it from there.

Mrs. Yeo: The number that I have is 532 children on this particular print-out that I received on the 23rd of January 1990. I would suggest that there was some degree of urgency and recommend that some Sunday afternoon the Minister hop in his car and take a drive

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around there and see the number of children who are playing on the empty school ground and the number of young children who are up and down the street. That is an area that requires in my opinion immediate attention.

Mr. Derkach: Mr. Acting Chairman, I can only give the Member the total as they are gathered by the school division and by the Public Schools Finance Board. I can tell the Member at the present time there are 150 students being transported to two other schools from that area.

Mr. Lamoureux: Just a very quick, brief question. The Minister of Education (Mr. Derkach) says that it is not his role to dictate policy to Winnipeg No. 1, or indeed to any school division.

When a school division wants to replace, and has put as a top priority the replacement of Margaret Scott School, the reason why it was not changed is because the board has decided that they did not want to change it. I would suggest to you that it is not the Winnipeg No. 1 school board that is making policy decision. In fact it is the board, because if the board can deny the funds in order for the school board to go ahead with it even though the school board itself has made a conscience decision to go ahead and have that school replaced. The Public Finance Board is the one that denied the project's green light.

I cannot for the life of me see how the Minister of Education (Mr. Derkach) can state that it is not the Public Finance Board that is dictating policy when in fact in this particular case they are dictating policy.

* (1450)

Mr. Derkach: Mr. Acting Chairman, the Member for Inkster (Mr. Lamoureux) does not understand an appropriate procedure of following a criteria that is set down. The Public Schools Finance Board has a replacement program policy in place, which says that if a school division applies for a project then that project is then subject to full assessment by the Public Schools Finance Board so it meets a set of criteria.

If we did not apply any criteria then we would have schools springing up all over. There would not be any rationale to how schools sprung up throughout the province. Indeed, we would have new schools being closed and we have enough of that in the province. We have enough of that in the Member for Sturgeon Creek's (Mrs. Yeo) own area. In the St. James area there are brand new schools, or basically new schools, which are closed. Why are they closed? Perhaps because there was not enough planning done beforehand, but also because the population is not there.

We are not going to build schools, regardless of where it is, whether it is in rural Manitoba or whether it is in the City of Brandon or the City of Winnipeg, we are not going to build schools in areas where there are not sufficient numbers of students, where the student numbers do not warrant and where indeed students can be accommodated very nicely and very adequately

in neighbouring schools, schools which are less than a block away. In total there are four schools in this particular situation that are less than half a mile away.

Mr. Storie: I wanted to get into this debate because I believe as well that the Public Schools Finance Board is setting policy here that is inconsistent with many of the other things that happen, not necessarily within the jurisdiction of the Public Schools Finance Board, but within the jurisdiction of the Department of Education and the Minister of Education.

The Minister of Education has watched and school boards have had to in their opinion close schools in many school divisions throughout the province. They have done so because that was their decision. They believed that was the most expedient, the most cost-effective, and in educational terms the best for that particular school division.

In no instance has the province interfered in the school divisions in the province to say, it would have been more economical if you closed that school and bussed those kids over there, or you should close that school, quit operating it, the operating costs are too high, you are wasting taxpayers' money.

In no instance that I am aware of has the Department of Education told the school division in the interests of taxpayers -(interjection)- exactly, the school divisions make their decision, and there are many, many schools operating in the Province of Manitoba that are much smaller than the total school population that is available at Margaret Scott school.

The fact of the matter is -(interjection)- Mr. Chairperson, the Minister wants to say, where is the closest school? The closest school is Isaac Newton -(interjection)- He wanted the closest school. It is also a junior high school with other activities going on.

The point I am making is, the school division is required to make those calls as well. The province does not interfere in one instance, and the Public Schools Finance Board does in another. I am not saying for a minute that the public schools finance criteria are not reasonable in many respects, but the school trustees were elected also to make those decisions.

There is only so much money available from the province to make decisions with respect to capital. That is always the way it has been. School divisions choose their priorities within the available resources provided through the Public Schools Finance Board. One hundred and eighty students, and that is the current population at Margaret Scott school, is not an unreasonably small school—

The Acting Chairman (Mr. Gaudry): I am interrupting the proceedings of this section of the Committee of Supply, because consideration has now expired. Our Rule 64(1)(1) provides in part -(interjection)- Order, please; order, please. More than 240 hours shall be allowed for the consideration in Committee of the Whole, and Ways and Means, and Supply Resolutions respecting all types of Estimates and of the relevant Supply Bill.

Our Rule 64(1)(3) provides that where the time limit has expired, the Chairperson shall forthwith put all

remaining questions necessary to dispose of the matter. Such questions shall not be subject to debate, amendment or adjournment.

I am therefore now going to call in a sequence, the questions on the following matters: the remaining resolutions in the Department of Education, the Department of Finance, the Department of Legislation, Executive Council, resolutions related to Supplementary Supply pursuant to the message from His Honour the Lieutenant-Governor tabled on December 13. I would remind Members that these questions may not be debated, amended or adjourned according to the Rules of the House.

Resolution No. 35: RESOLVED that there be granted to Her Majesty the sum not exceeding \$32,145,500 for Education and Training for the fiscal year ending the 31st day of March, 1990—pass.

Mr. Lamoureux: Mr. Acting Chairperson, on a point of order.

The Acting Chairman (Mr. Gaudry): The Honourable Member for Inkster (Mr. Lamoureux), on a point of order.

Mr. Lamoureux: Mr. Acting Chairperson, for the record I would like to suggest that the division on the official Opposition's position on all of these would be not to pass, that in fact our division would show that we would not be in support of passing it in this particular type of manner, but we can proceed at this point.

The Acting Chairman (Mr. Gaudry): Resolution No. 28: RESOLVED that there be granted to Her Majesty a sum not exceeding \$4,591,300 for Education and Training, Administration and Finance, for the fiscal year ending the 31st day of March, 1990—pass.

SUPPLY—LEGISLATION

The Acting Chairman (Mr. Gaudry): Resolution No. 1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$3,120,600 for Legislation, Other Assembly Expenditures, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,649,900 for Legislation, Provincial Auditor's Office, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 3: RESOLVED that there be granted to Her Majesty a sum not exceeding \$598,400 for Legislation, Ombudsman, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 4: RESOLVED that there be granted to Her Majesty a sum not exceeding \$411,900 for Legislation, Elections Manitoba, for the fiscal year ending the 31st day of March, 1990—pass.

SUPPLY—EXECUTIVE COUNCIL

The Acting Chairman (Mr. Gaudry): Resolution No. 5: RESOLVED that there be granted to Her Majesty a sum not exceeding \$3,288,000 for Executive Council, General Administration, for the fiscal year ending the 31st day of March, 1990—pass.

* (1500)

SUPPLY—FINANCE

The Acting Chairman (Mr. Gaudry): Resolution No. 49: RESOLVED that there be granted to Her Majesty a sum not exceeding \$850,800 for Finance, Administration and Finance, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 50: RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,517,000 for Finance, Treasury Division, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 51: RESOLVED that there be granted to Her Majesty a sum not exceeding \$4,647,600 for Finance, Comptroller's Division, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 52: RESOLVED that there be granted to Her Majesty a sum not exceeding \$8,960,500 for Finance, Taxation Division, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 53: RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,532,500 for Finance, Federal-Provincial Relations and Research Division, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 54: RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,118,100 for Finance, Insurance and Risk Management, for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 55: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,238,100 for Finance, Treasury Board Secretariat for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 56: RESOLVED that there be granted to Her Majesty a sum not exceeding \$248,800,000 for Finance, Tax Credit Payments for the fiscal year ending the 31st day of March, 1990—pass.

RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,162,900 for Finance, Expenditures Related to Capital for the fiscal year ending the 31st day of March, 1990—pass.

SUPPLEMENTARY SUPPLY

Mr. Chairman: Resolution No. 1: RESOLVED that there be granted to Her Majesty a further sum not exceeding \$1,000,000 for Agriculture, Manitoba Crop Insurance Corporation for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 2: RESOLVED that there be granted to Her Majesty a further sum not exceeding \$700,000

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for Agriculture, Education Tax Reduction Programs for Farmers for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 3: RESOLVED that there be granted to Her Majesty a further sum not exceeding \$650,000 for Co-operative Consumer and Corporate Affairs for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 4: RESOLVED that there be granted to Her Majesty a further sum not exceeding \$49,000,000 for Natural Resources, Regional Services for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 5: RESOLVED that there be granted to Her Majesty a further sum not exceeding \$17,400,000 for Flood Control and Emergency Expenditures for the fiscal year ending the 31st day of March, 1990—pass.

Resolution No. 6: RESOLVED that there be granted to Her Majesty a further sum not exceeding \$500,000 for Environmental Innovations Fund for the fiscal year ending the 31st day of March, 1990—pass.

Committee rise. Call in the Speaker.

IN SESSION COMMITTEE REPORT

Mr. Neil Gaudry (Acting Chairman of Committees): Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the Honourable Member for Ellice (Ms. Gray), that the report of the committee be received.

MOTION presented and carried.

Mr. Speaker: The Honourable Government House Leader, what are your intentions?

Hon. James McCrae (Government House Leader): Mr. Speaker, would you call the Bills in the following order: Bills 31, 70, 40, 47, 48, 49, 50, 51, 52, 57, 59, 60, 73 and the remainder as listed on the Order Paper. The Honourable Member for Flin Flon (Mr. Storie) wants to have this repeated again. After 31, 70, 40, 47 to 52 inclusive, 57, 59, 60, 73.

DEBATE ON SECOND READINGS

BILL NO. 31—THE LABOUR RELATIONS AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Labour (Mrs. Hammond), Bill No. 31, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, standing in the name of the Honourable Member for Elmwood (Mr. Maloway).

Mr. Jerry Storie (Flin Flon): Mr. Speaker, the Member for Elmwood will be available in several minutes. He

had to leave the building. He has been called back. I am prepared to speak on several other Bills and, with leave, to allow the Member to complete his remarks.

Mr. Speaker: Is there leave that this matter remain standing in the name of the Honourable Member for Elmwood?

The Honourable Government House Leader.

Hon. James McCrae (Government House Leader): We would grant leave, but only under the following circumstance. I understand the Honourable Member says the Honourable Member for Elmwood (Mr. Maloway) would be back in seven minutes.—(interjection)— We would like not to see a good part of the day go by without discussion of Bill 31. Bill 31 is the first Bill we are calling and we are not allowing it to stand. If the Honourable Member for Flin Flon (Mr. Storie) can tell me how soon the Honourable Member for Elmwood would return, then perhaps we might allow that on the agreement that we would return to Bill 31 at such and such a time.

Mr. Speaker: The Honourable Member for Flin Flon, on the same point of order.

Mr. Storie: Yes, Mr. Speaker, I appreciate the support of the Government House Leader. I will check immediately. Bill No. 40, which the Minister has also called, is standing in the name of the Member for The Pas (Mr. Harapiak). If you want to proceed with that, I will immediately come back and give him a fixed time.

Mr. McCrae: I appreciate what the Honourable Member for Flin Flon is saying, but as the Honourable Member knows, speech length in this House is up to 40 minutes. I do not propose to wait 40 minutes to get on with Bill 31. I hope that is clear. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Government House Leader.

* (1510)

Mr. McCrae: So that we can accommodate here, if you could move immediately to Bill 40 and then immediately upon the Honourable Member for Elmwood (Mr. Maloway) rising to speak on Bill 31, then we would revert to 31 and then resume the list as I laid it out, if that would be satisfactory. Agreed?

Mr. Speaker: Is it agreed that we are going to change the lists around a little bit? We are going to start with 40, and I understand we are going to go to 31, 70, 47, and so on and so on and so on.

Mr. McCrae: 40, 31, 70, 40, 47.

Mr. Speaker: Right, exactly how I said them.

Is there leave of the House? We are changing the sequence, and it will read: 40, 31, 70, 47, 48, 49, 50, 51, 52—the Honourable Government House Leader.

Mr. McCrae: Now that we see the Honourable Member for Elmwood (Mr. Maloway)—and we have to always be careful not to make reference to Members being absent, we are not going to do that in this case—if we could refer to the list as I originally gave it to you, Your Honour, then we could carry on.

Mr. Speaker: The list will be exactly as outlined the first time.

BILL NO. 31—THE LABOUR RELATIONS AMENDMENT ACT (Cont'd)

Mr. Speaker: On the proposed motion of the Honourable Minister of Labour (Mrs. Hammond), Bill No. 31, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, standing in the name of the Honourable Member for Elmwood (Mr. Maloway).

POINT OF ORDER

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

Mr. Harry Harapiak (The Pas): It is my understanding that we have made a decision to go with Bill 40. I have a few brief comments to speak on Bill 40, and I think it would give the Member for Elmwood a few minutes to —(interjection)— Mr. Speaker, I wonder if I could proceed on Bill 40, and I would give the Member for Elmwood—

Mr. Speaker: Order, please. In order to assist the Honourable Member for The Pas, there had been a decision previous to the original one, which said they were going to move Bill No. 40 up. Then there was leave of the House to revert back to the original list that went out. So the first one on the list today is Bill No. 31.

The Honourable Member for Flin Flon, on a point of order.

Mr. Jerry Storie (Flin Flon): If I understand you correctly, the Member for The Pas is not losing his right to speak on Bill 40.

Mr. Speaker: No, he does not lose his right.

Mr. Storie: Okay.

Mr. Jim Maloway (Elmwood): I am very pleased today on rather very short notice to stand and speak to Bill No. 31, which of course has been on the Order Paper now for some time. All of the Members of our caucus will eventually be addressing that particular Bill. Of course, we have some very definite ideas about how the Government should or should not proceed on this particular Bill.

There is no question about it, that we have put on the record many, many times that we intend to go to

the wall on this particular Bill and suffer the consequences on that. We brought this Bill in a number of years ago, I believe four years ago now. At that time we had to resolve the question as to whether or not we should or should not proceed with it. There was some debate at that time and some representations made by some members of the union movement in opposition at that time to the Bill. In fact, over the period of a few years now that this Bill has been in place, the track record has proved to be somewhat successful. I am told that people who did make representations in opposition to the Bill back a couple of years ago are now supporting the measure, supporting the Bill, and in fact do not favour a repeal of final offer selection.

Mr. Speaker, the fact of the matter is, this particular Government has felt it necessary to respond to their friends in the business community who have not liked the concept of final offer selection from the very beginning. It remains to be seen how committed they are to fulfill their promise to the business community to repeal this particular Act.

I sense that there are a number of people in the Conservative Caucus who are not necessarily that wedded to the measure and who feel that perhaps it is sabre rattling on the part of the Government and an attempt really for the Government to appease their friends in the Chamber of Commerce and the business community who were wishing to have this repealed.

Mr. Speaker, the history of this particular Bill has proven that it is a very workable measure. Conceptually, when one thinks of it, when one looks back to the labour turmoil that we have had in this country over the last number of years, one has to come to a conclusion that there must be a better way to solve labour-management troubles and to avoid massive days lost in strike action, which benefit nobody, which benefit neither the workers in the company nor the management of the company.

There have been cases where managements have gone out of business because of prolonged strikes. There have been cases where workers have suffered greatly because of strikes. Strikes basically are a last resort and they are resorted to only when a resolution cannot be effected to a conflict.

In today's world, in an enlightened environment, it only made sense to us at the time to try something that in fact was not new, something that had been tried in other jurisdictions, had been in practice I believe even at the University of Manitoba among the professors in the faculty association, something that had worked successfully, a concept whereby each party to the negotiations would bring in a final offer. The final offer would be given to a selector who would pick an either/or situation, would pick either the management's or the labour's proposal.

That whole process, Mr. Speaker, is designed to make both parties reasonable in their offer, so you do not have a situation where one party is asking for a \$5 an hour increase and the other party is offering 2 cents an hour. The proposal and the idea behind the proposal is to effect a solution whereby both parties will be reasonable.

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The solution is not fraught without some sort of problems. I am certain that the people who support this repeal measure will go to extremes to point those limitations out. I am sure there are limitations to every measure that people take. To every action there is a reaction. On balance, we felt at the time, in spite of some opposition within the labour movement, that it was a forward-thinking, contemporary thing to do.

Not only that, but what we did was build a sunset clause into the legislation. I believe the sunset is five years. If it were not just political posturing why would a Government, already I believe as long as three years into this legislation, with a sunset clause of five years, attempt to repeal it if it were not window-dressing to their supporters; if it were not to sort of try to impress upon us a principle—God knows what principle that is—but why would they want to do it? Why would they not just simply let nature follow its course and in two years—as a matter of fact it will take us two years to resolve this debate. We will probably keep you here in the Legislature for the next two years discussing this particular measure if you persist in wishing to pass it.—(interjection)—

To the Minister of Community Services, who has taken offence to my remarks, she has to be reminded once again that she is not in a majority situation. As long as she is not, even in a majority situation Governments normally show a certain amount of tolerance and is granted a certain amount of leeway to hear all comments that want to be put on the record.

In fact, I recall four years ago sitting in committee for 200 presentations on the human rights committee when that Member was in Opposition raising a fuss about whether or not gay rights should be included under the Human Rights Code. The Conservative Party at that time certainly did their utmost to drag, pull and draw people into the committee to make presentations on that. At no time did the Government move to try to limit the time of the presentations or the scope of debate on that particular measure. We sat through and Members who were there will know we sat through 200 presenters in July. It was rather a hot experience and I do not think many of us wish to go through that same experience again.

Nevertheless, we have here the makings of another debate, another series of representations and presentations such as we had those three or four years ago. We have the potential here to once this Bill is sent, if it ever does get to committee, to have the 200 presenters, albeit it is a little colder now and perhaps the people will not be injured under the extreme heat and conditions we had last time. Nevertheless, the potential is still there for this particular measure to take a considerable amount of time for the Government to achieve what it wants to achieve.

* (1520)

The question is, what does it want to achieve and why does it want to achieve it? I have said that I feel that it is there only because the Chamber of Commerce has laid down the law and said to the Conservatives, well, if you want to be the big business party in the

next election, if you want our support, if you want our financial support, because now they have two options, they can always give the money to the Liberals. So now you have this competition now between the Liberals and the Conservatives for money from the corporate backers. The Liberal Party never used to be able to get much in the way of contributions but after the '88 election all of a sudden their coffers were topped up rather quickly. I understand people were even falling over themselves from the corporate sector to donate money to them because the corporations want to make certain that they have more than one horse in the stable. I think that whole activity and action is not lost on this Government because they understand how the system works.

Particularly when you have blown a sure thing in the last election and ended up with only 20 seats and have the Liberal Opposition breathing down your back you have to work doubly hard to justify your continued existence to the people that are backing you. I think that is a problem that the corporate backers in this province faced. When they looked at this situation they basically asked the Conservative front bench to once again prove their loyalty to those corporate backers. This is one of the ways they are doing it. If you look through the 94 or 96, other Bills on the Order Paper you see that by and large these Bills are rehashes of old NDP Bills. There is nothing there that we cannot support by and large. I think there are only half a dozen Bills that we find that we have problems with. Out of the whole 93, half of the Bills are ours anyway, either directly sponsored or photocopied and borrowed from our previous Government.

We can see our way clear to support the Government in 90 of its 95 or 96 Bills. We do not have a problem. By and large those Bills too will probably find favour and support among the Liberal Opposition because once again they are not major initiatives by any stretch.

Really the most objectionable Bill that we find in here is the final offer selection. Once again it seems to me that it is there because business has said, show me something, show us something that you have done for us in the last couple of years. Show us one thing that you have done for us, we the people who have bankrolled you to get you here in the first place, and they have not been able to. They have been able to use the argument that we have a minority Government, and those terrible Liberals are slowing us down and the NDP are slowing us down and that whole argument, but they still have not been able to produce anything concrete for the business community.

This is the measure that I think they hold out, a little bit of symbolism, but they hold out as something that they are going to deliver to ensure that war chest is fully filled up come the next election.

The other interesting equation here, or component to the equation, is the Liberals, because they are in a terrible situation here. My Leader the other day, or one of my caucus Members, had indicated that the Liberals had two speakers on this Bill so far, one for and one against. That kind of indicates to me that the Liberals really have a problem. A lot of them represent working-class ridings, such as the Member for Transcona (Mr.

Kozak), and will be under some sort of pressure to oppose the repeal, to support the final offer selection and let it run its course of the next two years. At that point, after two years, it dies and that is the end of it, a very reasonable proposition. The Member for Transcona, being a very reasonable person and a politician who wants to be re-elected is going to be somewhat sensitive to the representations made by his constituents in that labour constituency.

He, like a number of others of his MLAs, while they were whipped in line initially by their leader and the same corporate backers who bankroll the Conservatives, now have the second horse in the race here, the Liberal Party. Initially, they probably were prevailed upon by these representatives of the corporate backers to support the repeal of final offer selection. It made sense to them because this is something that they too have to owe to the business community because once again their funding is coming from there. When they went back to their constituencies some of them found a different sort of attitude. That is the problem that they are faced with right now.

In actual fact, from a political point of view I suppose one could argue that the Government is in a no-lose situation on this and the NDP Opposition is in a no-lose situation on this, but it is the Liberals who are hanging out there in the balance not knowing which side of that picket fence to finally come down on and trying to sort of draw lots to see who the next speaker is going to be. They had the one speaker in favour, they have had the other speaker against. They are hoping that somehow they are going to be able to sell the support of the measure and the Opposition to the measure in each constituency.

Not only do they plan to do it constituency by constituency, but I think they have broken it down to street by street now and door by door. Then it will be like a spouse-by-spouse basis, right. If the wife in the house is in favour, they will haul in the person who is in favour, and if the husband is on the other side, they will haul in somebody who is on the other side for the Liberal Party. Heaven forbid if the kids have yet a different opinion, because then they will have to come up with yet a third option or fourth option to deal with that one.

A very interesting story develops here as to where the Liberals are going to go in all of this. The Government cannot be too sure either, because on the surface of it the Liberals have said that they are going to support their corporate backers and they are going to support the Government on this. But on the other hand, given the Liberals propensity to hop back and forth on the same issue, even in the same afternoon, the Government is a little nervous about this pact now that they have with their fair-weather friends over on the other side of the House.

As a matter of fact, they had better not make this into a confidence vote, because they may find that the Liberals at the last minute surprise them and hop out of the bushes, from behind the bushes, and actually vote with the NDP to keep it. I guess when you are in Opposition and somehow think you are knocking on the door of Government, it is very easy to sort of move with the flow.

Not unlike the Member for Niakwa (Mr. Herold Driedger) and the previous Government, the Liberals have sort of adopted his philosophy in spades. He was quite entertaining, because at one point a number of years ago he explained to us that in Opposition you really can have it both ways. This was shortly after the Finance Minister, who had been cringing one of his many times listening to his backbenchers, one day the front bench would call for financial responsibility and the next day, not even the next day, sometimes the same day, Members of the back bench would demand more roads, more bridges and more services of all kinds, and the Finance Minister trying to present a balanced economic position for the Opposition was at a real loss to try to explain this to us and try to keep his own caucus in line.

* (1530)

But anyway that was the problem that they had as Opposition and that is the problem that the Opposition currently have on Bill No. 31, trying to maintain a consistent front. So far the only way they are able to maintain that consistency is by not saying anything on the issue and just develop an ostrich-like position on Bill No. 31; let us keep our heads in the sand and hope that it will go away.

It is sort of like the Minister of Highways (Mr. Albert Driedger), when we asked him what he was doing with the snow this year he said he was trying to find places to hide it. He has been successful, because the snow piles keep disappearing and finally he has done a phenomenal job of hiding all this snow, but he would not have had to hide the snow if the Minister of Environment (Mr. Cummings) had not turned him in last year and spilled the beans and let us know that he was dumping it on the river in the first place.

The Liberal Party is hoping the issue will go away. The fact of the matter is, they will realize that it will not go away. They were not around during the human rights hearings three or four years ago when we did have those 200 presentations, and we did have people even in the Liberal Caucus, the Member for Springfield (Mr. Roch), talking about the Sodom and Gomorrah and the evils of homosexuality. He was not the only one. He was the only one of the current Liberal Caucus who made speeches on that score, but there were others in the Government Caucus who probably would like to hide that record and bury it as deep as they can right now.

My point is that this issue probably has the potential to develop into a similar one to that other situation and the Liberals have not had that test. They have not had that test. They have had it easy. They were given sort of a gift certificate for 20 seats and now they sit here waving the order for the other 20 and they think that somehow they are just going to sort of come to them. They are going to learn that things are not that easy. In fact they are going to go into a very tough election next time and they are not going to necessarily grab all the seats that they were hoping for. Coming with that of course is the problem in dealing with difficult issues. This is the problem that they have in this area.

I am not certain how much time I have spent here, but I do want to, considering that you have held up

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the House for me here to allow me to get up here, try to discover the notes that I have not yet seen. I do want to make some comments on them, Mr. Speaker.

The fact of the matter is that final offer selection in this province does have a track record. The Government and the Liberal Opposition should really spend some time studying that track record.

As my colleague, the Member for Interlake (Mr. Uruski) said so well the other day, the cases have not always just favoured the union. The suggestion is somehow that this particular measure is biased in favour of the union, it is unfair to management, and so on. The fact of the matter is that we have a number of situations which my colleague read into the record whereby the union has not won. In fact it has been management that has won.

I do not know that the balance is exactly a 50-50 situation right now. I do not know that we have had enough cases that we have dealt with in the last few years to actually make a judgment as to whether or not it is a 50-50 situation. The fact of the matter is there are enough situations where in fact it has in some cases favoured the management.

In the situation at the University of Manitoba, in fact final offer selection was practised there I do not know how many years, but a number of years before it was even adopted by this Legislature. The faculty association at the University of Manitoba has employed final offer selection in a number of instances for a number of years before we in this Legislature passed that Bill.

In fact final offer selection I believe if my memory serves me correctly was used in one or more of the Scandinavian countries for maybe even longer periods of time than that on a very successful basis.

Once again we have a measure here that has been successful, works successfully in other jurisdictions, has a proven track record, worked successfully here at the university before we adopted it three or four years ago, has worked successfully since it was put into operation, into effect here in Manitoba.

If anything, my comments would tend to support the view that we made a mistake three years ago in putting the sunset clause in, that in fact we should not have put a sunset clause on it, we should have simply just passed the measure, passed the legislation and left it on the books.

I am not certain why at the time we did succumb. We had a majority Government. I do not know why we succumbed at the time to the pressure to put a five-year limit on it. I think it was in retrospect probably a silly thing for us to have done, but in fact we did it. We put a sunset on it in five years, but the fact that we did sort of makes it even more interesting now as to why the Government would see this as such a priority to get rid of two years early.

It is just absolutely silly on the part of them, but I have already alluded to the reasons why I think that is and that once again has to do with their corporate backers, with their corporate backers having paid the money to get them elected and now wanting to call

the shots as to what in fact they have to show some sort of good will toward the business sector and this is the one thing that they will be able to show the corporate sector that they in fact have done.

Mr. Speaker, in terms of the applications that were filed and how they were disposed of, the first application was January 20, 1988. The employer was the R.M. of Springfield. The union was the Operating Engineers as the applicant. In that particular case the judgment was made for the union proposal. In the second case, January 22, 1988, the Blackwoods Beverages Limited was the Food and Commercial Workers and in that particular case the parties reached an agreement prior to the selector making a decision. In fact, while they went into a final offer selection sort of situation, the parties got together before the selector came out with a decision one way or the other.

The Member for Transcona (Mr. Kozak) who has his pen out there—I am not going to play the same trick I did on him last year with adding up his budgetary figures, so he need not worry about that, but if you would like to keep a tally as we go through, we can come up with a total on the end to see how it has worked out; one in favour of the union, one agreement being reached before a decision was made.

Number three was January 25, 1988, which was Hudson's Bay Company Northern Stores in Thompson, once again the Food and Commercial Workers. We have the parties reaching an agreement prior to the selector making a decision, so that is two decisions being made.

Number four, January 25, was Hudson's Bay Company in Lynn Lake. Once again agreement was reached prior to selector making a decision. Number five was Modern Dairies in Flin Flon, and once again the parties made an agreement prior to the selector making a decision. Number six was the February 19, 1988, the Vista Park Lodge. It was the Food and Commercial Workers, and the decision is pending on that one. Number seven, the Indian and Metis Friendship Centre, the decision is pending as well. Number eight, the Faith Enterprises and the Family Fare, agreement was reached prior to selector making decision.

In No. 10, the Dominion Stores, March 21, 1988, in that particular case it was the Manitoba Food and Commercial Workers as the applicant. In fact in that one, the selector filed the decision for the employer. Now we add one to the employer column. We are batting after 10 presentations, or 10 instances where we used final offer selection, what we have is one for the employer, one for the union and a bunch of decisions being hammered out prior to the selector making a judgment one way or the other. Number 11, on March 29, 1988, we had Imperial Parking Limited, with the Labourers Union, and according to the information I have here the application was withdrawn, so I do not know how that one turned out.

Number 11 was another one where B-A Construction Ltd., where they reached an agreement prior to the selector making a decision. Number 13, Borland Construction, another agreement reached prior to selector making a decision. Number 14, No. 15 was

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another one, Molson Manitoba where agreement was reached prior to selector making a decision. Another one with the same conclusion is No. 16. You see, so far out of 16 cases, we have only had one decision. We have only had one for the union, and one for the management. In total, there have been 30 cases so far.

* (1540)

Number 17, was Portage la Prairie Mutual Insurance, which is Food and Commercial. Once again, they made the decision in advance. I do not know that I have enough time to go through the rest, but I think that we can see just having randomly—and I have not previously looked at this list at all, but just looking at the list that we have looked at here, just over half of the 30 presenters, we have found that we have only had one for the union and one for the management. In fact, the rest have had agreements reached before the selector came down with a decision.

This is hardly an earth-shattering issue that somehow should be allowed to escalate to where it involves the defeat of the Government or using up tremendous amounts of legislative time on this particular situation. Our solution to the Government is to simply pull the Bill, and let us get on with debating and passing the rest of the Bills that we have before us and get out of this Session, so that the Government can go about its normal business of trying to run the province. Heaven forbid, it is having a difficult enough time running the province with what little it has bitten off at this point.

What we see is the economic indicators indicating that the economy is starting to slide. Housing starts have reached their lowest since 1982. Whether we can directly blame the Government, whether the Government is directly responsible for creating these conditions or not, or whether it is just the general downturn in the business cycle or the national, international economies is debatable. I would like to think that the Government has had a hand in turning the economy into the mess that it is turning into, but perhaps they need a little more time spent on dealing with some of the economic issues, and they can probably best do that out of the House, rather than in the House.

Having said that, if they are prepared to push the final offer selection repeal, they are probably one of many repeal Bills that they would like to bring in, then we are prepared to fight it and stay here as long as necessary to ensure that it is defeated.

I suppose we should point out that this is a Government that is operating—well, I suppose it is operating on borrowed time—but it is also operating in a minority situation, which means that it is basically putting its best possible face on what its true philosophy really is.

If this Government were to get a majority, I would dare say that we would have nothing but repeal Bills. We would be looking at something like 94 repeal Bills in this Legislature at the moment rather than having the two or three that we have right now. That is what this Government is all about. It is consistent with the

initiatives on free trade that the federal Government is taking. What it is trying to do is whip this economy into a sort of a free enterprise mode, which means dismantling all the hard-fought-for measures that we have brought in, successive Governments have brought in, even Conservative Governments in this province have brought in, here and there, marginally progressive measures when the conditions warranted them over the years.

There are people in this Government who, if they did come in with a majority, would start to pull this Government over to the right. We would see a very, very laissez-faire capitalistic kind of Government take place here, where they start repealing all the labour law they could, rolling back the clock and justifying it on the basis that somehow the free trade deal demands this uniformity and conformity with the United States, because that is where we are headed long term.

They will argue that consumer legislation, or any kind of legislation that puts any sort of restriction at all on the way people do business is time-consuming and costly to business, increases the cost of doing business. Somehow there will always be some jurisdictions somewhere in the world, that they can hang their hats on and say that there is no regulation, that there is unfettered free enterprise happening in Bermuda, or some other little dictatorship here or there that will offer these capitalists a home where they can hide their money and avoid taxes in the jurisdictions where they earn them.

This is where ideologically this Government is based. This is where this Government is headed if in fact it had a majority situation. That is what a lot of people in the Government here are really getting quite antsy about. They do not like this minority situation. They do not really feel that they can operate on their own and onto their own following their full agenda. They feel they have a tight leash around their neck and we let it out a few inches here or there and then sort of whack it back in again. They are a little upset at that course of events.

I can understand their frustrations. We had enough frustrations when we had a majority Government and even then in a majority situation we still managed to pass a Private Member's Bill on Bible college taxation for the Minister of Highways, that great snow-hider that he has come to be. We still managed to pass a Bill for him in a majority situation. I can imagine that they are tolerating very high levels of frustration over there having to curb their desire for radical change that some of them so want to do. I do not see how Bill No. 31 repealing the final offer selection is in fact going to achieve those ends to them.

I think once again it is just more symbolism that it is only a minor measure in that whole grab bag of things that they would really like to embark on. I have said many times that I think, and the Minister of Highways (Mr. Albert Driedger) is a good example of somebody who I suppose in a moment when he was not really thinking let loose the advice or opinion that in fact he would like to start to have toll roads in this province. While most people sloughed that off as an inappropriate remark for the time and so on, the fact

of the matter is that that is the kind of thinking that this Government harbours, a lot of its Members harbour, because they know that there are toll roads in other jurisdictions and they have seen them work and it is private enterprise at its best and my God that is what we have to bring in here. Sell the No. 1 highway to the highest Tory bidder and privatize the roads. Then where do you stop? The next thing it is hospitals. I know in Alberta the Alberta Government has certainly looked at this kind of situation. The next thing you know it is dismantling of the social safety net that we have brought in.

You only have to look at what Brian Mulroney said before he was elected and what he has done since he has been elected to know what the Conservatives potentially are able to do to us. The fact that they could say in an election, the Premier (Mr. Filmon) will say, well, we will not do this and we will not do that. The fact of the matter is that our experience with Conservatives after they get elected is somewhat different from our experience when they are in Opposition or before the election.

Bill No. 31 is just one of those little measures. If we are here a year from now, if I am still at the same microphone, and if this Government has a majority, I think we will be looking at 94 repeal Bills. That is what the agenda will be. We will not have the luxury of threatening to defeat this or that because we have combined numbers. We will not have that at all. They will have the toll-road Bill, they will have the repeal-the-FOS Bill, they will have all these different Bills, the sell-the-hospitals Bill. Basically the Conservative philosophy is the Government that governs least governs best. Right? The idea of a Conservative Government is one where we do not get involved. We just let free enterprise do it all. Just sell the province off and let the business try to make their way in a total free enterprise environment, free trade environment.

Let them compete. Let those Manitoba hospitals compete with the North Dakota hospitals for medical services. Let us keep our hands off it. Because it is a free enterprise environment, we cannot get involved in the economy.

* (1550)

That is what the Free Trade Agreement has brought upon us at this point. I mean, right now in the Maritimes we have a situation where the provincial Government is afraid to subsidize fish plants because the Americans will look at this and say, this violates the Free Trade Agreement, you cannot do that. This is the kind of legacy that the Mulroney Government has left us.

John Turner is no better. John Turner was a well-known proponent of free trade. In fact, the Liberals as a Party have been long-known proponents of free trade.

As a matter of fact, it was the Conservative Party, to their credit, that fought the concept of free trade in elections in 1911 and other elections, and now they sold out. They are a classic case of the sheriff joining the rustlers. They are the Johnny-come-latelys to the free trade debate because the Liberals were the ones that started the whole ball rolling. They were the ones that started it -(interjection)-

Well, I mean the local Manitoba Liberals, one never knows once again, which side are they on? If the trade deal works, they will think it is a good deal. If it does not work, they will not like it. Their federal leadership candidates right now are having a very difficult time grappling with the free trade situation. They are pretty well all saying now, well, maybe the free trade deal is not such a bad deal. They have got their eye on the corporate pocketbooks as well.

They saw what happened to Lloyd Axworthy. Lloyd Axworthy could not get any donations because he opposed free trade, but those remaining Liberal candidates in the Liberal leadership race are aware that if you attack the corporations, you have to pay the price.

Part of the price is not being the Government of the country. Mulroney proved that last time by supporting free trade, by doing what business wanted. He supported big business. Big business supported him. They have one happy arrangement there federally.

The Liberals want back on the gravy train. They have been shut out. They know that opposing the free trade did not work because big business turned off the taps to the money—

Mr. Speaker: Order, please. The Honourable Member's time has expired. The Honourable Member for Rupertsland.

Mr. Elijah Harper (Rupertsland): I move that debate be adjourned, seconded by the Member for Flin Flon (Mr. Storie).

MOTION presented and carried.

BILL NO. 70—THE PROVINCIAL COURT AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice (Mr. McCrae), Bill No. 70, The Provincial Court Amendment Act; Loi modifiant la Loi sur la Cour provinciale, standing in the name of the Honourable Member for Churchill (Mr. Cowan). Stand.

Is there leave that this matter remain standing? Agreed.

BILL NO. 40—THE LAND SURVEYORS AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice (Mr. McCrae), Bill No. 40, The Land Surveyors Amendment Act; Loi modifiant la Loi sur les arpenteurs-géomètres, standing in the name of the Honourable Member for The Pas (Mr. Harapiak), the Honourable Member for The Pas.

Mr. Harry Harapiak (The Pas): Mr. Speaker, I am pleased to stand and speak on this Bill No. 40, dealing with the Land Surveyors Amendment Act.-(interjection)- The Member for Lac du Bonnet (Mr. Praznik) wants 45 minutes. I wonder if the House will give me leave to go the extra five minutes.

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Mr. Speaker, I think this is a very important Bill. With the Member coming from northern Manitoba, and one who was raised in rural Manitoba, I understand the importance of having surveyors and the important role they carry out in the carrying out of their responsibilities.

I have some concerns about the reasons for the Minister bringing this forward in this Legislature. In his introductory remarks dealing with the Bill, he said that the Bill arises primarily from a court decision in which the current Land Surveyors Act was found to be deficient, and it does not prevent unqualified persons from doing land surveys. I guess there were a few breaches of The Land Surveyors Act, and they felt it was necessary to bring forward this amendment. I have some difficulty any time there is an organization setting up a closed shop and, in actual fact, this is what is happening in this particular case. The land surveyors certainly would go to the Minister of Justice (Mr. McCrae) and say that they do not want to allow people who are not members of their association to be doing surveys in the province.

If the people would realize some of the difficulties there are in rural Manitoba in getting people out to do surveys, and when it is possible to get someone who has the qualifications of a surveyor to come out and do simple surveys, then I think it should be allowed. The Department of Highways has some surveyors in their employ—there are many. Also, in the Department of Natural Resources, there are a lot of surveyors, and they may be living in northern Manitoba. I think that if somebody wanted to say—for instance, if a farmer wanted to give a five-acre lot to his son or daughter to build on the same farm land, then it should be possible for that person who has the qualifications to do a survey and allow that to happen.

The way it stands right now, there are no professional surveyors in the community of The Pas, so someone would have to come in from the City of Winnipeg or the City of Brandon to come and do the surveying in that community. There would be a massive bill. When you start paying the mileage costs for the people to get there, the expenses of staying in a hotel in order for the surveyor to come up to the community of The Pas, I know that you would look at several thousand dollars just to do a small survey of that sort. I have some concerns that this will shut out those opportunities for that happening.

I would also like to know, Mr. Speaker, is there an association that these surveyors belong to? I would also like to know the membership of the association. Is it only the members of the profession who are part of an association? Who sets the guidelines, the rules for them? I can understand why they would be going to the Minister of Justice (Mr. McCrae) and saying, yes, we want to have a closed shop. We do not want that surveyor from the Department of Natural Resources or the surveyor from the Highways Department going out and doing us out of some work.

I know there is difficulty in getting surveyors out to northern Manitoba. I know of one instance in which the Local Government District of Consol had a project in mind. In that area they have been troubled with flooding for many years. They felt that it was necessary

to build a bank which would stop the Saskatchewan River from flooding over into the Ralls Island area. They tried to get a surveyor and the Department of Natural Resources had changed some of their operating rules, so there was nobody available for them to come out to The Pas to do the survey. The reason they were trying to get this survey carried out is because there was some funding available at that time for projects for training the equipment operators, and the equipment was available to Keewatin Community College in The Pas.

(Mr. Neil Gaudry, Acting Speaker, in the Chair)

I think this is an instance where some of the training that is going on can be put to a useful purpose. I think that while the operator training was going on in the Keewatin Community College rather than moving one pile of dirt over to another pile of dirt, they could have been moving the fill that was necessary to build that Saskatchewan River bank up and would have provided protection for the people of Ralls Island.

I think there are instances of that sort, had there had been a land surveyor available in the town of The Pas, they could possibly have carried out that survey and the Local Government District of Consol could have gone ahead with that project. I know that Keewatin Community College has worked with other projects of similar size in northern Manitoba while the training was going on. I think that is a proper use of public funds. If the educating is being done for the operators that are necessary for operating that heavy equipment, because we know that there is always a need for heavy equipment operators because Limestone was constructed a few years ago when we were Government and there was a shortage of operators at that time. So if the people had had the opportunity to train, if there had been projects available for them to work on, I think there would have been more qualified people around to fill the jobs.

So I am hoping this Government will look very favourably at providing some of those training programs that are necessary and give Northerners a much greater opportunity to take advantage of the employment opportunities that are going to be there when Conawapa is built. I recognize that—

* (1600)

An Honourable Member: We should give Northerners a chance to vote for something besides you, Harry.

Mr. Harapiak: The Minister of Northern Affairs (Mr. Downey) always has to put in his two cents. He as Minister of Northern Affairs, has been going out to northern Manitoba and he has recognized the benefits of some of the training that has gone on in northern Manitoba. I just recently had an opportunity to attend a graduating class, the band managers, and the Minister of Northern Affairs said he was tired of travelling to northern Manitoba so he sent one of his colleagues, the Minister of Natural Resources (Mr. Enns), and he attended that—(interjection)—on December 10, I believe. The Minister wants to know the date. I think it was December 10, and he was unavailable so he sent the

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Minister of Natural Resources. They received some credit.—(interjection)—The Minister of Natural Resources always does a fine job. He has a commonsense approach to carrying out his responsibility as Minister. I think the Minister has to be given credit for carrying out his responsibilities.

There is another function going on in the Keewatin Community College which had supplied land surveyors on previous occasions in their training. There is a project that is going to have the official opening on February 14. I am pleased that the Government has chosen Valentine's Day to have the official opening of the residence in Keewatin Community College.

The Member for Flin Flon (Mr. Storie) was largely responsible for that project going ahead. He had committed the million dollars for that project when he was the Minister of Education and it was in the process of going through. I am pleased that with my assistance as the Member for that constituency, and when you talk about the Keewatin Community College, it does not only serve the constituency of The Pas.

I think Keewatin Community College is recognized as doing an excellent job of providing courses that are required in northern Manitoba. The Land Surveyors Course is one of these courses that is required. Presently they are providing training in Thompson, so that is part of Keewatin Community College as well. They have satellite offices through the North and I think that is the way it should be set up.

They are doing an excellent job of communicating with the communities in northern Manitoba and finding out what courses are necessary and doing an excellent job of carrying out that training. I know that the president, Mr. Tony Lussier, who I knew many years ago as a teacher in the Town of The Pas, and I believe, Mr. Acting Speaker, he is an acquaintance of yours as well. He did an excellent job as a teacher for the Kelsey School Division for many years and then he moved on to teach at the university level of Native education, and then he took on the responsibilities of being president of Keewatin Community College. I think he has done an excellent job on that. He has a good strong staff and they are reaching out and talking to the people and finding out what subjects are required.

I think that they are not only talking to the Native organizations, but they are also reaching out and dealing with Hudson Bay Mining and Smelting in Flin Flon and also International Nickel in Thompson. They are working in very close co-operation with them. I recognize that they have had to become much more aggressive in the courses that they offered because of the funding cuts that were done by the federal Government, but they certainly have accepted the challenge that is out there and they are providing the services that are required.

I am talking about this Land Surveyors Act, I think, that we get to the point where we are dealing with a person who contravenes the Act. There is a \$2,000 fine for contravening the Act and I think we should look very carefully at who we are going to be fining here.

Will there be cause to put the penalty in place if somebody from the Department of Highways, who has

a land surveyors certificate, but he is not a member of the association, would the member of the Department of Highways—I am sure that the Minister of Highways (Mr. Albert Driedger) is here, and I am sure that he would not prevent one of his employees who was on his days off and he is a qualified engineer, if he did a survey for some acquaintance of his. I am sure that the Minister of Highways would not want his employee to be receiving a penalty of \$2,000 because of the fact that he has done a favour for one of his friends or acquaintances. I think we should look very closely at who the offences are going to be brought against and where the liability and the conviction will be brought in for the members who are carried out in that line of questioning.

We had a very short opportunity to deal with the Estimates of the Department of Natural Resources and one of the areas that we did not have an opportunity to touch on at all, because we had used up all the time—(interjection)—

Well, the Minister of the Environment (Mr. Cummings) wonders whose fault it was. I guess it is a change in atmosphere in this House. I guess when you move from a Legislature where there are only two Parties in it and you move to a House where there are three Parties, I think it changes the atmosphere completely. I do not think it is the fault of anyone in particular, but I do know that there were several agreements that were struck between the Liberal House Leader and our House Leader. The Liberal House Leader had some difficulty in keeping his Members in check. We had agreed to a certain number of hours and, unfortunately, some of those Members did not listen to their House Leader.

Some Honourable Members: Oh, oh!

The Acting Speaker (Mr. Gaudry): Order, please.

Mr. Harapiak: I think that the Member for Inkster (Mr. Lamoureux) is an extremely nice person, but I think that he does not have a big enough whip to call his Members into check, because in a couple of departments there was not much discipline. I refer to the Department of Health and, I guess, the Department of Environment. When we came down to the Department of Natural Resources, we were so limited in our time that the Member for Selkirk (Mrs. Charles) nor myself could really delve into the departments as thoroughly as we would have liked to. There are some extremely important parts—including the land surveyors portion of the Department of Natural Resources that we would have liked to have spent more time and got into a thorough discussion on what the land surveyors are doing.

Some of the surveying and mapping that is carried out by the Department of Natural Resources by the staff of the Department of Natural Resources, I note that they have a budget of \$3,305,900.00. There was a slight increase in that department, and that is one of the few areas that there was an increase in the Department of Natural Resources budget. By and large, the Department of Natural Resources has had a reduction in their budget.

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I recognize that the Department of Health has had quite an increase, and I know that health is a priority with all the citizens of Manitoba. I guess the ferocious Minister they have with the Department of Health, I know that he would get in there like a fierce fighter and make sure that his budget is increased.

* (1610)

Some of the responsibilities of the land surveyors in the Department of Natural Resources are they maintain, they enter provincial boundary lines, and that is extremely important. I do not think they change that often, but I guess there is a requirement to maintain it, so I am sure that takes a good portion of the people's time. I guess they have to maintain the township land surveys under The Surveyors Act, and they administer, direct, and control the surveys of the Crown land.

When you come to that subject, Mr. Acting Speaker, there is one area that I think there is going to be a real call on the land surveyors to become very busy in the next little while, because of the negotiations that are going on or were going on when we were Government dealing with the Treaty Land Entitlement. I think that there is going to be a need for many surveyors to fulfill all the commitments that are out there dealing with the Treaty Land Entitlement.

I know that when I became the Minister of Natural Resources, the previous two Ministers, the Member for Churchill (Mr. Cowan), and the Member for Flin Flon (Mr. Storie), had brought the negotiations down to the point where we were very close to signing that agreement. I think it was a fair agreement, not only for the aboriginal people of Manitoba who have outstanding land claims, but I think it was a fair agreement for Manitobans. I think that there was a process in place, and no Manitoban would have been hurt by implementing that agreement we had in place.

I felt, at one meeting that we had, that we were close to signing that agreement. The Member responsible for Native Affairs at that time was Mr. Crombie. We were at the airport in Winnipeg and we were ready to sign the agreement. He had gone through it completely, we had a thorough discussion and he had agreed to sign the agreement. One of his staff members came along and said, I guess, Mr. Crombie, we need to make sure that the public relations is right on this, so let us take a week and set this aside and come back a week later so we will have the press release from both the federal and provincial Governments.

From that meeting things deteriorated to the point where we were not able to sign the agreement. The federal Government staff went back to Ottawa, and I guess they had another look at the agreement that Mr. Crombie had said he was willing to sign. They started coming up with new conditions that neither the aboriginal people of Manitoba nor us as a New Democratic Government could agree to. So that was the breakdown in negotiations.

After that period Jean Chretien, who is now the leading candidate for the Liberal Party federally, took on the responsibilities of trying to come and complete negotiations. Mr. Chretien came down, and we had a

couple of meetings with him, but it appears that this was nothing more than window-dressing; it did not amount to anything. I think he was just trying to prepare his political future. I think he was using this as an opportunity to make some money as a consultant and touch base with many of the aboriginal people of Manitoba; so he was able to touch base with them.

So I think that whenever there is an agreement to settle the Treaty Land Entitlement, there is going to be a call for many legal surveyors in Manitoba to do all the surveying of Crown lands that are going to be required to fulfill the Treaty Land Entitlement. I know, Mr. Acting Speaker, that there is a real concern about some of the extension that Repap has received in their allocation of Crown lands too.

I know the Member for Dauphin (Mr. Plohman) on several occasions took the opportunity to raise the fact that Swan River is much worse off in their agreement with Repap than they would have been if they had gone ahead with Penn-Co. I know Penn-Co was going to be putting in 400 jobs in there.

So I think it is important that we are sure of what allocation the Repap has been given. I know that there is going to be a requirement for some more surveying in the Province of Manitoba to make sure that Repap is staying within the boundaries that have been allocated to them by the Province of Manitoba.

I know, Mr. Acting Speaker, that in this same department, dealing with surveying and mapping in the Department of Natural Resources, there has been a great change in the system they use for making maps. I know that there was some discussion on putting this into the private sector. I am surprised that the Minister of Natural Resources (Mr. Enns) did not put this portion of it out to the private sector even though the Department of Natural Resources has been doing an excellent job of providing whatever maps that are necessary for the people in the Province of Manitoba. I know that there has been a lot of allocation of funds for aerial photography so they would have a much better bank of information in the department so they can fulfill any of their requests that may come when there is a need for mapping in northern Manitoba.

Mr. Acting Speaker, in the same department, dealing with surveying, there has also been a big capital investment in the last couple of years. I know that many of the departments have been computerized in order to make them much more efficient. I think that the computerization of some of the departments allows for greater distribution of the jobs throughout Manitoba. I know that now with the computerization it is just as feasible to have the mapping people located in the Town of Dauphin or the Town of The Pas as it is in the City of Winnipeg.

I know that many of the departments within the Government Services could be located in outlying areas, and I am looking forward to the Government's attempts to distribute some of the jobs throughout the Province of Manitoba. I know that people in The Pas are very excited, because they see that the present Government has The Pas as one of the target seats as they have had for the last three years. They were predicting for

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the last three years that The Pas is a seat that they are going to win. I think they were quite surprised in the last election, because they had a very popular mayor in the town of The Pas. I admit the mayor has done an excellent job of being a mayor in that community. He has shown good leadership and there has been good co-operation between the town of The Pas, the LGD and The Pas Indian Band.

I think that co-operation needs to go on. That mayor, Bruce Unfried, has been able to provide that leadership and work very comfortably with those people. I know last time, when the mayor had agreed to run, the Conservative Party was extremely excited. They said, this is it; this is our seat now. It was a very interesting election, but I think that the mayor ran for the wrong Party. I think that he is much to the left in his thinking of any sitting Conservative Member in this House. I think that he would be a very good influence in that Party, because they certainly need some leftward-leaning thinking.

I think that the mayor would have made a very good addition to that caucus and maybe even to that Cabinet. I am sure that with his experience he would have been in the Cabinet. But as voters of The Pas have demonstrated on several occasions, they are a very wise people in northern Manitoba. They take their politics very seriously and they, once again, took their politics seriously. They saw that the New Democratic Party was one that would represent their interests best—(interjection)—and yes, the Minister of Family Services (Mrs. Oleson) wants to know if this has anything to do with Bill 40. Yes, it certainly does, because I think it is important that we continue to provide the funding for the Department of Natural Resources so they can continue to provide that very important service in the department.

The Pas area is one of the areas that does require surveying. There has been an awful lot of surveying done in the valley as it stands right now, because there has been a great amount of dollars pumped into Polders I, II and III. The former Minister of Natural Resources, present Minister of Rural Development (Mr. Penner), was up to The Pas when they continued a project that we had started in Polder III. I know one of the requirements for that project was that there would be a proper surveying done. I know that the Department of Natural Resources provided the surveying. It was done there and that proposal is going ahead. The farmers are very thankful for that project, because I know that this is one of the most productive pieces of farm land that there is in Manitoba.

* (1620)

I know that there are people who feel that the Red River Valley is some of the most productive farm land, but I think if you went and compared the production of the Pasquia Valley with the Red River Valley over a 20-year period, you would find that The Pas, from the information I have received, would be in the vicinity of 15 percent overproduction over Red River Valley. That is because their moisture levels in that area are much higher, so that they do not have the difficulties and the dry years that they do in the Red River Valley, even in

the last couple of years when most of Manitoba was faced with declining production because of the low water levels. The LGD of Consol had excellent crops.

I would hope that the Minister of Agriculture (Mr. Findlay) will take the opportunity to come out to The Pas and see some of that farm land. I know that people are surprised when they get out to The Pas. They cannot believe that there is that large a piece of land that is completely open. I know that he would fall in love with the area if he did come up there and see it. I invite the Minister of Agriculture to come up there, and maybe he would even look at bringing some additional friends to settle in the valley. There is still room for some more farmers.—(interjection)—Mr. Acting Speaker, we have big mosquitoes there, but the people are—

Mr. Acting Speaker, I am sure that the Minister of Agriculture (Mr. Findlay) will take the time to come during the summer months. I do not think there is much sense in him coming up for the Trappers Festival when many of his colleagues are coming up there. They are not going to see much in the line of farm production. I think that if you took the time to come up in the summer months that you would be very pleased. June is an excellent month to come up to The Pas, so I would hope that the Minister of Agriculture would come out and see the surveys that have been carried out in that area in order to—(interjection)—I will invite him. I invite him right now. I would hope that he would come up before an election. Maybe there might be an election before then, but not only during an election, because I do not think those visits are as effective if they are carried out during an election period.

I would hope that the Minister of Agriculture (Mr. Findlay) would come and see of this excellent staff that he has got there in The Pas and see some of the work that has been carried out. I know the Minister of Rural Development (Mr. Penner) has been there—

An Honourable Member: We will check in with Armand.

Mr. Harapiak: That is right. Armand LeSann is one of the leading farmers in that valley. He has gone out and he is part of the committee that is promoting the Port of Churchill. He does an excellent job of farming. I know Mr. LeSann as being a practising Catholic. He is also a very strong practising Catholic, so therefore—(interjection)—no, he has seven.

An Honourable Member: Are there degrees of being one with him?

The Acting Speaker (Mr. Gaudry): Order, please.

Mr. Harapiak: Mr. Acting Speaker, I know the Minister of Agriculture will take the opportunity to come out and find out what surveys are still required. I hope he takes the opportunity to come out this summer, so he can see first-hand some of the excellent work that is going on in that area.

Mr. Acting Speaker, in looking at the Department of Natural Resources's surveys and mapping projects, when you look at the administration and some of the objectives that are set out for the department in dealing

with surveying and mapping, I guess it wants to provide Manitobans with surveying and mapping system and products that support the definition of property rights and land, and the display of land-related information.

The Member for Portage la Prairie (Mr. Connery), who usually gets pretty excited when I start speaking, wants to know what Bill I am on. It is on Bill No. 40, The Land Surveyors Amendment Act. It is a short Bill. It does not seem that there is much to the Bill, but I know that the Member for Portage la Prairie, being a rural Member, also has concerns on a Bill of this sort being passed where we would be giving a penalty to people who are carrying out surveys without proper certificates.

I think that anybody doing a survey should be qualified. I think that there are people from the Department of Highways and Department of Natural Resources who are residents in those communities could carry out some of those surveys. That is sort of the gist of what I was speaking about. So I know now the Member for Portage la Prairie will rest much easier.

Mr. Harapiak: Mr. Acting Speaker, some of the activities that the Department of Natural Resources are involved in it was mentioned earlier, and is consulting with the interboundaries commissioners. I guess they want to ensure that the boundaries are maintained in a proper way. They tell me that during the year there is a need for approximately 65 legal plans of surveys for Crown land and some of them are in the vicinity of the interprovincial boundaries. I think in some of the areas it is necessary to have those surveys carried out.

Mr. Acting Speaker, one of the areas that I wanted to touch on briefly when it comes to dealing with the land surveys, and I know that it is going to be necessary to carry out the survey dealing with the project that has been put forward by the agricultural group in the community of Cowan dealing with a project in the Duck Mountains. There is going to be a water retention project in that area that will slow back the flow of water for a 12-hour period. I think it will stop some of the flooding that is going on.

The land along that community is along a very narrow stretch and it follows the North Duck River. I know that the people who have land along that area, they have been flooded in about three of the last five years because of heavy rainfalls in the Duck Mountains. There has been a lot of damage done to the land in that area. One of the parcels of land that was damaged very heavily in 1988 was my brother's farm land.

I know that there was a group of people who went down to the Emergency Measures Organization, and they looked at all the damage that had been done in the Garland, Pine River area -(interjection)- That is who I am referring to. The Member for Portage la Prairie (Mr. Connery) is extremely sensitive. I was just going to mention that the Minister of Agriculture, as a matter of fact, and the Premier both went down to see the damage that was caused by that bad storm. It happened just when we were changing Government, because I was still the Minister responsible for the Emergency Measures Organization. I had an opportunity to go down

and see the damage that had been caused. I know the emergency was extensive, and I am pleased that program had been put in place by the Emergency Measures Organization. The Manitoba Disaster Assistance Board was able to cover some of the damage that had been done by that, but you never fully recover the loss in the land value when there is a tremendous flood of that sort.

I know there was a program that was brought forward to seed most of that farm land that was washed away, so I am happy that land is in the process of being restored. I think if the Members of the front benches would take into consideration some of the information that was put forward dealing with this project that they will support it, because I think it is a project that is going to improve the quality of the farm land in that area. I think that the Minister should take the opportunity to supply the funding for the surveying that needs to be done with that project.

I know, Mr. Acting Speaker, that the Clean Environment Commission has carried out a study. There were some concerns from the people down river because they thought it would affect the fishing industry but, after they had an opportunity to learn a little bit more about the project, then they found out that it would actually enhance the fishing in the Duck River because of the fact that there would not be any flooding, and there would not be any of the fertilizers and the chemicals running off into the river. So it would make the Duck River a much cleaner river and, therefore, the pickerel would probably be rearing to a much greater degree than they had been in the past.

I am looking forward to the Minister of Natural Resources (Mr. Enns) announcing officially that they are going to provide the funding for the surveys which will make it possible to put the roads into that area. I know that it will probably be a project that will be staged over a couple of years because of the fact that there is a shortage of money at this time, but I had hoped that the Minister would put the funding in place for that project.

* (1630)

With that, Mr. Acting Speaker, I thank you for your patience, and I think with those words that I have put on the record our caucus is prepared to send this Bill to committee. I hope that the Ministers would give us an opportunity to bring the information forward at committee level of just who will be affected by these Bills, and how stringent they are going to be in the application of these. There are several questions that the Member for Interlake (Mr. Uruski) put on the record, and I would hope that the Minister would bring those bits of information forward at the committee so we can make the necessary amendments to the Bill when it comes forward.

With that, Mr. Acting Speaker, I thank you for your time.

QUESTION put, MOTION carried.

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BILL NO. 47—THE DEPENDANTS RELIEF ACT

The Acting Speaker (Mr. Gaudry): On the proposed motion of the Hon. Mr. McCrae (Minister of Justice), No. 47, The Dependants Relief Act; Loi sur l'aide aux personnes à charge—the Honourable Member for St. James.

Mr. Paul Edwards (St. James): Mr. Acting Speaker, it is with great pleasure that I rise today to speak on the first of what I will call the family law package. That is Bills No. 47 through 52 presently before the House, as well as Bill No. 57 which I also include in this package as being of special interest to those people involved in the family law area and indeed the many groups that have seen fit to review and comment on these Bills. I trust that at the committee stage we can deal with these in a whole and as a package and include the Bill No. 57.

With respect to Bill No. 47, Mr. Acting Speaker, this deals of course with the new Dependents Relief Act which is intended to replace the existing Testators Family Maintenance Act. I do not claim to be an expert in family law, and I have never practiced particularly in that area. However, I do know something about The Testators Family Maintenance Act. It is with some pleasure that I see that The Dependents Relief Act comes in to replace it and give, in my view, some improvement to the overall situation.

Mr. Acting Speaker, generally applications for an order of maintenance or support can be made by those for whom no or insufficient provisions have been included in a will, and as well, applications can be made in cases where there is no will. The proposed legislation does improve upon the old Testators Family Maintenance Act in some very important respects. In particular let me highlight a couple of those and speak to the principles which have given rise to those changes.

The Act does shift the test for entitlement from moral duty, what has traditionally been seen to be moral duty attributable to family relationship, to one of dependency. This does in a sense preclude the possibility of those who are indeed able bodied, able to provide for themselves, who are simply a bit, I might use the word "cheesed off," perhaps if they were left out of a will, from applying because of their family familial relationship to try and get some part of the estate which they have been left out of. So it is appropriate that it shifts the dependency, Mr. Acting Speaker.

This Act of course works in co-operation with The Dower Act to deal fundamentally and primarily with spouses of those who die and have either left no will or simply left a will that does not deal fairly with a surviving spouse. Unfortunately, Mr. Acting Speaker, that is something which occurs in our society. It is unfortunate that we need laws to force people to deal fairly with the people they have left behind who are dependent upon them. That does tend to be the case in some situations, and so we as legislators must respond to that and ensure that you cannot desert a dependent of yours when you die and leave them high and dry with no provision or inadequate provision, or indeed no will at all.

As well, this Bill before the House does make a significant step forward in recognizing the potential dependency of common-law spouses, and to that extent it brings into line the after-death provisions with what we already have in The Marital Property Act and that is that, at some point, common-law spouses do become entitled to share in the wealth of their common-law spouse. It is not always the case, you do not automatically get those rights, but in some cases you do. In particular, of course, where you have been with that spouse for some period of time or have had children with that common-law spouse, and the law now says that, just because you never signed the marriage certificate, you are not liable to be totally excluded from the revenues and the wealth of the other spouse.

Many of these Bills, and it is true about this one, do have a particular importance for women in our society, and I do not think that we should go too far in saying that these are not a benefit to all Manitobans, but on the other hand to the extent that we have more female surviving spouses than male surviving spouses, is simply to recognize the reality of the world as it is. That of course is not an absolute, it is a generalization, but the truth is that, overall, that is the situation in which we live, and so we must recognize that it is generally women who are left in a marital relationship after one spouse dies.

As well, although it is certainly changing in our society, it is generally the male in a marital relationship who tends to hold the wealth of the marriage. Our Marital Property Act, which deals with the division of assets upon a dissolution of a marriage as well as The Divorce Act, have recognized that we need to treat spouses equally and fairly in a marital relationship regardless of who actually goes out and earns the income and in fact may hold the wealth in their name. We cannot allow one spouse, simply because they have the access to the wealth of the marriage, to control it, both on dissolution and on death, and it is for that reason that I think this Dependents Relief Act does do some justice in again shifting the moral duty test to one of dependency and also recognizing the needs of dependent common-law spouses.

As well, this Act of course as I have said, works in concert with The Dower Act. It used to be that you had to make a choice. You chose The Dower Act or you chose The Testators Family Maintenance Act. Now we have thankfully got rid of that and if, under The Dower Act, a spouse does not receive sufficient income to live at a fair standard of living given the previous standard that that spouse had been living at, then they can also as an adjunct to that, supplement their income by making an application under The Dependents Relief Act. Where the state has the assets to comply with that, obviously it is appropriate that application be allowed to be made and for that reason this also is an important step forward philosophically and in real terms for the people of Manitoba and, of course in particular, women.

* (1640)

There are, however, some concerns that I have with this legislation and I must say to the Minister, and I

am sure that he has met with them also, that I have met with the women's groups who have been involved and very active in reviewing these pieces of legislation, in particular the Charter of Rights Coalition and the Manitoba Women and the Law, Association of Women and the Law group, they have brought to my attention concern about including in the dependents the siblings, grandparents, parents, and grandchildren. They have brought that concern to me giving some justification for it. I must say I do have some sympathy for their concerns and at the committee stage I am going to greatly look forward to them expanding on those reasons and hearing the Minister's response, because I know that he has also been involved with these groups and he will have had the advantage of their concern. I am sure that by the time this reaches committee, we will have some advice on the validity of their concerns which I must say at this point I do have some sympathy for.

In particular, their concern that if you broaden the definition of dependents under this legislation it may have the regressive effect that a person would not be inclined to support a dependent, to get into a relationship of dependency prior to death for fear that that person would then make a successful application under this Act and dilute the estate. To that extent, all to the spouse, all to the surviving spouse theory is diluted by these amendments and that may indeed be something that we have to look at at the committee stage with a view to amending or deleting in its entirety.

As well, the groups I have spoken to indicate that if people do choose to create a relationship with dependency while alive and then die and grandparents, et cetera are inclined to make an application, or do make an application successfully, they suggest that this may lead to resentment and ultimately fuel the problem of elder abuse. I am not sure about that, Mr. Acting Speaker. I feel more sympathy for their first reasoning that is with respect to people fearing setting up a dependent relationship simply because of what will be the consequences upon death, but in any event I must say that the all to the surviving spouse does seem philosophically correct. In real terms it is important to recognize that aside from relationships with grandparents, siblings, and the grandchildren, the fundamental relationship which has to be dealt with fairly above all else, above all others, is the relationship between spouses. That seems to me to be a defensible principle, one that we have recognized in other statutes and one that is important to maintain.

Of course, other provisions under the other laws do make provision for dealing with children and to that extent any dependent children should be looked after. Indeed, The Dower Act makes provision for that. It is important, Mr. Acting Speaker, to be concerned, I would suggest, with any dependent children, and they are dealt with where they are under the age of 18, where they have not become adults.

Indeed, when we go on to talk about The Intestates Succession and Consequential Amendments Act which replaces the Devolution of Estates Act, we are going to get into some of that discussion.

In addition, let me say that we do support this overall package. We support this piece of legislation in principle.

We have those concerns that have been brought to our attention. We intend to ask questions at the committee stage, and look forward to some answers from the Minister of Justice who thankfully, thanking the women's groups, will have some lead time, and I think it is very commendable that these groups took a significant amount of time and effort to look at these in detail and, more than that, have put forward their concerns in a timely fashion and in detail for all of us to consider thoroughly at the committee stage and indeed before it.

Mr. Acting Speaker, the other concern that is raised—and again, I am going to be looking at it prior to the committee stage—is the definition of in loco parentis, which is of course the relationship between a parent and a child that are not naturally bonded as the natural parent of the child. Rather, a child gets into a relationship of dependency not because of a natural relationship, a blood relationship, but rather simply one of the real situation in their lives. That is, they in fact live with this person and see them as a parent and the parent sees them as a child.

So that again is an old principle in the law that you cannot say, I disown my child simply because that child is not a blood relation of mine. If you act as a parent, if you take on the responsibility, you must see that through. The courts will not uphold you in disowning children both in your lifetime and after death. Of course, that is an important principle which our Party certainly upholds. We will look for a clearer definition in this Act at the committee stage of what in loco parentis means.

(Mr. Speaker in the Chair)

Mr. Speaker, with a view to getting on to some of these other pieces of legislation, which I hope we may be able to get on to this afternoon, I will conclude my comments on this Bill and simply speak in favour of it in principle and ask that it go to committee at the earliest opportunity. Thank you.

Ms. Judy Wasylycia-Leis (St. Johns): Mr. Speaker, I move, seconded by the Member for Flin Flon (Mr. Storie), that debate on Bill No. 47 be adjourned.

MOTION presented and carried.

BILL NO. 48—THE INTESTATE SUCCESSION AND CONSEQUENTIAL AMENDMENTS ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Justice (Mr. McCrae), Bill No. 48, The Intestate Succession and Consequential Amendments Act; Loi sur les successions ab intestat et modifiant diverses dispositions législatives, standing in the name of the Honourable Member for Seven Oaks (Mr. Minenko). Stand? Is there leave that this matter remain standing? No leave. The Honourable Member has lost his right to speak. Second reading. The Honourable Member for St. James.

Mr. Paul Edwards (St. James): Mr. Speaker, this is the second of this package of legislation before the

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House which goes from Bills No. 47 to 52 and includes Bill No. 57, as I have earlier said. This is also a very important piece of legislation. It is not a long piece of legislation, but it is a very important piece of legislation.

What it does is basically do away with The Devolution of Estates Act and replaces it with a much longer title. I think a clear indication of what actually is occurring in this Bill, that is The Intestate Succession and Consequential Amendments Act. This piece of legislation, this Bill rather, basically deals with the distribution of estates of people who died without a will, that is, intestate. Again, that happens with surprising frequency in our society.

One might think that we have come to the stage where most people realize that when you take on certain responsibilities, you must have a will. Unfortunately, Mr. Speaker, there are a large number, I would submit, of Manitobans who simply die without having made a will. So it is very important that we have a statute in place to deal with what to do with these estates. Surprisingly, these estates are often very large. It is surprising that people with large estates would not take the time to write a will, but it does happen on a fairly regular basis. Oftentimes there are large sections of land, as well as other assets, with which people have accumulated and then not seen fit to write a will. So it is very important that we be able to deal with that in an expeditious fashion.

* (1650)

The theory which is put forward by some of the commentators on this Bill is that this Act should embody principles which are the wishes of the majority. In other words, what we should do when we are saying, this is what we do with your estate if you do not have a will, is to do what the majority of people do in our society. I have some sympathy for that philosophy behind this piece of legislation to the extent that we want to recognize what you probably would have done had you written a will. So we look at what the majority of people do.

Now the majority of people, Mr. Speaker, leave their estate to their surviving spouse, and so that is obviously the principle which is embodied in this legislation. One of the concerns has been brought out by people who have reviewed this, on my behalf, and I thank them, and in particular the women's groups, that is, The Charter of Rights Coalition and the Manitoba Association of Women and the Law. One of the problems they have raised is that this Bill does not in fact provide for all to the spouse in every case. It in fact stipulates only two circumstances in which an estate will be left all to the spouse, and that is, where the deceased spouse had no children, or where the only children of the deceased are also the children of the surviving spouse. That creates a very anomalous situation, Mr. Speaker. That creates a situation where the children of the existing union have a claim on the estate only if the deceased had children from a previous union as well. That is very anomalous and inconsistent.

In other words, the surviving adult children of the marriage are only allowed to participate in the estate

if the dead spouse had children from a previous marriage, and it is certainly my submission that that is not a consistent or rational approach to dividing the estate. You should not include children just because there happen to be other children from a prior marriage. That is, in fact, the logical result from the exceptions which are built into this Act. I think that can be tightened up, and I think it should be, because we have to treat children equally, frankly, whether they are from a previous union or the existing union. Children of someone who has died are children, and I do not know that we can justify discriminating against children of the existing union simply because they do, or do not, happen to be children from a prior marriage. So I have some problems with that, Mr. Speaker.

The other concern that has been raised with me is that under this piece of legislation, at a certain point, even though people have not finalized the divorce, they are seen in fact not to be spouses. In other words, even if you have not gone to court and really gotten the court's approval for a divorce, this Act says that at some point you in fact are not allowed to claim as a surviving spouse, and it sets up a test which is that you have been separated for at least a year and/or you have made legitimate attempts to finalize. Now, the concerns which have been expressed to me are that that should not be, and we should rather stick to a finalization of the proceedings. I am not sure that I agree with that, Mr. Speaker, and I am willing to be convinced. But, at this point, having read the briefs supplied to me, I do have some questions about that.

It seems to me that in family proceedings the finalization of a divorce is oftentimes in the hands of one party, and it can be abused. You can force another party back and forth to court for years trying to settle marital property and until you have settled that you cannot get the divorce. These things can oftentimes go on for a very, very long period of time. It seems to me that at some point if somebody dies in that marital relationship, the court should be able to say, look, you made the decision to divorce, you have been working at it for years, you are divorced.

I am not sure that we can say that we have to wait for the finalization of an estate, because I know these things can go on for years. I do have some concerns that if we stick to the definition of finalization we may be putting ourselves into a bind in which one spouse, be it the male or the female, will have the ability to, in a sense, stay entitled under this Act by prolonging the marital litigation, if there is marital litigation.

In particular I can see this being abused, where one spouse is very close to death and the marital property is being divided through the courts, and the other spouse not wanting to lose their rights under this piece of legislation, may quite well simply prolong the matter knowing that the other spouse may in fact die before it is finalized. Of course there is a way around that, all the other spouse has to do is write a will, but even then The Dependents Relief Act may provide that that spouse continues to share the estate when perhaps for years and years it has been quite clear that they have intended to be divorced and the person is not in fact dependent any longer upon the spouse who is dying or deceased.

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Mr. Speaker, I say again with respect to this Bill that it is an important improvement in clearing up of many problem areas in the law. That it is an admirable attempt to deal with some concerns, I am not sure it has in completeness.

Certainly we support this going on to the committee stage and we support the basic principles underlying The Intestate Succession and Consequential Amendments Act which are that, first and foremost, the surviving spouse must be provided for. Next to that, we must also provide for dependent children and of course primarily that is defined by the age of majority. If you are under the age of majority, you are presumed to be able to share in the estate. However, if you are over the age of majority, you must also be able to share in the estate if you are physically or mentally disabled and for some reason are dependent on the deceased spouse.

With that I think I will end my comments again on this piece of legislation, or this Bill that is before the House, and indicate that I very much look forward to the comments which will be brought to the committee by the groups that have spent a lot of time looking at this legislation. I want to assure them that I have read their materials in great detail, that I remain of an open mind on all of their amendments and indeed quite clearly, by my earlier comments, support a lot of their proposed amendments. I look forward to seeing this package be put into law at the earliest opportunity and in any event before the end of this Session.

I think we have waited too long for these changes to the overall family law regime in our province and we have a chance here I think to lead again. I hope we can do it expeditiously in the next month or so, before the end of this Session. I look forward to the Minister of Justice (Mr. McCrae) analyzing the packages which have been supplied to him, reviewing this Bill, so that he can come to the committee well advised to indicate his position on all of these amendments, as I have said, many if not all of which have some significant amount of validity to them.

Finally, Mr. Speaker, let me say that I want to acknowledge that the Member for Seven Oaks (Mr. Minenko) had adjourned debate on my behalf, and I thank all Members for this opportunity to speak on this legislation. Thank you.

Ms. Judy Wasylycia-Leis (St. Johns): I move, seconded by the Member for Brandon East (Mr. Leonard Evans), that debate on Bill 48 be adjourned.

MOTION presented and carried.

* (1700)

PRIVATE MEMBERS' BUSINESS

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

DEBATE ON SECOND READINGS PUBLIC BILLS

BILL NO. 4—THE HIGHWAY TRAFFIC AMENDMENT ACT (2)

Mr. Speaker: On the proposed motion of the Honourable Member for Assiniboia (Mr. Mandrake), Bill No. 4, The Highway Traffic Amendment Act (2); Loi no 2 modifiant le Code de la route, standing in the name of the Honourable Minister of Health (Mr. Orchard). Stand.

Is there leave that this matter remain standing in the name of the Honourable Minister? Agreed.

BILL NO. 10—THE BEVERAGE CONTAINER ACT

Mr. Speaker: On the proposed motion of the Honourable Member for Springfield (Mr. Roch), Bill No. 10, The Beverage Container Act; Loi sur les contenants de boissons, standing in the name of the Honourable Minister of Health (Mr. Orchard). Stand.

Is there leave that this matter remain standing? Agreed.

BILL NO. 13—THE MANITOBA INTERCULTURAL COUNCIL AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Member for Selkirk (Mrs. Charles), Bill No. 13, The Manitoba Intercultural Council Amendment Act; Loi modifiant la Loi sur le Conseil interculturel du Manitoba, and the motion of the Honourable Member for Thompson (Mr. Ashton), THAT the Question be now put, standing in the name of the Honourable Minister of Health (Mr. Orchard). Stand.

Is there leave that this matter remain standing? Agreed.

BILL NO. 16—AN ACT TO PROTECT THE HEALTH OF NON-SMOKERS

Mr. Speaker: On the proposed motion of the Honourable Member for Concordia (Mr. Doer), Bill No. 16, An Act to Protect the Health of Non-Smokers; Loi sur la protection de la santé des non-fumeurs, standing in the name of the Honourable Minister of Justice (Mr. McCrae). Stand.

Is there leave that this matter remain standing? Agreed.

BILL NO. 24—THE BUSINESS NAMES REGISTRATION AMENDMENT ACT

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, just a suggestion. If the Government is not going to speak on the Private Members' Bills, then I suggest you call Bill No. 24. We have a speaker prepared to speak on it, instead of going through all of the Bills if the Government is not going to be speaking on it—

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(interjection)- Well, if you want to speak to it, we will put up a speaker.

Mr. Speaker: Is there leave that we move right along to Bill No. 24? Agreed.

On the proposed motion of the Honourable Member for Elmwood (Mr. Maloway), No. 24, The Business Names Registration Amendment Act; Loi modifiant la Loi sur l'enregistrement des noms commerciaux, standing in the name of the Honourable Minister of Northern and Native Affairs (Mr. Downey). Stand.

Is there leave that this matter remain standing? Agreed. The Honourable Member for Radisson.

Mr. Allan Patterson (Radisson): Thank you, Mr. Speaker, and I thank the Honourable Minister. I would just like to say a few words about this Bill.

We have had some expert legal opinion on this Bill, Mr. Speaker. On the basis of this opinion, we feel there is no substantial change to the existing Act. All this Bill does is just reword various existing provisions that are in the Act. To some extent we might say that the homework has not been properly done on the Bill, because it does not address the particular problems that are faced by the Brick family. This Bill is intended to try to alleviate the problems that the Brick's Fine Furniture has been having in connection with the Brick Warehouse, the use of its trade name.

Ultimately, Mr. Speaker, the courts will decide on the usage of the trade name, Brick Warehouse. The Government could, we understand, challenge the constitutional validity of this particular Bill, because we cannot overrule a federal trademark. As I have said, the Bill does not help the Brick family. It does not solve the problem to which it is really addressed.

On saying this, Mr. Speaker, I want to make it clear—because accusations will probably be made later on by the third Party—this does not mean that the Liberal Party is not interested in helping the little person or the small business firm and so on. We do have a concern about Mr. and Mrs. Brick and their problem. Our Leader has confirmed to them in writing last year that they would have our support for the initiatives that they had outlined to the Premier. We are giving the Brick family all the support we can within the proper means of doing so, but we just want to emphasize that this particular Bill does not solve their problems.

Our Party fully realizes the importance of small business to Manitoba. We are fully behind any initiatives to attract small business, to foster it, and to maintain and help the businesses that are here, Mr. Speaker, and I want to get that very clearly on the record. In saying that we will not be supporting this particular Bill because it does not address the problem that it hopes to solve, we in no way are saying that we are not behind the Brick family and will do everything possible within legal means available to us to assist them and business generally in Manitoba. Thank you.

Mr. Speaker: As previously agreed, this matter will remain standing in the name of the Honourable Minister of Northern and Native Affairs (Mr. Downey).

BILL NO. 26—THE REAL PROPERTY AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Member for Elmwood (Mr. Maloway), Bill No. 26, The Real Property Amendment Act; Loi modifiant la Loi sur les biens réels, standing in the name of the Honourable Minister of Natural Resources (Mr. Enns). Stand.

Is there leave that this matter remain standing? Agreed. The Honourable Member for Radisson.

Mr. Allan Patterson (Radisson): This Bill, Mr. Speaker, proposes that the Attorney General's department provides lawyers—I do not know how many staff would be required—to assist individuals in searching titles in the Land Titles Office. This is an interesting idea possibly worth pursuing. Before doing so, we need much input from the various interested parties. I thank the Honourable Minister. Some problems arise with it as it is presented. There is nothing to preclude an individual from searching his or her own title and if an individual wishes to do that, so be it. There are risks involved of course in doing that because the untrained individual might well miss something that would be very costly in the long run.

It has been pointed out to us by expert counsel that the cost to an individual of hiring his or her own legal counsel to look after the searches in the Land Titles Office is extremely cheap insurance. Sometimes this total legal bill might amount to in the \$300 to \$400 area, but I have been given to understand that a very large proportion of this bill is for the various fees that are charged for the search and a relatively small percentage of it is the actual lawyer's fee. These fees in Winnipeg, at any rate, are very low and well worthwhile because it is a very, very competitive field. The fees, therefore, are relatively modest.

* (1710)

As I mentioned the registration fees are what take up the bulk of the final bill that a legal counsel would present to a client in searching the titles. When one looks say at just the average price of a house in Winnipeg somewhere currently in the \$85,000-\$90,000 area and let us just say that the total fee from a lawyer for carrying out the title would be in the \$300 ball park. This would amount to about one-third of 1 percent of the total transaction. This is very, very cheap insurance.

The key thing here is that in this Bill while, if it were passed, the Government is expected to lay out the money to provide these lawyers, I have no idea of how many would be needed, two, three, ten. There is a cost there that does not exist now. As well, there is absolutely no protection for the consumer from any possible errors that these Government lawyers might make. They are very specifically in this Bill protected from any suit against them for not doing the job properly you might say. In hiring one's own legal counsel to carry out this particular duty as I just mentioned a few minutes ago, the price in relation to the overall transaction is very modest, Mr. Speaker. It is cheap insurance, because if, as occasionally might happen, very, very occasionally

we would hope, but some error might be made on the part of the lawyer, the protection is there for the consumer that the lawyer would be responsible for any cost or harm that would arise, any monetary harm to the consumer and to the client, and the client would be reimbursed.

So while this Bill, as I mentioned earlier, is an interesting idea, it might be worth pursuing it some time in the future, particularly after considerable more input from interested parties. But we do not feel at this particular time, Mr. Speaker, that this Bill should go forward. Thank you.

Mr. Speaker: As previously agreed, this matter will remain standing in the name of the Honourable Minister of Natural Resources (Mr. Enns).

BILL NO. 41—THE HIGHWAY TRAFFIC AMENDMENT ACT (4)

Mr. Speaker: On the proposed motion of the Honourable Member for Assiniboia (Mr. Mandrake), Bill No. 41, The Highway Traffic Amendment Act (4); Loi no 4 modifiant le Code de la route, standing in the name of the Honourable Minister of Finance (Mr. Manness). Stand.

Is there leave that this matter remain standing? Agreed. The Honourable Member for Transcona.

Mr. Richard Kozak (Transcona): Mr. Speaker, on October 17, 1989, the Honourable Member for Assiniboia (Mr. Mandrake) spoke to second reading on the extremely important Bill that I am addressing today. The Honourable Member for Assiniboia is well known in this House for the careful thought that he puts into the work that he brings before this House, and indeed for his devotion to the advancement of our parliamentary system and the advancement of the cause of good Government in the great Province of Manitoba.

I am forced to note at this point that since October 17, and the conclusion of his remarks on October 24, 1989, no other Honourable Member has done the Member for Assiniboia (Mr. Mandrake) the courtesy of responding to a very carefully thought out and extremely important measure that remains on the Order Paper of this House.

Mr. Speaker, I should think that within a span of three and a half months this Bill, which has stood in the name of the Honourable Minister of Finance (Mr. Manness) could have excited a bit of thought and a bit of comment from Members of the third Party and particularly Members on the Government benches. In all honesty, I stand here and say today that we in Opposition certainly do our best to accommodate the wishes of this Government to get its legislation through this House in an orderly way.

I sense that occasionally Members of the Government feel that we do not accommodate them to the extent that they would like, but we certainly feel within ourselves that we are doing our best to move forward the business of this province. I can think of no instance when my Party, when the Opposition, has refused or

neglected for three and a half months to address a carefully thought out Bill put on the Order Paper of this House.

Mr. Speaker, co-operation is certainly a two-way street. In the interest of good Government the Opposition has no intention of ever withholding its co-operation in the orderly process of the Government's business. We would suggest to the Government, however, that it is a very small expectation on our part that they reciprocate by speaking to honest suggestions put on the Order Paper of this House by Members of the Opposition, a very small request, Mr. Speaker. Yet, we see Bill No. 41, carefully thought out by the Member for Assiniboia (Mr. Mandrake), standing for three-and-a-half months on the Order Paper of this House without any response from any other Member. I will not belabour that set of comments, but I would like to put it on the record.

An honest exchange of views is the key to our parliamentary democracy, and it occurs to me that perhaps we have given in somewhat too much to a rather blase attitude based on the premise that Private Members' legislation is rarely enacted and is therefore unimportant. I do not think that is a valid thought, Mr. Speaker. Private Members' legislation does reflect honest thoughts from this side of the House and should be treated in the same spirit with which it is placed on the Order Paper.

To proceed somewhat further into my remarks, and indeed the heart of the Bill, I find it particularly strange and indeed indefensible that the Government has not addressed this Bill, because it touches on one of the basic premises on which our parliamentary system is founded. Mr. Speaker, one of the basic premises of our parliamentary system is that the Government should enact legislation within its capacity to enforce that legislation. Indeed, if legislation is enacted, or remains on the books, that cannot be enforced, it casts into doubt the very credibility of this Government or any Government of the Province of Manitoba. Bill No. 41 attempts to address this problem in one particular area in a very credible manner.

Today we face a situation whereby, under provincial law, it is unlawful for individuals to use radar detectors in their automobiles. That is certainly a defensible enough provision and I would not dispute it for a moment. However, the credibility of this legislation is sorely lacking in that individuals who are found in possession of such radar detectors, after brief confiscation by the authorities, invariably have them returned to them.

The legislation before us today calls for teeth in provincial legislation. It calls for confiscation of unlawful radar detectors to mean something, confiscation that sticks and that does not cave in and cast doubt on the credibility on the legislation of this province.

Secondly, Mr. Speaker, the Bill before us, Bill No. 41, provides that selling of radar detectors that are unlawful for use should be prohibited. It is a very strange situation that today in the Province of Manitoba it is unlawful to use radar detectors, although after they are confiscated they are invariably returned, while at the

same time it remains perfectly legal to stock such items for sale and indeed to sell them to the public.

I suggest to all of my colleagues of all three Parties in this Chamber that this is a situation of inconsistency in our law that should be addressed in defence of the credibility of our legislation as a whole. Laws that are not enforceable, laws that contradict themselves, laws that can be disregarded with impunity because they cannot be enforced have no place on the statute books of this province. I suggest particularly to the Government and particularly to the Minister of Finance (Mr. Manness) who has left this Bill standing in his name for three and a half months, that the Honourable Member for Assiniboia (Mr. Mandrake) has a point here, a point that is worth addressing, certainly a point that is worth considering.

* (1720)

I urge the Attorney General (Mr. McCrae) and, if he so wishes, the Minister of Finance (Mr. Manness), in whose name the Bill stands, to give serious consideration to what I suggest is a very valid piece of Private Members' legislation. This is not a Bill that has deserved sitting on a shelf for three and a half months, Mr. Speaker. It addresses a situation of inconsistency in our laws, it addresses a situation of internal contradiction in our laws. In short, this Bill is a service to this House and to the province of Manitoba in that it promises, if enacted, to bolster the credibility of the legislation enacted by this Chamber. I would suggest to all my colleagues that we deal with this Bill in a manner that is in keeping with the attention it deserves.

Mr. Speaker, I realize I have been lecturing my colleagues for a while over the last few minutes. Let me now point out to them that the action I have called for on this Bill does not involve weighty consideration by this House. We are dealing with a two-page piece of legislation that will not tax the intellectual capacity of any Member. It has only two very simple provisions contained within it; one that renders unlawful not only the private use but also the selling of automotive radar detectors—a very simple provision. It does not require a great deal of thought and consideration, certainly not three-and-a-half months worth, Mr. Speaker.

Secondly, it proposes that teeth be placed in the hands of the legal authorities of the province; teeth in that radar if found in private hands can be confiscated and stay confiscated. Two very simple provisions, but they are needed provisions, because at the present time we have legislation that is not enforceable in that radars that are confiscated are invariably returned; it is not consistent in that it remains perfectly legal to sell these unlawful devices, and needed above all because we as legislators must value the credibility of the work we produce in this House. We must ensure, through our deliberations, that the laws of this province are laws that can be enforced and that therefore will be respected.

I would like to conclude my remarks, very briefly, in repeating my urging to the Minister of Finance (Mr. Manness) and his colleague, the Attorney General, the

Minister of Justice (Mr. McCrae), not to treat this legislation in a less than serious way. Not to treat Private Members' legislation in general in a blase manner, but rather to proceed to speak to a Bill they have left standing for an inordinate length of time, and to enact legislation that is required in terms of the consistency, enforceability and respect of the laws of the Province of Manitoba.

I find it passing strange too, Mr. Speaker, that Members of the third Party have not contributed their wisdom on this Bill. We have, in the Liberal Party, invariably done to our friends to the left the courtesy of speaking to the legislation they have placed on the Order Paper. We have never hesitated to extend them that respect and to occasionally extend support to the ideas they have brought forward to this House. We ask them now to extend the same respect to an eminently defensible idea, brought out by the Honourable Member for Assiniboia (Mr. Mandrake) whose hard work in this Chamber is recognized by us all.

We should take this opportunity to enact one of the pieces of wisdom from the fertile mind of the Honourable Member for Assiniboia. I see that my time has expired, Mr. Speaker. Thank you for your indulgence.

Mr. Speaker: As previously agreed, this matter will remain standing in the name of the Honourable Minister of Finance (Mr. Manness).

BILL NO. 55—THE CROWN CORPORATIONS PUBLIC REVIEW AND ACCOUNTABILITY AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Member for St. Norbert (Mr. Angus), Bill No. 55, The Crown Corporations Public Review and Accountability Amendment Act; Loi modifiant la Loi sur l'examen public des corporations de la Couronne et l'obligation redditionnelle de celles-ci, standing in the name of the Honourable Minister for Energy and Mines (Mr. Neufeld). Stand.

Is there leave that this matter remain standing? Agreed.

BILL NO. 85—THE ELECTIONS AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Member for the Interlake (Mr. Uruski), Bill No. 85, The Elections Amendment Act; Loi modifiant la Loi électorale, standing in the name of the Honourable Minister of Northern and Native Affairs (Mr. Downey). Stand.

Is there leave that this matter remain standing? Agreed.

BILL NO. 91—THE PUBLIC HEALTH AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Member for St. Johns (Ms. Wasylcia-Leis), Bill No. 91, The Public Health Amendment Act; Loi

modifiant la Loi sur la santé publique, standing in the name of the Honourable Member for Inkster (Mr. Lamoureux), who has 12 minutes remaining. The Honourable Member for Inkster.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, it is somewhat frustrating to watch, as we have proceeded through Private Members' hours, and the Bills are being called, and time after time we hear the words stand and stand. I am starting to question why this Government does not want to speak on Private Members' Bills. I do not think they are taking it seriously.

Mr. Speaker, Bill No. 91 is a Bill which I am hoping this Government will speak on. It is a Bill we support in principle and do believe that the Minister of Northern Affairs (Mr. Downey) —(interjection)— We have an ally. I think the Minister of Northern Affairs might find out that we have an ally with his colleague, the Attorney General (Mr. McCrae).

Today we had raised the issue in Question Period and the Member for St. James (Mr. Edwards) was very clear in putting our position on this particular Bill in that we do support it in principle. The Attorney General during Question Period gave the impression that he too is consulting with the Member for St. Johns (Ms. Wasylycia-Leis) to see this particular Bill go into committee. But what is most important here is that there has to be some follow-up to the questioning that my colleague from St. James proceeded on.

* (1730)

We have to ensure that this Government not treat this Bill in the same manner in which they have treated other Bills, and I totally disagree with the manner in which they have treated other Bills. If there is some movement, and I think there is some movement somewhat out there, to address this Bill in seeing it go to committee, and I was hoping actually that the Minister of Health (Mr. Orchard) was going to be speaking on it this evening, but failing the Minister of Health speaking on it, hopefully we will get another Government Member to speak on this Bill.

As I pointed out, the principle of the Bill I do not think too many people would disagree with. I do not think too many people, especially colleagues in this Chamber, would disagree with the thought of a child under the age of 18 being able to go out and purchase what could do damage to that particular individual. Mr. Speaker, my light is on. Am I running out of time or is that a mistake? Can I ask how much time? I can proceed? Thank you, I am told—I will just ignore the light that is flashing. I was expecting you to give me the time signal when my speech is done if I do not take the full 15 minutes.

The profession I was in prior to entering politics was a store manager and one of the things that we had sold was paint lines, and along with paint lines you sell your varnishes and your 3M products and so forth. One of the concerns that one of the salespeople had brought to me was regarding one of the products that is quite often used. This particular one that we were previously selling was a 3M product, but it was suggested that

if we could not have it in a glass or a locked enclosure, it would probably be better if we did not sell it at that particular location. The reason why was because in many cases you will get a nine-, ten-, or twelve-year-old who will come up and will make a purchase of that nature and run it through the cashier, the cashier not thinking in terms of what it is that this particular child might be purchasing.

Unfortunately, Mr. Speaker, there is an educational element that is really lacking. There should be more education made available to retail stores, if there is a way of doing that, so you have your cashiers or those who are selling products of this particular nature aware of why you might have a nine- or a twelve-year-old purchasing it. I am not saying that you should never sell it to a nine- or twelve-year-old if there is a note that is given, much like cigarettes. If there is a note for a child to purchase or to have that particular product, then it is okay for the cashier to allow the actual purchase of it. I think this is something that everyone in this Chamber would support.

I was glad to see a decision which I supported at this particular store that I was managing. The decision was that we would not sell the product, because we felt that the product was being misused in some cases, Mr. Speaker. We provided alternatives for those who were doing painting and so forth that they might require some type of a removal, whether it is a paint thinner or anything of that nature. I think that is one of the things that we should be looking at, alternatives to some of these dangerous chemicals that we would not necessarily want in the hands of our children.

Another crucial element to this is the proper counselling. It is a very serious problem. We have a significant number of people, children, even adults in all likelihood, I am afraid, who are addicted to these types of addictive, generally speaking, cheap products that they can get their high or their addiction from. What is really needed is some type of counselling so that if someone is having a problem and they realize that they are having a problem with this particular sniff, whether it is sniffing glue or whatever it might be, there is some place that they can go to, to receive the counselling.

I do not believe that what counselling services we currently have are sufficient. We should be looking at ensuring, where there is someone out there who wants or requires the counselling, that it is available for that particular individual. The cost of not having that counselling is something that would be very hard to measure, because the productivity that is lost from potential workers would be tremendous, Mr. Speaker.

The damage that is caused, whether it is the individual sniffing a glue product or a Varathane of some sort that they ultimately end up in our hospitals, in different Government agencies, would be tremendous. These are things that can be prevented to some degree if we have a proper education process out there, Mr. Speaker, if we can provide the much needed, badly needed counselling where it is needed.

Much like cigarettes, it is an educational process, and in that sense it is important that the issues, whether

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it is cigarette smoking, whether it is sniffing glue, gasoline, hair spray, whatever it might be that gives a child the effect of being high, we should be proceeding to informing, so that the children who are possibly entering into it are aware of the ramifications of what could end up happening to them if they continue, that what their friends or their peers might say to them is in most cases distorted.

We cannot underestimate the peer pressure element of having one's friend say, to do this is to be cool, to do this is to be a part of the gang or a part of the group. The pressure that is put on youth not only in this province but everywhere is tremendous. We should not be underestimating that pressure. The way that we can circumvent some of that pressure is by ensuring that the children in our school system are told of what the ramifications or what impact it will have on them, whether it will be permanent and what dangers there are to their own personal health.

I think the argument as I have tried to point out in terms of an education process and proper counselling in the long term will save the province money, whether it is a person being on welfare or social assistance of some nature, whether it is because they could end up in one of our health institutions, Mr. Speaker, whether it could be loss of production in the work force. These are the types of things that the short-term costs could be somewhat greater but the long term costs I would argue would be that much better.

I tried to point out also that this is something that is not recent. This is something that has been a problem for many years. It goes back to, I am sure, 10, 12, 14 years and it is never too late to recognize the problem. I just got the time schedule and if I can just conclude my remarks because I did not—

* (1740)

Mr. Speaker: The Honourable Member's time has expired.

Mr. Lamoureux: Okay, thank you, Mr. Speaker.

Mr. Speaker: Bill No. 95, The Certified General Accountants Act.

POINT OF ORDER

Mr. Speaker: The Honourable Member for Inkster.

Mr. Kevin Lamoureux (Inkster): On a point of order, Mr. Speaker. I do not believe anyone adjourned debate on Bill No. 91. Before we could go on to the next Bill we would have to adjourn debate or I would be willing to talk on it with leave.

Mr. Speaker: Yes. The Honourable Member is quite correct.

Mr. Speaker: Is the House ready for the question? The Honourable Minister of Northern and Native Affairs.

Hon. James Downey (Minister of Northern and Native Affairs): Mr. Speaker, I move, seconded by the Minister of Environment (Mr. Cummings), that debate be adjourned.

MOTION presented and carried.

SECOND READING—PUBLIC BILLS

BILL NO. 95—THE CERTIFIED GENERAL ACCOUNTANTS ACT

Mr. Speaker: Bill No. 95, The Certified General Accountants Act; Loi sur les comptables généraux agréés, the Honourable Member for Lac du Bonnet.

An Honourable Member: On a point of order, Mr. Speaker.

Mr. Speaker: The Honourable Minister of Northern and Native Affairs, on a point of order.

Hon. James Downey (Minister of Northern and Native Affairs): Mr. Speaker, are you not going to call for introduction Bills No. 29 and No. 94? Well, that was one of the reasons that we had moved through the Order Paper so quickly, to allow the Member for Elmwood (Mr. Maloway) to introduce his Bills this afternoon. I regret that the introduction is not there, however, I will yield and allow my colleague to introduce his Bill.

Mr. Darren Praznik (Lac du Bonnet) presented Bill No. 95, The Certified General Accountants Act; Loi sur les comptables généraux agréés, for second reading, to be referred to a committee of this House.

MOTION presented.

Mr. Praznik: Mr. Speaker, it is my pleasure today to stand before this House to introduce for second reading what is essentially the re-enactment of The Certified General Accountants Act.

The certified general accountants, Mr. Speaker, were originally incorporated by this Legislature in 1973 as a professional body of accountants and auditors. The Certified General Accountants Association of Manitoba represents approximately 1850 members and students throughout the province. It is part of the 36,000-member Certified General Accountants Association of Canada which is a federally incorporated body incorporated in 1913 by an Act of Parliament and which serves all provinces and territories as well as affiliate groups in 16 other countries in the Caribbean and Pacific Rim.

The association provides, Mr. Speaker, the professional designation Certified General Accountant,

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CGA, to members who have completed the 5-2/3 year program of professional studies and fulfilled the practical experience requirements. While two-thirds of the entrants to the program come from college or university, direct access is also provided for mature students, individuals returning to the work force and immigrants.

In 1989, 58 percent of the graduating class was female, following an increased trend in this direction. In 1985 the association became one of the first accounting bodies in the world to fully integrate microcomputer technology into its educational program. It is currently the largest educator of accounting professionals in the province.

CGA members are bound to a uniform standard of conduct and a code of ethics, and in 1978 became the first professional accounting body in Canada to introduce mandatory continuing education for all members. Member firms are also subject to regular practice reviews by the association and are required to carry professional liability insurance.

As I indicated initially, Mr. Speaker, this is essentially a re-enactment of their Bill with a number of changes. I would just like to outline those briefly for the House.

There are a number of definitional changes to this Bill to clarify definitions or words used throughout the Act for both the professions and the public.

Mr. Speaker, membership is basically unchanged but gives the discretion to the board to impose terms and conditions relative to admission, which was not in the previous Act. In addition, new by-law provisions are included in this legislation to (1) prescribe continuing professional educational requirements for members; (2) prescribe a tariff of costs that may be charged against a member who is subject to a disciplinary action; (3) the prescribing of classes of specialists and licensees in branches or field of practice.

There is also provision to create regulation or by-laws respecting the use of professional liability insurance by members and reviews by the association of the accounting practices by members. There is also provision in this re-enactment to impose limitations on the qualifications of certified general accountants with regard to certain areas of practice.

In addition to the normal membership registration information, provision has been made to recognize specialists if and when by-laws are passed pursuant to this Act to implement such a policy.

Mr. Speaker, with respect to offences and enforcement provisions of the Act, this has been expanded considerably by this proposed re-enactment. The new provision provides the association with the ability to take immediate action if warranted to suspend a member or to apply to a judge to act as a custodian where the interests of third parties are seriously at risk, a very important change to the original Act.

The most important fact with respect to this Bill, and the principle of incorporating such a body is that of course this in no way prohibits individuals from practising in the province, it simply sets requirements

and establishes an association if they wish to use the certified general accountant designation, CGA designation.

I would hope Members of all Parties would give this re-enactment and its changes due consideration.

Mr. Herold Driedger (Niakwa): Mr. Speaker, I see some relief on the Members of the benches of the NDP that someone rose to speak on this. I gather that perhaps one or two, or three or four, or five or six, or seven or eight, or nine or 10, or 11, or 12 of them were not prepared. That is hardly the case—(interjection)—one would hardly want to even suggest that perhaps experienced legislators like they would be unprepared on one item or another. I do not wish to leave that on the record, however, I do feel that perhaps in this case, the push comes to shove, that probably was the fact, was the situation.

At any rate I am pleased to rise to speak on this Bill. It is instructive for novice Members like my—I cannot even use the term novice Member anymore, I mean we have been here nearly two years. I think that—I can categorically state that it is instructive to first-elected Members, like myself, that the use of Private Members' Hour has become one sort of an example of how either not to use the hour, or in other instances how to use the hour.

I understand that with the comments made by the Member for Lac du Bonnet (Mr. Praznik) introducing this Bill, a Bill which proposes to—where are we here—re-enact The Certified General Accountants Act is done so here in Private Members' Hour as a Public Bill is instructive, simply because we have here an example of what this hour is all about.

We have individual Members able to put forward legislation or resolutions which permits something that might not necessarily be the will of Government, because it may create a precedent, or it may cause some sort of policy debate, which may not wish to be entered into on a general manner.

* (1750)

For instance, here we have a body, which is in essence self-regulating, it is quasi-autonomous, and it seeks to defend or to expand its particular enactment with respect to self-policing. I think that when a body or an agency is ready to do this, it should be given some abilities to be able to do so. However, for Government to perhaps come in and make a general statement saying that all bodies that are going to be becoming self-regulatory, or perhaps quasi-autonomous, a general statement made by general policy may become too broad and thereby not permit—shall we say become so broad that organizations, which may not be prepared or ready for that kind of autonomy may find this kind of autonomy forced upon them, and hence a back-bench MLA or an individual Member stands in his place and introduces something for a body which may be ready for this particular extension or this particular kind of autonomy or self-regulation.

This is fully in keeping with the point of what Private Members' hour is all about.

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Here we have a Government Member who stood—and what is more instructive I think for the House, we have another Member prepared to address the remarks, to bring into focus the fact that this is an arena for debate. Debate is what should be happening.

I take a look at the Order Paper that we simply went through today at a great rate. We are here almost to the end of the hour. All of the Bills, as were mentioned earlier, standing in the names of Government Members, standing in the name of Cabinet Members who by their position, should be prepared to be able to put on the record comments which either are for or against, which will put some kind of debate on to the floor so we can actually address these—

An Honourable Member: You will regret it, Herold.

Mr. Herold Driedger: I hear the Minister of Northern Affairs (Mr. Downey) suggesting that I am going to regret that comment, the fact that we are going to—I am simply asking debate. I am asking Cabinet Members to stand up. If you do not wish to stand up then allow your backbencher perhaps to—

Mr. Speaker: Order, please. I would like to remind the Honourable Member that I have recognized him to speak to Bill No. 95, The Certified General Accountants Act. I would ask the Honourable Member to keep his remarks relevant. The Honourable Member for Niakwa.

Mr. Herold Driedger: Thank you for that instructive comment, Mr. Speaker. Yes, The Certified General Accountants Act, I feel that the comments in talking to this Bill with respect to the comments that I was making earlier, I understand that, having wandered a little bit off topic because I wanted to have debate, suggests to me that perhaps we should look at these with a little bit greater clarity.

Now, as the Member for Lac du Bonnet (Mr. Praznik) mentioned, the Certified General Accountants have been in operation now for a fairly long period of time; I believe he referenced the early '70s. It started off as a smaller school. He also indicated that they moved into a rather new area of endeavour.

They were the first school that is now fully involved in microelectronics and I think that we have here an area that is quite instructive with respect to the comment that—I believe we were talking at another point in time, and I stand to be corrected if I am off topic on this, Mr. Speaker, but we were talking about Distance Education in another time, and here we have an organization that is involved in the process of using microelectronics to teach its profession, which means that it is something that could be done, not only just in one place, but also quite far afield, and we could actually start taking a look at some of this as being done by the Certified General Accountants, by the body that is causing the instruction to do this at distance using the modern technology and in this way is something that we should be examining with a good deal more concern, examining so that we could utilize it in the other aspects of education as well.

Mr. Speaker, the comments also made by the Member for Lac du Bonnet (Mr. Praznik), with respect to the

reasons why he was bringing the Bill forward are commendable. The fact that the body is—(interjection)—I stand corrected, the Honourable Minister of Health (Mr. Orchard) suggests I should refer to the Honourable Member for Lac du Bonnet. I meant no disrespect at all, the Honourable Member for Lac du Bonnet having brought this forward indicating that this Bill does do a few things. It extends the definitions a little bit, tightens things up a little bit, and expands on a few aspects of their Act, of their governing rules to which they practice.

Some of these are eminently worthwhile. I look forward to hearing other comments by other Members in debate, with respect to these, to try and indicate to us that when we look at something that we look at all sides, not just one side. The Minister of Northern Affairs (Mr. Downey) is suggesting that I bring my remarks to a close and I am having difficulty doing so, because I am trying to come back to the area that I was earlier on, when I was corrected by Mr. Speaker for having wandered off topic with respect to dealing with things in the Chamber during Private Members' hour. Having been corrected, I feel very loath to wander down that path again. Therefore, I shall confine my remarks strictly to the Bill, and to be as relevant as possible and carry on.

I understand that there are other Members who wish to speak on this. I understand that there are other Members who may wish to debate this particular Bill and to discuss this at some length, and I believe that they should be given that opportunity. I would like very much that the Government Members when it comes to the next Private Members' hour would also give other Members of their back bench or other Members of their Government opportunity to debate at length on some aspects of these Private Members' Resolutions or Private Members' Bills.

I find that the fact that the Private Member backbencher has introduced something of importance to him or to her, I believe, is worthy of the debate itself. We cannot always make something come forward through Government because, as I indicated earlier on in my remarks, it may cause a general statement which may be too broad for a specific organization or another in this particular context. Therefore, we use the Private Members' route. I applaud the Honourable Member for Lac du Bonnet (Mr. Praznik) for having taken the effort and taken the initiative to bring this Bill forward.

An Honourable Member: Hear, hear!

Mr. Herold Driedger: I would wish that the hear, hears, and the recognitions of the last comment that I made would be recognized and put forth on the Table or in debate when one of our side puts forth a resolution or a Bill and it is then debated in the same kind of context, without the condemnation or the poking fun or the attempting to take totally out of context which we have seen the Government Members do so well with certain other resolutions and Bills that we have had debated here in this Chamber. I do not think that that is something they should have done. They should have taken the comment with the respect that it was introduced and discussed it in the proper manner.

Mr. Speaker, how many more minutes have I remaining?

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Mr. Speaker: You have two minutes and four seconds.

Mr. Herold Driedger: Two minutes and four seconds.
The clock does not—

Mr. Speaker: Two minutes.- (interjection)- Order,
please. When this matter is again before the House,

the Honourable Member will have two minutes
remaining.

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