



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

**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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

**Members, Constituencies and Political Affiliation**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, May 8, 1992

The House met at 10 a.m.

### PRAYERS

### ROUTINE PROCEEDINGS

#### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**Mr. Bob Rose (Chairperson of the Standing Committee on Public Utilities and Natural Resources):** Mr. Speaker, I beg to present the Fourth Report of the Standing Committee on Public Utilities and Natural Resources.

**Mr. Clerk (William Remnant):** Your Standing Committee on Public Utilities and Natural Resources presents the following as its Fourth Report.

Your Standing Committee met on Tuesday, November 13, 1990, at 10 a.m., in Room 255 of the Legislative Building to consider the Annual Report of the Manitoba Hazardous Waste Management Corporation for the year ended December 31, 1989. Your committee also met on Thursday, May 7, 1992, at 10 a.m., in Room 255 of the Legislative Building to consider the Annual Reports of the Manitoba Hazardous Waste Management Corporation for the years ended December 31, 1989, December 31, 1990 and December 31, 1991.

At the November 13, 1990, meeting, Mr. Rick Cooke, president and chief executive officer, and Mr. Don Vernon, chairperson, provided such information as was requested with respect to the 1989 Annual Report and business of the Manitoba Hazardous Waste Management Corporation.

At the May 7, 1992, meeting, Mr. Rick Cooke, president, provided such information as was requested with respect to the 1989, 1990 and 1991 Annual Reports and business of the Manitoba Hazardous Waste Management Corporation.

Your committee has considered the Annual Reports of the Manitoba Hazardous Waste Management Corporation for the years ended December 31, 1989, December 31, 1990, and December 31, 1991, and has adopted the same as presented.

All of which is respectfully submitted.

**Mr. Rose:** I move, seconded by the honourable member for St. Norbert (Mr. Laurendeau), that the report of the committee be received.

**Motion agreed to.**

**Mr. Jack Reimer (Chairperson of the Standing Committee on Economic Development):** Mr. Speaker, I beg to present the Sixth Report of the Standing Committee on Economic Development.

**Mr. Clerk:** Your Standing Committee on Economic Development presents the following as their Sixth Report.

Your committee met on Thursday, May 7, 1992, at 10 a.m., in Room 254 of the Legislative Building to consider the Annual Reports for Manitoba Mineral Resources Ltd. for the fiscal years ending December 31, 1990 and 1991.

Mr. Jim Clarke, chairperson; Mr. Malcolm Wright, president; Mr. Neil Briggs, vice-president; and Mr. Cyril Vickers, secretary provided such information as was requested with respect to the Annual Reports and business of Manitoba Mineral Resources Ltd.

Your committee has considered the Annual Reports for Manitoba Mineral Resources for the fiscal years ending December 31, 1990 and 1991, and has adopted the same as presented.

All of which is respectfully submitted.

**Mr. Reimer:** Mr. Speaker, I move, seconded by the honourable member for Turtle Mountain (Mr. Rose), that the report of the committee be received.

**Motion agreed to.**

\* (1005)

### TABLING OF REPORTS

**Hon. Linda McIntosh (Minister of Consumer and Corporate Affairs):** Mr. Speaker, I am pleased to present the 1991 Annual Report of the Public Utilities Board.

## INTRODUCTION OF BILLS

### Bill 83—The Highway Traffic Amendment Act (3)

**Mr. Marcel Laurendeau (St. Norbert):** Mr. Speaker, I move, seconded by the honourable member for Portage la Prairie (Mr. Connery), that Bill 83, The Highway Traffic Amendment Act (3); Loi no 3 modifiant le Code de la route, be introduced and that the same be now received and read a first time.

**Motion agreed to.**

### Bill 85—The Labour Relations Amendment Act

**Hon. Darren Praznik (Minister of Labour):** Mr. Speaker, I would move, seconded by the honourable Minister of Natural Resources (Mr. Enns), that Bill 85, The Labour Relations Amendment Act; Loi modifiant la Loi sur les relations du travail, be introduced and that same be now received and read a first time.

**Motion agreed to.**

## Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, may I direct the attention of honourable members to the loge to my right, where we have with us this morning, Mr. Noble Villeneuve, who is the MPP for Stormont, Dundas, and Glengarry.

On behalf of all honourable members, I welcome you here this morning.

Also with us this morning, we have seated in the Public Gallery from Red River Community College, 50 English language students under the direction of Gail Ross and Alice Landry. This school is located in the constituency of the honourable member for Point Douglas (Mr. Hickes).

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

## ORAL QUESTION PERIOD

### Economic Growth Employment Statistics

**Mr. Gary Doer (Leader of the Opposition):** Last Friday statistics were produced by Statistics Canada showing Manitoba in last place in terms of the decline in gross domestic product, which is a measure of all economic factors in our Canadian

economy. Today, again, the unemployment statistics have been released by Statistics Canada. We have seen a marginal decline in unemployment in the province of Manitoba from 9.9 percent on a seasonally adjusted basis to 9.6 percent.

Mr. Speaker, we have also seen the decline in massive numbers of the number of people employed in full-time jobs in the province of Manitoba. Some 17,000 full-time jobs have been lost in the province of Manitoba from April of 1991 to April of 1992. These numbers are both in male and female workers in the Manitoba economy; the part-time employment is constant.

I would like to ask the Premier, as the chair of the Economic Development Committee of Cabinet: Can he please advise us how we have lost and where we have lost 17,000 full-time jobs in the Manitoba economy in the last 12 months?

**Hon. Gary Filmon (Premier):** I know that the Leader of the Opposition enjoys doom and gloom and enjoys putting the most negative face on Manitoba that he possibly can. I know that most Manitobans do not take the negative view that he does of our province and are not gleeful about the loss of employment. We believe it is a serious issue; we believe it is an issue that requires all of our efforts. It is the reason why the Economic Development Board was formed last fall so that we could concentrate our major efforts of this government on job creation and new opportunities.

Since that point in time, we have had announcements, for instance, of the transference later this year of two-wheel-drive tractor manufacturing from Ghent, Belgium to Winnipeg by Versatile, a major shot in the arm for manufacturing in Manitoba that will take place later this year. We also had the announcement that Boeing will be having their 777 component parts, their newest and latest most modern jet airliner component parts being made at the Boeing plant here in Manitoba. Since that time, we have Apotex announcing a \$50-million investment with 100 full-time jobs, pharmaceutical manufacturing, a new high-tech industry in that field for Manitoba.

These are the things that we are working on as a government, because we believe in the ability of Manitoba to compete with the world, and we believe in the ability of Manitoba to come forward with a stronger more diversified economy than we have

ever had before. Those are the ways in which we are working to solve that problem.

\* (1010)

Yes, Mr. Speaker, we know that we are the third best unemployment rate amongst the provinces today. We know that is not good enough. We know that we have to keep working to ensure that we attract new investment, new job creation. We have done that in a variety of ways by setting a more competitive tax regime, five straight budgets with no major increases in taxes. We will compare that record to any province in the country, and that is the way we are moving to create the opportunities for new investment, new employment opportunities and new long-term growth for this province.

**Mr. Doer:** Mr. Speaker, in the scripts that were written for the Premier, unfortunately, his staff did not provide the bottom line numbers in manufacturing, because a year ago there were 56,000 people working in Manitoba in manufacturing. Today, there are 51,000 people, according to Statistics Canada. So the bottom line of the rhetoric of the Premier is, there has been almost a 10 percent decline in the number of people working in manufacturing over the last 12 months under this Premier's so-called leadership.

Mr. Speaker, I asked the Premier a question about why we have lost 17,000 jobs, and the reason is that 14,000 people have dropped out of the labour force in the last 12 months in this province, 14,000 people have quit looking for work and do not show up in the unemployment percentage. That is the reason why we have 17,000 people less working than a year ago. That is the reason. These people are in the food banks. They are in the welfare areas. They are rising every day.

I would ask the Premier, we have had a drop out in the labour force statistics of a half a percent, nationally, through the national recession. In Manitoba, the dropout rate right now is 2.6 percent, five times greater than the national average. Why are Manitobans giving up looking for work?—five times greater than the national average in the statistics that were produced today in Statistics Canada.

**Mr. Filmon:** Mr. Speaker, I might say that the statistics that were provided indicate that there was a reduction in the labour force in every single province in this country in that same reporting period. This is not anything that is a phenomenon

to Manitoba. This is happening right across the country.

I might say, on a year-to-date basis for the first four months of this year, January, February, March and April, that Ontario has lost in manufacturing employment in that period of time, some 66,000 jobs. They have dropped overall 7.5 percent of their entire manufacturing force during that period of time. We are not happy with that, Mr. Speaker. That is not good for anybody in this country. The fact of the matter is, that is not good for anybody in this country, and we do not want that to carry on, so we, in Manitoba, are taking steps to turn that around.

That is why Medox corporation have come to Manitoba from London, England to set up manufacturing of health care products. That is why Trimel pharmaceuticals are setting up their plant in Steinbach, well under way, almost completed. That is why Apotex are making a \$50-million investment in Manitoba. That is why we have the company in Morden that is doing oxygen concentrators to be supplied to hospitals throughout the world, 3M in Morden, expanding substantially, doubling their capacity, \$10 million investment and so on. Those are the things that we believe are important to do, to set up to attract the new industries and the new investment. We are doing that.

The Economic Development Board is very conscious not only of the need to revitalize our economic base but to diversify into areas that we have never had before. We believe that progress is being made. We believe there is more work to be done. We are going to be working very, very hard to ensure that is our No. 1 priority in Manitoba's future.

**Mr. Doer:** Mr. Speaker, the Premier talks about Ontario. First of all, Manitoba was in last place in economic performance in 1991, last place. He talks about Ontario. There has been a decline in employment in Ontario. It is 1.6 percent. We had 3.5 percent, double the decline in Manitoba than we have in Ontario.

My question to the Premier is—and he has not answered the question. There is a .5 percent decline in the number of people in our labour force in Canada with this national recession. We have five times that amount in the province of Manitoba. Now, we know that in the private sector Manitoba was last in capital investment, second last in

manufacturing investment, last in residential investment, in 1991.

Can the Premier please advise Manitobans why the despair rate in Manitoba is higher and five times greater than the national average? Why are people quitting looking for work in this province if there is this so-called economic opportunity?

**Mr. Fillmon:** Mr. Speaker, the Leader of the Opposition, as I have said throughout the last 10 days or so, is concentrating on the past. What he has to do is concentrate on the projections for the future.

Since the 1st of April we have had three forecasts from three separate banks, all of whom are saying that Manitoba economic growth for '92, '93, '94 will be in the top four provinces in the country. We had, of course, Statistics Canada saying that our manufacturing capital investment will increase by over 30 percent, the highest increase of any province in the country in 1992. Statistics Canada says the overall capital investment in this province, public and private, will rise at the highest level of any province in the country in 1992. That is because of the policies that we have put in place. That is because of the fact that our policies of no increase in major taxes, of keeping our deficit down is setting the economic base for recovery to be better than most of the provinces in this country.

\* (1015)

### **Tantalum Mining Corporation Employment Protection**

**Mr. Jerry Storie (Flin Flon):** Mr. Speaker, I think Manitobans realize that this province has been on a toboggan ride downhill since this government took office.

Nowhere has it been worse than in northern Manitoba. Mr. Speaker, three communities have closed down since this Premier took office. Yesterday, at the Public Utilities and Natural Resources Standing Committee meeting, Manitoba Mineral Resources president indicated that 110 jobs at the Tantalum Mining operation in Lac du Bonnet, and the member for Lac du Bonnet's area, are in jeopardy—110 jobs.

I am wondering if the Minister of Energy and Mines can tell us when the province knew that this operation was in jeopardy and what it has done. What is it doing to protect the 110 mining jobs that exist in that operation?

**Hon. James Downey (Minister of Energy and Mines):** Mr. Speaker, I was at the same meeting that the member for Flin Flon was at and I in no way got the reflection that he got, that there were any jobs in jeopardy from the president of MMR. I would hope that he would come to this Legislative Assembly with the truth once, so that he does not leave false impressions with the people of Manitoba.

Mr. Speaker, there is no truth to what the member puts on the record. There is work being done there in a responsible manner by MMR and the companies involved.

**Mr. Storie:** Mr. Speaker, I have spoken to representatives from the community who say that the minister is dead wrong.

### **Contract Negotiations**

**Mr. Jerry Storie (Flin Flon):** My question is to Minister of Energy and Mines. Can the minister explain how, after being told at committee by the president of MMR, that they have no contracts for the sale of tantalum after June 1992, that there is no problem?

**Hon. James Downey (Minister of Energy and Mines):** Mr. Speaker, if I remember correctly, what was said by the president of MMR is that he did not feel it was appropriate to put information as it related to negotiations with the product from that mine. He did not say that there were not going to be sales. —[interjection] They had no contracts, but he said because of the—the member is happy that they do not have contracts and there could be difficulty. That is where they get their satisfaction, is at the misery of people. Shame on them!

What I am saying, Mr. Speaker, is that the president of MMR said because of the negotiations he did not feel it appropriate to put it on the public record.

### **Employment Protection**

**Mr. Jerry Storie (Flin Flon):** Mr. Speaker, members on this side are happy the government finally acknowledged, after denying it in the first question, that there are problems. No contract after June could constitute a problem. The workers out there believe there is a problem.

Mr. Speaker, my question is to the Minister of Energy and Mines. Can the Minister of Energy and Mines tell me what he has done to protect these 110 jobs in Lac du Bonnet at the Tantalum Mining

Corporation, what he intends to do, to make sure that those jobs remain, the few mining jobs that are left?

**Hon. James Downey (Minister of Energy and Mines):** Mr. Speaker, I can assure the member that MMR, through its board of directors and through its management, the president, and those people who have had the responsibility for years for MMR, are carrying out their activities responsibly, working to obtain longer-term contracts, and to ensure jobs.

In fact, Mr. Speaker, I would encourage him to expand the opportunities in those communities which may take place as well.

### Economic Growth Employment Statistics

**Mr. Reg Alcock (Osborne):** Mr. Speaker, as we have been talking about the economy in this province, the government has taken to blaming it on the recession, blaming the drop in this province on the recession. I would like to just make the Premier aware of a couple of numbers. Between the day this government took office and today, there have been 47,000 jobs lost; actual employment has gone down by 47,000 jobs in this country. In Manitoba it has gone down by 11,000.

I would like to ask the Premier this question: Why has 23 percent of the job losses in this country been sustained by a province that has only 4 percent of the population?

\* (1020)

**Hon. Gary Filmon (Premier):** Mr. Speaker, I guess the representative of the Liberal Party is not aware of the various elements of our economy. He is not aware, for instance, that one of the major elements of our economy is agriculture and that agriculture has sustained tremendous losses as a result of an international grain trade war that has depressed prices to levels in real terms that last year were lower than they had been in their history, that saw the real income of farmers down to one-quarter what it had been a decade ago and so on.

The Liberal Party, of course, has no knowledge of the agricultural sector of our economy, and so he is unaware of it, but perhaps when he runs for the federal parliament, he will do a little research to bring himself up to speed and broaden his horizons, Mr. Speaker.

The Liberal Party is also not aware of the effect of depressed prices in the mining industry, how that affects mining production and mining employment in this province, Mr. Speaker. He may want to do some research when he runs for parliament on that because mining is a key sector of the Manitoba economy.

The fact of the matter is, Mr. Speaker, that there is a recession. It is worldwide. It affects Europe; it affects Japan; it affects the United States, and it affects every single province in this country. The difference is that this province is putting in place policies to ensure that there will economic investment and growth in this province.

This province is not doing what New Democratic and Liberal provinces are doing by jacking up the deficit and jacking up the taxes to discourage further growth and investment in their province. This province is attracting investment in new areas, in high technology areas, in aerospace, in medical products, in pharmaceuticals, in all of those new growth areas for the future because we believe in the ability of Manitobans to attract investment and growth in those new areas, and we believe that Manitobans will respond positively with new opportunities, Mr. Speaker.

**Mr. Alcock:** Mr. Speaker, the difference is that 4 percent of the population of this country is sustaining 23 percent of the job losses under this Premier. That is the difference.

Mr. Speaker, another impact of the recession has been the conversion of full-time jobs to part-time jobs. In Canada, full-time jobs as a proportion of the total labour force fell 1.79 percent. In Manitoba, they fell 5.84 percent. If we were just doing as well as the rest of the country, we would have 16,000 more full-time jobs in this province.

I would like to ask the Premier a very simple question: Why?

**Mr. Filmon:** I would like to keep the answer simple so that the member could understand it, Mr. Speaker, but it is a complex issue. The issue is that there are world forces at play here, world forces that affect the income of our entire agriculture community, world forces that affect the price of base metals and the mining industry, world forces that have caused a recession that has damaged badly the countries that are the greatest consumers of the goods that we produce and export in this province, as well as this country.

There is a recession that has hurt every province, every single province in this country, but this province has taken steps to ensure that when the recession is over, we will be a prime place for investment, job creation and growth. This province, for five straight budgets, has not increased the major taxes. This province, for five straight budgets, has kept the deficit down. This province has ensured that there is a climate here for investment in new opportunities. That is why Trimel is here; that is why Medox is here; that is why Apotex has made the investment here. That is why we have the two-wheel-drive tractor operations manufacturer being transferred from Belgium to Winnipeg. That is why the 777 parts for Boeing are being made here in Winnipeg.

Those are the good things that are happening, and I would say that as an individual who intends to run for parliament, I would hope that this member would have a much more positive view of Manitoba and Manitoba's opportunities.

**Mr. Alcock:** Well, Mr. Speaker, one day the Premier will say, well, it is the recession and it is affecting everybody. Now he is saying, well, no, it is just impacting Manitoba—4 percent of the population, 23 percent of the job losses in this country.

**Mr. Speaker:** The honourable member for Osborne, put your question.

**An Honourable Member:** Why are we in last place?

**Mr. Alcock:** Why are we so far behind is an excellent question. Why is it that if we had the same proportion of the labour force in Canada—

**Mr. Speaker:** Order, please. The question has been put.

**Mr. Filmon:** As I have said, the important thing is to look at what the economic forecasts are for this province. Three banks have recently upgraded their forecasts for this year since the month of April. All three banks are suggesting that in—[interjection]

\* (1025)

**Mr. Speaker:** Order, please. The honourable member for Osborne has put his question already, and the honourable First Minister is attempting to respond.

**Mr. Filmon:** All three banks are suggesting that for 1992, 1993 and 1994, this province will have growth

rates that are in the top four provinces in the country. Statistics Canada is suggesting that we will have over a 30 percent increase in manufacturing capital investment. Statistics Canada is suggesting that this province will have the highest growth rate of private and public capital investment of any province in the country. Everyone of those forecasters is saying that we have done the right things, that we have put in place the opportunity for investment and growth in job creations that will exceed the other provinces in the country. Now, Mr. Speaker, we believe that is good news for Manitobans.

### Health Care Facilities Bed Closures

**Ms. Judy Wasylycia-Lels (St. Johns):** Mr. Speaker, the news yesterday of 150 bed cuts at St. Boniface General Hospital is creating understandable concern among patients and, given today's labour force statistics, justifiable anxiety among hospital staff. Yesterday, the Minister of Health said, as he keeps saying, that he is not responsible for specific bed cuts. Also yesterday, the Health Sciences president Rod Thorfinnson said there is a government formula identifying 240 beds to be transferred or closed at the two teaching hospitals.

Mr. Speaker, my question is: Who is telling the truth?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, not my honourable friend.

**Ms. Wasylycia-Lels:** Thank you. Another question on this very serious matter, Mr. Speaker. Who do we believe, the hospital administrators at Health Sciences Centre and St. Boniface who say the bed cuts are up to the Health ministry, or do we believe the Minister of Health who says bed cuts are up to individual hospitals? Who is telling the truth?

**Mr. Orchard:** Mr. Speaker, as we have discussed in Health Estimates for a sizable portion of the last 52 hours, there is a budgeting process of government wherein we established for the hospitals the level of budgeting that we anticipate to be available this year. In the case of Manitoba's budget this year, we are budgeting for \$53 million more in hospital funding this year over last. That is part of \$102 million overall increase to Health department spending this year over last year.

Now, within the process of spending \$53 million more, hospitals in the province of Manitoba this year



are expected to spend almost \$950 million, an increase of \$53 million over what we expected to spend last year. In the course of developing plans in terms of operating with \$950 million of expenditure, each hospital is currently developing their operational plans for presentation to government.

When those plans are presented, decisions are accepted and announced that that is when my honourable friend will have her answer as to how the hospital system, the health care system, in Manitoba will operate over the next 12 months, in two years and 10 years.

**Ms. Wasylycia-Lels:** What do we believe, the Minister of Health saying he cannot account for discussions of hospital boards about bed closures, or the president of Health Sciences Centre, Mr. Thorfinnson, saying—

**Mr. Speaker:** Question.

**Ms. Wasylycia-Lels:** —there is agreement dictating that only the Health Minister Don Orchard can make announcements?

**Mr. Orchard:** Mr. Speaker, my honourable friend is concerned one day that we study too much, the next day that we do not decide. I am a little confused as to where my honourable friend comes from.

Mr. Speaker, let me just indicate to my honourable friend that the budgeting process in Manitoba is a much more informed consultative process than any other province. In the province of Manitoba, health care providers can look forward to over \$100 million of increased spending to serve needed health care provision of service in the province of Manitoba.

I will contrast the \$102 million increase in budget in the province of Manitoba anytime with the reported reduction in spending in Saskatchewan of \$45 million. How does my honourable friend square that NDP policy?

### **Social Assistance Off-Reserve Status Indians**

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, I have a question for the Minister of Family Services.

\* (1030)

In response to my question on social assistance for off-reserve Status Indians, the Minister of Family Services stated on April 21 and as reported in

Hansard on page 2358, and I am quoting, Mr. Speaker: "We have been dealing with the federal minister responsible, Minister Siddon, on this. . . . We are still in discussions with the federal government. . . . We are continuing our dialogue with the federal government . . ."

Has the Minister of Family Services received the letter from Mr. Siddon, the Minister of Indian Affairs, dated May 1, 1992, wherein the federal minister states: "As you know, there are currently no discussions on this issue; . . . The Department of Indian Affairs and Northern Development, in accordance with a federal Cabinet decision, has terminated payment for off-reserve social assistance as of April 1, 1992."

I will table that letter, Mr. Speaker.

My question to the minister is: Why is the Minister of Family Services continuing to mislead this Legislature and the municipalities of Manitoba, pretending there are discussions ongoing when this is not the case?

**Hon. Harold Gilleshammer (Minister of Family Services):** Mr. Speaker, the member for Brandon East is correct in that we are in dispute with the federal government over this issue. If we were to follow the lead of the member for Brandon East, we would simply give in and pay the money. We do not accept this decision, and we are continuing this dispute with the federal government with the support of many Manitobans, including the Union of Manitoba Municipalities, who have just written to the federal minister on April 30 indicating their support for us.

It says: The UMM is in support of the position taken by the Department of Family Services of Manitoba that this is a federal responsibility.

That has been our position for the last year; that continues to be our position, and I regret the member for Brandon East and his caucus feel that this is not an issue anymore and that simply Manitoba should pay. This has an impact of \$17 million on the taxpayers of Manitoba. That is a decision we do not accept.

**Mr. Leonard Evans:** Mr. Speaker, there are many municipal leaders, including the mayor of Brandon, who have threatened to sue this government for its position on this matter.

Will this minister acknowledge that Mr. Siddon, the federal minister, stated in that same letter that

he is concerned that municipalities are being drawn into a federal-provincial debate and those municipalities may face financial problems if the province persists in advising the municipalities to continue billing the Department of Indian Affairs?

**Mr. Gilleshammer:** Mr. Speaker, I agree that the municipalities are being drawn in here, because they realize the impact on Manitoba of this decision. They are supportive of the department of the government and the stand we have taken with the federal government, and they are supporting us.

I would ask that the NDP maybe reconsider their position. They have flip-flopped from supporting us when I made my statement in the House back in the early part of last year. Now they are simply saying we should cave in to the federal government and flow this money. We do not accept that. We are in dispute with them, and we are going to continue to try and resolve this. We do have the support of UMM on this issue.

**Mr. Leonard Evans:** Mr. Speaker, there is a great deal of apprehension among municipal leaders in this province because of the attitude and position of this government.

Will the City of Brandon, to use one example, be stuck with a bill for many thousands of dollars? We are paying out \$25,000 a month for making payments to off-reserve Status Indians for which Ottawa will not reimburse them. Will the province, specifically—and I wish I would get an answer from this minister, Mr. Speaker, for a change—will the Province of Manitoba reimburse the City of Brandon as required under social allowance legislation for the money that they are now spending for this category of welfare recipient?

**Mr. Gilleshammer:** Mr. Speaker, the City of Brandon—and I have discussed this with Mayor Borotsik, who is well aware of the position we have taken on this—supports us in this position. We have indicated to the mayor and through him to the council that we are in dispute with the federal government. They have indicated by resolution that they have given the parties some 90 days to get this resolved. We have their support on this and some of the initiatives that we have taken to resolve this are ongoing. I would suggest to the member for Brandon East that perhaps he and his caucus should reconsider their stand on this and give us the support that was there a year ago.

### Foster Care Parental Training Program

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, over a week ago, a five-year-old boy in foster care lost his life. That death is being investigated by the Department of Family Services, but what it has uncovered is a number of very serious deficiencies within the foster care system. Number one of those deficiencies is the lack of training for foster parents, often dealing with very troubled children.

Can the minister explain to this House why we have a training program required by at least two-thirds of the staff at child care centres, but we have no compulsory training program for foster parents in the province of Manitoba?

**Hon. Harold Gilleshammer (Minister of Family Services):** Mr. Speaker, the delivery of foster care in Manitoba is the responsibility of the various Child and Family Service agencies and the regions. The department sets certain standards and the agencies are responsible for the recruitment and the monitoring of those foster homes. The Manitoba Foster Family Association receives some \$323,000 from the government of Manitoba and a good portion of that, approximately \$250,000 of that grant, is for training and support of foster parents. So there are three parties involved in this process, the agencies who have the responsibility for the delivery of foster care, the government that sets the standards, and the Manitoba Foster Family Association which works with the agencies and with the government to deliver that training.

The training is an ongoing process, and as new foster families come onto the scene, it is the responsibility of the agency to give orientation to those foster families. It is an ongoing process and a challenge that, I think, not only faces the department but the agencies and the Foster Family Association to provide that adequate training.

**Mrs. Carstairs:** Mr. Speaker, the words that the minister uttered which is that the government sets the standards are the fundamental words. This government does set the standards, and one standard that does not exist is the compulsory training of foster parents. Foster parents frequently have children put in their care long before they have even begun a training program or an orientation program because of such a desperate need for foster parents. Mr. Speaker, why is this government

unwilling to set a standard in the province of Manitoba that will ensure training prior to placement of foster children?

**Mr. Gilleshammer:** Those standards are there, and it is the agencies' responsibility to meet with foster families and provide that orientation and that training. As well, agencies are required to do a monthly visit at the foster home to see that the match that has been put in place is working.

As well, we have brought forward a plan called the Structured Care Continuum that is currently being implemented with foster families, whereby, when it is fully implemented, the foster parents with the abilities to deal with the most difficult children will be matched with children who have those difficulties.

This Structured Care Continuum was introduced last year. There is some ongoing training with foster families and discussions between the department and the Foster Family Association in bringing this Structured Care Continuum into place.

### Standards Review

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, the minister does not even know his own standards. It is not a monthly visit that is required. It is a visit every two months, and that standard is not met. In most foster-parenting situations that standard is not met. All he has to do is talk with child care workers and he will know that they have caseloads so high that they cannot possibly visit foster parents in their homes once every two months.

Will the minister examine his own standards to ensure that there is appropriate care delivery in our community so that tragic events such as the one which occurred some 10 days ago will be averted?

**Hon. Harold Gilleshammer (Minister of Family Services):** I repeat for the member that the standards and the responsibilities for the foster homes lie with the agencies. We did discuss this in Estimates some few weeks ago. The member also knows from that Estimates process that an additional \$700,000 has been put into the budget to work with agencies on the issue of workload relief.

### Manitoba Housing Authority Staffing - Dauphin, Manitoba

**Mr. John Plohman (Dauphin):** Mr. Speaker, last week, the Minister of Housing (Mr. Ernst), in response to my questions, stated in this House that

everything was going according to the plans that were put in place according to the Civil Service procedures with regard to staffing procedures in the Dauphin Housing Authority, and that things were going to go along fine there. I want to know if that is the case.

To the Acting Minister of Housing: Why have experienced personnel such as Judy Hyde been terminated effective May 1, and not even considered for an interview for the position that they were previously holding prior to May 1? Why have these positions been given to inexperienced people who are not involved—

**Mr. Speaker:** Order, please. The question has already been put.

**Hon. Gerald Ducharme (Acting Minister of Housing):** Mr. Speaker, the minister did answer questions in regard to the topic a week ago. I will take it under advisement and get some further update for the member.

\* (1040)

**Mr. Plohman:** Mr. Speaker, this acting minister was the minister that started this ill-conceived takeover—

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

**Mr. Plohman:** Will the acting minister now admit that because of his incompetence and the minister—

**Mr. Speaker:** Order, please. I would remind the honourable member for Dauphin, Beauchesne's Citation 409.(6): "A question must be within the administrative competence of the Government. The Minister to whom the question is directed is responsible to the House for his or her present Ministry and not for any decisions taken in a previous portfolio."

The honourable member for Dauphin, kindly rephrase your question please.

**Mr. Plohman:** Mr. Speaker, to the acting minister, will the acting minister now admit that hard-pressed contractors have not been paid since March 15, that bills are stacking up in the Housing office in Dauphin, that rent is not being deposited because no one knows how or where to do it, that caretakers are opening invoices and rent cheques and pinning them to files? There is absolute chaos in this office. Will he now—

**Mr. Speaker:** Order, please. The question has been put.

**Mr. Ducharme:** Mr. Speaker, I am glad the member for Dauphin, when he was in government, built bridges instead of houses.

I will take the question under advisement for the Minister of Housing (Mr. Ernst).

### **Manitoba Housing Authority Staffing - Dauphin, Manitoba**

**Mr. John Plohman (Dauphin):** I ask the Premier: Will the Premier now admit that his government and minister were ill-prepared for the transfer of authority from the local housing authorities to the Manitoba Housing Authority, especially with regard to staffing and staff training and procedures? Will he take steps now to order his minister to remedy this situation?

**Hon. Gary Filmon (Premier):** Mr. Speaker, I am confident that the minister responsible will ensure that all of those transitions that are taking place will take place efficiently and effectively and that the saving of \$2.5 million to the taxpayer will be achieved.

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

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I wonder if I have leave of the House to revert to Introduction of Bills. I would like to introduce two bills, if there is leave of the House to do so.

**Mr. Speaker:** Does the honourable government House leader have leave to revert to Introduction of Bills? [Agreed]

### **INTRODUCTION OF BILLS**

#### **Bill 86—The Provincial Police Amendment and Consequential Amendments Act**

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Environment (Mr. Cummings), on behalf of the Minister of Justice (Mr. McCrae), that Bill 86, The Provincial Police Amendment and Consequential Amendments Act (Loi modifiant la Loi sur la Sûreté du Manitoba et apportant des modifications corrélatives à d'autres lois) be introduced and that the same be now received and read a first time. His Honour, the Lieutenant-Governor, having been advised of the contents of this bill, recommends it to the House.

I would also like to table the Lieutenant Governor's message, Mr. Speaker.

**Motion agreed to.**

#### **Bill 87—The Law Enforcement Review Amendment Act**

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, on behalf of the Minister of Justice (Mr. McCrae), I would like to move, seconded by the Minister of the Environment (Mr. Cummings), that Bill 87, The Law Enforcement Review Amendment Act (Loi modifiant la Loi sur les enquêtes relatives à l'application de la loi), be introduced and that the same now be received and read a first time.

**Motion agreed to.**

### **House Business**

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, before I give a call of the bills, I would like to announce—if I can find it—that the Standing Committee of Public Utilities and Natural Resources will sit May 26 to consider the reports of the Manitoba Hydro-Electric Board, and once I find my paper, I cannot find it right now, I will give specifically the hour of the day.

Mr. Speaker, would you call second readings, Bill 71, to be followed by adjourned debate Bills 22, 49, 72, 10, 15, and 21?

### **ORDERS OF THE DAY**

#### **SECOND READINGS**

#### **Bill 71—The Retirement Plan Beneficiaries Act**

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, on behalf of the Minister of Justice (Mr. McCrae), I move, seconded by the Minister of Environment (Mr. Cummings), that Bill 71, The Retirement Plan Beneficiaries Act (Loi sur les bénéficiaires des régimes de retraite), be now read a second time and be referred to a committee of this House.

\* (1050)

**Motion presented.**

**Mr. Manness:** On behalf of the Minister of Justice (Mr. McCrae), I am introducing a new Retirement Plan Beneficiaries Act. This bill will make it clear that people may designate beneficiaries for

Registered Retirement Savings Plans and Registered Retirement Income Funds by signing a specific form separate and independent of a will. Specifically allowing Manitobans to designate beneficiaries for the contents of RRSPs and RRIFs, Mr. Speaker, the new act will repair a deficiency in the present legislation.

As many members may know, financial institutions offering services such as insurance policies, pension plans, RRSPs and registered retirement investment funds often invite people investing in these instruments to complete a designation of beneficiary form which names the beneficiary in the event of death.

However, a few years ago, the Manitoba section of the Trust Companies Association expressed concern that present provisions of The Retirement Plan Beneficiaries Act were insufficient to allow execution of some of these designations in the absence of a formal will. When this concern was drawn to our attention, the government asked the Manitoba Law Reform Commission to investigate the issue. In a discussion paper released in November 1989, the commission invited comments from interested individuals and groups and after considering these issued a report with recommendations.

Their report concluded that the Trust Companies Association's concerns were well founded. In some cases, designations of beneficiaries of RRSPs and RRIFs, other than by will, are of no legal effect. Mr. Speaker, in this matter, we are not dealing with just a few people or a small amount in investing funds. In the 1987 taxation year, 136,570 Manitoba taxpayers claimed about \$330 million in RRSP deductions.

The major provision of the bill can be summarized briefly. First, it introduces a definition of designation with respect to benefits payable under a plan. Second, it expands the definition of plan to enable beneficiaries to be designated under the act for both present and future RRSPs and RRIFs. An additional point of information in this regard, Mr. Speaker, we have accepted a recommendation of the Law Reform Commission in directing that these designations can be made on a permanent, irrevocable basis if the maker so wishes. Third, designations of beneficiaries by means of designation forms are not automatically revoked or changed by future marriage or divorce. Forms for designating beneficiaries and planned status

reports will include a cautionary statement to investors drawing their attention to this fact.

As a final point of information, the intent is that this new act become law on Royal Assent, except for the section requiring that a cautionary note be included in certain forms. This section will take effect on a date to be fixed by proclamation.

We are confident that this legislation will be welcomed by Manitoba taxpayers, respondents to the Law Reform Commission. Consultations were overwhelmingly in favour of retaining statutory designations. Only a few supported their abolition.

I would like to add, Mr. Speaker, that the new retirement plan, The Retirement Plan Beneficiaries Act, illustrates the benefit of having an arm's length body like the Law Reform Commission which independently or on request can examine issues affecting our law.

Mr. Speaker, thank you very much. Those are the few remarks that I have in introducing this bill for second reading.

**Mr. Dave Chomlak (Kildonan):** Mr. Speaker, I move, seconded by the member for Interlake (Mr. Clif Evans), that debate on this matter be adjourned.

**Motion agreed to.**

### House Business

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I just wanted to give details with respect to the Standing Committee: Tuesday, May 26, 10 a.m., Room 255, to consider the 1991 Annual Report of the Manitoba Hydro-Electric Board.

**Mr. Speaker:** I would like to thank the honourable government House leader for that information.

### DEBATE ON SECOND READINGS

#### Bill 22—The Lodge Operators and Outfitters Licensing and Consequential Amendments Act

**Mr. Speaker:** On the proposed motion of the honourable Minister of Natural Resources (Mr. Enns), Bill 22, The Lodge Operators and Outfitters Licensing and Consequential Amendments Act; Loi sur les permis relatifs aux exploitants de camps de chasse et de pêche et aux pourvoyeurs et apportant des modifications corrélatives à d'autres dispositions législatives, standing in the name of the

honourable member for the Interlake (Mr. Cliff Evans).

**Mr. Cliff Evans (Interlake):** Mr. Speaker, it is my pleasure to be able to stand this morning and make my comments on The Lodge Operators and Outfitters Licensing and Consequential Amendments Act.

Mr. Speaker, when the minister introduced this bill some weeks ago, he had indicated that the bill was not a specifically large and major legislation. It was more of a bill that had to be brought in and there were concerns that lodge owners and operators and outfitters were having problems. The minister felt it would be better that we brought these lodge operators and outfitters under the jurisdiction of Natural Resources and not under Tourism, as has been the case for many, many years now.

Well, Mr. Speaker, briefly, on the tourism side of lodge owners and operators and outfitters, I would just like to make comment that northern Manitobans, Interlake, and throughout Manitoba, we have an industry—the lodge owners, the outfitters, the tourism industry—that has spent millions and millions of dollars in this province, millions of dollars that owners and outfitters and operators have spent, considerable amount of their own monies, considerable amount of time promoting and enhancing the tourism side of hunting and fishing. Outfitters and lodge operators go to travel across the United States; some even go to Europe to promote the province through the natural resource through the outfitters and fishing and guides. An enormous amount of money is being spent within our province to promote this.

\* (1100)

When the Minister of Natural Resources brought this bill into effect or brought it before this House, Mr. Speaker, I was flooded with calls in my office, not only here at the Legislative, but also in my office in Riverton. In fact, just within the Interlake, there are some odd 30 to 50 lodge owners and operators and outfitters within my constituency who are affected, along with the many other hundred or so, or 200, who are in fact in place throughout this province.

The concerns were not just in specifics of one or two items about the bill, but they are also issues that each and every outfitter and lodge operator whom I have spoken to has concerns about this bill right from start to finish. Consultation, Mr. Speaker—the

lodge owners and outfitters have said to me: Where is this consultation? There has not been any consultation by the minister's office to propose the changes in this bill. Input and advice would be sought from members of the Lodge & Outfitters Association, so the minister states. Well, if that was the case, why were outfitters and lodge owners throughout Manitoba not consulted on the changes that the minister is proposing here? Why was the Manitoba Lodges & Outfitters Association itself not contacted before the minister and his department were requesting that these changes be put through?

Now, they say that the minister has indicated that under Industry, Trade and Tourism issuing licences under the current legislation has not the manpower or the will to enforce conditions imposed by the licence. Well, Mr. Speaker, I think on that note and what I get from the people whom I have spoken to, the outfitters and lodge owners, is that there has been more than enough manpower, will, to enforce conditions imposed by licence.

The claim that lodge owners, operators may in fact exceed conditions of their licences without fear of retribution, and this exceeding of the situation, of the condition under licenses, is creating havoc within the resources that we are and do have here in this province, Mr. Speaker, the fishing and the hunting and the different wildlife that is being affected. I have been to, have seen and have discussed with many lodge operators how they run their operations, and what they do does not indicate that to me whatsoever. What I have seen in speaking with executives from the different associations and groups, is that under the present system they, and I have seen it, do control and do have a good handle on the way that when tourists come out, people who want to hunt, fish and spend time in Manitoba, under the direction of the operator and the guidance of the operator, there is very good control.

Control where, in many lodges in northern Manitoba and in the Interlake and others, for an example, on the fishing, there is throwback, where we have the people from the United States, people from the rest of Canada coming to their lodges, where they catch the big fish. They go out on the lakes and spend the afternoons and the evenings; there is control. The operators themselves have told me that there is no abuse of the system as it is in place.

In fact, they are enhancing the sustainable development, if you want to use that phrase, in keeping the resources within our province and not being abused and destroyed. Mr. Speaker, in the proposal, it states the social and economic benefits to this bill, and the legislation is going to enable the province to deal more adequately with the increasing demands on the resource base, as I have mentioned, with increasing demands.

Over the past few years, the past five or so years that I have been in the Interlake myself and have been with lodge owners and outfitters and have gone on some fishing expeditions to take a look at their operations, I can tell you that with the lodge owners in the Interlake and in northern Manitoba, there is not an increasing demand on the resource.

As I mentioned earlier, the owners and the operators control that. They do not want to see resources being taken away or resources being abused. If that occurs, no one will come back. There will not be any of the big fish to catch; there will not be any of the hunting available if the abuse, as the minister perhaps claims or perhaps suggests that there is, will be exceeded. Once that occurs, you will not see anyone coming back to that operator's lodge, back to the area, back to northern Manitoba, back to the Interlake. There will not be any need; there will not be any resource for him to come out and make use of.

Some of the operators have indicated that the bill that the minister has put forth—and the minister had claimed himself that it was a housekeeping change—the outfitters and operators are concerned that this is more than just a housekeeping change. They are worried that this bill is a complete major overhaul of their industry, an industry that I would remind you and this House that tourism dollar-wise is of enormous value to the province.

Really, Mr. Speaker, if there are problems within the industry, the bill itself does not necessarily deal with the problems and if there are problems, what problems are. This bill does not seem to want to basically deal with the changes and the problems that the industry has. Indications, as I have previously spoken on the other bills that the minister has put forth in this House, are that the operators themselves are getting the feeling, have the feeling and see by going through Bill 22, that this bill is a bill to be able to give the minister the extra power to take over the industry.

Now you would think, Mr. Speaker, that if there are problems, if there are needs for some changes in that, the minister would in fact put forth a bill that would encourage the outfitters and operators, that would encourage the industry itself by consulting with and by making some amendments that will enhance the growth of this industry. The operators are in fear and have said specifically and used the word specifically, fear, that they are afraid that the minister will have so much power in this bill, that it will basically take away the enhancement and the chance to grow within industry, that so much power will be there that they will not be able to make any kind of a move without the minister and his department jumping on top of them and taking away their licences, taking away their privileges, taking away their rights.

Now, Mr. Speaker, I know for a fact, and I have been to a few shows here in Winnipeg, Manitoba, and had the opportunity some years ago to attend a show in Minneapolis that Manitoba lodges and outfitters were in attendance to promote. This is going back some five or six years ago before I really had an opportunity to live in the Interlake. I was tremendously impressed with the way that presentations were presented, the accommodations that were shown, and was very proud of the fact that these lodge operators have spent time, money—their own money—to go to the different shows in Minneapolis and Chicago and further down south. I was very impressed.

\* (1110)

Lo and behold, a year or two later, I had the opportunity of having some of these operators that I met down south as constituents and got to know them a lot better and got to see their operations. Let me say, Mr. Speaker, that within my constituency, the outfitters and operators provide a tremendous economic benefit to the Interlake, to the Arborg area, the Fisher Branch area, Poplarfield, Riverton. There are more than half a dozen outfitters and operators just within Riverton itself—bear hunting, providing for fishing expeditions, for deer and for duck hunting at appropriate times of the year.

These people, these operators put in an effort. They are afraid that this bill is going to take that effort away from them, that this bill is not meeting the goals that the industry wants to provide. It is going to choke some of them, they feel. They are not going to be able to make a move or a decision without the minister's overlying power on their operations itself.

Now, Mr. Speaker, they are also worried that through this bill the Minister of Natural Resources (Mr. Enns), claiming within the bill that he is going to protect the natural resources of the province, can limit and allocate our licences to operate. Again, as one of the fears that the outfitters have, the operators have, he can limit and allocate, again a power that the operators are afraid of. If before there was a problem in the issuing of licences to operate, if there was a problem, then why was that problem not addressed without giving the minister that much authority and power to control?

(Mrs. Louise Dacquay, Deputy Speaker, in the Chair)

**An Honourable Member:** Because he is a good man.

**Mr. Cliff Evans:** The honourable member from across the way indicates that the Minister of Natural Resources (Mr. Enns) is a good man. I have yet to indicate otherwise; I have not indicated that he is not a good man. However, perhaps the Minister of Natural Resources wants to be a better man by having so much power and control that, again, he will be able to just have at his whim the use of his power to be able to control this important industry, an important industry.

Now, licensing, and getting back to the fear of the licensing, the minister can cancel and suspend or refuse to renew a licence under circumstances set out in the regulations. Again, Madam Deputy Speaker, I would like to indicate that a fear there is just as in a previous statement that he can limit and allocate. Further down, he says he can suspend and cancel and refuse under circumstances set out in the regulations. Here we have again a lack of consultation.

The question from the Outfitters Association is what are these circumstances and why are they being withheld from the association, from the outfitters? They want to consult, or at least wanted to be consulted with. I am sure and I am aware of the fact that the minister has met with operators and with the association since the bill was introduced, and I am sure that they appreciate that, and I am sure that the minister will provide the opportunity to the outfitters, operators and the association during committee to make their case at committee and will listen. I am sure he will listen.

I am sure the Minister of Natural Resources (Mr. Enns) appreciates being the good man that the

Minister of Highways and Transportation (Mr. Driedger) has indicated and will appreciate the fact that this industry needs the opportunity to be able to grow and grow prosperously and properly. I hope that the minister, in his consultation after the bill was introduced and during committee, has listened and will listen to the association and to outfitters and property owners across this province, will listen to them and take their recommendations and take their amendments to heart.

Madam Deputy Speaker, in the licensing and the powers—and I will go over a few of the items in the actual bill, but I just want to express my views and some of the views of the operators that I have spoken to.

The Licensing Advisory Committee has now only licensing powers. Before it looked after all the aspects of new licences. Well, if the minister wants to again have a certain amount of control as far as issuing licences, I am sure that the operators would appreciate having someone from within their own industry on this board so that their industry will be represented, so that if there are going to be any types of issuing of new licences, granting of new licences or wanting to take away permits and licensing that the industry will have representation, as in others.

In other organizations, Madam Deputy Speaker, there is representation on the fact that if licences are being issued or licences being taken away or in fact if there is any sort of repercussions to taking away of licences, the outfitters, the operators, they question the fact, will they be represented. It is their industry. It is their lodges. It is their outfitting businesses. They feel that if someone wants to renew, get his licence, that he has in fact the opportunity to go before a board that there is a member from his own industry within that board who will understand the industry, and not just political or other appointees to the group and that there is an opportunity for them to go before their peers.

Now, does the minister feel that with this act and this bill he will in fact, and the industry will in fact be one that will grow and be strong? The different conditions that the minister has put into this act and wants to have the control again that we say could in fact threaten, Madam Deputy Speaker, the bill and threaten the operation of lodge operators and owners and outfitters.



Real partnership, I guess, is another word to use, partnership in getting involved in Natural Resources so that they may in fact be a part to work with Natural Resources or Industry and Trade and Tourism, to maintain and sustain the economic development of our province. [interjection]

The Minister of Highways and Transportation (Mr. Driedger), as usual, is in a hurry to do something. We have time here to discuss this at whatever pace that we may feel is necessary.

We want to be deliberate and intelligent about this whole matter, as intelligent and deliberate as the proposals that the operators have come to me with and have indicated as to their problems here.

A tremendous concern that this bill is bringing in, Madam Deputy Speaker, and that is inspections and power of inspections. Within the bill, the minister states powers of inspectors, and I quote from the bill. "An inspector may, (a) at any reasonable time, enter any premises and make any inspection that is reasonably required for the purpose of enforcing this Act or the regulations;".

Enter at any reasonable time—what is reasonable? The inspections and powers of inspectors—the operators themselves have a great fear in just exactly what powers and who this minister is going to give the powers to. The power of the minister—the minister himself loves that word. He loves that word "power." He wants that power right up there on top, and then he wants to be able to pass his power along down the road to be able to represent the minister in saying, here, I have given you the power. The minister loves power. We can tell, we can see that.

\* (1120)

Madam Deputy Speaker, let me get back to inspections and power of inspections. I have a difficulty and so do the lodge operators and owners throughout this province about power of inspection. I would say to the minister himself, would he, in fact, appreciate someone coming to his operation, walking in on him and saying I have the power, the Minister of Natural Resources has given me the power to come in, take whatever documentation is necessary, take whatever is necessary because we have had some sort of complaint or we have had some sort of problem with your operation, walk in on him and say I have the power to take this?

Who would, in fact, really want to agree with something like that? Just to walk in and say, well, I

have just enough power to say I am going to come in, and I am going to examine your documents, take your documents, I will give you a receipt for them—that is terrific. But, I, Madam Deputy Speaker, and outfitters throughout this province do not agree. I hope that during the minister's consultations and meetings with the outfitters and operators, he has listened to their concerns regarding the powers of inspectors and the warrant to enter.

The other question on the inspection part of it that we all have a problem with is a "reasonable time." The minister says, at a reasonable time. Madam Deputy Speaker, what time would the minister decide? Is he going to have a specific time, a reasonable time? Is he going to say—

**An Honourable Member:** Midnight. The stroke of midnight.

**Mr. Cliff Evans:** He will say, yes, we are going to come in from 3:30 to 5:30 and come in and inspect and take away everything, or are we going to come, Madam Deputy Speaker, are my inspectors, whom I have given all sorts of power to, just coming in at any time?

**An Honourable Member:** They will skulk in at midnight.

**Mr. Cliff Evans:** They may skulk in at midnight, or two or three o'clock in the morning and walk in and say: I have this certificate. I am an appointed inspector by the all-powerful Minister of Natural Resources. Here I am at four o'clock in the morning, and I am going to take all your books and all your documentation and all your facilities and all your equipment and everything. I am going to take that.

That is what this minister is saying. He is going to come in and take the livelihood of an operator right from beneath his nose, Madam Deputy Speaker. [interjection]

Well, hopefully not as far as that goes. My honourable member has mentioned certain ways that the minister can exceed his powers. We question the fact, and the minister is worried about perhaps certain operators or certain ongoing operations that are not to the approval of this minister.

Now, Madam Deputy Speaker, when and who does? Does now a conservation officer not have enough authority under The Wildlife Act to be able to come in up to an operator's operation and say:

As a conservation officer, I am representing the Department of Natural Resources and the minister and his government, and we would like to inspect and just look through your operation and make sure you are doing everything in assistance. Now, what if the so-called powerful inspector comes in and there is a guide, there is a staff person there, just walking in on this operation and saying, here we go, here is your receipt; I am coming in, and I am taking everything?

We wonder here on this side of the House and I wonder just where and how much, without the proper guidance, without the proper assistance and consultation of this minister's department with the operators, how much are we really going to benefit? The operators, how are they going to benefit in promoting such an important industry within this province, an industry, as I mentioned before, that has the opportunity to grow, needs to grow, needs the support of the Industry, Trade and Tourism department, needs the support of the Province of Manitoba, needs the support of the Minister of Natural Resources? Are they going to have that ability now?

The minister stated that he is going to allot licences to inspectors—a certificate. Well, Madam Deputy Speaker, who is he going to allow these certificates to be given out to? Are they going to be trained? Are they going to be summer students? Are they going to be people through the Natural Resources' department? Are they going to be people who have some sort of a knowledge?

If they do not have a knowledge of the industry, are they going to be trained to have knowledge of this industry so that when they do come in for their inspections, on behalf of the minister, will they be knowledgeable? That is a question that not only myself but numerous operators are indicating to me—[interjection] the honourable member for Niakwa (Mr. Reimer) is concerned, too.

I am sure that if he was in northern Manitoba at some lodge that he would not want somebody walking off the street as such with a suit on and a little certificate saying, I am an inspector, coming in and taking his fish or his—I am sure that the honourable member for Niakwa would be outraged, Madam Deputy Speaker. Can you imagine if the honourable member for Lakeside (Mr. Enns) was the owner of this lodge? What would he have to say? He would be outraged as well as the person who is coming in.

Madam Deputy Speaker, on the offences and fines, the increase that the minister is putting in has again a tremendous amount of concern for the operators. We here on this side say, well, an offence is an offence, and if an offence is made, then people, rightfully so, should be dealt with properly.

But they have a concern on Section 9(1)(a) and (b): "in the case of an individual, to a fine of not more than \$2,000; and in the case of a corporation, to a fine of not more than \$20,000." Is the minister indicating here in this section that there is such a problem out there that he should impose such heavy fines, or is he indicating that he feels there is not a problem but perhaps if the system is abused, if the licence is abused and the operator abuses the system, he is sending a message out to them saying, well, I can be well assured that there are no problems, but if there is going to be a problem here is what you are going to be faced with, \$20,000. Madam Deputy Speaker, the fees are already increased to some operators that just will not be able to continue operation.

I would like to get back again to the inspectors and the inspection parts of this bill. Some of the operators that I have discussed this bill with have indicated to me that a warrant to enter should be enough to accommodate what the minister indicates when it comes to inspections, that a justice with an application that there is reasonable grounds could enter, that a peace officer would be able to take such action to go and enter a premise to inspect and to in fact perhaps deal with it properly.

Assistance to inspectors, the person in charge of premises referred to in subsection (1) and any person found on those premises shall give the inspector reasonable assistance to enable the inspector to carry out his or her functions under this act. Well, Madam Deputy Speaker, that could put a burden on the operation.

Madam Deputy Speaker, what if there is someone there who has brought supplies and this inspector with a certificate, this all-powerful inspector, says: I want you to assist me to come in to the operator's lodge and whatnot in office and say, let us load up on your truck or on your car, let us load up the whole situation; let us take everything. I have the right, and I can say to you, by having the right, that I can ask the bread delivery man, I can ask the milk delivery man to come—[interjection]

\* (1130)

That is what it says here—[interjection] Well, I hope that the honourable member for Lakeside (Mr. Enns) would not do that, but that is what it indicates.

I want to offer my statements to the member for Niakwa (Mr. Reimer) that this is not coming directly from this honourable member. This is coming from the hundreds of operators who have read through this and who have indicated their fear that things like this just may indeed happen. Now, Madam Deputy Speaker, we can make all kinds of implications that this will happen, that will not happen, but again, the operators have a fear that this bill is going to put so much control, so much overcontrol, on them that some of them will not be able to operate as they have before and operate with well-meaning operations according to all the regulations.

If there is an internal problem within the operators and the lodge owners, they through the assistance of the government, deal with their peers on their own. These operators realize that where there is abuse within the system, it is going to destroy the potential growth of their industry. If there are one or two operators within the system who are not doing and providing what is supposed to be done under regulations or under the benefit for the province of Manitoba for its tourist dollars, they deal with it. They have the input to be able to deal with such a problem if the problem does occur.

Well, Madam Deputy Speaker, I would like to in closing—I know that I have touched on a few of the issues and situations in this bill, but I hope that during committee and before committee, the minister has, in fact, dealt with this bill and with the operators on—and I am sure, as the honourable Minister of Highways (Mr. Driedger) has indicated that the goodness that the Minister of Natural Resources (Mr. Enns) has in him—I would certainly hope that the minister does go through the bill and in committee hear and listen to the suggestions and the changes that the outfitters and the operators and the Manitoba association has for the minister. We will be there. I will be there to hear the presentations and to hear what the minister has to say.

The way this bill reads right now, I do not feel that the minister is being fair and just to the outfitters that we have in this province. It is an important part of our tourism dollar and an economic benefit to this province. I wish that this minister will, in fact, listen to the operators so that this industry may continue at the very, very best of quality for all our tourist dollars and for the benefit of the economics of

Manitoba. Madam Deputy Speaker, thank you very much.

**Madam Deputy Speaker:** Is the House ready for the question?

The question before the House is the second reading of Bill 22. Is it the pleasure of the House to adopt the motion? [Agreed]

### **Bill 49—The Environment Amendment Act**

**Madam Deputy Speaker:** To resume debate on second reading of Bill 49 (The Environment Amendment Act; Loi modifiant la Loi sur l'environnement), on the proposed motion of the honourable Minister of Environment (Mr. Cummings), standing in the name of the honourable member for Radisson (Ms. Cerilli).

Is there leave to permit the bill to remain standing in the name of the honourable member for Radisson? [Agreed]

**Mr. Paul Edwards (St. James):** Madam Deputy Speaker, this bill represents another effort, in our view, by this government to get around what they say they believe in respect of environmental assessments. It is another effort to sever and undercut, in our view, a legitimate, credible, full environmental review process in this province.

Madam Deputy Speaker, the minister started his comments by saying that he felt this bill dealt with some technicalities. Far from it, this bill does not deal only with technicalities; rather, in our view, it represents a concerted effort and part of the theme that has marked this government's concerted efforts to, as I have indicated, over time generally undercut the environmental review process, while at the same time maintaining the image of a full, thorough, credible, independent review.

Madam Deputy Speaker, I think it is important to look at the history of this government's efforts in that regard. In the area of environmental reviews, this minister was the co-author of a position put forward by the Canadian Council of Ministers of Environment some years ago in which they stated as one of their chief objectives to stay out of court, they said, we do not want to be taken to court as governments, oftentimes the major proponents of these projects which require environmental review. We want to stay out of court and not have judges telling us what to do and how to do it.

Well, Madam Deputy Speaker, the fact is, courts only get involved and only make rulings against

governments when governments have broken the laws they enacted in the first place. The fact is, anybody who has been watching environmental process in the last number of years knows that the only people who have taken the time to read and understand what the laws are have been the courts, and they have, whether it is the Oldman River or Rafferty-Alameda or Hydro in Quebec, universally told Canadian governments, provincial and federal, look, if you pass this legislation, you have to live by it. You must respect the environmental process which says, think first, study first, build later.

Throughout this country—and, of course, we have the notable culprits in Saskatchewan and Quebec, and Manitoba to a lesser extent, but I think our turn is coming with Conawapa—there have been notable governments that have cut deals behind doors in attempts to get out of the environmental process—[interjection]

The member for Kildonan (Mr. Chomiak) talks about Liberal governments. The member for Kildonan should read the comments of February 24 of this year of the member for Point Douglas (Mr. Hickes) on environmental assessments. The member for Point Douglas had one theme in his comments on Bill 10, which was build now, build big, do not look at it, do not worry about it, the banks on this river, on the Nelson River, are high. What do we need an environmental study for? That is what the member for Point Douglas said in his comments. He does not care; he wants construction, the bigger the better, the sooner the better, and the member for Kildonan talks from a party that built Limestone, the biggest development in this province, \$1.6 billion, and did not do an environmental study.

Now, they brought in the Environment Act in 1988. They started building Limestone in 1985, so Madam Deputy Speaker—[interjection] That is right, my friend the member for Inkster (Mr. Lamoureux) reminds me that that, of course, was the NDP in government. Now that they are in opposition, they think full environmental reviews are wonderful things. The fact is that this is a very controversial bill. In particular, the amendments to the ability to issue licences in stages is a dangerous, regressive move on the part of this government, and they can hardly hide the motives.

It has been consistent with what they have done in legislation earlier, approximately a year ago, when they brought in legislation massively increasing ministerial discretion in the area of

environmental assessments, in particular joint panel assessments with the federal government specifically to deal with Conawapa and the north central transmission line. It is a consistent theme.

\* (1140)

The Minister of Environment wrote that communique on behalf of the Canadian Council of Ministers of the Environment saying he wanted to stay out of court at all costs. Since then that is all he has done, is bring forward legislation to attempt to buttress that position, a higher level of ministerial discretion, a higher level of insulation from a thorough review which can actually stop projects.

The only reviews which can put the lock on the door of a project is a review by the court. The federal court has done that across this country. Madam Deputy Speaker, it is my suggestion that the people of this province have supported their actions. In Quebec, in the Oldman River, Rafferty-Alameda, the people saw that these politicians had been cutting deals behind closed doors. Oh, yeah, I know the proponent did the review, but let us call it a review for the purposes of the federal act. That is what they were saying. Let us just call this a review, let the proponent do it. We do not need to be bothered with these public hearings. It is going to cost money, it is going to take time. Let us just build.

The same principle that the member for Point Douglas (Mr. Hickes) spoke about back in February, that is the view. Building is always better and the sooner the better and the bigger the better.

Now, Madam Deputy Speaker, that is exactly backward from the way that the people of this country want us to go on environmental reviews. The people of this country want us to think first and build later, and if it takes us a while to do it, then we will have to start thinking ahead. We will have to start thinking and putting the environmental review into place before we want to build. You do not wait until you are actually putting the shovel in the ground to start the environmental review. That is what this legislation calls us to do. It calls us to do that study and do it thoroughly without the pressure, without the bias that is inherent in having already committed money.

How do you suggest that a government is neutral and can be the orchestrator of a neutral review when they have committed themselves financially already to the project, committed dollars that will be lost if the project does not get an environmental licence?

How do you suggest that they are neutral or unbiased when they have tied themselves, like this government has in Conawapa, to massive penalties to the province of Ontario if they do not go ahead? The fact is the neutrality went out the window when the time line passed which would kick in those penalties, and that happened 15 months ago for this province with respect to Conawapa.

If we ever have to go back on Conawapa, this province through Manitoba Hydro is going to lose millions and millions and millions of dollars. That is the penalty clause they tied themselves into, and yet they are telling us that they can have a neutral unbiased review.

Madam Deputy Speaker, the fact is that actions speak louder than words and the fact is that they have a financial incentive to get the right result. That is what Bill 10 is about when they are asking for increased borrowing money for Hydro. That is what this bill is about when the Minister of Environment is asking for the ability to grant licences in stages.

Let me just explain that. What he is trying to do here is say, we take a project like Conawapa, we take a global project and we divide it up into a number of different stages—[interjection] That is right.

As the Minister of Natural Resources (Mr. Enns) says, we only want to build part of the dam. They say, okay, let us hive off part of this project. Let us say we only want to build the roads in, we want to build the infrastructure. We get a licence for that. Then they say, and no more, that is all we are studying here, just the initial stage, and we will commit the money necessary to do that. You look at the initial stage and say, okay, the panel says fine, go ahead with the initial stage. Well, you go ahead and you spend \$50—\$100 million, whatever it takes, you build it. Then you go back for the second stage. You build that. You go back for the third stage. You build that.

The fact is, Madam Deputy Speaker, it is divide and conquer. That is what it is all about, because like the federal court said—the Saskatchewan Court of Queen's Bench said on the Rafferty-Alameda case—why did they not say that the government of Saskatchewan had to shut down the Rafferty-Alameda project? Not because they had obeyed the environmental standards. No, they

found that they had breached the environmental standards.

But the court said at this point it would not be fair to force them to go back. Why? Because they had already spent so much money. They said, Saskatchewan and the Government of Canada have already \$100 million, we cannot shut this thing down; they have to go ahead; they have already committed the funds. Nothing to do with the environmental cost. Nothing to do with the decisions of a credible panel, because it had not even gone to a credible panel, Madam Deputy Speaker, at that point.

No, no, essentially the decision was based on the fact that because they had breached the law for so long, the court would not send them back to square one. It was divide and conquer—break up the project and you can spend the money, which, if you ever lose or if you ever are forced to modify or go back or be turned down by environmental panel, you can always say, look, you cannot kill this project; we have already spent all this money. That is the principle behind it.

That is the principle behind the ministerial discretion which is built into this bill to create stages of licences. Madam Deputy Speaker, it is regressive legislation in the extreme on environmental issues, and the people of this country are calling us to respect the principles we espouse.

It is an interesting thing, Madam Deputy Speaker, that like in many areas in this House, all three parties say the same things when it comes to what we believe in, what we want. We all know the platitudes. We all know the catch phrases: stakeholders; we believe in full environmental review; we believe in hearing the public, respecting what they say. We all say that.

But the fact is that when push comes to shove—look at the legislation that the government has put before this House. It is consistently legislation that moves away from listening to the public, that moves away from having been bound to respect the decisions of neutral panels, and it is consistently towards staying out of court at all cost, not obeying the regulations in the legislation that we put into place and being willing to pay the price if we do not. No, the legislation is designed as this is, to get around the back door when we could not get in the front. That is what this is about.

Madam Deputy Speaker, as a result, our party will be opposing this legislation, because we cannot stand by and let this government subvert (a) the legislation itself and the intent and purpose of it, both at the provincial and federal levels, but (b) let this government get away doing something they say they are not doing.

Madam Deputy Speaker, I simply want to ask the government why they cannot simply accept the principles of environmental assessments and live by them, rather than devise methods of getting around them. They are very good at doing that. They have been plentiful in coming up with ways to get around doing what is really intended and required by full independent environmental assessments, and it need be stated no clearer than to think first and build later.

You do not start a project, you do not spend the hundreds of millions of dollars before you know the full impact of the full project. By staging, by breaking them up like that, it is a fiction. You go to the panel and you say, just look at this, but that is redundant. It is irrelevant, that particular part of the project without looking at the whole project, because the only reason for the partial construction is as a part of the whole. What sense does it make when going to environmental reviews to say we are only going to look at the part and then we will build it?

It is one thing to say the process is going to look at the whole and in terms of the environmental review process, we will divide it into stages and at the end of the day we will come to a conclusion. It is quite another to say as we divide it in stages and approve it, you can build it. Madam Deputy Speaker, that is getting through the back door. That is getting to a point where you put pressure on the panel, you put pressure on the government, you give the government that ability to say at the end of the day, yes, we failed at the end of the day. We did not get environmental approval. It is going to be an environmental disaster, but we cannot turn back now, because we have spent all this money.

\* (1150)

We should not allow the government to get away with that as the Devine government did in Saskatchewan. This government is no better than Grant Devine was in Saskatchewan on Rafferty-Alameda. They are following his lead. They are letting him be their guide, the man who was singularly responsible for the environmental

travesty which is Rafferty-Alameda, in which, regardless of how you felt about the dam, there is no one who can defend the process that led to building it, no one who has any knowledge or respect for environmental reviews, and this government is taking his lead on this issue.

Madam Deputy Speaker, with respect to other parts of this bill, I note that the quorum provisions for the CEC are reduced from four to three. I am not clear, and I do not see from the minister's comments, the need for that change. I am not saying today that I necessarily agree or disagree with it. What I am asking the minister is for some justification for that at the committee stage.

My first instincts are that the safeguard of the old provision, that the number before, and the further safeguard with respect to transcripts being put before the next CEC meeting were legitimate and valid. I look forward to some discussion about that at the committee stage, should this bill ever make it to the committee stage.

I, of course, hope it will not, because the major part of this bill, and it slips through the door on the back of some other which really are minor technical changes, but the gist of this bill, the dangerous part of this bill cannot be allowed to go forward, in our view, unchallenged, and we will challenge it.

Madam Deputy Speaker, in addition there is a provision, as I have indicated, that the certified copy of the transcript of evidence which is taken at a CEC meeting that did not have a quorum has to be placed before the next CEC meeting, and the minister is taking that out. The intent may be that no meetings will be held where there is no quorum, I do not know, but there is no provision stating that. If that is the intent, that you cannot have a meeting without a quorum, then that is a different matter.

If the intent is rather that you can have a meeting without a quorum and now you do not need that transcript to be put forward in front of the next full CEC meeting, then I do not think that is a progressive change, because it makes sense that if you are going to allow meetings without quorums, you have the CEC itself, with a quorum, review it at the next meeting, so I look forward to some discussion on that.

Madam Deputy Speaker, Part 5 of this bill deals with alterations to projects and gives the minister the right to determine whether an alteration is a minor or major alteration, and the right to determine if

alterations can go ahead without going to a study. This again is the minister attempting to increase ministerial discretion on critical issues of environmental accountability and environmental review. To the extent that it expands ministerial discretion further without the necessary input of environmental review, it again represents a step backward and is regressive.

The final part, Part 7, allows the cabinet to make regulations concerning intervenor funding. Now, I have spoken previously and will speak again in favour of intervenor funding, and it being allowed through the CEC at these hearings. If the CEC is ever to be the credible, independent body which has the universal respect of the community, then we must provide that. I am not saying that the CEC is not now doing a fine job.

**Hon. Harry Enns (Minister of Natural Resources):** They should not take our tainted money, then.

**Mr. Edwards:** Madam Deputy Speaker, the Minister of Natural Resources says they should not take our tainted money, but the fact is in these cases the proponent, it is proposed, pays the bulk of those costs and that is positive.

It is one thing to say that the Legislature should not have a direct financial interest in the outcome of a result, and that is what I have said. It is quite another, as the Minister of Natural Resources suggests, that the government should have no role to play in financing a full review. Quite the contrary, if you want to have a thorough independent review, you must allow those who present to have some resources to put forward the information, do the research, put forward the facts in a useful way, in an organized way, and in a sophisticated way. The way you do that is to put the decision making into the hands of someone other than the government or the proponent. The way you do that is you set up a body, whether it is an independent panel, a subpanel of the CEC or the CEC itself. You give them the ability and discretion to decide who receives funding and in what amount.

Madam Deputy Speaker, I would ask the minister to give us draft regulations at his committee hearing, in the event that this bill gets to it, as he did with the joint review panels last year. I would like to see what the details of the intervenor funding are. He has given himself the power to set those regulations.

I have no problem with that, if we can see the regulations.

I would prefer it was in the legislation itself, rather than in the hands again of cabinet discretion, but I do tell the minister that I would like to see the regulations at the committee stage or even sooner, if he has them, if this bill indeed does go to committee.

Madam Deputy Speaker, those are my comments at this time. I look forward to the comments of other members of this House, in particular other members of the government, who, I know, will have an interest in this bill. I see the Minister of Natural Resources (Mr. Enns) has some thoughts on it. I look forward to his comments. Thank you.

**Mr. Enns:** Madam Deputy Speaker, inasmuch as my friend, noted parliamentarian, the honourable Minister of Northern Affairs (Mr. Downey) recommends this measure having to do with Manitoba Hydro to the House, I know that he would only do so if it were indeed in the interests of all Manitobans. I urge speedy acceptance of this bill.

**Madam Deputy Speaker:** As previously agreed, this bill will remain standing in the name of the honourable member for Radisson (Ms. Cerilli).

### **Bill 72—The Law Reform (Miscellaneous Amendments) Act**

**Madam Deputy Speaker:** To resume debate on second reading of Bill 72 (The Law Reform (Miscellaneous Amendments) Act; Loi sur la réforme du droit (modifications diverses)), on the proposed motion of the honourable Minister of Justice (Mr. McCrae), standing in the name of the honourable member for Kildonan.

**Mr. Dave Chomiak (Kildonan):** Madam Deputy Speaker, I rise with pleasure to deal with the recommendations on Bill 72 submitted by the minister, with respect to The Law Reform (Miscellaneous Amendments) Act. I notice it is becoming a matter of course that I follow the member for St. James (Mr. Edwards) with respect to my comments. I only regret that I do not have an opportunity to deal with some of his ill-founded comments with respect to the previous bill.

However, we are dealing with The Law Reform (Miscellaneous Amendments) Act, which I can see from the rapt attention of members opposite has all eyes riveted on the consequences and the ultimate

resolution and ultimate passage of this particular amendment.

As was the case and as is the case in other bills introduced by the Minister of Justice, this is an omnibus bill. While I was critical in my last comments dealing with the minister's submission of an omnibus bill, I recognize in this case that these are a series of recommendations made dealing with the overall, and I put in quotation marks "concept of law reform" in the province of Manitoba, which amounts to, in many cases, a tidying up or a clarification or a bringing in to line a legislation in the province of Manitoba. So I am not as critical—or not in fact critical of the minister with respect to the omnibus provisions contained in a bill or an amendment of this kind.

However, I again urge of the minister something that I have also stressed on other occasions when I have had an opportunity to rise on bills of this kind, that members on this side of the House, and I sure all members, would appreciate a form of a spreadsheet or explanatory notes with respect to bills of a legal—all bills of course are of a legal nature, but bills with consequences that are wide ranging and perhaps complicated and technical in nature. That generally applies to the kind of bills that are brought in the omnibus fashion that the minister has.

\* (1200)

So I stress as a matter of course, and a recommendation again to the minister that a spreadsheet be considered with respect to the provision of bills like this kind that would assist all members of the House interpreting the consequences and the effect that these bills will have on the statutes of the province of Manitoba, and in effect, on the way that Manitobans conduct themselves in terms of their business dealings and in many activities of their life dealing with the sections in this act.

This Law Reform (Miscellaneous Amendments) Act, Madam Deputy Speaker, deals with amendments to The Bulk Sales Act; it deals with amendments to The Law of Property Act; it deals with amendments to The Liquor Control Act; as well, it deals with amendments to The Mercantile Law Amendment Act; and finally, it deals with amendments to The Wages Recovery Act, all wide ranging, but primarily prompted, if I could gather from the gist of the comments of the Minister of Justice, by recommendations and study by the Law

Reform Commission, which prompts me to indicate, and I recognize the political context in which I am making these statements.

I personally am very much in favour of law reform commissions, Madam Deputy Speaker. I am not certain in our society whether or not we have enough methods of change or vehicles in our society to deal with the law, and bringing the law into the modern day, if I could put it in those terms. We need bodies of this kind to review our laws as well, and not only to review our laws and update them, but they also provide a useful device for legislators and parliamentarians to look at new innovations and new laws and the effect they may have on society, as well as allowing an independent third-party body deal with many perhaps controversial or otherwise issues.

It certainly provides an opportunity for some innovation, for some review, for some positive change, and potential change to society, Madam Deputy Speaker. So what I am tangentially doing in my comments dealing with these reforms, is suggest that—many of them suggested by the Law Reform Commission. I am simply suggesting that I find the work of bodies of this kind—personally, I find them quite useful and quite necessary in our society.

In fact, one may make the argument as government downsize and reduce the agencies and bodies available to review matters, Law Reform Commissions could become even more important in our modern society, providing us with an opportunity of an independent body with some form of expertise to look at many of the fast changes that are occurring in our pluralistic society and also to take a step back and provide some independent advice to many of the issues and the consequences of those issues on our everyday life.

Madam Deputy Speaker, the minister is proposing that we deal with changes to The Bulk Sales Act, and these changes can be termed nothing short of extensive insofar as the changes recommended by the minister amount to a repeal of The Bulk Sales Act.

This change arises out of a recommendation of a Law Reform Commission in 1989, Madam Deputy Speaker. The act, which is a long-standing act, protects creditors from business people selling off their inventory and running and, in some cases, absconding without paying their debts. I can indicate, for the most part, it appears and I agree



with the recommendation of the Law Reform Commission, as well as the comments of the minister, that in fact developments in terms of credit reporting, other legislation, and other statute or law in our society, has for the most part rendered The Bulk Sales Act redundant.

I do note, as I recall from the bar admission course, which is a requirement for all lawyers who are hoping to be called to the Bar, in the commercial section, quickly being reminded by those who were providing us with instruction at that time that we should not, in the context of all of our review of laws and all that we had learned and studied in that area, forget the long-standing Bulk Sales Act and that it always should be considered. So in terms of the law, it obviously was on the books and required attention, required review, but like many laws that govern our affairs, particularly our commercial transactions the last 80 to 90 years, this one has become redundant. Clearly, I do not think we have any problem whatsoever in the repeal of this particular act.

There is also a number of consequential amendments that have occurred as a result of the repeal of this act dealing with The Cooperatives Act, The Credit Unions Caisses Populaires Act, The Farm Machinery and Equipment Act, as well as The Natural Gas Supply Act and The Retail Sales Tax Act, all of which have a bearing on this particular amendment. They are also dealt with under the provision of the repeal of The Bulk Sales Act.

Moving on then, knowing full well that members are sitting in a good deal of attention and anticipation as to the comments that are going to follow dealing with the subsequent amendments. We are now also faced with the amendments to The Law of Property Act, changing liability provisions—if I understand the comments of the minister as well as my reading of the act—changing liability provisions for dealing with the term waste and how equitable waste and waste by tenants is applied in terms of their consequences.

Now, there is also another amendment to The Law of Property Act which deals with the Rule in Shelley's Case, and I will deal with that amendment, Madam Deputy Speaker, in my subsequent comments. At least at this point, I am going to focus entirely on the amendments to The Law of Property Act.

The proposed Section 12 would clarify the liability of life tenants and would, as I understand it, bring the law into a similar state as that in other jurisdictions of this country. As well, it would make tenants for life liable for permissive waste as much as those tenants on fixed term which only seems fair. In the context of our modern society, probably the distinction does not make any sense. So members on this side of the House do not have any great deal of difficulty in dealing with this particular amendment, Madam Deputy Speaker, or the consequences of it.

\* (1210)

When the minister first proposed this bill and indicated that the Rule in Shelley's Case would be abolished, I was tempted to review my studies, because I specifically recall spending time in law school in the wills section dealing with the Rule in Shelley's Case. In all honesty, I had totally forgotten the consequences of the Rule in Shelley's Case, Madam Deputy Speaker, but I note that in the minister's comments when he introduced the bill that he outlined the effect of the Rule in Shelley's Case which is one of the interesting consequences often of a judicial interpretation and one of the consequences of the contradictions as they occur in our modern society.

It is an interesting debate, Madam Deputy Speaker, when you consider that much of our statute law has been brought about to clarify the effects of judicial interpretation and judicial review and the precedent set. Shelley's Case is one of those in a longstanding, hundreds of years of judicial review and the precedents set, and Shelley's Case is one of those in the long-standing, hundreds of years of judicial interpretation of wills and their effect. The consequences of those particular rulings, Madam Deputy Speaker, has been the judicial tradition. [interjection]

I note that the member for Lac du Bonnet (Mr. Praznik) and the member for Inkster (Mr. Lamoureux) are having a debate on the side about private schools, which is something they are not prepared to do in the public but are prepared to do from their seats in the Chamber on a regular basis. That speaks volumes about this government's approach to public issues and how they debate public issues, as the member for Lac du Bonnet and the member for Inkster continue their side debate as to who will give more money to their friends at Ravenscourt and Balmoral and diverge us.

But I do diverge, Madam Deputy Speaker—[interjection] and my friend on the other side is reminding me, and the honourable member is reminding me that he is waiting for further discussion and review of the Rule in Shelley's Case—long standing, in fact, if memory serves me correctly, probably goes back to the 1700s. I am quite sure that members opposite will agree with me that this kind of an amendment and this kind of a provision in change in the—

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

**Mr. Chomlak:** I am glad that members are greeting the change in Shelley's Case with the same kind of enthusiasm that I am.

It is, indeed, a fact that the Rule in Shelley's Case, in the jurisdiction, in the province of Manitoba will now be abolished, Madam Deputy Speaker, and only serves to indicate that there are instances and there are methods by which we, in terms of statute law, can expedite and simplify the procedures for individuals and for citizens in the province of Manitoba, and particularly when we deal with matters of a regular importance. That is the signing and making of wills, something that most individuals are urged to do and in fact do do in our society, which is relatively significant and just shows that there are laws and there are means by which we can, in this Legislature, affect change to make interpretation of these wills far simpler.

I would only hope that we could continue to do so, Madam Deputy Speaker, for it still, at present, is far too complicated a process and should be brought to the public in a much simpler and less complicated fashion. I note that we are one of the jurisdictions, for example, that allows the making and provision of holograph wills. Those, therefore, allow for individuals to write their own wills completely in their own handwriting.

That, I think, is a very positive change and a very positive commitment that allows citizens to do their own will making, particularly in instances where an individual may not have the wherewithal, or more importantly, may not have the, in the cases of elderly people for example, relatives in our fast-paced and changing society, who can act as executors or who can act as representatives for them to assist them in will making.

So we have in this jurisdiction the ability to make holograph wills for all members of our society, and I am sure members opposite are very pleased about

that particular provision of the law in the province of Manitoba. We welcome the change and Shelley's Case abolished and we look forward to more innovations and more progressive moves in terms of making the laws simpler for individuals to interpret and to understand.

I note, Madam Deputy Speaker, that another provision of the act calls for an amendment to The Mercantile Law Amendment Act as well as an amendment to The Wages Recovery Act. The minister indicated The Mercantile Law Amendment Act clarifies arrangements for settling debts and makes agreements, which were common law binding, and clarifies provisions of the act.

While I have not had a good deal of exposure or dealings with that particular act, it strikes me, and certainly in our thorough review of matters of this kind in caucus we certainly do not have any opposition. We have no difficulty dealing with the provisions of those amendments and certainly welcome the amendments that deal with The Mercantile Law Amendment Act.

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

Also, Mr. Acting Speaker, I note that the act also calls for an amendment to The Wages Recovery Act, to repeal, in fact, The Wages Recovery Act, and I basically agree with the comments of the Minister of Justice (Mr. McCrae) when he introduced this legislation, that in fact The Wages Recovery Act has been largely made redundant by advances in labour law and advances in legislation in a number of areas of the law.

We have fortunately in this country brought about some positive and very progressive changes to labour legislation to protect working people and individuals. It is unfortunate that the governments of various political stripes, mostly Conservatives, are seeking in many jurisdictions to roll back many of the gains made by working people in this country with respect to labour legislation. It is unfortunate, and in fact we have seen the same in Manitoba legislation that rolls back the rights of working men and women and people in general. Nonetheless The Wages Recovery Act which has been repealed by this government, I think, and recommended, I would anticipate, by the Law Reform Commission is not something that we are in disagreement with.

So we are concurring with that particular amendment, we are concurring with those particular changes. If there are any problems we have with

this bill, Mr. Acting Speaker, they are contained in the amendment and the provision of The Liquor Control Act. This act, The Law Reform (Miscellaneous Amendments) Act, this bundle of changes to a variety of acts, mostly of a commercial nature and most recommended by the Law Reform Commission, as I understand it from the comments of the minister, contained within that is an amendment to The Liquor Control Act.

Mr. Acting Speaker, Section 183 of The Liquor Control Act is a liability section. That particular section indicates, and I am quoting from that section of the act, the section that is going to be repealed by the government: "Where any person drinks liquor to excess and, while in a state of intoxication from that drinking, comes to his death by suicide or drowning, or perishes from cold or other accident caused by that intoxication, the person who furnished or gave the liquor to the person when in a state of intoxication, or on whose premises it was obtained by the intoxicated person while intoxicated, is liable to an action for a wrongful act and as a personal wrong, and the action may be brought under The Fatal Accidents Act, and the amount that is recovered as damages shall not be less than \$100. or more than \$1,500."

\* (1220)

Mr. Acting Speaker, the minister indicated in his comments, when he introduced the amendment, this bundle of amendments contained in The Law Reform Amendment Act indicated that the provisions in this act have been superseded by judicial interpretation, by judicial ruling and I believe specifically by the Supreme Court of Canada. He also indicated, if I recall correctly, that the provisions are simply not adequate, and individuals who feel wronged in any fashion as a result of the excessive drinking of intoxicants and resulting damages to themselves or others have legal recourse through various other statutes and more importantly through the provisions of the common law in order to obtain remedy.

As I recall, also, from the comments of the critic of the Liberal Party, he made reference—and I am going from memory—to the fact that the liability provisions and the damage provisions were perhaps not sufficient in terms of that particular amendment, Mr. Acting Speaker.

Largely, I have to indicate that we, in the official opposition, are of the opinion that perhaps there is

an argument that would suggest that this particular amendment should stay in The Liquor Control Act and should not be removed, while a legal argument certainly can be mounted and a reason can be mounted for stating, yes, this law is redundant based on other provisions and other acts, and certainly that argument has been made with the other recommendations made in this act, The Law Reform Act.

Nonetheless, we would suggest, from members on this side of the House, that there may be at the very least a symbolic reason, Mr. Acting Speaker, for maintaining within this act a notice and an observation and a symbol for all those involved in the industry, and notice that the provisions of an excessive amount of liquor to an individual or individuals could amount to some form of liability falling upon the head of the individual responsible.

Mr. Acting Speaker, certainly the damages provision, which are stated in Section 183, shall not be less than \$100 or more than \$1,500 in our modern society, are wholly inadequate and clearly inadequate. If anything, perhaps an amendment to Section 183 could be introduced that would make the liability section more onerous rather than less.

Again, even if it is for symbolic reasons—and there may be instances—I do not purport to be a legal expert with respect to the rulings of the Supreme Court. Nonetheless, there could be a reason or an occasion when this section of the act could be invoked.

More importantly, and above all with respect to this provision, The Liquor Control Act, there is the question of symbolism, and there is the question that all of those who are involved in the industry, all of those who provide beverages in the industry are aware of this act, Mr. Acting Speaker. I am sure they do not have opportunity to read the 1974 Supreme Court ruling on a regular basis or indeed have provision to note it, but it has been our experience and certainly my experience that those individuals involved in this industry are quite familiar and quite aware of the provisions of The Liquor Control Act. Even if this serves of a symbolic nature to those individuals to advise them of the consequences of providing intoxicants to someone who is already intoxicated, even if it serves as notice to them, then it has served its purpose.

Now, I, by these comments, am not meaning to suggest that most of those involved in the industry

are not responsible and are not clearly doing their job, but there are instances. We all know there are instances, Mr. Acting Speaker, when the law itself or any other provisions, be it the common law or be it the provisions in various acts, are not followed and when individuals are served in excess.

So we, on this side of the House, in a positive and co-operative fashion, while we have no opposition and no difficulty generally with any of the other amendments made by the government, do have some concern about this particular amendment as it relates to The Liquor Control Act. Mr. Acting Speaker, we suggest that the government reconsider removal of this particular amendment, that is Sections 183 of The Liquor Control Act, and perhaps rethink the desirability of removing this section.

It appears to us that some symbolic, some notice provision at least could be served by notification and general acknowledgement in The Liquor Control Act, that those who are involved in the industry and those who serve beverages do have a responsibility to the consequences. I again reiterate my earlier comments that this is not to suggest that most of those involved in industry are not responsible and do not fulfill their duties not only within the letter of the law but within some of the general guidelines and provisions that we, as a society, have demonstrated.

One only needs to look to some of the positive steps taken by owners of many establishments to deal with the serious problem of drunk driving and impaired driving, Mr. Acting Speaker. There have been very many positive steps taken by those involved in the industry as well as by society in general. But only for symbolic purposes or

perhaps—I should not say perhaps—I should say if notice and provision in this particular act should serve to notify only one individual or only one owner of an establishment or only one server, if it hammers home the message on only one occasion, perhaps one tragedy could be averted. If it seeks to prevent one tragedy, then simply these words, that are very, very clear on paper, have served their purpose. For that reason we on this side of the House are suggesting that the government maintain this provision in The Liquor Control Act.

As one looks at the act and one studies it, one sees very clearly there is a subtitle, Mr. Acting Speaker. Subtitles are placed in statutes for very good reasons, and they are: those subtitles are placed in legislation in order to draw attention to significant and important aspects of that piece of legislation. When one looks at this particular subtitle, it says and I quote, "Liability for death."

This section draws attention to the very serious consequences that can flow from an individual or individuals who do not pay attention to our provisions and to our laws, Mr. Acting Speaker. Members on this side of the House urge the government that it reconsider this section of the act, that it reconsider and maintain perhaps Section 183 in The Liquor Control Act for the reason cited earlier—

**The Acting Speaker (Mr. Relmer):** Order, please. When this matter is again before the House, the honourable member for Kildonan will have eight minutes remaining.

The hour being 12:30, this House is now adjourned and stands adjourned until Monday at 1:30.

# Legislative Assembly of Manitoba

Friday, May 8, 1992

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