



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

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

37 Elizabeth II

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fourth Legislature**

**Members, Constituencies and Political Affiliation**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, October 26, 1988.

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### ORAL QUESTION PERIOD

### Government Accountability Questions as Notice

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, during the election campaign last March and April we heard from this Government about its new style of openness and accountability but, since the opening of this Session, the Government has taken questions on notice on at least 40 occasions, in which they have not provided answers to those questions to Members of this House.

Can the First Minister (Mr. Filmon) tell this House today how he reconciles that lack of accountability with his campaign promises made earlier this year?

**Hon. Gary Filmon (Premier):** The Member knows full well that there are times in which questions are taken as notice on behalf of other Ministers. She probably does not see my writing notes here, so consequently from time to time I am sure that there may be instances in which the notice is not passed along to the Minister responsible but, if there are questions that she believes have not been answered as a result of notice, please, I would be happy to have that matter looked into. If she could provide me with the questions that have not yet been answered, I would be happy to ensure that our Ministers bring the information and answer them forthwith.

### Seniors' Portfolio Minister's Responsibility

**Mrs. Sharon Carstairs (Leader of the Opposition):** With that new sense of accountability and lack of evasiveness, perhaps we could get to specifics. Could the First Minister (Mr. Filmon), in that we cannot get a direct answer from the Minister of Seniors (Mr. Neufeld), tell us exactly what was meant in the Speech from the Throne for a ministry responsible for seniors. Just what is the mandate of this particular ministerial responsibility?

**Hon. Gary Filmon (Premier):** Clearly, Mr. Speaker, the Government provides many services that are important to seniors. They provide services that fall in the area of health care. They provide services that fall in the area of community services, some within the realm of education, some within the realm of taxation, Autopac. Many things impact upon seniors. The idea of setting up a Minister responsible for Seniors is that seniors can go to that Minister, can suggest that there is a need for program action that is not being looked after,

that there is a need for coordination of efforts for seniors, and that person can become their advocate and their spokesman in dealing with matters at the Cabinet Table. That is the rationale behind having a Minister responsible for Seniors, Mr. Speaker.

\* (1335)

**Mrs. Carstairs:** That sounds wonderful. Perhaps he could explain that to the Minister responsible for Seniors (Mr. Neufeld).

### Elderly Abuse White Paper

**Mrs. Sharon Carstairs (Leader of the Opposition):** In a supplementary question to the Minister responsible for Seniors on the same issue, can the Minister responsible for Seniors tell us, now that it is at the end of October, if the paper on elder abuse promised for the end of October is ready for distribution in this House?

**Hon. Harold Neufeld (Minister responsible for Seniors):** A quick answer to that is no, it is not ready for distribution in this House. The department is working on it.

I have to remind the Leader of the Opposition (Mrs. Carstairs) that we started with no staff. We now have one member on staff. There is a limit to how fast you can operate on anything. We have to face the slowness of Government bureaucracy—

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

**Mr. Neufeld:** —I make no apologies for that. The bureaucracy was there long before we took office; I make no apologies for that. The bureaucracy was there long before we took office and they were slow long before we took office. We have had to deal with that. We have had to deal with any number of problems. We are working as rapidly as we can.

We are working with the seniors' organization as well. We are cognizant of the problems the seniors face. But for the Members of the Opposition to think that the Seniors' Directorate should be responsible for the delivery of programs by Health, by Northern Affairs, by Finance, by Housing—indeed, every Minister here has a program that he delivers somewhere for seniors. I think that the thought that the Seniors should be responsible for it is idiotic.

**Mrs. Carstairs:** It is hard to imagine a bureaucracy with one staffperson. But if we could just continue with this theme, I would like to point out that this group over here started without any staff as well.

## Seniors Health Care

**Mrs. Sharon Carstairs (Leader of the Opposition):** If we could, Mr. Speaker, ask a new question, this time to the Minister of Health (Mr. Orchard).

It was our very clear understanding, in the Speech from the Throne, that seniors in the Province of Manitoba were going to see a new thrust and a new direction, in terms of service delivery by the very kind of advocacy that the Premier (Mr. Filmon) has indicated this ministry would do but which the Seniors Minister (Mr. Neufeld) seems unable or unwilling to do.

My question therefore to the Minister of Health is why did he, in his opening statement yesterday, in light of this concern of all Cabinet on seniors' issues, not make any reference to the problems of seniors and their health care needs in the Province of Manitoba?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, opening remarks to any departmental Estimates consideration are presumably to give something of an overview, to establish something of a new direction in Government and in the department. I know of no patience on the other side of the House. If I were to lay out every single program, every single consultation, every beneficial initiative we have undertaken for seniors and for Manitobans of all ages, it would have taken all of the afternoon to do that. Had I done that, I am sure my Liberal Leader's Opposition Health critic would have been very critical of monopolizing the time in opening Estimates.

\* (1340)

**Mrs. Carstairs:** With a supplementary question to the Minister of Health, he says the opening statement is to be an overview to set new directions. Are there no new directions in care for our aging population in the Province of Manitoba as we were led to believe in the Speech from the Throne?

**Mr. Orchard:** Mr. Speaker, absolutely! There are, and that is the purpose of Estimates is to provide to Members in the Opposition line by line the initiatives that are taken on by Government. When we get to appropriate lines where new directions have been established in terms of services to seniors, in terms of services to youth, in terms of services to Manitobans provided by the Department of Health, those will be laid out and explained and open to question.

## New Initiatives

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, the final supplementary question to the Minister of Health (Mr. Orchard): If seniors are a priority with this Government, will he enunciate clearly what new initiatives in personal care homes, in homemaking services, will be available to the seniors of this province from a Government that promised in its campaign and in its Speech from the Throne that seniors were a priority?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I would be glad to deal with those individual initiatives today in Question Period. I need only mention to my honourable friend that there are \$10 million in this year's Estimates for Home Care above last year's Estimates. A major portion of that is dedicated to providing services to senior citizens in the Province of Manitoba, as well as handicapped Manitobans and those who are discharged from hospitals. The Capital Program, when it is tabled at the time when we deal with the Manitoba Health Services Commission, will reveal to my honourable friend and to Manitobans the direction we wish to take in terms of personal care home construction for senior citizens as well as hospital construction which will provide additional services to seniors and others in this province.

Mr. Speaker, it is not a month ago that I had the honour and pleasure of being in the constituency of Minnedosa where we broke sod for a new hospital personal care home complex in Erickson. There is currently a tender for a new personal care home in the constituency of my honourable friend from Gimli (Mr. Helwer) which is providing new and enhanced services to senior citizens in the Province of Manitoba.

## Sewers Hazardous Waste Dumping

**Mr. Gary Doer (Leader of the Second Opposition):** My question, Mr. Speaker, is to the Minister of the Environment (Mr. Connery). On April 24, Winnipeg experienced a very unfortunate explosion in its sewer system, and it resulted in the serious injury of a 76-year-old woman in this city. As a result of that explosion, there were 21 manhole covers that did explode in that incident, and a report has been completed by the City of Winnipeg which states, "The city's sewer system remains vulnerable to future explosions in these facilities as the system is freely accessible." Can the Minister please tell the—and it talks about the system of disposal of these wastes, not every cover in the city. My question to the Minister is, what action has the Department of Environment taken on this report that has been submitted by the city?

**Hon. Edward Connery (Minister of the Environment, Workplace Safety and Health):** Mr. Speaker, as the Member knows, the responsibility for the sewage system in the City of Winnipeg is that of the City of Winnipeg. If there is hazardous material being put into the sewage system, then our department would get involved in it because it comes under The Dangerous Goods Handling and Transportation Act. That is the responsibility of the City of Winnipeg. We are responsible for emissions out of the sewer system and that is when our department gets involved. The use of dangerous goods comes under our Dangerous Goods Handling and Transportation Act. We have people who are continuously trying to monitor anybody using this facility in an illegal way.

**Mr. Doer:** Mr. Speaker, the report goes on to state clearly that it is the provincial department dealing with The Transportation of Goods Act which is responsible

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for dealing with the prevention of illegal hauling of explosive substances such as gasoline. I ask the Minister what action has he taken in terms of the explosion in the sewer system of Winnipeg, given the fact that it is under his jurisdiction clearly in terms of the disposal of those dangerous goods. What action is the Minister taking and the Department of Environment conducting on this report dealing with that very serious issue in terms of disposal of dangerous goods in the sewer system in the City of Winnipeg? What action has he taken?

\* (1345)

**Mr. Connery:** Mr. Speaker, our department works very closely with the City of Winnipeg Police Department and with the City of Winnipeg Fire Department to try to discover how this material entered the sewage system. Unfortunately, Mr. Speaker, they were not able to discover how it got into the system, but there were ongoing considerations by the police and by our department to try to discover anybody who would put an illegal substance into the sewer system or any hazardous waste material that is disposed of in any illegal way.

We do have a waste exchange program in the Province of Manitoba that allows for people to dispose of in an exchange program. We have the Hazardous Waste Management Corporation that will work with companies to dispose of hazardous material—some of it would go to Sarnia for destruction—but we do have a system of disposing of hazardous waste in a safe manner. It is those people who chose to dispose of it in an unsafe manner that our department and the City of Winnipeg and all people responsible are attempting to prevent.

**Mr. Doer:** The report, and I hope the Minister has read the report—have you? I do not think he has. The report goes on to state that there are a number of companies disposing of dangerous goods in the city system into the Wilkes Avenue location, the Ravelston Avenue location. The report indicates a strong recommendation to increase the public awareness program—

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

### Hazardous Waste Disposal Public Inquiry

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

**Mr. Gary Doer (Leader of the Second Opposition):** My question to the Minister is given the fact that he has given a commitment to the people of Manitoba and the people of Winnipeg that if they cannot find a solution to some of these problems, they would proceed with a public inquiry under Section 39.1 of the Act, his Act, will the Minister now proceed with the study which is indicated in this report in terms of recommending further public awareness and enforcement in this very important area in this city?

**Hon. Edward Connery (Minister of the Environment, Workplace Safety and Health):** Enforcement is very

important under this regulation, and he very well knows that The Dangerous Goods Handling and Transportation Act is a very thorough and a very detailed Act that carries very severe fines for anybody disposing of hazardous waste in an illegal fashion and into the sewage system in an absolute illegal fashion. We are just fortunate that what happened in that particular occasion, in the Maples, that we did not have more people injured. Unfortunately, one person was.

Our department, along with the City of Winnipeg Police Department, is continually trying to catch those that are doing anything illegal. It is going on and we are not happy with it. We are making every effort to ensure that we can apprehend anybody disposing of hazardous waste illegally.

### Sewers Hazardous Waste Dumping

**Mr. Gary Doer (Leader of the Second Opposition):** This Minister has not replied to my letter on Gravure Graphics. This Minister is baffle-gabbing and doing nothing about this problem and doing nothing about his responsibilities under The Hazardous Goods Act.

**Mr. Speaker:** Question.

**Mr. Doer:** There is no question about it, Mr. Speaker.

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

**Mr. Doer:** My question to the Minister is, will he please table the action plan that his department has obviously developed to deal with the very serious numbers of goods going into our sewer system in the City of Winnipeg? And will the Minister please indicate whether his department has issued a licence to dispose of those goods in the sewer system of Winnipeg, which was mandated under his Environment Act which was proclaimed on April 1, 1988?

**Hon. Edward Connery (Minister of the Environment, Workplace Safety and Health):** Our people are looking at the beginning of licensing of the sewage systems and so forth in the City of Winnipeg.

Mr. Speaker, the Member points out the concern of Gravure Graphics. I can assure the Member that I have had several meetings with our department over Gravure Graphics. Let us be assured that the accumulation of solvents at Gravure Graphics took place over several, several years when the previous Government was in power and did absolutely nothing. If it had not been for the scare tactics that had been brought forth by Members opposite, we had a method—

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

**Mr. Doer:** A point of order.

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

**Mr. Doer:** The Minister is impugning motives, Mr. Speaker, which is clearly out of order. I sent him a letter

before we even raised it in the House so we could deal with the citizen concerns about it. The Minister should stop impugning motives in this House and start dealing with his responsibilities.

**Mr. Speaker:** The Honourable Member does not have a point of order.

The Honourable Minister of Environment will kindly withdraw the phrase, "scare tactics."

**Mr. Connery:** I would be glad to, Mr. Speaker.

**Mr. Speaker:** Thank you.

\* (1350)

**Mr. Connery:** The facts speak for themselves, Mr. Speaker. Because of those very tactics, we were unable to dispose of all that product of Gravure Graphics in a very easy and a very economical way for Gravure Graphics. Mr. Speaker, the holdings of material at Gravure Graphics is not, in our department's mind, satisfactory. Our department is working with the disposal of that material as quickly as we can.

### **Ticketgate Dewar Report**

**Mr. Paul Edwards (St. James):** My question is for the Attorney-General (Mr. McCrae).- (Interjection)-

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

**Mr. Edwards:** On June 9 of this year, the Attorney-General announced the appointment of former Chief Justice Archie Dewar to conduct an inquiry into the actions of the Winnipeg Police Department and the Department of the Attorney-General with respect to the so-called "ticket-gate" cases.

Mr. Speaker, the Attorney-General has indicated recently that he has received the inquiry report from ex-Chief Justice Dewar. My question is, when did he receive it and when does he anticipate tabling it?

**Hon. James McCrae (Attorney-General):** I received the report on Tuesday, October 12, and I am very carefully reviewing it.

**Mr. Edwards:** If I understand correctly, the 12th, that is at least a couple of weeks away. Given that the statements in the press release which announced this inquiry were to the effect that the public needed to be reassured about the Police Department and about the Attorney-General's Department, clearly it was to be a public airing in the sense that confidence had to be rebuilt in the public. When does the Attorney-General (Mr. McCrae) anticipate being in a position to release this report? I think the release of it is an extremely important aspect of the inquiry itself and that the Attorney-General should be able to put a date on that.

**Mr. McCrae:** The Honourable Member is exactly right. The whole idea of asking former Chief Justice Dewar

to do his review was to attempt, in the best way that we can, to restore confidence in the justice system in our province. I am carefully reviewing it and, when that review is complete and I have decided how to respond to the report, the report will be made public.

### **Victim Impact Report**

**Mr. Paul Edwards (St. James):** Well, I am sure the Attorney-General (Mr. McCrae) will pardon me if I have some doubt as to the early release, given my comments recently about the Victim Impact Statement Project review, and I believe that the Attorney-General has had that since June. I have asked when this report might be made available and the determination made as to the future of the Victim Impact Statement Project. Perhaps the Attorney-General can enlighten me now as to when he anticipates being able to make a decision as to the future of that very important project?

**Hon. James McCrae (Attorney-General):** The Honourable Member has so many doubts. I wonder if he also is not concerned about plain-clothes policemen here, there and everywhere in the province, as is his Leader.

Mr. Speaker, the Victim - (Interjection)- the Honourable Leader of the Opposition (Mrs. Carstairs) suggests that plain-clothes police officers were intimidating people. The Honourable Leader of the Opposition knows full well that there have been no plain-clothes police officers at any of the Native Inquiry Hearings.

**An Honourable Member:** Unfounded.

**Mrs. Sharon Carstairs (Leader of the Opposition):** A point of order, Mr. Speaker.

**Mr. Speaker:** Order, please; order, please. The Honourable Leader of the Opposition, on a point of order.

**Mrs. Sharon Carstairs (Leader of the Opposition):** I do not think the Minister would like to have on record a statement contrary to the one that he himself made, which was that there was an off-duty plain-clothes policeman in attendance at a hearing.

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

**Mr. Speaker:** Order, please. A dispute over the facts is not a point of order. The Honourable Attorney-General. Order, please. Order!

**Mr. McCrae:** The Honourable Leader of the Opposition (Mrs. Carstairs) may think that off-duty police officers are second-class citizens. I do not and I think that matter should be fairly well cleared up. There is a very distinct difference between a plain-clothes policeman and an off-duty policeman. If the Honourable Leader of the Opposition does not understand that distinction, she has a lot to learn about people and about people's rights in this province.

**Some Honourable Members:** Hear, hear!

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**Mr. McCrae:** On behalf of every police officer in this province, who, when he or she goes home from work, I take offence to the Honourable Leader of the Opposition's comments.— (Interjection)—

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

\* (1355)

**Mr. Reg Alcock (Opposition House Leader):** The Attorney-General asks whether or not we would like an answer to the question. If he is prepared to answer the question around victim impact, I would certainly give leave for him to do that. Mr. Speaker, the—

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

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

### Free Trade - Manitoba Preference Audit Tenders

**Mr. Speaker:** I have recognized the Honourable Member for Osborne (Mr. Alcock) for a question.

**Mr. Reg Alcock (Osborne):** I do have a question for the Minister of Finance (Mr. Manness). It is in regard to the documents tabled in the House yesterday. In the tender call for the audit, you had indicated in a letter to people who may be tendering on the various audits listed that preference will be shown to Manitoba suppliers where bids are judged to be equal. Can the Minister of Finance tell us whether or not such an ability to give preference would exist after the Free Trade Agreement was signed and implemented?

**Hon. Clayton Manness (Minister of Finance):** The answer to the question is yes.

### Finance Grants to Volunteer Boards

**Mr. Reg Alcock (Osborne):** A supplementary on the terms of reference that were distributed yesterday, in the review of Culture and Recreation grant funding—and the reviews were based on, as you indicated in the press release, information that was brought forward by officials in Government and in discussions with external agencies and other people, key players—that the volunteer boards are indeed key players in these organizations. In significant issues, the effectiveness of volunteer boards is in question. Can you tell us what some of the concerns are that underlie these being included in the terms of reference?

**Hon. Clayton Manness (Minister of Finance):** The significant issues, of which one was shown as the effectiveness of volunteer boards—beyond that the Government was very concerned about the complexity associated with that particular department. As you know, there is funding that comes out of lotteries. There is funding that comes out of appropriation. There seems to be a mix and an understanding, and also as to how it is we effectively put into place Government policies

existing and indeed new ones that may come within that area. So the question with respect to the effectiveness of volunteer boards has only a very minor aspect to it. I can say to the Honourable Member that complexity is the main concern within the whole area.

**Mr. Alcock:** Is the Minister of Finance (Mr. Manness) then suggesting that these volunteer boards, such as those of the Symphony, Prairie Theatre Exchange and others are not included? He references volunteer boards in four of the studies here. There seems to be a concern and I am wondering if there is a policy change underlying the concern.

**Mr. Manness:** Two points, Mr. Speaker, firstly, this study in no way is going to do a review, or do a redundancy of what was done in the Needs Assessment Study. The umbrella groups, as the Member knows, were looked at in some detail under that study. There is no way that this Effectiveness Audit in any respect is going to be looking at the umbrella groups.

### Rail Line Abandonment Moratorium

**Mr. John Plozman (Dauphin):** Mr. Speaker, I have a question to the Acting Minister of Highways and Transportation—unfortunately just when I have a real blockbuster here.

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

**Some Honourable Members:** Where is Albert? Albert, Albert.

**Mr. Plozman:** So I will pose the question, Mr. Speaker. I certainly do not make any reference to the absence or presence of the Minister but I do pose my question—

**Mr. Speaker:** Order, please. The Honourable First Minister (Mr. Filmon), on a point of order.

**Hon. Gary Filmon (Premier):** Mr. Speaker, a point of order because I do not want to have the Member for Dauphin (Mr. Plozman) say anything that might prove to be embarrassing. The Minister of Highways (Mr. Albert Driedger) is at a funeral this afternoon and is unavailable in the House.

**Mr. Speaker:** Order, please. The Honourable First Minister (Mr. Filmon) does not have a point of order.

**Mr. Plozman:** Mr. Speaker, I want to assure the Premier (Mr. Filmon) that I was not going to say anything embarrassing.

The railways are currently in the middle of an alarming plan to abandon a massive part of the rail transportation system in this country. Particularly, all areas of the Province of Manitoba will be hard hit. They make no secret of it. This has been brought on to a large degree by Liberal and Conservative deregulation of the transportation system. It has been accelerated by the drought, by elevator closures, and no doubt will be fueled even further, Mr. Speaker, by the recent

announcement of the possibility of amalgamation of the Pools which would cost Manitobans hundreds of jobs across this province.

\* (1400)

In view of the uncertainty created by the trade deal, Mr. Speaker, with its impact on transportation subsidies and on the Wheat Board, a number of provinces have called on the federal Government to put in place a moratorium on rail line abandonment in this province. That has taken place and it has even been asked for in a resolution in this House in order to give time to develop a fairer system of dealing with branch line rationalization.

My question, Mr. Speaker, to the Acting Minister is, what leadership has his colleague, the Minister of Highways and Transportation (Mr. Albert Driedger), shown? What action has he taken to pressure the federal Government for such a moratorium on rail line abandonment in this province until such time as a fairer system can be developed that considers the interests and needs of all players that are affected by abandonment?

**Hon. Glen Findlay (Acting Minister of Highways and Transportation):** I will tell the Member that our Minister of Highways and Transportation (Mr. Albert Driedger) is taking considerable leadership in his portfolio but, the specifics of the question, I will take as notice on his behalf.

### Tri-province Position

**Mr. John Plohman (Dauphin):** I ask the Acting Minister, Mr. Speaker, why has this Minister and his colleague and his Government not endorsed the position that was put forward by our Government, the specific proposal that we put forward that was endorsed by the three western provinces that would have seen a fairer system developed, including the concerns and interests of all parties affected by abandonment so that all of these alternatives would be evaluated, not just the interests of the railways? Why has he not endorsed that position that we put forward, endorsed and supported by the three other western provinces, in this province because there is so much at stake with regard to rail line abandonment?

**Hon. Glen Findlay (Acting Minister of Highways and Transportation):** I will also take that question as notice for the Minister of Highways and Transportation (Mr. Albert Driedger).

**An Honourable Member:** Was there a question?

**Mr. Findlay:** Yes.

### Moratorium

**Mr. Speaker:** The Honourable Member for Dauphin, with a final supplementary.

**Mr. John Plohman (Dauphin):** Mr. Speaker, I ask the final supplementary through the Premier (Mr. Filmon) in view of that.

A workable proposal was left on the Minister of Highways and Transportation's (Mr. Albert Driedger) desk when he took office, a workable proposal, as I just said, that was endorsed by the other provinces, but we have seen silence on that from his Minister of Highways and Transportation. We have seen silence when other provinces have asked for a moratorium. We have seen silence since the Minister has refused—

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

**Mr. Plohman:** When will this Premier direct his Minister of Highways and Transportation to show some leadership on this very important issue for Manitobans? When will he direct them to pressure the federal Government, instead of cozying up to them, to include a moratorium at this time until a fairer system can be developed? What action is this Premier going to take?

**Hon. Gary Filmon (Premier):** Mr. Speaker, I do not know how the Member can see silence. I think that is a little difficult; I think that is a contradiction in terms. Mr. Speaker, we would like to hear silence from the Member for Dauphin (Mr. Plohman) from time to time.

I will take that question as notice, and ensure that the Minister of Highways (Mr. Albert Driedger) gets back to the Member on that issue.

### MPIC Kopstein Report Release

**Mr. James Carr (Fort Rouge):** My question is for the Minister responsible for the Manitoba Public Insurance Corporation (Mr. Cummings). When this Minister was in Opposition and indeed when the current Premier (Mr. Filmon) was Leader of the Opposition, they used to rail away at embargoed news conferences in general and, in particular, when those news conferences had to do with MPIC.

I would like to ask the Minister if he plans on an embargoed news conference tomorrow to release the Kopstein Report, and why?

**Hon. Glen Cummings (Minister responsible for the Manitoba Public Insurance Corporation):** Mr. Speaker, I think that it is only reasonable that when the press is given an opportunity to have any information in advance of any Members in this House that it be embargoed. That is to protect the rights and the privileges of the Members in this House; that is why I am doing it that way. It certainly is not to preclude, in any way, from providing information in this House.

**An Honourable Member:** That is open Government.

**Mr. Carr:** We are talking today about open Government and what a difference six months makes. If we go back and read Hansard and what this particular Member had to say about embargoed news conferences, it would be enlightening.

Why is it that last week, when we had a look at the three Quarter Statements of MPIC, members of the press received copies before MLAs, and why is it that

tomorrow members of the press will see a copy of the Kopstein Report before Members of this House?

**Mr. Cummings:** It is a tradition for very important documents to be handled in that manner. I refer to the Budget document, for example. Where it is a complicated and important document, that is an accepted procedure in the manner in which it will be handled. Certainly, in no way am I attempting to withhold information from the Members of this House.

I indicated to the Member yesterday, if he wants to play this game, that I would make sure that he had a copy of the Kopstein Report before he had to face the scrum.

**Mr. Carr:** The Minister knows full well, if he wants to use the Budget as an example, that Members of the Legislature and their staffs are in the lockup. So when it comes time to discuss the situation, staff are in the lockup. Now my question—

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

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

**Mr. Speaker:** The Honourable Member for Fort Rouge, kindly put your question.

**Mr. Carr:** Will the Minister agree to allow staff of the Opposition caucuses to be in the embargoed news conference tomorrow?

**Mr. Cummings:** It is not a lockup until after it is delivered, so staff will not be there.

### Retail Sales Economic Forecast

**Mr. Leonard Evans (Brandon East):** I have a question for the Minister of Industry, Trade and Tourism (Mr. Ernst) with regard to data that is now available from Statistics Canada indicating a serious weakening of Manitoba's retail sector.

In July, department store sales in Manitoba declined 10.4 percent over the same month in the previous year. This was the largest decline of any province. In August, the total retail sales declined from the previous month while seven other provinces increased. For the first nine months of this year, our retail sales increased by less than the rate of inflation, giving Manitoba the poorest record of any province.

My question for the Minister is, has he any reports in his department that analyze the present state of the retail sector, and does he expect this sector to continue to decline in the next year or two?

**Hon. Jim Ernst (Minister of Industry, Trade and Tourism):** I will take that question as notice and get back to the Member for Brandon East (Mr. Leonard Evans) with the specifics.

### Economic Stimulation

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, a supplementary, noting that other economic indicators reveal a weakening of our economy, not only the rise in unemployment but also building permits declining, a 20 percent decline in July over July of the previous year, will he and his Cabinet colleagues take any initiatives to stimulate the retail sector in this province?

**Hon. Jim Ernst (Minister of Industry, Trade and Tourism):** Mr. Speaker, while we have faced certain difficult conditions in this province over the past number of years—an increasing debt load, an increasing tax load—there has been a decline, yes, in the number of housing starts in this province, and there are a great many detailed reasons just why that has occurred. It has happened not only in Manitoba. It has happened right across the country that there have been reductions in terms of housing starts and so on.

With respect to the specifics of the retail question, I indicated to the Member for Brandon East (Mr. Leonard Evans), I would take the specifics of that question as notice and get back to him.

\* (1410)

**Mr. Evans:** With a final supplementary, and this would be to the Minister of Finance (Mr. Manness). I want to indicate that the performance of the retail sector in the five previous years was far superior to what we have seen this year. There is no question about that. They are far superior.

So my question to the Minister of Finance is, given the serious weakening of the retail sector in this province of ours, will he take any steps to offset the decline in consumer demand in Manitoba?

**Hon. Gary Filmon (Premier):** I know that the Member for Brandon East (Mr. Leonard Evans) would not want to leave on the record any information that was misleading.

The Member for Brandon East has not indicated what he should indicate, and that is that for a number of years now, Manitoba, in terms of its retail sales growth, has lagged far behind the rest of the country. In 1986, we were 10th out of 10 in retail growth in this country—10th in the country out of 10 provinces. In March of this year, our growth rate was 10th out of 10 provinces in retail sales; in April of this year, it was 10th out of 10, all of that as a result of the policies of this NDP administration for six-and-a-half years. That is what they did with their payroll tax. That is what they did by bringing in the second highest overall tax regime in the country. That is what they did with a huge oppressive debt load that caused a downgrading in investment in this province, in job creation opportunities, in all of those things. We were 10th out of 10 as a result of their efforts.

Now, Mr. Speaker, we are working to dig ourselves out of that hole and—

**Mr. Speaker:** Order, please; order, please. The Honourable First Minister (Mr. Filmon) and the

Honourable Member for Concordia (Mr. Doer) seem to be having some discussion between the two of them. I would like to remind both Honourable Members that all questions and answers should go through the Chair.

### Family Violence

**Ms. Avis Gray (Ellice):** My question is for the Minister of Community Services (Mrs. Oleson). We were certainly pleased, as the Official Opposition, to hear about the announcement—Mr. Speaker, this Government does not want to hear when we congratulate them. As I was saying, we were pleased to hear from this Government today, Mr. Speaker, as the Official Opposition. We were pleased to note the acquisition of the new facility for Osborne House. Certainly, it is something that we have supported on this side of the House.

Recent literature and research is indicating that shelters are only an interim solution to the grave societal concerns in the area of family violence, but we have not seen from this Government any long-term strategies in dealing with this particular problem when we know that prevention is the heart of the issue. My question for the Minister is, could she tell this House what long-term strategies her department has developed to deal with prevention of family violence?

**Hon. Charlotte Oleson (Minister of Community Services):** I thank the Member for her remarks on the acquisition of another facility for Osborne House. This was a badly needed facility. One of the things that facility will provide is counselling for people who experience family violence. That was one of the components that was badly needed that will give them the space to do that and to have some community outreach facility for the prevention of family violence. I agree it is something that has to be looked at in the longer term and that is what my Government is proposing to do.

**Mr. Speaker:** The time for oral questions has expired.

### NON-POLITICAL STATEMENT

**Hon. Edward Connery (Minister of the Environment, Workplace Safety and Health):** Do I have leave of the House, Mr. Speaker, to make a non-political statement?

**Mr. Speaker:** Does the Honourable Minister of Labour have leave to make a non-political statement? (Agreed)

**Mr. Connery:** Mr. Speaker, yesterday I had the pleasure of being twice at the 10th Canadian Waste Management Conference. I was at the banquet last night when there was an award given. A young lady by the name of Cindy Tse, spelled T-s-e, won an award for a logo. There was a competition initiated by the management people to establish a logo, and there were some 60 applications from all across Canada. Cindy Tse from the City of Winnipeg won this competition. What it is, is a W in dark colours—it is very small—but there is a W in dark colours, interesting waste. This was the theme of her logo. Underneath is an M in very light colours indicating waste that is being well-managed. I think it is quite an accomplishment for Cindy Tse who emigrated from

Hong Kong some 10 years ago, went to Red River College, graduated in advertising art and was able to win this competition.

I am sure all Members of this House would like to extend congratulations to Cindy and to wish her well in her new career in Winnipeg.

**An Honourable Member:** Hear, hear!

### ORDERS OF THE DAY

**Hon. James McCrae (Government House Leader):** Mr. Speaker, would you be so kind as to call the Bills in the following order: Bill 34, Bill 10 and the Bills in the order they are listed on the Order Paper with the exception of Bill 21.

### SECOND READING

#### BILL NO. 34—THE MUNICIPAL AMENDMENT ACT

**Hon. Glen Cummings (Minister of Municipal Affairs)** presented Bill No. 34, The Municipal Amendment Act; Loi modifiant la Loi sur les municipalités, for second reading.

**An Honourable Member:** Very smooth.

**Mr. Cummings:** I come from Ste. Rose.

### MOTION presented.

**Mr. Cummings:** Mr. Speaker, this is, as Members can see, a very brief Bill providing a couple of amendments to The Municipal Act. Quite simply, I think it is in keeping with the principle and the spirit of allowing local authorities and local municipalities to be more responsible and more responsive to the local concerns and the local operations of institutions and committees within their own jurisdiction.

Quite simply, my comments will only indicate to you that the principle of this Bill is that it returns to them the right and the authority as is indicated in 291-1 where they may appoint a committee or members of the general public who reside in the municipality to deal with matters relating to the maintenance of a police force. Quite simply, that just puts the authority to decide if they did or did not wish to proceed in that direction back in the hands of the municipal councillors.

In looking at the second amendment, it is being done for precisely the same reasons, that the local authorities may make grants for any purpose that they deem to be in the interest or to the advantage of their community, their municipality and its inhabitants.

As we deal with elected governments of all levels in this Legislature, Mr. Speaker, I think there has to be a recognition that there are levels of government that can deliver services more directly and more easily, and can make decisions in a more sensitive manner to their local inhabitants, and that is the local government. They live daily in the communities in which they must pass this type of initiative. They have to answer daily to

those who they meet on the street on whether or not they made a wise decision. They are elected in the same manner that we are by a free and open vote and, if the public does not approve of what they have done, they will very shortly tell them.

\* (1420)

So, Mr. Speaker, with those remarks, I commend this Bill to the House. It is somewhat of a housekeeping nature, but it does in my opinion comply to the principle of allowing local elected officials and local Government the kind of authority that they need to be responsive to their community.

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

**Mr. Leonard Evans (Brandon East):** I wonder if the Honourable Minister would submit to a brief question for clarification.

**Mr. Speaker:** Does the Honourable Member have leave to ask the Honourable Minister a brief question?

**Mr. Leonard Evans:** For clarification.

**Mr. Speaker:** The Honourable Minister of Municipal Affairs, does the Honourable Member for Brandon East have leave? (Agreed)

**Mr. Leonard Evans:** Specifically, I would like to know whether the Minister has in mind, in the definition of grants for any purpose, whether this would include the right of municipalities to now get back into the business of giving out industrial incentive grants, which some years ago was taken away from the municipalities because it was a waste of taxpayers' money, one municipality competing with another for industrial incentives, and that was removed for that purpose. I think there was unanimity, I believe, on that.

So my question is, will this now open up the possibility of the municipalities giving out competing industrial incentive grants which in my judgment would be a waste of money, of taxpayers' money?

**Mr. Cummings:** Mr. Speaker, that was certainly not the intention of this amendment, and I would have to ask for a further legal opinion on the substance of this. But that was certainly not the intention and it was not intended to allow municipalities to start competing with each other on those bases, because I certainly agree with the Member opposite that would be somewhat unwise.

**Mr. John Plohman (Dauphin):** Yes, I have a question as well, if I have leave from the House to ask a question of the Minister on this Bill. I think the questions would facilitate discussion and debate on the Bill later on.

**Mr. Speaker:** Order, please. Does the Honourable Member for Dauphin have leave to ask the Honourable Minister a question? (Agreed)

**Mr. Plohman:** I would like to ask the Minister, first of all, whether he can indicate what he meant when he

said that the first amendment here deals with returning the right to the municipality to make appointments regarding police forces in their respective municipalities? Can he provide us with information as to when they had this right previously and how it differed at that time from what is being proposed here, if it differed at all?

The second question I would like to have the Minister answer is also dealing with the grants amendment, whether he can provide us with documentation and background from municipalities who have brought forward requests for this amendment, lobbying that was done as to what groups wanted to see this kind of amendment for the grants?

Mr. Speaker, I agree with my colleague that I would not want to see it left open-ended, as it is now. I would ask the Minister to ensure that he has a legal opinion dealing with incentive grants that my colleague asked about because that is also of concern. So I basically have three questions of the Minister that I think it would be advantageous to have the answers to before we speak on this Bill.

**Mr. Cummings:** I will certainly provide those answers in detail before we go into the discussion stage. The questions are pertinent and relevant, and I will bring answers to the House.

**Hon. James McCrae (Attorney-General):** I propose to speak briefly on this Bill, Bill 34, and perhaps in the course of my comments, at least one of the questions put by the Honourable Member for Dauphin (Mr. Plohman) might be answered. I am pleased to rise to support this Bill, and I suppose today I speak in no other capacity but that of the Member of the Legislature for Brandon West, and in representing Brandon West very often the Honourable Member for Brandon East (Mr. Leonard Evans) will agree Brandon East issues and Brandon West issues mesh. We, I think, will also agree that the line that separates our two constituencies is a line only for electoral purposes and that the people in the south and the north and the east and the west parts of the City of Brandon have very similar concerns and the Honourable Member for Brandon East and I do attempt to represent those concerns.

From the point of view of the City of Brandon, Mr. Speaker, these amendments are deemed necessary. Indeed, the officials of the City of Brandon are watching the debate carefully with a view to seeing the Bill passed and come into effect so that the City of Brandon can then turn its attention to two very important issues in our city.

In the case of the first amendment dealing with the maintenance of a police force, the Honourable Member for Brandon East (Mr. Leonard Evans) will attest that the matter of Brandon's Police Department and Brandon's Police Commission has been the subject of some news in recent months and some concern on the part, not only of the Council of the City of Brandon and the present Police Commission of the City of Brandon and the Police Department and all of the people of Brandon. What the City of Brandon needs is the ability to decide, for the Council of the City of

Brandon to decide whether or not it wishes to have a Police Commission in the form it now has one, so that I am quite confident that as a duly-elected council of 10 aldermen and the mayor, the City of Brandon is quite able and quite mature enough to be able to make decisions about the future of police matters in the City of Brandon. I believe the first amendment contained in this Bill would facilitate whatever the Council of the City of Brandon may wish to do. I think that as the senior Government in this situation, it is incumbent on us as legislators in this House to do what we can to facilitate the duly-elected members of the Brandon City Council to do their duty and to represent the people they do represent in the way those people wish to be represented.

The second part of the Bill, Mr. Speaker, deals with granting, and the Minister of Municipal Affairs (Mr. Cummings) has undertaken to answer the specific questions put to him by the Honourable Member for Brandon East (Mr. Leonard Evans) and by the Honourable Member for Dauphin (Mr. Plohman). Let me say that as a former councillor in the City of Brandon, the matter of the grant made by the City of Brandon to Brandon University is one that has been a matter of discussion. We recognize that the life of the City of Brandon is affected in a very profound way, Sir, by the presence in our community of Brandon University. Brandon University is located in Brandon West just across the street from Brandon East. The Honourable Member for Brandon East has a close association with the university and, since my early days as a young fellow taking my music lessons there, I have been cultivating a relationship with Brandon University as well.

The City of Brandon for the last 10 years or so and longer, but certainly for the last 10 years, the present by-law has been in effect which allows the City of Brandon to grant one-half of 1 percent of its budget to the Brandon University. This is an interesting phenomenon. The City of Brandon is one of perhaps two or three in the whole country, if that many, which actually grants monies to universities.

\* (1430)

For my part, in the days when I was on council, I was a supporter of that concept, a supporter of that by-law, and it is a little bit unfortunate that recently in the Brandon Sun, a newspaper I regard very highly which deals with matters as it sees them, the newspaper reported that the Bill that is before the House is a Bill to cut the grant to the Brandon University. Mr. Speaker, I am here to attest to the inaccuracy of that particular word. If the word in the newspaper story had been "make" instead of "cut," I would have had no complaints. I see the Honourable Member for Brandon East (Mr. Leonard Evans) nodding, and I think he agrees with my concern about just what kind of impression that kind of story can leave in the minds of average Manitobans.

I suggest that without the Bill the City of Brandon would not be able to renew the by-law which allows the City of Brandon Council to grant monies to the university. With the legislation we have before us today,

the council is again in a position to make a decision as to whether it should or should not grant monies to the university. There again, I suggest that the councillors for the City of Brandon will make that decision.

It is not for me to make that decision but, in both cases, in both aspects of the Bill, it is truly enabling legislation and gives these powers to all municipalities. Not in my particular case in the City of Brandon, I would like the Council of the City of Brandon to have the power to do as it wishes, as a duly-elected body representing the people of Brandon.

The people of Brandon take a great deal of pride in having Brandon University in the community. The university serves not only Brandon but a very large area extending hundreds and sometimes thousands of miles beyond the city. We have students there from many nations of the world and we are very proud of the programs that are offered by the university. The university has come a long way in the last couple of years in terms of its relationship with the community and its relationship with those who see the value of the university and see fit to make donations of their own money to Brandon University for the benefit of the students who attend there and for the ultimate benefit of the community of the City of Brandon and for our whole country, in that we enrich the lives of everyone in our midst when we educate students and prepare them for the future.

I very much commend this legislation to every Honourable Member in this House and commend its speedy passage so that the City of Brandon can get on with the work that it wants to get on with.

We are in no way imposing anything on the City of Brandon or any other community by this legislation. We are not imposing a rule that it must do this or it must do that but, without this legislation, we are restricting municipalities from the rights that are contained in this Bill, so I do look forward to speedy passage of the legislation.

The Minister has undertaken to answer the questions put by the Honourable Members today, and I invite Honourable Members of the Liberal Party, if they can find it within themselves, to move quickly in deciding how they would like to proceed on this Bill. Certainly I make that as a plea on behalf of the citizens of Brandon, but I suppose I should say that on behalf of all the municipalities in the province. I know that these two sections of the Bill have direct application on affairs in the City of Brandon and, on behalf of the people who live there, I would ask Honourable Members to give this early, positive attention. Thank you very much.

**Mr. Speaker:** The Honourable Minister of Municipal Affairs (Mr. Cummings), on a point of order.

**Mr. Cummings:** I was asked a series of questions by the Member for Dauphin (Mr. Plohman) and undertook to bring the answers back in detail. I can give him a couple of the answers, or at least one of the answers forthwith.

**Mr. Speaker:** Order, please. The Honourable Member does not have a point of order. Do Honourable Members want to grant leave? (Agreed)

**Mr. Cummings:** I apologize, Mr. Speaker, if I chose the wrong vehicle but I wanted to get your attention. The Member asked if, where I indicated that this was returning rights, perhaps my choice of adjective or adverb was wrong and, inasmuch as this legislation is written so that the choice can be made by the councils rather than it being locked into a situation where it says they shall or they must, they have now a decision and an obvious decision to make. It is not a situation where they are locked into a Charter that says that they must perform this specific task. They now must make an obvious decision as to which direction they choose to go.

**Mr. Leonard Evans:** I was standing also when the Minister of Municipal Affairs (Mr. Cummings) got up. I wanted to ask the Attorney-General (Mr. McCrae) a question, if he would agree, with regard to his last speech. Would he submit to a question?

**Mr. Speaker:** I think we can only do that by leave. Does the Honourable Member for Brandon East (Mr. Leonard Evans) have leave to ask the Honourable Attorney-General (Mr. McCrae) a question pertaining to this Bill? (Agreed)

**Mr. Leonard Evans:** Again, I ask this to facilitate the matter because I appreciate the objectives of the legislation and I support them.

I ask a very technical question perhaps. Would it not have been simpler, unless the Government had other municipalities in mind, would it not have been simpler and would it have been possible—and I ask this of the Attorney-General—to amend the Brandon City Charter specifically dealing with these two problems, the Police Commission and grants to the university? Would that not have enabled the Government to do this more expeditiously? Is that possible?

**Mr. McCrae:** I do not know that it would not be possible to do that. In fact I know that officials in the Department of Municipal Affairs looked very carefully at the alternative the Honourable Member is suggesting. The suggestion that came forward is that there might be a tendency here to create a patchwork if we had moved in the direction the Honourable Member is suggesting, in other words, rights for some municipalities but not for others. That was one aspect of it.

The other aspect is that the Brandon Charter is 106 years old. There is a lot of language in the Charter that the city solicitor and the City of Brandon is working on to update it. That Charter, in addition, needs to be re-enacted to give it legitimacy in Manitoba law so that all of those matters were taken into account. The question raised by the Honourable Member was indeed addressed carefully by the Department of Municipal Affairs. I do not think I am going too far out on a limb to suggest that I brought the matter to the attention of the department, suggesting exactly what the Honourable Member suggested. The advice I received was that perhaps I should be looking at this other method. I am quite happy to accede to the wisdom of the officials in the Department of Municipal Affairs.

**Mr. John Angus (St. Norbert):** With the greatest respect, I will move, seconded by the Member for Fort Rouge (Mr. Carr), that this Bill be—

**Mr. Plohman:** Point of order, Mr. Speaker.

**Mr. Speaker:** Order please. The Honourable Member for Dauphin (Mr. Plohman), on a point of order?

**Mr. Plohman:** I am not sure that it is a point of order but I did want to get your attention.

**Mr. Speaker:** You got it.

**Mr. Plohman:** The Minister wanted to get your attention. I would like to, with leave, ask one further question. This is not meant to prolong but, when the Minister answered a question, he gave rise to another question that I wanted to—

**Mr. Speaker:** Order please. Does the Honourable Member for Dauphin (Mr. Plohman) have leave to ask a question of clarification concerning Bill 34? (Agreed)

**Mr. Plohman:** My question following on what the Minister said that this would provide an opportunity for the municipality to have the choice of whether they wanted to do certain things with regard to a police force, I have to ask him then whether in fact it is now compulsory that they have to appoint, and this is simply giving them the option of doing it? If that is the case, it is quite different than if—there is no mention of it at all at the present time in the Act.

**Mr. Cummings:** Perhaps I should have been more specific in my remarks when I tabled this Bill.

As the Member for Brandon West, the Attorney-General (Mr. McCrae) just indicated a few minutes ago, in regards to the right to make grants by the City of Brandon, that the City of Brandon does operate under a Charter which is not the same as all municipalities in the province. In making this type of amendment, it allows the City of Brandon, without having to undergo the complete rewriting of their Charter, to access this type of legislation along with all of the municipalities. It treats all jurisdictions equally. In fact, the City of Brandon Charter does specifically spell out certain obligations at the present time. This amendment would override the city Charter if they chose to take advantage of it. Therefore, they would not be required to follow the obligations of their Charter. It does, very clearly, make the choice available for all municipalities so that there are other areas that choose to have the same option made available to them. They may therefore have it.

\* (1440)

Those who do not have police commissions, obviously, would not have that concern, if placed on them, in regard to local commissions. Where they have charters, there is a specific requirement. If the Member is asking, do all municipalities not have this right at this time, I would suggest that the majority of municipalities never have to deal with this. It is only certain larger areas that would even have reason to question this, because most of our municipalities are patrolled by the RCMP in conjunction with the local community in which they live, and this would have no relevancy to them at all.

However, the Act is an enabling Act and I do not foresee any reason why they would ever want to access it, but it is being done in this manner for simplification of application and to make sure that it is equally applied for all municipalities across the province.

**QUESTION put, MOTION carried.**

### DEBATE ON THIRD READING AMENDED BILL

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

**Mr. Speaker:** Debate on third reading, amended Bills, Bill No. 10, The Court of Queen's Bench Act; Loi sur la Cour du Banc de la Reine, standing in the name of the The Honourable Member for Rupertsland (Mr. Harper). Are we going to allow it to stand in the name of The Honourable Member for Rupertsland? (Agreed)

**Mr. Paul Edwards (St. James):** I spoke at some length on this Bill when it came up for second reading and so I do not have many comments to add now. It has been through committee and the one amendment which has been made, I am extremely pleased about that amendment being with respect to a section dealing with experts and licensed practitioners. That has been made and I commend the committee on making that amendment. It was an important one.

This Bill, in my view and this falls on the comments I made at second reading, does add and does pave the way for the new Queen's Bench rules and to that extent does add, I think, to the cost of the average lawsuit. The discovery procedures are expanded in the new Queen's Bench rules. For that reason, I have some concern when I look at this and then I look at the new Queen's Bench Small Claims Amendment Act, because we have to make sure that we provide for the effective and the efficient conduct of small claims. Increasingly, as the new Queen's Bench rules come in and the discovery procedures become greater, which presumably and hopefully lead to any potential settlement being made prior to the expense of a trial, the Small Claims role becomes more important because the dollar figure, which becomes economical to go through a full-scale trial, gets higher, higher, and higher.

The Attorney-General (Mr. McCrae) in his Small Claims Amendment Act has taken it up to \$5,000.00. My comments at that time and my comments again are to the effect that we have to look at expanding that even higher, at building in the option for parties to go to Small Claims for a dollar amount much higher than \$5,000 because as a practitioner in this city and indeed I think any practitioner in the civil litigation field will tell you it is a real shame when, through the Queen's Bench discovery procedures and the long interlocutory procedures prior to getting to trial, the issue which causes the settlement may not be the merits of the case but may simply be that the cost of the thing getting to trial is becoming too burdensome, so people make an economic decision and decide to cut it off and settle the thing.

That is a shame. That is something we do not want and that is the purpose of Small Claims. So, while I

think this Act is important and makes many important changes, and I look forward to the Queen's Bench rules which are coming in and largely modelled after the Ontario rules, I do think that we have to keep that in mind as an avenue to pursue as a province and to be sensitive to the disputes between, if you will, small-time litigants, and small-time litigants in this modern world are increasingly becoming litigants of far more than \$5,000, up to—my suggestion is—probably in the neighbourhood of \$20,000.00.

The committee that came up with this new Queen's Bench Act, I congratulate them and I think that they spent a lot of time and effort. There were judges and some practitioners on that committee and I think they made many very, very important changes in The Queen's Bench Act. Again I say I look forward to the rules, also the product of a lot of very worthwhile and commendable committee work.

The thing that this Act as well does not include, and which I mentioned at the time that this came up for second reading and I simply reiterate here again, is the fact that the Unified Family Court and the mediation and conciliation services in the Family Court have yet to be effectively expanded to rural Manitoba. Our Party firmly believes that it is time this expansion took place into rural Manitoba.

It appears to us that this new Queen's Bench Act, and indeed The Queen's Bench Small Claims Amendment Act, offered an opportunity to the Government to take the access to efficient and accessible justice to rural Manitoba. That opportunity has obviously been passed up and that is a shame in our view. We believe that the expansion of the Family Court and these important services to Manitobans should be taken to the rural people in Manitoba and the urban bias should be dropped.

We see that again and again as the court services are remedied in this province. We see it in all kinds of things. The urban bias shows up in the Electoral Boundaries Commission in our view. The urban bias shows up in the many projects which are started in this province and then later, maybe or maybe they are not expanded into rural Manitoba, but they always start in the city. To that extent I simply leave those comments on record that this Act, in our view, missed an opportunity to go into rural Manitoba with the Unified Family Court.

With those comments, Mr. Speaker, I am happy on behalf of our caucus to look forward to passage of this Bill and simply take note of the things that it does not include, which we look forward to further debate and hopefully further legislation in those areas.

**Some Honourable Members:** Hear, Hear!

**Mr. Gary Doer (Leader of the Second Opposition):** Mr. Speaker, I am pleased to stand and speak on the Act before us. I would want to be honest and say that in some of the details of the Act we have a little more homework to do on consulting various aspects of it. We have been generally up to speed on most of the Bills, but we have a little more work to do on this Bill.

I do not want that to be perceived as unduly withholding our final decision on the Bill.

Certainly the committee that was established and reported under the Attorney-General was a committee that we established, I believe in 1985, to look at some of the hundred-year-old practices of the courts and look at revisions that had not been made to this Act since the 1930s. I think that is fairly positive that we bring this Bill up to speed in terms of the practices of moving into the 1990s.

I note with some regret, Mr. Speaker, on a personal note that the Latin terminology will be somewhat reduced. I think that is great for the public of Manitoba but it is probably the only language I can speak, including English and French, having finished five years of Latin, and the odd word I do still remember from those passive paraphrastic formats of *appropinquo*, and those kinds of things are totally irrelevant except with lawyers. Now, of course, we are demystifying the legal system even further and I think that is actually very positive. It gets rid of some of those Latin words that only make—

**An Honourable Member:** Yes, but think what Juli would think about it.

\* (1450)

**Mr. Doer:** Yes, Juli would be turning over in his grave, Mr. Speaker. All of us who enjoy Shakespearian tragedies would remember the famous words in that play, "He who fears every ambush falls into none." I would ask Members of this House to remember that in our political careers.

I also want to put on the record, Mr. Speaker, because there has been no opportunity to do so and this is the closest area that I can comment on it, that I want to congratulate the Attorney-General (Mr. McCrae) on the appointment of the head of the court system, Mr. Stefanson, who is going to be sworn in tomorrow.

I know that the individual in his former life was not the strongest partisan in terms of our philosophy in life, but I have always found Mr. Stefanson to be a person of utmost integrity, utmost ability and tremendous experience. I look forward to joining the Members of the Government, and I applaud them for the appointment to take over the Chief Justice role in this province, in terms of that position.

He has the credibility of the judicial system. He has the credibility of defence lawyers. He has credibility with Crown attorneys, and he is an excellent appointment. I applaud the Government for making that choice. He is also a person who has had experience in the North. He was on the bench in The Pas and lived in northern communities. He has worked in rural communities on the circuit and indeed he was born and raised in the Interlake area. He is now living in, of course, the City of Winnipeg, and has experience with urban justice issues. So he has a tremendous degree of background and experience to lend itself to that job.

As I say, I think the Government is to be commended for that choice. This is the first opportunity I have to

say something positive about the administration of justice and the appointment of that individual to the bench.

I think it is that quasi-Icelandic social democratic background that is probably in his genes, but I will not comment further on the appointment of the—

**Mr. Harry Enns (Lakeside):** Stefanson. That has a Mennonite ring.

**Mr. Doer:** The Member for Lakeside (Mr. Enns) mentions it has a Mennonite ring and I would never ever disagree with the Member for Lakeside on ethnic origins and backgrounds and histories. We may disagree somewhat on some of the conclusions we come to deal with the Province of Manitoba, but I would never disagree with his knowledge of ethnic backgrounds of Manitobans. I continue to bow to the dean of this Legislature when it comes to those very important issues.

We are consulting on a number of the specifics on this Bill presently and we will be reporting back in the third reading stage on those consultations. We agree with the thrust of the Act. We agree in terms of the ability to change the rule-making procedures from just judges to having other members of the legal system involved in the rule-making process. We think that the discovery procedures are a step forward and more positive in terms of the administration of justice. I was interested to note the comments of the Member for St. James (Mr. Edwards) on the Small Claims Court issue, and I guess we will be dealing with that under Bill No. 8 at second reading, because where to draw the line, I think, is a concern for all of us in terms of the high cost of the court system versus a more informal method of settling disputes in terms of the citizens of this province.

(Mr. Deputy Speaker, Mark Minenko, in the Chair.)

We will be looking at some of the procedures that are outlined in the Act. We want to look at the court reporter area just to get clear how that will operationally work, and we want to look at some of the other drafting of the Bill in terms of its implications on the legal system of Manitoba.

Generally we feel the thrusts of the Bill are positive. We will be consulting about some of the details and we will complete that task very shortly and be able to move appropriately on the legislation in terms of the vote with the New Democratic Party on this Bill No. 10 that is presently before the Legislature of Manitoba. Thank you.

**Mr. Deputy Speaker:** I understand that by leave this Bill will remain standing in the name of the Honourable Member for Rupertsland (Mr. Harper).

## DEBATE ON SECOND READINGS

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

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 8, The Court of Queen's Bench Small Claims Practices Amendment Act, standing in the name of the Honourable Member for Wolseley (Mr. Taylor). (Stand

**BILL NO. 9—STATUTE LAW AMENDMENT  
(RE-ENACTED STATUTES) ACT**

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 9, Statute Law Amendment (Re-enacted Statutes) Act, standing in the name of the Honourable Member for The Pas (Mr. Harapiak). (Stand)

**BILL NO. 11—THE CHILD CUSTODY  
ENFORCEMENT AMENDMENT ACT**

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 11, The Child Custody Enforcement Amendment Act, standing in the name of the Honourable Member for Fort Rouge (Mr. Carr), the Honourable Member for Fort Rouge.

**Mr. James Carr (Fort Rouge):** I am pleased to rise today to put a few comments on the record on Bill 11, The Child Custody Enforcement Amendment Act.

I guess I am particularly pleased because it gives me the opportunity to say a few words about the family and the role of the family in our own society. It is timely for me because, as Honourable Members know, there was an addition to my own family. What that tends to do is focus one's mind to matters of real importance. As Members of the Legislature know, it is very easy for us to get caught up in the day-to-day events of political life. One moment seems as if it might be an eternity as we move from issue to issue in this House but, when we go home and we have to deal with the real world of changing diapers and looking after siblings, who may have minor disagreements, we are reminded that the values and the issues of lasting and real importance are those of our own families and an extension of our own families into our community.

There has been a changing role of families over the years that we are wanting to comment on today. It is not only the nuclear family because the core values that allow us to relate as Members of the nuclear family, father to mother, sister to brother, are the same kinds of values and interactions which distinguish us as a nation, as a community of nations, and indeed as a global community.

But alas we are not perfect and, as a result, we have to set rules which govern our behaviour. Those rules in the international community are rules established by the International Court of Law, by an informal gathering of nations through the United Nations. In the case of national communities, we have the Criminal Code that establishes the degree of latitude and conduct which we as Members of that society consider to be appropriate and the penalties that exist for those of us who exceed those standards that we as a collective and as a society tend to impose on ourselves.

The same thing is true of the nuclear family. If it were a perfect world, men and women would make a decision to get married and would stay married for the rest of their lives. But in an imperfect world, that is not the way it is. Families break up. They break up at a rate

faster that is disconcerting. They break up at a rate faster than at any time in our history. As a matter of fact, the Member for Brandon East (Mr. Laurie Evans) told us in his remarks that 40 percent of all children have a family breakup to look forward to before they become 18 years old. So as a result, we, as a community, as a society, have to come up with rules that govern what happens in worst-case scenarios.

The stresses that meet men and women in family life today are enormous. More and more women are in the work force. They are there because oftentimes economic necessity demands that they be there. On other occasions, women choose to work because they want to establish their own careers and their own mark in society. There are more women who follow careers in the law, in medicine. That is true in my own family where my wife is a doctor, so we have to come to terms with the strains of two professionals in the bosom of a given family so that the strains of coping with the pressures of the real world and the pressures of family life are growing. These pressures often result regrettably in the breakup of the nuclear family.

Now the role of the State, Mr. Deputy Speaker, is to provide a way and a means of coping with family breakup when they happen. The first step of course is to try to establish a pattern of reconciliation or conciliation between a man and a woman who have decided or who may be on the verge of deciding that they can no longer continue the relationship, because I think most Members of the Chamber would agree that the best possible environment for a child is an environment with two loving and caring parents.

\* (1500)

**An Honourable Member:** Hear, hear!

**Mr. Carr:** So every step should be taken through conciliation, through social work, to try to make it work in the nuclear family situation. We have, in the Province of Manitoba, a Family Conciliation Service which has grown considerably over the last number of years. I know that it started out in the basement of Fort Osborne Barracks with a very small staff. Now they are in the Woodsworth Building in a more commodious environment, and they are doing very important work.

Mr. Deputy Speaker, we always have to keep in mind that the focus of our efforts and the focus of the energy of the state must always be to protect the interests of the child, because children are those who are most often the innocent victims who are caught between a situation over which they have no control. It is our responsibility as legislators and it is our responsibility as members of the community to do whatever we can to protect those innocent victims.

There has to be a context to which we make our remarks today on Bill No. 11. Firstly, I noted with considerable interest the remarks of the Member for Churchill (Mr. Cowan). Whenever I want to follow a line of reasoning, whenever I want to try to determine the logic of the situation, I often look to the Member for Churchill, who has a capacity greater than the normal to follow a line of logic and a line of reasoning. But I

could not help but notice, and I went to the extent of actually reviewing his comments quite carefully in Hansard, that on the issue of Bill No. 11 the Member for Churchill spent the vast majority of his time discussing the White Paper on Family Law, a White Paper on Family Law which is long overdue.

Apparently within the context of a letter written by the Attorney-General (Mr. McCrae) to the Member for St. Johns (Ms. Wasylycia-Leis), there was the impression left that there would be no swift or hasty release of the White Paper, and that part of it might be obsolete. There has to be a context and a direction to Family Law in the Province of Manitoba. Since there has been a great deal of work done over the last number of years in preparation of the White Paper, I would encourage the Attorney-General (Mr. McCrae) to make it public at the earliest possible moment.— (Interjection)— The Member for Churchill (Mr. Cowan) chooses to discuss embargoes. He is on a slippery slope because it was his Government that seemed to establish the practice.— (Interjection)— He says “amended the practice” but unfortunately not for the better, Mr. Deputy Speaker.

We understand that there is a pilot program, which was announced by press release by the Attorney-General (Mr. McCrae) on July 29, that talks about the Access Assistance Program. We congratulate the Government but we have questions about the Access Assistance Program. We realize that it is a pilot project. We want to be assured by the Attorney-General that it will in fact begin on February 1, and that it will be given the necessary resources to ensure that it works properly.

Also, to echo the remarks made recently by my colleague from St. James (Mr. Edwards), we think that it is very important that this Government, a Government which has at its core representation from rural Manitoba, that these programs not only be directed towards the urban area of metropolitan Winnipeg but that all Manitobans can have access to these programs. So when it is finally evaluated, and this pilot project is evaluated to determine what ought to be done with it in the long term, we would encourage the Attorney-General to look at its application beyond the Perimeter Highway so that all Manitobans can be the beneficiaries of it.

Now the details of Bill No. 11 centre around the ability of a non-custodial parent to gain access to a child. This is a very important principle. We have already established in the province the ability of the courts to order that maintenance be paid, and that in the case where maintenance is not paid you can go so far as to garnishee the wages of the non-custodial parent. So in a way, this Bill is a companion piece of legislation, and the amendments deal with the rights of the non-custodial parent and that could be a man or it could be a woman, to gain access to the child and, in cases where they are denied access, that there be an ability for the court to intervene to order that access be given, and in some cases even to order that there be reasonable compensation. Now, we will have questions at the committee stage and beyond to discuss what reasonable compensation may mean.

When I was reading some speeches made in this House, Mr. Deputy Speaker, some Members talked

about this as a feminist issue. Well, it is an issue that is of interest to women but it is equally, may I say, an issue of interest to men, because men and women and their offspring make up the nuclear family and we cannot isolate this as an issue for women only or an issue that lends itself only to the feminist perspective. It is an issue that deals with the very core values that we cherish as a community and as a society. So the interests of men and the interests of women must be equally considered in the context of this Bill.

Now, the Bill is a step in the right direction. There is a continuing frustration of some non-custodial parents who have to go to court to gain access to their children. This is particularly true in cases where the penalty of paying a legal fee can be too much because we are often, in cases such as this, dealing with parents, men and women who do not have substantial resources. So whenever time access is denied, in order to go to court and to hire a lawyer, it can be very draining financially.

This program, the Access Program, that is to begin on February 1 and the companion legislation which, as the Member for Churchill (Mr. Cowan) has told us, is a logical companion—the legislation and the program should be seen side by side—allows the non-custodial parent to gain assistance in getting that access.

It is a multifaceted problem and we should not see it in isolation of all the various issues that pertain to this Bill. In some cases, non-custodial parents do not show up. They may say to the custodial parent that they will arrive at a certain time and they do not arrive at a certain time, and that could put the custodial parent into a situation where they are inconvenienced or, in other cases, there could even be a financial penalty to pay. Maybe they are supposed to be on their way to work and they are held up. So it is very important that we should not bankrupt parents with access rights who are frustrated in their attempts to gain access to children.

Now, there are a number of questions about the legislation in the Access Program. How much red tape is involved? How much staff will be assigned to the Access Assistance Program? What safeguards will there be for economically disadvantaged parents?

So in general, we would like to say that we support the thrust and the principle of the Bill. We think that it is an issue that strikes at the very heart of values that we share; that it is very important that non-custodial parents have the right of access to their children, so ordered by the courts, because we believe that the best environment for a child—it is the protection of the innocent victim of family breakup that is paramount to us. We think it is very important that the child has access to both parents if so ordered by the courts, because it is that kind of environment that we think is most conducive to a healthy relationship and a healthy environment for children. Thank you, Mr. Deputy Speaker.

\* (1510)

**Mr. Harry Harapiak (The Pas):** I would like to take the opportunity to also speak on Bill No. 11, as several

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Members who spoke to it previously have said, it is a very important Bill dealing with the family, the family unit which unfortunately is not the same family unit that we witnessed at the beginning of the century. At the beginning of the century there were not as many services for a family to deal with some difficulties that may have arisen in a family unit. Usually the difficulties that the family were experiencing had to be resolved within their own family or else within the community. But unfortunately the way our times have changed, life has become much more complex. It has become necessary to provide many more services that are required to help a family cope with some of the problems that exist in society. There are psychologists, psychiatrists, nurses, teachers and social workers who help many of the families deal with some of the difficulties that they may be faced with as they experience everyday life. In the early days, all they had was the immediate family.

Mr. Speaker, I do not believe that we have a quorum in the House.

**Mr. Deputy Speaker:** I would ask the Clerk to count.

In accordance with the Rules of the House, a count was taken. There was not a quorum present in accordance with the Rules of the House, and Beauchesne's indicates and directs that the Speaker adjourn the House. What is the will of the House? The Honourable Government House Leader.

**Hon. James McCrae (Government House Leader):** Mr. Speaker, I think, if you recount the House now, you will find that there is a quorum present and that we could proceed.

**Mr. Harapiak:** I am not that familiar with the Rules but I believe that, once the count is taken and there is not a quorum, the House is adjourned.

**Mr. Deputy Speaker:** In accordance with Beauchesne, Citation 208, the House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday).