



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

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**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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42 Elizabeth II

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Speaker*



**VOL. XLII No. 96 - 1:30 p.m., WEDNESDAY, JULY 7, 1993**

**MANITOBA LEGISLATIVE ASSEMBLY  
Thirty-Fifth Legislature**

**Members, Constituencies and Political Affiliation**

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHOMIAK, Dave	Kildonan	NDP
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Flussell	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
GRAY, Avis	Crescentwood	Liberal
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
ORCHARD, Donald, Hon.	Pembina	PC
PALLISTER, Brian	Portage la Prairie	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP
<i>Vacant</i>	Rossmere	
<i>Vacant</i>	Rupertsland	
<i>Vacant</i>	The Maples	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, July 7, 1993

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

**Mr. Gregory Dewar (Selkirk):** Mr. Speaker, I beg to present the petition of David Carr, Louise Tetrault, Carmelle Tetrault and others requesting the Minister of Health (Mr. Orchard) consider restoring the Children's Dental Program to the level it was prior to the '93-94 budget.

\* \* \*

**Ms. Marianne Cerilli (Radlsson):** Mr. Speaker, I beg to present the petition of Karen Rayter, Susan Bush, Lynne Cantor and others requesting the Minister of Family Services (Mr. Gilleshammer) to consider restoring funding for the Student Social Allowances Program.

**Mr. Conrad Santos (Broadway):** Mr. Speaker, I beg to present the petition of Bertha Rogowski, Jennifer Senenko, Marguerite How and others requesting the Minister of Family Services (Mr. Gilleshammer) to consider restoring funding of the Student Social Allowances Program.

**Mr. Dave Chomlak (Kildonan):** Mr. Speaker, I beg to present the petition of Gail Johnston, Virginia Snyder, Wayne Hughes and others requesting the Minister of Family Services (Mr. Gilleshammer) to consider restoring funding of the Student Social Allowances Program.

**Mr. Daryl Reid (Transcona):** Mr. Speaker, I beg to present the petition of Nola McBurney, Pat Osmond, Errol Harris and others requesting the Minister of Family Services (Mr. Gilleshammer) to consider restoring funding to the Student Social Allowances Program.

### READING AND RECEIVING PETITIONS

**Mr. Speaker:** I have reviewed the petition of the honourable member (Mr. Dewar). It complies with the privileges and the practices of the House and complies with the rules (by leave). Is it the will of the House to have the petition read? [agreed]

**Mr. Clerk (William Remnant):** The petition of the undersigned citizens of the province of Manitoba humbly sheweth that:

WHEREAS there is a very serious solvent abuse problem in northern Manitoba; and

WHEREAS according to the RCMP over 100 crimes in Thompson alone in 1992 were linked to solvent abuse; and

WHEREAS there are no facilities to deal with solvent abuse victims in northern Manitoba; and

WHEREAS for over three years, the provincial government failed to proclaim the private member's anti-sniff bill passed by the Legislature and is now proposing to criminalize minors buying solvents even though there are no treatment facilities in northern Manitoba; and

WHEREAS for nine years, the 25 Chiefs who comprise the Manitoba Kewatinowi Okimakanak, supported by medical officials, police and the area Member of Parliament, have proposed a pilot treatment project known as the Native Youth Medicine Lodge; and

WHEREAS successive federal Ministers of Health have failed to respond to this issue with a commitment; and

WHEREAS the Manitoba provincial government has a responsibility to ensure that there is adequate treatment for solvent abuse.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be pleased to request the Premier to consider making as a major priority, the establishment of a solvent abuse treatment facility in northern Manitoba.

**Mr. Speaker:** I have reviewed the petition of the honourable member (Mr. Lathlin). It complies with the privileges and the practices of the House and complies with the rules (by leave). Is it the will of the House to have the petition read? [agreed]

**Mr. Clerk:** The petition of the undersigned citizens of the province of Manitoba humbly sheweth that:

WHEREAS there is a very serious solvent abuse problem in northern Manitoba; and

WHEREAS according to the RCMP over 100 crimes in Thompson alone in 1992 were linked to solvent abuse; and

WHEREAS there are no facilities to deal with solvent abuse victims in northern Manitoba; and

WHEREAS for over three years, the provincial government failed to proclaim the private member's anti-sniff bill passed by the Legislature and is now proposing to criminalize minors buying solvents even though there are no treatment facilities in northern Manitoba; and

WHEREAS for nine years, the 25 Chiefs who comprise the Manitoba Keewatinowi Okimakanak, supported by medical officials, police and the area Member of Parliament, have proposed a pilot treatment project known as the Native Youth Medicine Lodge; and

WHEREAS successive federal Ministers of Health have failed to respond to this issue with a commitment; and

WHEREAS the Manitoba provincial government has a responsibility to ensure that there is adequate treatment for solvent abuse.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be pleased to request the Premier to consider making as a major priority, the establishment of a solvent abuse treatment facility in northern Manitoba.

\* (1335)

\* \* \*

**Mr. Speaker:** I have reviewed the petition of the honourable member (Mr. Chomiak). It complies with the privileges and the practices of the House, and complies with the rules. Is it the will of the House to have the petition read? [agreed]

**Mr. Clerk:** The petition of the undersigned citizens of the province of Manitoba humbly sheweth that:

WHEREAS Manitoba has the highest rate of child poverty in the country; and

WHEREAS over 55,000 children depend upon the Children's Dental Program; and

WHEREAS several studies have pointed out the cost savings of preventative and treatment health care programs such as the Children's Dental Program; and

WHEREAS the Children's Dental Program has been in effect for 17 years and has been

recognized as extremely cost-effective and critical for many families in isolated communities; and

WHEREAS the provincial government did not consult the users of the program or the providers before announcing plans to eliminate 44 of the 49 dentists, nurses and assistants providing this service; and

WHEREAS preventative health care is an essential component of health care reform.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr. Orchard) consider restoring the Children's Dental Program to the level it was prior to the 1993-94 budget.

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**Mr. Bob Rose (Chairperson of the Standing Committee on Law Amendments):** Mr. Speaker, I beg to present the Fourth Report of the Standing Committee on Law Amendments.

**Mr. Clerk (William Remnant):** Your Standing Committee on Law Amendments presents the following as its Fourth Report.

Your committee met on Monday, July 5, 1993, at 9 a.m. and on Tuesday, July 6, 1993, at 9 a.m. in Room 255 of the Legislative Building to consider bills referred.

Your committee heard representation on Bill 16, The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques, as follows:

Ms. Betty Green - Lakeshore School Division

Mr. David Turner - Manitoba Teachers' Society

Ms. Gail Watson - Manitoba Association of School Trustees

Ms. Joan Seller - Canadian Union of Public Employees, Manitoba

Ms. MaryAnn Mihychuk - Winnipeg School Division No. 1

Your committee has considered:

Bill 16—The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques

and has agreed to report the same without amendment.

All of which is respectfully submitted.

**Mr. Rose:** Mr. Speaker, 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 Seventh Report of the Standing Committee on Economic Development.

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

Your committee met on Tuesday, June 15, 1993, at 10 a.m. in Room 255 and Tuesday, July 6, 1993, at 9 a.m. in Room 254 of the Legislative Building to consider the Annual Report of Manitoba Mineral Resources Ltd. for the year ended December 31, 1992.

Mr. Jim Clarke, chairperson, and Mr. Ian Haugh, president, provided such information as was requested with respect to the Annual Report and business of Manitoba Mineral Resources Ltd.

Your committee has considered the Annual Report of Manitoba Mineral Resources Ltd. for the year ended December 31, 1992, and has adopted the same as presented.

All of which is respectfully submitted.

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

**Motion agreed to.**

\* (1340)

## TABLING OF REPORTS

**Hon. Rosemary Vodrey (Minister of Education and Training):** Mr. Speaker, I am pleased to table the Annual Report of the Teachers' Retirement Allowances Fund Board for 1992.

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Speaker, I am tabling today the Twenty-second Annual Report of the Law Reform Commission of Manitoba, and the Seventh Annual Report of The Manitoba Law Foundation.

## INTRODUCTION OF BILLS

### Bill 55—The Legislative Assembly Amendment and Consequential Amendments Act

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, I move, seconded by the Minister of Justice (Mr. McCrae), that Bill 55, The Legislative Assembly Amendment and Consequential Amendments Act (Loi modifiant la Loi sur l'Assemblée législative et apportant des modifications corrélatives à une autre loi), be introduced and the same now be 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 like to table the message.

**Motion agreed to.**

## ORAL QUESTION PERIOD

### APM Management Consultants Contract Approval

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, my question is to the Deputy Premier (Mr. Downey).

Mr. Speaker, today, evidence is being produced by nurses from Minneapolis from hospitals that had utilized Connie Curran, the multimillion-dollar American consultant the Conservatives in Manitoba and now in Alberta are so wont to use. They are talking about the fact that their inspection of the contract here and their review of other contracts across the United States indicate that this consultant utilizes a cookie-cutter approach to health care reform, which must be the reason why the Conservatives in Manitoba hired this person at that exorbitant rate.

They have gone on to say that results of the, quote, slash-and-burn policies of Connie Curran have reduced patient care, reduced patient care to even a system in the United States, which has tremendous pressure on its health care system.

I would like to know from the Deputy Premier why the Premier (Mr. Filmon) of this province had three different departments approve this contract—one, the Treasury Board, two, the Lotteries department with the Lotteries minister, and, three, the Minister of Health.

Who was protecting the people of Manitoba when the cabinet and the Premier approved this contract?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, yes, I understand the Manitoba Nurses' Union did a journey to Minneapolis to find these two individual nurses to ask them to come to Manitoba to share, I would have to presume, the union view of a reorganization that may or may not have been as they have indicated in two respective hospitals.

Mr. Speaker, I am rather appreciative of the fact that they have been commenting on at least one of the public airwaves, because I think Manitobans will be interested in hearing what they have to say. I know that given the right to know, that a number of people believe is appropriate in today's environment, possibly the other side of the story or the other information that no doubt is part of their concerns will be shared, possibly from the management of those two hospitals.

I have come to learn, and I know my honourable friend the New Democrat also knows this, that for every story there is often more than what is stated, another side, another perspective, and, of course, that will be most informative when that right to know is exercised for Manitobans.

**Mr. Doer:** Mr. Speaker, I am sure the managers of hospitals who hired this person would have a rather similar approach as the Minister of Health, making bad decisions and defending them day after day after day, because whom we trust are the people at the bedside who are working with the patients in Manitoba and working with the patients in Minneapolis.

Mr. Speaker, I would like to ask the Deputy Premier (Mr. Downey): We have heard day after day the Minister of Health defend the poor decision he made to hire this U.S. consultant for Canadian hospitals and the Manitoba health care system. We know that three different departments had to be involved in approving this contract, Lotteries, Health and the Treasury Board.

I would like to know why cabinet itself approved this contract, Mr. Speaker, when, according to the nurses today, the only thing that was changed with the contract in Manitoba from the contract in Minneapolis was they could change the symbol. They changed the symbol of the contract for the U.S. consultant.

I would like to know why they approved it, and I would like to know from the head of government, rather than the Minister of Health's defensive answers.

\* (1345)

**Mr. Orchard:** Mr. Speaker, do you know that during the Estimates process this year, at approximately 2:30 on Monday afternoon, I tabled the contracts with St. Boniface and with Health Sciences Centre?

I put on the record—and I will do it again today if my honourable friend the New Democratic Leader would care for me to do so. I invited members of the New Democratic Party—particularly the critic who seems to be unable to tell us what New Democrats would do should they be governing the province of Manitoba.

I did that very deliberately so my honourable friends could take that evening from eight o'clock on to discuss those contracts and their implications, could take Tuesday next, Thursday next, even this past Monday to discuss those. But you know what, Sir? The Committee of Estimates in Health concluded its deliberation at 10 to five with not one question on those contracts coming from the NDP.

Of course, today, when the Manitoba Nurses' Union has managed to find two people on a journey down to Minneapolis who say this is not appropriate, I expect that, because the Manitoba Nurses' Union has been consistently against this contract, as have the NDP.

I have a responsibility to assure that health care needs are met in the province of Manitoba, and this is part of that process supported by those two hospitals, their management and their boards.

**Mr. Doer:** Mr. Speaker, I would like to ask the Premier (Mr. Filmon) this question, because three different departments in government had to approve this contract, Treasury Board, Lotteries and Health. The Premier is the chair of all of those departments through cabinet, and he had to approve this American consultant coming up to Manitoba costing us \$3.9 million.

I would like to ask the Premier, would he now, in light of the fact—[interjection] The member for Portage la Prairie (Mr. Pallister), if they will not give you any questions to ask, I wish you would be quiet.

Mr. Speaker, the Minister of Health has consistently stated that Connie Curran, through her contracts, will allow nurses to spend more time with patients. Nurses who have been involved and who have been through the Connie Curran process in the United States have said very clearly they do not have more time to spend with patients because there are many fewer nurses after Connie Curran has finished with her slash-and-burn policy.

I would like the Premier to now say why he approved this contract, and would he agree to join many Manitobans who want to cancel this contract with the American consultant? We do not want to Americanize our health care system, Mr. Speaker. We want to reform it the Canadian way, not the American way.

\* (1350)

**Mr. Orchard:** Mr. Speaker, I am quite amused with my honourable friend the New Democratic Leader because absent today is the member for Brandon East (Mr. Leonard Evans), who wanted us to Americanize mammography in the province of Manitoba, quoting statistics from America.

Now, Mr. Speaker—

### Point of Order

**Mr. Speaker:** Order, please. Just for the benefit of the honourable minister and indeed for all honourable members, we do not make any sort of reflection on the fact whether a member is here or not.

\* \* \*

**Mr. Orchard:** Yes, Mr. Speaker, I apologize for that reference, but there is not a consistency with the New Democrats, is the point I am trying to make.

Now, Mr. Speaker, the reason we made the decision, knowing that this kind of reaction would naturally flow from the New Democrats, was because the senior management of both hospitals, both St. Boniface and Health Sciences Centre and their respective boards, encouraged government to be a partner in the engagement of this consultant, to bring together expertise, knowledge and to process change which will help them meet two agendas—maintain quality and volume of health care in their respective institutions and recognize that we are still operating in the province of Manitoba and the country of Canada with

significant borrowed money that we cannot continue to do.

So the patient was at the centre of this, as in all of our reform, to assure that the changes we make allow us to maintain for years in the future the ability to deliver needed health care services in the most equitable and economic fashion possible, with the patients' service to be at the centre of all changes, Sir, not as my honourable friend alleges.

### APM Management Consultants Justification

**Mr. Dave Chomiak (Kildonan):** The Minister of Health (Mr. Orchard), his usual consistent self, refused to answer all three questions, as did the Premier, who refused to answer those questions. Perhaps he will answer this question.

What kind of sick priorities does this government have when they can pay \$3.9 million, plus \$800,000, to a U.S. consultant and the same week slash programs like making people with ostomies pay for their ostomy supplies, slashing the guts out of the Home Care Program, making people pay for gauze and for bandages, et cetera? How does he justify those kinds of priorities?

**Hon. Gary Filmon (Premier):** Mr. Speaker, it is interesting for me, as somebody who speaks with leaders across the country and has just had an opportunity to meet with New Democratic Premiers from Saskatchewan and British Columbia and Liberal Premiers from New Brunswick and other provinces, to find that they, with the responsibility of public office, have to do things that are dramatic—Saskatchewan closing more than 50 hospitals, closing Shaughnessy Hospital right in Vancouver, dramatically reducing budgets in Ontario, in New Brunswick, in Newfoundland, where they cannot be irresponsible.

They have taken the position that in order to preserve medicare, we are going to have to dramatically change it, otherwise we cannot afford it. That means saving money. Saving money means in the long run fewer people. That means fewer people working in health care in Ontario, fewer people working in health care in New Brunswick, in Newfoundland and so on.

There is no magic solution. You cannot keep it going if everybody wants more money and more jobs in health care. You cannot do it. Only the irresponsibility of New Democrats in the Manitoba

Legislature will be the ones who will say that you can do that.

Mr. Speaker, they go out day after day and tell people they can have all of those things. No government in this country, no New Democratic government, no Liberal government and no Conservative government can continue to spend the amount of money we have been spending on health care. It is as simple as that.

So you have to change it. You have to reform it and you have to make changes that people like the New Democrats here in this Legislature can use for cheap political points, but the fact of the matter is it has to be done. It has to be done with a plan, with a program, with competent people to look at it, and that is exactly what the Minister of Health (Mr. Orchard) is doing with his department.

### **APM Management Consultants Cost-Saving Target**

**Mr. Dave Chomlak (Kildonan):** Mr. Speaker, my supplementary is to the Premier (Mr. Filmon), Mr. Speaker.

The highest paid person in health care today is Connie Curran at \$3.9 million plus \$800,000 expenses. You could start with her, Mr. Premier.

My supplementary question for the Premier is, why did this Premier allow a contract to be signed that has a clause in it that says any savings entered and made by the hospitals—there are clauses in this contract—savings made by the hospitals of St. Boniface and Health Sciences Centre will go into Connie Curran's kitty for her benefit and her payment?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, again, the member for Kildonan is inaccurate in what he says, but that is not unusual. My honourable friend the member for Kildonan has the contract in his hands.

\* (1355)

### **Point of Order**

**Mr. Chomlak:** On a point of order, from his seat, the Premier said I was a liar. Can the Premier please point out for us where we are lying in terms of this contract?

**Hon. Gary Filmon (Premier):** Mr. Speaker, on the same point of order, clearly when he says that the savings go to Connie Curran, that is an untruth, and

that is what the member does all the time, puts falsehoods on the record.

**Mr. Speaker:** Order, please. On the point of order raised by the honourable member for Kildonan, the Chair did not hear the remarks the honourable member for Kildonan alleges the honourable First Minister has made.

The honourable First Minister had an opportunity to correct the record, and from the Chair's point of view, I cannot rule on a matter that I did not hear.

\* \* \*

**Mr. Speaker:** The honourable Minister of Health, to finish with his response.

**Mr. Orchard:** Mr. Speaker, the member for Kildonan doth protest too much, because the member for Kildonan said the savings at St. Boniface Hospital go to Connie Curran. That is the most absolute falsehood I have ever heard said in this House. It is not, not, not the truth.

My honourable friend the New Democrat is not guided by necessarily always indicating what is in the contract. The contract states clearly that there will be a target of savings at St. Boniface General Hospital of \$20 million. That is a minimum savings to be achieved.

Mr. Speaker, those savings will be based from the 1992-93 base-line year so that we have a method of calculating, because should they not be accomplished, then the holdback unique to this contract—contrary to a statement made by the Leader of the Opposition (Mr. Doer), the uniqueness is to hold back funds and not pay the contract unless those deliverables are there; i.e., a \$20-million saving to the hospital and to the taxpayers of Manitoba, not to Connie Curran, as my honourable friend the member for Kildonan falsely alleges.

**Mr. Chomlak:** Mr. Speaker, can the Premier (Mr. Filmon) therefore answer the final supplementary?

Can the Premier indicate why Section 3(1)(c) of the contract states all changes in the cost structure since the '92-93 revenue base will be eligible to count toward the target, and therefore to Connie Curran's cuts and therefore to her salary, Mr. Speaker?

**Mr. Orchard:** Mr. Speaker, there is an old saying that eventually if you shine the light on a certain animal, they will eventually scurry, and we just put the light on the member for Kildonan, who two



questions ago stood up in this House and said the savings on the Connie Curran suggested restructuring process will go to Connie Curran.

Now, my honourable friend has finally told the truth, that in fact the savings will go toward the target of \$20 million from the 1992 base line, and that is consistent at Health Sciences Centre as well, so that we have an ability as government to measure the effectiveness of the restructuring within those hospitals.

My friend the New Democrat will also quote that both hospitals, the consultant Connie Curran and the government are committed to maintaining the quality and level of service in those hospitals while achieving these kinds of savings—exactly where we should be, protecting health care, protecting the taxpayers of Manitoba and making sure that medicare is there for the people.

### **Federated Co-operatives Ltd. Impact Saskatchewan Legislation**

**Mr. Paul Edwards (Leader of the Second Opposition):** My question is for the Minister of Finance.

Just a couple of weeks ago in the Legislature of Saskatchewan, a bill was passed, Bill 90, which essentially robbed the Federated Co-ops of their investment in the New Grade facility in Regina. One might ask, Mr. Speaker, what is the direct connection with Manitoba?

Mr. Speaker, the connection, the very real connection to Manitoba is that the 85,000 co-op members in Manitoba received in 1992, \$7.9 million in direct cash payments as a result of profits in the co-op movement. Those are directly related in a large way to the refinery and its operations in Regina.

My specific question to the minister: Given that the Deloitte and Touche statement on the proposal and the ramifications of what the government of Saskatchewan is doing says that if Federated Co-operatives Limited accepts the current proposal—and this was the proposal that Mr. Estey set forward, which was nowhere near as bad as the legislation—it could jeopardize the long-term viability of this organization.

Now, Mr. Speaker, what discussions has this minister had with the Province of Saskatchewan to tell them and to ask them to do what is just, do what

is honourable and not rob the co-op movement in western Canada of these revenues?

\* (1400)

**Hon. Eric Stefanson (Minister of Industry, Trade and Tourism):** Mr. Speaker, within the last two weeks, we have had a delegation to our caucus from Federated Co-op, obtaining first-hand views of members of the co-op here in Manitoba. We have obviously been receiving information on this particular issue.

Certainly it is our fundamental belief that this issue should be resolved on the basis of negotiation and not on the basis of basically expropriation in terms of what we are seeing in the legislation in Saskatchewan. So we are very supportive of the Manitoba co-operatives that are directly affected by this move.

The member says some \$8 million or \$9 million of dividends flow into the economy of Manitoba, to Manitoba co-ops, but the best thing they can do, that they are doing in Manitoba and they are doing in Saskatchewan, is to mount the support of individual citizens of both of those provinces, and I see that the co-operative movement in Manitoba is doing just that with full-page advertisements and so on to encourage and inform Manitobans of this very important issue.

That is the best thing they could be doing, Mr. Speaker.

### **Federated Co-operatives Ltd. Impact Saskatchewan Legislation**

**Mr. Paul Edwards (Leader of the Second Opposition):** Mr. Speaker, I had the opportunity this morning to meet with representatives from the co-op movement. I heard the Leader of the New Democratic Party (Mr. Doer) here indicate they are in negotiations and the minister says that.

Negotiations have broken off, I am advised. In fact, the legislation has been passed. It has not been proclaimed, but negotiations have broken off. Mr. Speaker, this legislation has not been proclaimed. It will have a devastating effect to the co-op movement and the thousands of Manitobans who rely on those revenues.

My question for the Premier is: Has he had a Premier-to-Premier discussion on this very important issue, given his answer to the last questions in which he indicated he meets with them on a regular basis? Has he had that discussion?

Has he told Mr. Romanow that this is an unconscionable act?

**Hon. Gary Filmon (Premier):** Mr. Speaker, I might say that in discussion with the caucus and the representatives of the co-op movement in Manitoba, we were not asked to do that.

**Mr. Edwards:** Mr. Speaker, the minister has indicated that the co-op movement is asking for thousands of Manitobans to protest this to the Saskatchewan government. I would suggest that the most influential person to do that would be the Premier of this province, to make that direct contact and talk to him about the \$8 million a year which is going to be lost from our economy, from the rural economy, primarily.

Mr. Speaker, will the Premier reconsider his decision not to make that direct contact and perhaps put his wonderful relationship with these Premiers at risk on this important issue, and stand up for rural Manitobans who get those millions of dollars each year?

**Mr. Filmon:** Mr. Speaker, I know the Leader of the Liberal Party is not used to consulting with people and listening to people who are affected and following their advice, but we will follow their advice, and we will be guided by what they prefer us to do.

### **Tertiary Care Program Consolidation**

**Ms. Judy Wasylycia-Lels (St. Johns):** Mr. Speaker, the minister earlier asked for some advice. Our first advice would be to start putting some order in the chaos.

Mr. Speaker, there are so many studies and reviews and task forces out there, we have lost count and Manitobans are concerned. We have Connie Curran. We have the Urban Hospital Council with 40-some committees. We have the advisory network. We have the imminent or soon-to-be-released Emergency Services Task Force, the soon-to-be-released obstetrics task force report, and now we have the tertiary care program consolidation, otherwise known as the Bell-Wade analytic review of tertiary teaching hospitals.

I want to ask the Minister of Health if he would give us some understanding of where all these different studies fit, beginning by telling us, what is the status of this tertiary care program

consolidation which makes big recommendations, and where does it fit?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, that information was provided to the New Democrats in Estimates. Now, I realize my honourable friend is no longer the critic, but she might consult with her colleague the member for Kilclonan (Mr. Chomiak), wherein he posed that question and the answer was given. I do not know whether they have those discussions or not. Maybe they do not consult with one another.

Mr. Speaker, I will stand by the process of consultation, of wide representation, of involving expertise in Manitoba to help us guide change, change that everybody acknowledges must happen or we lose medicare. I am willing to take our process of wide consultation, study by experts, assistance by experts, to guide us in our policy and program services and changes, so that we can preserve and protect medicare for the citizens of Manitoba for 1990 and beyond into the year 2000 and the next century.

**Ms. Wasylycia-Lels:** Mr. Speaker, we would not be asking these questions if we had ever been able to get any answers in Estimates.

I want to ask the Minister of Health: Who will be making the decision around these very serious recommendations in this tertiary care program review, particularly the recommendation to consolidate all cardiac surgery at one hospital, the Health Sciences Centre?

**Mr. Orchard:** Mr. Speaker, my honourable friend commented about never giving answers in Estimates this year. My honourable friend would not know because my honourable friend never attended Estimates this year.

### **Point of Order**

**Ms. Wasylycia-Lels:** Mr. Speaker, surely the Minister of Health is out of order for commenting on attendance during Estimates when he knows full well that I have been in Estimates on numerous occasions. I have also followed every word he has uttered in Estimates, because I would certainly not want to miss the thrill of listening and hearing—

**Mr. Speaker:** Order, please. On the point of order raised, the honourable member does not have a point of order. It is clearly a dispute over the facts.

I have already advised the honourable minister as to the presence or the absence of members.

\* \* \*

**Mr. Orchard:** Mr. Speaker, my honourable friend makes an interesting point. If she did hear every word, then why did she pose the question to which I have already given the answer in Estimates?

My honourable friend cannot have it both ways like New Democrats try to have in opposition versus New Democrats in government.

**An Honourable Member:** You do not have it right yet. That is your problem.

**Mr. Orchard:** Mr. Speaker, I did not know cement had such loud voices.

Mr. Speaker, my honourable friend the ex-critic of Health for the New Democrats is now saying that it is wrong to have our two teaching hospitals collaborate on program consolidation, wherein we will have one program head, one program leadership to avoid duplication across the system, to foster co-operation across the system, to use the resources of both teaching hospitals in a more equitable and cost-effective fashion to deliver more, not less care and to save the taxpayers money. My honourable friend says we should not do that. Well, I disagree with her.

**Ms. Wasylycia-Lels:** These studies cost hundreds of millions of dollars in addition to the \$3.9 million for Connie Curran. [interjection] You start adding them up.

**Mr. Speaker:** Order, please. I remind the honourable member for St. Johns, put your question through the Chair.

**Ms. Wasylycia-Lels:** Maybe if I zero in on a specific issue out of this report, I would like to ask the Minister of Health, how does the tertiary care program review, which does make recommendations on trauma and trauma centres, fit with the report we hear is to be released any day from Moe Lerner on emergency services, which is going to be apparently recommending the closure, despite all recommendations to the contrary, of the emergency ward at Misericordia Hospital between the hours of midnight and eight in the morning?

**Mr. Orchard:** Mr. Speaker, again, you know, there will probably be a quotation somewhere that these studies are costing hundreds of millions of dollars, because those were the first words to exit my honourable friend's mouth and then quickly retracted because she knew how out of line her comments were. That is how these sorts of things

get going with irresponsible comments like that, not intentional, but sort of routine.

Mr. Speaker, my honourable friend, in part, has an answer to her question. As has been my system since we started investigating and bringing experts to advise us on system-wide change, I do not comment on interim reports. I only comment when I have received final reports and government has decided whether to implement in part or in whole or not at all the recommendations that are forthcoming.

My honourable friend said that we are expecting a report shortly from Dr. Moe Lerner. That is correct. That is information I gave to the New Democrats in the process of Estimates.

When I receive that report, we understand its recommendations and we decide on what is usable, doable, and achievable for the betterment of the health care system, I will make those announcements with full justification of the reasons why, Sir.

\* (1410)

## Justice System

### Maintenance Payment Enforcement

**Ms. Becky Barrett (Wellington):** Mr. Speaker, a study recently released confirmed what many women in Manitoba already know, that the justice system in this province very often does not work for them.

I would like to share and ask a question of the Minister of Justice on a particular issue. There is a woman in the province of Manitoba whose ex-husband has not paid court-ordered support payments. She went to court, using the justice system, as was her right. A warrant was issued for his arrest in January of 1993. To date, that warrant, six months later, has not been acted on.

I would like to ask the Minister of Justice if he can provide for us, and this woman in particular, if he can explain why the nonenforcement of these warrants is allowed to go on for over six months, as in this particular woman's situation?

**Hon. James McCrae (Minister of Justice and Attorney General):** I would certainly attempt to get whatever information I could relative to this particular case to the honourable member.

Our Maintenance Enforcement Program was pioneered right here in Manitoba when Gerry Mercier was the Attorney General of Manitoba. We

have done our best over the years to resource that service for people, so women do not have to go without the dollars that are due and owing to them.

If the honourable member wants to give me further information, I will certainly try to track down whatever information is available.

**Ms. Barrett:** Can the Minister of Justice explain why, and what policy is being followed in this type of incident, when, according to The Provincial Police Act, he is, and I am quoting: "... to monitor police services for the purpose of ensuring that adequate and effective policing is maintained both municipally and provincially."?

Why does this woman have to wait six months for a warrant that was duly issued to be served on her husband, and what is she supposed to do, and the women like her, in the meantime?

**Mr. McCrae:** If the honourable member has information that might be helpful as to the whereabouts of the subject of this warrant, let us know and we will alert the police departments immediately.

**Ms. Barrett:** Mr. Speaker, the particular case in question has been answered. Letters have gone forward to the Minister of Justice in this case. The Minister of Justice knows the warrant was issued. The woman—

**Mr. Speaker:** Question, please.

**Ms. Barrett:** Can the Minister of Justice explain to the House why, given the fact that this woman has alerted the police department as to her ex-husband's address and current place of employment, the warrant is still not issued? How long do these women have to wait? When the minister specifically—

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

**Mr. McCrae:** Sometimes, Mr. Speaker, a last-known address is tracked down, and no one is found there. That may well be the case here.

As I say to the honourable member, I would be happy to ascertain if the whereabouts of this person is known, and if that is the case, then I would certainly be asking police departments why indeed they have not moved sooner to take action on the warrant in question.

But the fact the honourable member has an address does not necessarily mean we are able to find the person at that address, but, as I say, I will

make whatever information I have available to the honourable member.

### Home Care Program Housekeeping Services

**Ms. Avis Gray (Crescentwood):** Mr. Speaker, I would refer the Minister of Health to his health reform Action Plan, where he states under the first principle that "every major action and policy of government will be evaluated in terms of its implications for the health of Manitobans."

Mr. Speaker, we have heard recently of the Minister of Health's shift in focus with homemaking services no longer being available for a number of individuals in the city of Winnipeg and throughout the province. This is a major action which does deserve analysis and evaluation.

The Minister of Health did not answer the question in Estimates about tabling any type of analysis, and I would ask the minister today, and give him an opportunity in Question Period, if he could in fact table any analysis or any evaluation of how this shift in Home Care policy is actually cost-effective and efficacious.

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, my honourable friend is saying a shift in policy. My honourable friend, if she is going to use that terminology, ought to quantify when that shift commenced, and that was in 1985 under the NDP led by Howard Pawley.

Now what gives me confidence, Sir, that this shift of having the housecleaning and laundry no longer a routine part of the Home Care service provision, is the confidence from our Home Care staff that since its inception in 1985, when seniors have been purchasing those services and not being provided free of charge by Home Care, there has not been a compromise of those individual seniors so asked to pay for it since 1985 nor of their ability to live independently.

That change because of Support Services to Seniors brought in by Howard Pawley and the NDP has worked and worked to the extent that we have continued the program, Sir.

### Alternative Services

**Ms. Avis Gray (Crescentwood):** If the Minister of Health is so confident, then I would wonder why Home Care staff throughout this province are

calling MLAs and expressing extreme concern about this change in policy.

I would ask the Minister of Health: Can he tell this House, for those individuals who cannot afford any type of private service and are in need of a homemaking service, what provisions will be made to ensure that they are able to access the service if they cannot afford it?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I have indicated that, since 1985, if those circumstances were evident by the Continuing Care staff who make those assessments, the service would be continued to be provided at taxpayers' expense. It is a judgment call because in the Home Care Program, we do not have a means test for accessing the program.

If my honourable friend the Liberal is suggesting we means-test those clients for Home Care, then I wish she would be more direct and make that suggestion up front instead of sideways, Sir.

**Ms. Gray:** Mr. Speaker, the minister is wrong in that answer.

### Minister's Communication Strategy

**Ms. Avis Gray (Crescentwood):** With the third question to the minister, will he tell this House why there has been little, if no communication to organizations, groups and individuals affected by this shift in policy? In fact, when the Manitoba League and people are phoning the Home Care department and asking what exactly the policy is and who will be affected, they do not get an answer.

Will the Minister of Health clarify this chaos, apparently, in the Home Care Program?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I understand there is concern out there. Naturally, there would be concern when some of the public presentation of information leads one to believe that the entire Home Care Program is being cancelled. [interjection]

My honourable friend the member for Crescentwood said, clarify it, and I have, Sir, by saying we intend to spend \$68 million on Home Care this year, not cancel the program, as some would believe.

There was another rumour out there, that this homemaking service was discontinued as of July 1. That, Sir, was false. It is September 3. We are doing the assessments from now until then.

There was another false rumour out there, that there would be 1,500 layoffs in the Home Care system. That was not correct either, Sir.

Now, what is happening is exactly what has happened since 1985 when the Howard Pawley administration brought in a policy, a new program called Support Services to Seniors, and the same assessment process will take place by the same professionals, guided by the same ability to make decisions on service as before.

Let me assure my honourable friend that Manitobans will be well served by \$68 million—

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

\* (1420)

### Roblin Day Nursery Operating Grant

**Mr. Doug Martindale (Burrows):** Mr. Speaker, prior to 1991, the Minister of Family Services provided a grant to cover the cost of auditing financial statements of nursery schools. Reorganization in 1991 resulted in changes, with the minister providing an operating grant that was supposed to cover all of the expenses. Now an audit is required if the grant is more than \$5,000.

Can the Minister of Family Services tell us how this policy applied to the Roblin day nursery whose grant was less than \$5,000 in '91-92, excluding the children with disabilities program grant?

**Hon. Harold Gillieshammer (Minister of Family Services):** Mr. Speaker, in 1991, there was a change in some of the daycare funding, where we had a myriad of grants that were given to daycares in prior years. At that time, the grants were collapsed into one grant to daycare.

At the same time, there was a dramatic increase in the subsidies that were paid to daycares. As a result of that, daycares, in their funding, had to make determinations on expenses from within the monies they were accessing.

They access money through the grant system, through the subsidy system and also through the parent fees which they collect from people who are using the daycare.

**Mr. Martindale:** Mr. Speaker, there seems to be a particular problem at the Roblin day nursery.

I would like to ask the minister if he will investigate, since they have been following the department's policies and since they have written

to him and he has not replied, and the MLA for that area has promised to help his constituents but has not. Will the minister look into it and report back to me?

**Mr. Gilleshammer:** Mr. Speaker, the honourable member is falling into the same trap as some of his colleagues. He is not giving an accurate picture of what has happened. I have responded to the daycare in question. They have since written to me again, and we are reviewing the situation, but I did give them a response to the particular question.

I would say to the honourable member, I hope this is just a small slip in emulating some of his colleagues and that he will not make these mistakes in the future.

### Swan River Area Flooding Problems

**Ms. Rosann Wowchuk (Swan River):** Mr. Speaker, this morning I had the opportunity to tour the Swan River flood area, and I appreciate the government taking me out there to see the area. However, there is some very serious damage, and they are going to need an awful lot of assistance in the area.

The question I have is: Is this government willing to make a commitment that they are going to look at long-term solutions to this problem, particularly at the government drain that is the cause of the problem in the Minitonas area? Will they make a commitment to look at the headwater storage plan that was in place prior to this government coming into place? Will they look at some long-term solutions to flooding problems in the area?

**Hon. Harry Enns (Minister of Natural Resources):** Mr. Speaker, some 40 years ago, this city of Winnipeg, along with many parts of the Red River Valley, suffered very serious flood damages. At that time, the government of the day had the political will and the support of this Legislature to commit the kinds of funds to resolving those issues.

Mr. Speaker, without question, if there was a political will exhibited the same as was exhibited to resolve the 1950 flooding problems of Winnipeg, the answer is a positive yes.

Mr. Speaker, my experience has been just the opposite. We cannot even think about resolving those issues because of the political climate today.

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

### Speaker's Rulings

**Mr. Speaker:** I have a ruling for the House. [interjection]

Order, please. The honourable Minister of Natural Resources (Mr. Enns), you had an opportunity to answer the question. Question Period time has expired. Now we are going to do our ruling.

On June 23, 1993, during debate on Bill 32, The Social Allowances Amendment Act; Loi modifiant la Loi sur l'aide sociale, the honourable Minister of Health (Mr. Orchard) rose on a point of order regarding words spoken by the honourable member for Burrows (Mr. Martindale).

I took the matter under advisement in order to review Hansard to determine what was said. I believe the words spoken by the honourable member for Burrows to which the Minister of Health took exception were: ". . . because this government does not believe in child care anyway. Many of the ministers of cabinet do not believe in it, and we know that because daycare centre directors are meeting with the member for Morris (Mr. Manness) and the member for Pembina (Mr. Orchard), and we hear what they say in these meetings."

The Minister of Health did not have a point of order. What we have is a dispute over the facts. The honourable member for Burrows stated that the Ministers of Health and of Finance were not supportive of daycare. The Minister of Health took exception to that.

I would like to remind members that this is a place in which controversy is to be expected, and with it a limited use of discourteous or unflattering words and phrases will occur from time to time. But I am sure we will get along much better if clearly unparliamentary words and phrases are avoided by all members. Therefore, I would like to suggest to all honourable members that they should choose their language with care.

\* \* \*

**Mr. Speaker:** At this time I am going to do another ruling.

On July 6, 1993, the honourable member for Inkster (Mr. Lamoureux), the House leader for the second opposition party, rose on a matter of privilege and moved that this House refer the

events which occurred during the meeting of the standing Committee of Supply of July 5, 1993, which were contrary to Rule 64.1(9)(c), to the Standing Committee on Privileges and Elections.

I am ruling that the matter raised by the honourable member for Inkster is one of order, not of privilege. The question of whether the rules of the House were violated is a matter of order.

Further, I would remind the House of my ruling of June 2, 1989, when events which occurred during a meeting of a committee were raised in the House as an alleged matter of privilege. I ruled at that time that the opinion of the Speaker cannot be sought in the House about any matter arising in a committee and that it is not competent for the Speaker to exercise procedural control over committees. According to our rules, questions of order in the Committee of Supply must be settled in the Committee of Supply.

The proper course of action for the honourable member for Inkster (Mr. Lamoureux) would have been to raise the matter at the earliest opportunity in committee. I understand the member has done just that and the Chair has taken the matter under advisement. I am sure the Chairperson will rule on the matter very soon.

### Committee Changes

**Mr. George Hlckes (Point Douglas):** I move, seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee on Law Amendments be amended as follows: Burrows (Mr. Martindale) for Thompson (Mr. Ashton); Wolseley (Ms. Friesen) for St. Johns (Ms. Wasylycia-Leis) for Thursday, July 8, 1993, for 9 a.m.

#### Motion agreed to.

**Mr. Nell Gaudry (St. Boniface):** Mr. Speaker, I move, seconded by the member for Crescentwood (Ms. Gray), that the composition of the Standing Committee on Law Amendments be amended as follows: St. Boniface (Mr. Gaudry) for Inkster (Mr. Lamoureux).

I move, seconded by the member for Crescentwood (Ms. Gray), that the composition of the Standing Committee on Public Accounts be amended as follows: St. James (Mr. Edwards) for Osborne (Mr. Alcock).

I move, seconded by the member for Crescentwood (Ms. Gray), that the composition of

the Standing Committee on Public Utilities and Natural Resources be amended as follows: Inkster (Mr. Lamoureux) for River Heights (Mrs. Carstairs).

#### Motions agreed to.

**Mr. Jack Reimer (Niakwa):** Mr. Speaker, I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Law Amendments for Wednesday, July 7, at 7 p.m. be amended as follows: Arthur-Virden (Mr. Downey) for Assiniboia (Mrs. McIntosh); Brandon West (Mr. McCrae) for La Verendrye (Mr. Sveinsson); Niakwa (Mr. Reimer) for Riel (Mr. Ducharme).

Also, Mr. Speaker, I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Public Utilities and Natural Resources for Wednesday, July 7, at 7 p.m. be amended as follows: Seine River (Mrs. Dacquay) for Morris (Mr. Manness); Portage la Prairie (Mr. Pallister) for River East (Mrs. Mitchelson); Ste. Rose (Mr. Cummings) for Sturgeon Creek (Mr. McAlpine).

#### Motions agreed to.

### House Business

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, on House business before Orders of the Day, I would like to make the following announcements with respect to House business.

The Standing Committee on Public Accounts scheduled for tomorrow morning is now cancelled. The Standing Committee on Law Amendments which will be meeting tomorrow at 9 a.m. to consider Bill 32, I am calling that committee to also sit tomorrow at 7 p.m. to further consider Bill 32.

Mr. Speaker, I am giving notice to the House that if there are a significant number of bills passed today, that I will be calling another committee to hear those bills tomorrow evening.

Mr. Speaker, would you call bills in the following order: Bill 41, Bill 37, Bills 10, 33 and 2 at this point.

### ORDERS OF THE DAY

#### DEBATE ON SECOND READINGS

#### Bill 41—The Provincial Parks and Consequential Amendments Act

**Mr. Speaker:** On the proposed motion of the honourable Minister of Natural Resources (Mr.

Enns), Bill 41, The Provincial Parks and Consequential Amendments Act; Loi concernant les parcs provinciaux et apportant des modifications corrélatives à d'autres lois, standing in the name of the honourable member for Swan River (Ms. Wowchuk).

**An Honourable Member:** Stand.

**Mr. Speaker:** Is there leave that the matter remain standing? [agreed]

### **Bill 37—The Manitoba Public Insurance Corporation Amendment and Consequential Amendments Act**

\* (1430)

**Mr. Speaker:** On the proposed motion of the honourable Minister responsible for the Manitoba Public Insurance Corporation (Mr. Cummings), Bill 37, The Manitoba Public Insurance Corporation Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Société d'assurance publique du Manitoba et apportant des modifications corrélatives à d'autres lois, standing in the name of the honourable member for Transcona (Mr. Reid).

**An Honourable Member:** Stand.

**Mr. Speaker:** Stand? Is there leave that that matter remain standing? [agreed]

### **Bill 10—The Farm Lands Ownership Amendment and Consequential Amendments Act**

**Mr. Speaker:** On the proposed motion of the honourable Minister of Agriculture (Mr. Findlay), Bill 10, The Farm Lands Ownership Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la propriété agricole et apportant des modifications corrélatives à d'autres lois, standing in the name of the honourable member for Crescentwood (Ms. Gray). Stand?

**Some Honourable Members:** No.

**Mr. Speaker:** No? Leave is denied.

**Mr. Neil Gaudry (St. Boniface):** Mr. Speaker, the member for Crescentwood (Ms. Gray) adjourned debate so that I could speak on this bill.

**Mr. Speaker:** I have given the honourable member for St. Boniface the floor.

**Mr. Gaudry:** Mr. Speaker, it is with great pleasure that I stand to speak today on Bill 10, The Farm

Lands Ownership Amendment and Consequential Amendments Act. I will be the only speaker in our caucus to speak on this bill, so it can go to committee.

Mr. Speaker, given today's economic climate and the difficulties many Manitoba farmers are faced with, amendments that are designed to improve the efficiency of the operation of government and decrease the costs that citizens of this province have to incur in terms of dealing with this particular act and The Revenue Act are amendments worthy of our support.

The proposed legislation changes the definition of family farm corporation from requiring that two-thirds of the majority of issued and outstanding shares are to be legally and beneficially owned by farmers. Mr. Speaker, I realize, like the member for Swan River (Ms. Wowchuk) indicated in her speaking to this bill, that many farmers in the past have voiced their concerns regarding farmland, the people wanting the land to stay held by the family farms rather than by outside, foreign ownership. Correct me if I am wrong in saying this, but it seems to me that the change in this legislation will still require that a farmer owns a majority of the shares.

Mr. Speaker, it appears that the act is being amended to meet with current practice with respect to the remission of land transfer taxes for family farm corporations. We have to move with the times, and I feel the Minister of Agriculture (Mr. Findlay) and his department are moving in that direction.

The deleting of the board's requirement of presenting separate annual reports of its activities is in my view a good move. How cost-effective this will be remains to be seen. Since the board's activities are already included in the department's annual report, what purpose does it really have to be presented separately?

Mr. Speaker, I would like to raise a concern with respect to the recent development, where the Manitoba Agricultural Credit Corporation was prompted to reduce young farmers' rebates and introduce loan application fees. As of April 1, in the press release, the rebate available to farmers between the ages of 18 and 39 has been set at 2 percent of the first \$100,000 borrowed to a maximum of \$10,000 for the first five years of the loan. My concern with this is that it is working against family farms staying in the family. The



decrease is not encouraging our young farmers to stay and manage the family farm. Why was it not possible to keep the rebate at 4 percent on the first \$100,000, as it was in the past?

Mr. Speaker, we look forward to having this bill go to committee, and we reserve our questions and concerns for further debate when it goes to committee, shortly, I hope.

Thank you very much, Mr. Speaker.

**Mr. Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 10, The Farm Lands Ownership Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la propriété agricole et apportant des modifications corrélatives à d'autres lois.

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

**Some Honourable Members:** Agreed.

**Mr. Speaker:** That is agreed and so ordered.

### **Bill 33—The Provincial Railways and Consequential Amendments Act**

**Mr. Speaker:** On the proposed motion of the honourable Minister of Highways and Transportation (Mr. Driedger), Bill 33, The Provincial Railways and Consequential Amendments Act; Loi concernant les chemins de fer provinciaux et apportant des modifications corrélatives à d'autres lois, standing in the name of the honourable member for Transcona (Mr. Reid), who has 15 minutes remaining.

**Mr. Daryl Reid (Transcona):** I am pleased to continue my comments where I had left off yesterday regarding this legislation enabling the establishment of short-line railways in the province of Manitoba.

I did not have the opportunity yesterday to put all of my comments on the record with respect to the concerns that we had with this legislation, some of the things we think may be omitted through this bill and the impact it is going to have upon not only the service to rural communities, but for the safe operation and efficient operation of railways in the province.

Yesterday, I talked about the Class 1 railways not taking advantage of the full 4 percent line abandonment, and I suspect the reason they did not take advantage of that is because there seemed to be a move or a trend within the country

to move toward the establishment of short-line railway legislation in the various provinces of Canada. The minister has indicated that in the notes he has provided for this bill. I would like to thank the minister while I am on that topic for the information he has provided with respect to his bill.

It is always helpful when we can understand more clearly the reason and the need for any type of legislation. I thank the minister once again for providing that explanation.

With this bill, the questions we will have and that we will raise, in addition to the ones we mentioned yesterday, deal with certain aspects of this bill relating to whether or not the legislation will adopt certain policies that have been a part of federal legislation through various federal government agencies.

When I talk about those agencies, Mr. Speaker, we talk about the National Transportation Agency. There are also other acts, as well, including the Safety Act, the Railway Act, the Dangerous Goods Act and the Transportation Safety Board, and the powers they have over safe railway operations.

Now, with this legislation here that the minister has proposed, through Bill 33, it makes no mention of whether or not the minister's department is going to accept the rulings of the federal agencies themselves, and whether or not because these agencies have a certain amount of expertise they have developed over the years and obviously have qualified staff working for them, whether or not the minister is going to contract for those services through those federal government departments and agencies, or whether the minister himself is going to bring in his own staffing in his own department, qualified personnel who will be able to provide certain levels of inspections, not only on the rolling stock equipment, but also on the trackage road bed.

We have seen in this province here in Manitoba, in St. Lazare and at Oakville just recently, where it appears to be that faulty equipment was the cause of those accidents, particularly at Oakville, where it is my understanding that the axle on the lead locomotive broke and caused a derailment which caused the evacuation of that community.

Now it is important to have these safety inspections done on a regular basis for this equipment because, while these short-line railway operators may not be operating at the speeds that

the Class 1 main-line railways would operate at, they nevertheless pass through many small communities throughout Manitoba. If they are hauling any kind of commodities other than the grain products, whether they be dangerous commodities like anhydrous ammonia or other supplies that may be used, oil tank cars, et cetera, if the equipment that is doing the transportation of these goods is not in proper operating condition or are operating in an unsafe condition, it could put these communities at risk.

So I think it is important that the minister's department have qualified staff, either available to undertake the necessary inspections, whether they be transferred back as a cost to the short-line operators themselves or undertaken as part of the minister's department's delivery of service—that it is necessary for those inspections to be undertaken. So I hope the minister is going to have the necessary inspectors in place to look after the safety inspections.

If the minister does not have qualified staff doing those safety inspections, what I see happening is, should the short-line operators have a ruling that goes contrary to their wishes, for those who are going to establish short-line railways, they will have then, obviously, the legal right to challenge any of those decisions that may be made by unqualified personnel. So I think it is important that we have those who have the qualifications and the experience in rail line railway operations providing that level of inspection.

\* (1440)

What this legislation, of course, gives where there is a dispute in some of the decisions that are made, there is also the opportunity, not for just the decisions that are made by the minister's department, but if there is a dispute between the shipper and the carrier, there is a provision that allows for an arbitrator to be appointed. Of course, the two parties would then pick up the cost for that. I believe that is an opportunity for a dispute settlement mechanism that will lead towards a conclusion or resolution of any disputes that may arise. That is one of the good portions of the legislation.

Some of the other concerns relating to short-line railways—the United States has a great deal of experience dealing with short-line railways. It seems to be predominant in the United States that

short lines are establishing, and it seems to be going a step backward, because it is my understanding, although I was not alive at the time, that short lines were what brought this country together through the establishment of many short lines being amalgamated, particularly in Canadian National's case, where Canadian National was formed out of a great number of smaller railways that then formed the transcontinental railway, CN Rail.

The concern I have—and this is pointed out in the federal railroad administration inspections from 1990. They do a railroads safety report to the U.S. Congress. It indicates, and I will quote from the document respecting many railroads not inspected. The quote goes: The presence of short-line railways, which have had consistently higher accident and injury rates than the industry as a whole, is growing.

So there is a concern even in the United States that if we do not have qualified inspectors to inspect the equipment and the trackage and the structures, there will be a tendency towards higher accident rates and injury rates for any of the employees or any of the people dealing with the railways. So I think it is important that the minister have the necessary qualified inspectors to perform those inspections, people who have the knowledge and the expertise and the skills.

One of the other problems that I see with this legislation is that there does not seem to be any policy directive that this legislation is intended for. There is no stated policy goal. I think even looking at the National Transportation Act that, while it is quite extensive in its document, it does have a stated policy goal right at the beginning of it, and I would like to see this bill have some kind of a stated policy goal and its intent. That, I think, would lead to a better understanding for the members of the public that are going to utilize that service, should it become a reality in the province.

Another point that this legislation does not have that the National Transportation Act has is that this legislation does not have the opportunity for appeals to cabinet or to the Lieutenant-Governor-in-Council who in that case would be the Premier (Mr. Filmon) of this province. The National Transportation Act allows for railways to appeal to in times of dispute; they can appeal to the federal cabinet any decisions that are made by the agency. Now, this may be something that the minister might

wish to look at that will give, where disputes arise in the province—and it wants to give the Premier the opportunity to provide some direction or some guidance, something that would be in the best interests of the province, to give the cabinet the opportunity to make some kind of rulings on those provisions as is afforded to the federal government.

This legislation has been brought about, of course, I believe, through deregulation, and it has created a great deal of problems throughout the country, as we have seen in the various transportation industry sectors. This bill attempts to make the best out of a bad situation. It is something that I believe would probably, somewhere down the road, be necessary, and that is, I believe, why the minister has come forward with this legislation at this time.

It would be interesting to know that when we get into committee, whether or not the minister will be providing for the examples of people that may be, or companies that will be, willing to come forward to look at taking over short-line operations, and what areas of the province will be covered by that short-line legislation.

The minister has said in his explanatory notes on this legislation that he is looking to protect rail jobs in the province as one of the main points. With that, while it is a commendable position to take to protect rail jobs, it is unfortunate that those rail jobs could not have been protected within the structures of the Class 1 railways as they currently exist. Those jobs have historically been relatively well compensated, and it would be unfortunate if we see an erosion of any levels of disposable income to any employees that would not have the ability to achieve the same level of earnings through short lines, obviously, that we would have achieved through current railway employment.

With those few comments, Mr. Speaker, we look forward to when the other members of the committee have had the opportunity to add their comments on this legislation, to hear members of the public who may wish to come forward and add their comments and raise any other concerns that may be on their minds as they have viewed this legislation. So I thank you for the opportunity to add my comments here.

**Mr. Paul Edwards (Leader of the Second Opposition):** Mr. Speaker, it gives me pleasure to

rise today to speak to Bill 33, The Provincial Railways and Consequential Amendments Act.

I want to echo some of the concerns mentioned by the critic for the New Democratic Party about the rail line abandonment generally in this country. We have had many, many discussions with the Minister of Highways and Transportation (Mr. Driedger) on this issue.

We are somewhat, well, actually quite a bit, hampered in our ability to really do much about it, simply because the railways are not under our jurisdiction. The federal control over transportation does hamper our ability to—interprovincial transportation rather—deal firmly with the railways. However, what has to be remembered is that the railways in this country are planning to abandon half of the rail lines in the country. That is an enormous decision on their part, and it has enormous consequences for rural communities, even urban communities, but more so rural communities.

It is the railways that built this country, settled the west, brought the supplies here, brought the people here, and still today, even with our highways and with our very expensive airports and airlines, which also may be gone in the near future, but even with all of those, railways are the link in these communities.

These communities, and I grew up in them, are built because the railway was there. I grew up in Swift Current, Saskatchewan, which, like hundreds and hundreds and hundreds of small prairie towns, midsize prairie towns, even cities, is there because the railway went through there. The railway goes through the centre of the city. Mr. Speaker, I can tell you that, even as a child, I remember that The Canadian, the passenger train, would come through, give or take, because there was never too much assuredness as to whether it would be on time or not, but would come through approximately 10 p.m.

On summer evenings when I was not in school, we could stay up; we would be out for a walk. That was the thing to do. Townspeople would congregate by the rail lines to see the passenger train. Mr. Speaker, that was reality in those towns. The train was the link to the rest of the country. It was what bound those small communities, ones like I grew up in, to the rest of the great land. There

was sense of belonging because of that railway. We are in the process now of eradicating that link.

Like so many other national institutions that have been built up over the years in this country, unique in the world many of them, but like so many of those, we are seeing them drift into oblivion and be abandoned. That is a mistake, I think.

Mr. Speaker, with respect to this particular bill, I do understand the reason why it is coming forward. It is coming forward in the hopes of salvaging some of those lines by creating the ability to have them used privately. In principle, I do not have a problem with that, enabling the short-line operators and shippers to use these lines. I have some concern that what it really does it sort of the plays into the hands of the rail lines. It makes it easier for them to offload these rail lines.

\* (1450)

On the other hand, if they are going to downsize, if they are going to abandon half of the railway lines, then anything we can do to keep them being used by local, short-line rail operators is probably the best we can do.

Mr. Speaker, I just hope very much that we have a change of government at the federal level, because I know that will bring with it a change of philosophy about the rail lines, about these national institutions. It pains me to see millions and millions and millions of dollars that are spent in other much less important expeditions than keeping these rail lines together.

I had the interesting experience of living six years in Ontario, and it was a totally different philosophy. Southern Ontario, a wonderful place, but they do not understand what railways mean to the rest of the country. They do not understand what it means to these western communities to have the rail lines and the rail lines used, and to have not only the freight trains, but the passenger trains.

They are connected. They are close to each other. They live in densely populated areas. They do not understand what those railways mean to western Canadians. We have to, as western Canadians, elected people, make our voices heard on these issues.

I fear, for instance, that we are perhaps only a few short years away from the abandonment of the rail line to Churchill. What will happen then, Mr. Speaker? There will never be another rail line. There will not be another road to Churchill.

Churchill will be effectively cut off, except by air, if that rail line is let go.

But that is the way our federal government is moving. That is the way, quite frankly, the Wheat Board, I think, views the rail line to Churchill. That is the way the powers that be in the grain industry appear to feel about Churchill, and I do not buy it.

I think it is a viable port. I think if we had put efforts into ensuring that the natural catchment basin of Churchill were used to ship that grain from that area through Churchill, we would have no problem making it a self-sufficient port. Is it ever going to be a huge port making grain companies millions and millions of dollars? No, but it is the Canadian Wheat Board that contracts for wheat. That is a federal institution, and it has other things than pure profit for the grain companies to think about.

It should be thinking, Mr. Speaker, about the need to have the northern port of Churchill maintained, and the only way to do that is to maintain that rail line. That is it. That is the only link in real terms; otherwise you have to fly there, and it will just cripple that community, and with that community, that whole region just drifts back into isolation. We see that very clearly.

I know some of my colleagues will be attending the Hudson Bay Route Association meeting in Churchill at the end of this month. With great regret, I am unable to attend that. I have attended other Hudson Bay Route Association meetings. I, unfortunately, will not be able to attend that one, but let me say here and now that I applaud the efforts of that organization to get through to the powers that be.

One of the greatest disappointments to me was Charlie Mayer, Member of Parliament, cabinet minister, very influential cabinet minister from this province. Does he stand up for Churchill, Mr. Speaker? No. In fact, he is doing virtually everything he can to abandon Churchill, to move this grain through Thunder Bay and Prince Rupert and Vancouver, not through Churchill.

One has to wonder what state a place like Churchill would be in if it were in Ontario. Let us just speculate that it was across the border in Ontario or Quebec, on the Hudson's Bay in one of those provinces. Do you think this port would be abandoned the way it has, Mr. Speaker? I think not.

I think it is because no one will comprehend that we have a very fine seagoing port in a prairie province. They do not contemplate that, and they cannot comprehend it.

The result is, we are seeing the consistent abandonment of that community and the rail line which is so essential a link to it. I understand the comments—my friend the critic for the New Democratic Party indicates that by this enabling legislation, enabling private operators to use the abandoned rail lines, we are facilitating the abandonment.

Well, it may be a situation, Mr. Speaker, where we simply do what we can to best use those rail lines in a situation we really cannot control. That situation is these big companies are just abandoning the rail lines. So if we can use them and keep them used, I cannot see how that can be opposed. It is not perfect. It is not the way we would want it, but we have to do what we can, I think, to keep these rail lines used.

So, I am prepared, our party is prepared at this point to have this bill go to committee on the understanding that we want to talk at committee about the continuing dialogue between this minister and the rail companies, to have them understand that we are going to fight them tooth and nail every step of the way in their desire to get out of providing for rail service to this country.

We always think of some of these companies as private enterprise, and they can do what they want. Well, everyone I think who knows their Canadian history knows the rail companies were given millions and millions, perhaps billions of dollars of land to make—[interjection] Twenty-five million acres, my friend indicates. I have no doubt it was at least that much. Yes, they built a rail line, but they owe us too. There was a partnership there.

Mr. Speaker, it was not all one way. We appreciate the private monies which went into that and have gone into that, but you cannot, just when the bucks get a little less or start to run out, abandon what is a part of our heritage. So with those comments, I want to ask the minister to come to the committee.

It is an opportune time with this bill, I think, to come to the committee with an update on his negotiations with the rail companies, what their specific plans are, what he is doing to get together with the other provincial Premiers and this

newfound special relationship with the federal government, because we have heard a lot about the newfound special relationship. It has not produced anything yet, but we have heard a lot about it. I would like to see it produce something.

This is a good opportunity. We have a new Transport minister, federally. I would like to know what this minister is doing, using the leverage he apparently has through the relationship between the Premier and the new Prime Minister, to get a commitment to rail lines in western Canada. With those comments, I do look forward to a more thorough discussion of the implications of this bill. I also want to say that I appreciate the minister's providing a very detailed spread sheet.

It is very useful, but it did not deal with the philosophical underpinnings of this legislation, which I would not expect it to. We want to have that discussion at the committee about where we are going. What can we do to ensure that the rail companies, that the federal government, who have primary responsibility in this area, maintain their commitment to a part of our life, a part of our heritage? While the dollars, the profitability, may be lessened, may not be there any longer, it is worth it, in my view, to maintain a commitment to these essential links which bind us as a country.

Thank you, Mr. Speaker.

**Ms. Rosann Wowchuk (Swan River):** Mr. Speaker, I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

## **Bill 2—The Endangered Species Amendment Act**

\* (1500)

**Mr. Speaker:** On the proposed motion of the honourable Minister of Natural Resources (Mr. Enns), Bill 2, The Endangered Species Amendment Act; Loi modifiant la Loi sur les espèces en voie de disparition, standing in the name of the honourable member for Brandon East (Mr. Evans).

Is there leave that that matter remain standing?

**Some Honourable Members:** No.

**Mr. Speaker:** No. Leave is denied.

**Ms. Rosann Wowchuk (Swan River):** Mr. Speaker, we are ready to send this bill to committee. However, I want to take the opportunity

to add my few comments dealing on endangered species in this legislation before it goes to committee.

The Endangered Species Act was something that the New Democratic Party was working on. In fact, a good part of the work had been done before 1988, before we lost government at that time. The government took another two years to do the follow-up work on The Endangered Species Act, which was introduced in 1990. Unfortunately, they did not do a very good job on their research, and there were flaws in the bill, and that is what makes it necessary to bring it back at this time.

It is unfortunate that they did not take the time to research things properly, but that is what happens. That is why we are dealing with this bill at this time. I understand that the good part of the amendments is to bring the legislation in line with the federal legislation, the terminology the same as the federal legislation. I believe that that is a good move. I would hope that it is in line with other provinces as well.

I think that is something that we have to look at in other areas as well, that we have continuity in our legislation. Particularly when we have things dealing between various provinces, our language and our legislation should be similar to federal legislation to not allow for various loopholes to take place. I commend the government for bringing in those changes that will bring us in line with the federal legislation.

Mr. Speaker, it is unfortunate that we have to bring in legislation to protect various species in this world, but that is the fact of life. As people change their lifestyles, as industry progresses, as various changes take place in the world, the most vulnerable are at risk. The same thing happens within the human race. It is those, the poorest and the most vulnerable, that are at risk when we make progress—or progress, in some people's minds—and the same thing happens with our natural resources, our wildlife species. Those are put at risk, and many times become almost extinct. That is why it is necessary that we bring in such legislation as we have here today.

As I say, I believe that it is important that we protect our species, but I also think, Mr. Speaker, not only protect, but we have to manage our resources properly and use our resources properly so that the most vulnerable are not at risk. I think

that when particular species go on the endangered species list, that has to occasionally be reviewed and checked whether it is necessary to keep them there.

I want to touch on a couple of areas that relate to my constituency, particularly as it is related to this bill. One of the areas of change that are taking place is to allow endangered species to be treated on humanitarian grounds, and I believe as well that that is a good move, because there have been times, particularly when animals or birds have to be protected or provided with some sort of treatment. At this point, it is illegal to protect or provide treatment for these birds, and that will be recognized here.

One of the areas that has caused some concern is the amount of discretionary power that this bill gives the minister. The minister now has the power to issue to a person a permit authorizing the person to collect or hold live members of endangered or threatened species for scientific purposes or for the purpose related to the protection or reintroduction of endangered species.

We wonder, with that much power going to the minister, whether he will have an advisory committee to work along with him, or is the power strictly in the minister's hands?

The other area that is one of the difficulties is the fact that there is the ability to list endangered species and to provide a watch for decline, but there is no provision to provide enforcement. It does not provide for fines, and there are some other areas in there.

Mr. Speaker, this afternoon, I raised the issue of headwater storages, and I want to relay a little bit of that story. That headwater storage seemed to cause quite a flurry on the other side of the House, and I want to tell you that all the work for this headwater storage, all the planning, all the environmental planning has been done. In fact, a study was done on endangered species as well, whether any particular species would be lost if this headwater storage had been put in.

Nobody is talking about putting up a dam that is going to change the environment, change the flora or the environment in the mountains—[interjection] The member for Lac du Bonnet (Mr. Praznik) asks how you will store the headwater. I encourage him to look at the plan that was put in place, and it was approved by the environmental department and

everyone. It was approved, but it was this government that refused, that pulled it off the list when they were doing negotiations with the federal government for funding.

I think that the members across the way should be broad minded enough to understand the difference between headwater storage retention areas and dams. If they have any interest at all in communities below the escarpment, they will understand that this is very important, because when we have the type of runoff that we had over the last few days off the Duck Mountain and Porcupine Mountain, there are a tremendous number of wildlife species that could be put in danger. There is a real concern down the Duck River on spawning grounds for pickerel and other types of fish; their spawning grounds are being destroyed. So I think there is a way to manage environment and protect those species that are downstream.

The members across the way seem very touchy about this whole issue, and I guess they should be touchy, because they had the opportunity to deal with this matter, but they chose instead to ignore it. When they were negotiating funds with the federal government, they chose to negotiate for different areas and completely ignored the people in the Swan River constituency who, for years, have been lobbying with government, had put together many, many papers showing the benefits.

There were various groups who supported this, and they had the support of the federal Member of Parliament, in fact. But this government chose to ignore the area, and now some of the problems that we are facing could—not all of them. I can assure, Mr. Speaker, that all of the problems that we have in the Swan River constituency would not have been avoided, but at least this government could have looked at this particular project and could have at least lobbied the federal government.

As I say, this is not a diversion of water, it is only a retention of water to keep the high flow-off. Those members across the way who are opposing this should look at that proposal. I encourage them to recognize the value of it, because it was proven to be feasible. There was a cost-benefit there. Also, the work that was being done would not have, in the opinions of the environmental department, harmed the environment or harmed any of the endangered species in the area.

Mr. Speaker, the other area that I want to touch on briefly, that I mentioned earlier, is, as I said, we have to manage our resources and look after the people who make a living off the resources and also whose livelihood is becoming endangered as well. When the Minister of Natural Resources (Mr. Enns) was in my constituency last January, he met with the fishermen on Lake Winnipegosis, and the fishermen there raised a very important issue with the minister and that being the problems that are caused for them by the cormorant.

Mr. Speaker, as you know, the cormorant is on the endangered species list, so that causes some concern because although the cormorant has increased tremendously in population, the pickerel stocks, the walleye stocks have gone down tremendously and in fact in that area are becoming very close to endangered as well, as is the livelihood of these people who make a living on this lake.

\* (1510)

The Minister of Natural Resources gave his commitment at that time that he would look at how we could remove the cormorant from the endangered species list, or what steps could be done to control, manage the birds on that lake. I wonder whether when we have the minister amending the act to allow birds to be collected or captured, whether this is one of the ways that he intends to deal with the problem. I do not know that it is, but I know he has made a commitment to the people of the area to deal with their problem. So that is one of the questions that we will be asking when we come to committee, whether this is his way of dealing with the particular problem.

Mr. Speaker, I know that there are people who have concerns about this legislation and will be making presentations. In most part, I think that the legislation is good. It is necessary that we protect those species that are in danger. We should live with our natural resources in such a way that it is a sustainable way, that we do not destroy any species.

All species of plants and animals play an important role in our environment. We should be sure that all of them are protected, not destroyed by the activities of human beings.

So I would hope that the government would also look at ways of enforcing this legislation, but I also look forward to the committee when we can ask the

minister further questions on how he is going to deal with some of the commitments that he made to people in the rural areas, and that we look also at how we can protect the environment and the resources so that the people can continue to make a living, but that we also do not destroy the environment for many species that are in danger.

Thank you very much, Mr. Speaker.

**Mr. Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 2, The Endangered Species Amendments Act; Loi modifiant la Loi sur les espèces en voie de disparition.

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

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

\* \* \*

**Mr. Speaker:** The honourable deputy government House leader, what are your intentions, sir?

**Hon. Darren Praznik (Deputy Government House Leader):** Mr. Speaker, I would ask if you could please call the following in order: Bills Nos. 17, 27, 35, 26, 36, 30 and 40—if I may just have a moment.

The change I would ask then is that the bills be called: 17, 27, 34, 35, 26, 36, 30 and 40, and there may be some further announcements or changes during the course of the session.

### **Bill 17—The Crown Lands Amendment Act**

**Mr. Speaker:** On the proposed motion of the honourable Minister of Natural Resources (Mr. Enns), Bill 17, The Crown Lands Amendments Act; Loi modifiant la Loi sur les terres domaniales, standing in the name of the honourable member for Thompson (Mr. Ashton).

**Mr. Steve Ashton (Thompson):** This is going to be a very in-depth speech, Mr. Speaker. In fact, it may be a record. I asked a question of the minister, by leave, on second reading, and I think my question and his answer will probably be longer than my speech on the bill, because he answered the questions rather well, and I would advise members, particularly from Treasury bench, to perhaps look at the minister's answers, because if we could just get answers like that in Question

Period, we would be extremely happy in the opposition.

But the minister asked questions in regards to the bill which does deal with the ability now to pass on environmental caveats with the disposition of Crown land, and I think that is excellent. I think it is something that we should be looking at far more. We often talk about the environment in the regulatory sense, but one of the ways of maintaining our environment is through land policy, and whether that be in terms of caveats affecting ownership in this particular case, whether it be—and I know I have had discussions with the member for The Pas (Mr. Lathlin). I think one of the reasons for settling many of the outstanding treaty land entitlements in this province is because one of the factors behind the desire of aboriginal people to have those claims settled is to be able to better protect the environment in areas surrounding the traditional use of land.

I want to indicate very briefly that we fully support this bill. It is a model in many ways. In fact, it is something that many people I think should look at in terms of other land. We feel that we could use our property system to greater protect the environment through the use of caveats. I think it is a very excellent idea that all those who are looking at the possible disposition of property should look at, in terms of estate planning, et cetera, because particularly in our untouched areas of the province, I think it is important that we continue to have at least some land that is protected from wide-open development that is maintained in its natural state to the greatest extent possible. This kind of mechanism I think could be greatly expanded beyond the more limited focus of this bill to do a lot for the environment.

Thank you, Mr. Speaker.

**Mr. Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 17, The Crown Lands Amendment Act; Loi modifiant la Loi sur les terres domaniales. The House was not ready for the question.

**Mr. Oscar Lathlin (The Pas):** I just wanted to say maybe a couple of minutes on this bill, Mr. Speaker. It is a bill, of course, as the member for Thompson (Mr. Ashton) says, we are supporting. It is a type of a bill that governs a scenario where Crown lands are being sold, and those sales agreements sometimes contain restrictions as to how that



particular piece of land might be developed, in order that the environment might be protected. Then, of course, the restriction on that land will accompany the sale. It will get transferred on to the new purchaser, the new owner of the land. Those restrictions, as well, Mr. Speaker, will be binding on the subsequent purchaser, the subsequent owners of that land, and be registered. So this would also then, as I said, protect anybody, two or three owners down get that same kind of protection.

As the member for Thompson was saying just a while ago, when we look at Crown lands, lands that are under claim through the treaty land entitlement process, I think this would also probably afford some sort of protection for both those First Nations as well as non-First Nations people who may be purchasing Crown lands and so on.

I am not going to spend my whole time on that, I am just going to conclude there and am ready for it to pass.

**Mr. Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 17, The Crown Lands Amendment Act; Loi modifiant la Loi sur les terres domaniales. Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

### Bill 27—The Environment Amendment Act (2)

**Mr. Speaker:** On the proposed motion of the honourable Minister of Environment (Mr. Cummings), Bill 27, The Environment Amendment Act (2); Loi No.2 modifiant la Loi sur l'environnement, standing in the name of the honourable member for Burrows (Mr. Martindale). Stand?

**An Honourable Member:** Stand.

**Mr. Speaker:** Is there leave that this matter remain standing? [agreed]

\* (1520)

**Ms. Marianne Cerlill (Radlsson):** I would like to speak on this amendment to The Environment Act which is making provisions to move in a direction to better regulate stubble burning in the province. I have mixed feelings about the legislation, and I will start off by talking about the unfortunate manner that it was brought forward.

There were a number of studies going back into the 1980s and papers that were developed encouraging governments to look at this issue, but there was no regulation or legislation brought forward until we had the crisis of last year, when I am sure every member of this House, particularly from urban centres, had phone calls and letters, and there was a large amount of concern about the hazards from stubble burning around the province. It is unfortunate that that is the crisis that has to occur before the government will make some attempt to deal with a situation that has been causing problems in the province for quite some time.

As I said, the bill itself does some things that are extraordinary such as empowering the RCMP to enforce legislation, but then on the other hand it does some other things in this legislation that still allow stubble burning to continue which I think we will have to wait and see if there is going to be any effect from it that will deal with the situation in a positive way.

It is interesting when you go back and look through the reports and the material that is prepared on the issue that one of the comments that has been repeated over and over again is that when a review was done at the Clean Environment Commission, there was no evidence to show that there was jeopardy to health from stubble burning, and I am wondering if that is because there have been no studies done. I would hope that we can have some kind of a serious look at what exactly is the effect, in the long term especially, of having people exposed to this kind of heavy smoke from stubble burning, particularly when you look at the kind of complaints we had from people who have asthma and other respiratory and allergic problems. So that is one thing I hope that will come from this.

Another issue related to that was—I do not know if it has been studied to the extent that is warranted—the fact that the areas that are burned in the fall are going to have had a large amount of chemical herbicide, pesticide and fertilizer used in them, and I am concerned that the smoke that then is airborne could contain other contaminants besides just the carbon problem from the stubble smoke itself.

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

The Minister of Health (Mr. Orchard) poses a question, if forest fire smoke is all right, and I would say, no, that is not all right. We get the same kind of complaints and pleas for some assistance when there is forest fire smoke that comes into the city or into any kind of community area that affect these people's ability to breathe and oftentimes to see. So it is not only the health concerns because people have difficulty in breathing, but it is also the safety concerns in terms of travelling on the highway. Those all are hopefully going to be taken seriously, particularly by the Minister of Health.

One of the other things that I think is important to mention is that there was a report that was prepared by the Department of Agriculture, I think it was back in 1987, which still clearly states that the Department of Agriculture is opposed to this practice. It says here, the Manitoba Department of Agriculture has traditionally taken a stand against continuous and indiscriminate burning of crop residues. That is a fairly strong statement, and I am wondering if there has been a change in that policy.

There was a reliance on not moving towards regulation against stubble burning per se, but only to use education. The reports say that that has been successful in some cases.

It is not surprising that there would be some interest on behalf of farmers, because the other thing that this paper shows very clearly is the number of negative effects of burning of crop residue, the fact that there is a loss of nitrogen for next year's crop of up to 60 percent from burning of stubble. When that practice continues over a 10- or 20-year period, it can reduce the soil's ability to supply nitrogen to crops.

This is one of the things that shows that not only is there concern by people who—

#### Point of Order

**Hon. Donald Orchard (Minister of Health):** Madam Deputy Speaker, I wonder if my honourable friend could share with us the source of that quotation that she used just recently about a 60 percent loss of nitrogen, I believe. Could she share with us the source of that statistic, please?

**Madam Deputy Speaker:** The honourable Minister of Health does not have a point of order.

\* \* \*

**Ms. Cerilli:** I would be pleased to tell the minister that it is the Manitoba Department of Agriculture submission to the Clean Environment Commission on burning of crop residue, and I believe it is from 1986 or '87.

**An Honourable Member:** Sixty percent?

**Ms. Cerilli:** That is what it says in this report.

**An Honourable Member:** Of what?

**Ms. Cerilli:** Direct loss of nitrogen for next year's crop by burning.

Now, one of the concerns, also, is the fact that the straw also contributes to having the organic matter in the soil. It contributes to having proper aeration and water circulation through the soil. There is a concern that once this organic matter in particular is eliminated that there will be used more chemical fertilizer to make up for that, which could have occurred naturally in the soil if the crop residue was tilled in, and that would then also have an increased cost to farmers.

The other concern is the way that erosion will be allowed to increase once the crop residue is burnt off. This will also have an effect on the kind of runoff water from the fields taking with it also a number of nutrients and a larger amount of soil. So there will be erosion both from wind and from runoff.

The residue when it is left on the field can help trap snow which, as I mentioned, can contribute to soil moisture. So as you can see there are a number of very good reasons from an agricultural point of view for not burning stubble. I think that these would raise the question of why we are still in Manitoba behind other provinces in not moving ahead with trying to curtail this practice.

The other thing that is interesting in this report is there is a section called "Misconceptions Regarding Burning," and I want to read directly from the report and this section because it says clearly that under good management heavy crop residue need not prevent proper seed bed preparation and seed placement if properly chopped and spread. Long unchopped straw is more difficult to seed through, and it decomposes more slowly than well-chopped straw. Increased emphasis on thorough chopping and spreading would reduce tillage requirements substantially.

So there again I think one of the reasons for justifying this practice has been that it makes it easier in the spring to seed the soil, and here it is shown that when there is some effort taken to work the straw through, that there is actually not a harmful effect or a detriment in seeding.

\* (1530)

With respect to this legislation we are going to have to just wait and see on a number of the attempts that it is making to curtail this. Basically what the legislation is doing is saying that you cannot burn at night. It does not have any regulation on the amount of burning that can occur at other times during the day. So I think that there still could be the same net amount of burning that goes on which could have the same amount of smoke. So that is one of the concerns that I have with the legislation, is there is really no guarantee that this is going to affect the net amount of burning.

The other thing that is not specified in the regulations or in the legislation is the weather conditions, that that is going to be left up to the departments to determine. We are going to just have to wait and see if there is going to be in fact some more consideration for the health of the neighbouring areas, because the regulations are quite vague when they say that there is just to be no adverse effect from the conditions created by the burning.

One of the other things that the bill provides for is that there must be some more attention given to then informing people about the regulations that are going to apply on a given day. This is an area that is causing some concern because we could be setting ourselves up to have the same kind of confusion and chaos as when the ban was implemented last year, because of the large amount of public pressure. This legislation allows for different areas to have different regulations applying at the same time, and there could be some confusion with that.

Also, the requirement that there is incumbency on the farmer who is going to do the burning to inform themselves of the regulations for their area in that time period. That is going to be done through the phone and answering machine.

I think that if there are going to be a lot of changes in the regulations for the burning allowances for that particular time, there could be some problems there, but again we will just have to

see if that is going to work. There is some feeling that, because also there has been an effort in the past by farmers to deal with this responsibly, there will be effort made to use the system that is in place and inform themselves of the appropriate weather conditions and allowable times for burning.

One of the other things, I think, that needs to be mentioned here is the opportunity that was missed when this crisis came to head. It is interesting, especially just recently after speaking with individuals in the forestry area and dealing with recycling and sustainable forestry, that there are other uses for the straw.

I think it is unfortunate that there was not more effort made to try and pair up those that have the excess flax straw in particular with others who might be able to put that to good use rather than just having it wasted and causing harm from burning. I would hope that there would be some effort this year to use that straw for paper making or other uses.

I think that in conclusion it is important that we be aware these kinds of issues have to be dealt with head on. The bill that is before us has most of its powers dealt with in regulations. As I understand it, these regulations were prepared with a joint committee of people from parents with children with asthma, health professionals and a number of people from the Department of Agriculture and that there was an attempt for some kind of compromise.

I have some concern that the bill is basically only allowing the development of these regulations and that it gives quite a bit of power to the government and to the minister, as is occurring more and more often where the real power is only in the regulations. I am concerned that we could have a situation again where the regulations are changed quite quickly and I would just hope that the government will give due consideration to all sides of this issue and to the concerns that will, I am sure, be expressed at the committee hearings.

If they are going to make some quick changes to this legislation again, we could find ourselves in another situation this year and coming years where there is pressure placed on the government to even allow for more burning, as was the reasoning given for the excessive burning this past year.

So I would just say that I am looking forward to hearing some of the presentations at the committee hearings to see if this bill is in fact going to be the

kind of compromise bill that is going to ensure that the health of Manitobans is going to be protected and we are not going to have an unsafe situation this year again. Thank you.

**Ms. Rosann Wowchuk (Swan River):** Madam Deputy Speaker, I rise to speak on the bill related to stubble burning.

The whole issue of burning straw or stubble became quite important last year when we had the unusual weather situation that caused a delayed harvest and left farmers in a position where there was a tremendous amount of straw on the field very late in the season and, as a result, caused a very serious problem, particularly in the city of Winnipeg and other urban centres. But that is not the first year that we have had that problem. I believe there was a few years ago where there in fact were some serious accidents when there was peat burning in the eastern part of the province.

We have to be concerned. We have to be concerned about the health problems that extensive burning of straw is causing. That was certainly, as I say, a problem last year when we had many people having to go to the hospital or people with asthma having to stay in their homes for days on end until the smoke cleared. There is also the safety factor that we have on highways when there are difficult weather situations, low pressure areas that cause the smoke to stay very close to the ground, and I think that it is time that legislation be brought in to deal with this.

\* (1540)

The burning of stubble has for years been a farming practice. I think it was a much greater used practice years ago and it is on the decline. I know particularly in my part of the province it was not uncommon to see almost all fields burnt off 10 or 15 years ago. However, in the last few years there has been very, very little stubble burning, and in fact last year when we did see stubble and straw being burnt it was an unusual situation. Most farmers are changing their practices so that they do not have to burn as much straw. They are recognizing the value of incorporating the straw back into the soil. However, Madam Deputy Speaker, we have to recognize that there are times, as we had last year, where there are unforeseen circumstances when there has to be that availability for farmers.

We talk about completely restricting—some people say that there should not be any stubble burning or straw burning whatsoever. I am not in agreement with that. I think that farmers sometimes are in a situation where they have no alternative but to dispose of the surplus by burning, and we have to leave that option open to them. It has to be done in a managed way, and that is one of the things that this legislation will do. It is managed in other areas.

I want to talk about my part of the province. In the Parkland, in the Swan River area, when you want to burn, you have to apply to the Resources office to get a permit. When you get that permit, the farmer is responsible to see that that fire is kept in control.

I think that that same practice could be— [interjection] The member across the way asks me whether my colleague agrees with me, and to a degree she does. She says that it has to be managed and we have to look at alternatives.

As I said, Madam Deputy Speaker, in parts of the province we have a permit system. I think that the government should have looked at this. If a permit system works in some parts of the province—and what we do is we call up the Natural Resources office, check on whether the weather conditions are right, whether we are allowed to burn. Then a permit is issued for a couple of days when we can burn either excess straw, or also there are many times when farmers have to burn windrows if land is being cleared.

So people in that part of the province have to apply for a permit. I would see no difficulty with people in other parts of the province applying for a permit as well. Now, some people think that that might be a great inconvenience. I do not think it is such a great inconvenience. It would offer control.

If the permit was issued and those people who were burning had to follow the guidelines that were put out and were responsible for the fire, then I think that would be a good idea. So I think that is one area that should have been looked at.

Madam Deputy Speaker, as I had indicated earlier, burning of stubble was a much more common practice years ago. People are changing their practices. In fact, my colleague referred to a study that was done by the Department of Agriculture of the negative impacts of burning and the amount of energy, the amount of nitrogen and

other materials and fibre that can be lost from the soil by burning.

I think that farmers recognize that. They do not want to burn unless they really, really have to. I think that along with this legislation that we have here which will regulate burning, I think that the government should be also doing more research into alternate products, alternate crops that can be grown, and alternate ways of managing the residue and providing farmers with that information—and alternate uses, as my colleague had said, for straw.

You know, instead of cutting back on research, as the Department of Agriculture did, perhaps we should be doing more research into crops perhaps that have less straw. Perhaps we have to do more research into how we can grow crops without as much fertilizer as we are using right now.

It is a proven fact that as you put on a lot of fertilizer, the crop ends up growing a lot more straw in it. So perhaps we have to be doing more research into those areas, what can we produce that farmers can continue to make living but also have the options there that they can grow a crop that does not produce such a tremendous amount of residue that they are then, if unforeseen weather conditions arise, forced to go to burning?

We also have to, I believe, do more research or encourage more research on different types of machinery. There is machinery available now that chops up the straw better than it used to. There are different pieces of equipment that help farmers manage their residue better, but there is need to do more in that area.

I also think we have to do more in the area of alternate uses for the fibres, particularly I think about flax. I know a lot of farmers are now collecting their flax straw and it is being bought by a particular paper company that comes into the area and takes it off. That is very useful because, as anybody that is in the farming industry will know, you cannot work flax straw back into the soil, and if you do not have a market for your product, then you are going to have to dispose of it and the only way that you can dispose of it is by burning it. So again, we should be doing more research into ways of using those fibres that are out there.

We hear people talking about using the straw as fuel, being packaged some way into pellets. I know there is a pellet plant that is looking at that right now, but there are people in our area who have, in

fact, done some work and are heating their shops with baled straw. There is a tremendous amount of energy in that straw that can be made use of. So those are the things that have to happen.

Along with bringing in regulations to control burning, we also have to, as I say, look at alternate uses for the product. There is a tremendous amount of energy in that fibre that we can make use of. We are also losing a lot of value in the soil by burning the straw. Experience will tell, I am sure many farmers across the way will agree, that if you burn your straw too many years in a row, there is a difference in the quality of your soil. It is not a great benefit.

I know most farmers do not want to burn unless they are forced into it because of weather conditions. There are those farmers who have burning as a regular practice in their operation and those are the people that we have to provide more information for, provide alternative information and encouragement that they change that practice.

I think about the flooding situation in our area. I was out looking at some of the fields last night that had been eroded. It was interesting to note that those pieces of land where there was a lot of residue on, that had not been burned or tilled too much, were not eroded nearly as badly as those areas that had no residue on them. There are just huge gullies washed into those fields.

\* (1550)

So leaving residue on the fields serves several good purposes. As my colleague had indicated, if you leave your residue on the field, it retains snow over the winter and helps with the amount of moisture in the area. By working the straw into the soil, you increase the amount of nitrogen and that is only a benefit. Rather than applying costly chemicals, we can certainly have a benefit by working the fibres back into the soil. But it is also, as I say, Madam Deputy Speaker, very important when we get into situations as we have right now with the flooding in our area, where we get into situations as we have in the Swan River area right now where there is a very quick runoff and, as I say, the added residue. The added straw fibre in the soil is certainly a benefit.

But, as I say, Madam Deputy Speaker, we have to recognize that, and I speak as a farmer in this case, although I do not approve of the practice of burning straw, I would like to see that there not be

burning of straw, that all of the fibres could be worked back into the soil. There are situations where it has to happen when there is just a tremendous amount or the growing season just gets delayed to such an extent. So we have to leave that option there for farmers.

The government also has the responsibility to provide alternate options and also to educate the public, the farmers that there are other practices available. The government also has the responsibility to put more money into research and education, but particularly research into alternate crops that can be grown and also research into alternate uses for the fuels.

There are things that government can do, and the government also has to provide that information for farmers to allow them to continue their practices. As you know, Madam Deputy Speaker, agriculture is a base industry. It is a very important industry in this province. Although there are many who think that agriculture does not play a very important role in the production of this province, when you look at the spin-off value of it and of the impacts of agriculture on this province, it is a very important industry, and it has to be—but we have to help farmers change with the times. We have to provide them with the information and also encourage them to continue their operations in an environmentally friendly way so that the soil is left in a sound state so that the next generation can use it. After all, that is all that farmers are given the right to do.

Farmers may pay for the land, but really they just have that land to use, to make a living from, and then they are not going to take it with them. They have to leave it there for the next generation to use. I would hope, and I believe, that all farmers are conscientious enough that they do want to leave that land in a state, in a condition that makes it still valuable and allows future generations to make their living from it.

Madam Deputy Speaker, as we look at the legislation, as I said earlier, I think that the government could have probably brought in stronger legislation. They could have gone to a permit system. Some feel that that may be too cumbersome; I do not think that it would have been. But we will look at the legislation; we will support it because it is a start. Then, in time, we will see how it works, and if it is necessary, then it will be necessary to bring amendments in.

We will have to see what people at the committees are—the presentations, I look forward to those presentations that will be made when we go to public hearings. The people who were affected by the smoke last year will be the ones who will probably have the strongest opinion on this legislation. So we look forward to hearing that.

I believe that some of the regulations are very vague. The government is going to have to make extra efforts to be sure that the information is available to farmers, that those lines are in place. But I do also feel that the government has to also look at a permit system. As I say, if the permit system can work in other areas of the province, I do not see why it cannot work in this area of the province.

Just because there are more farmers, and they are more concentrated, that does not matter. If there is a permit system in place, there is a way to regulate; there is the ability to control the number of permits that are issued. Perhaps, if too many farmers are burning on one day, you would then have the ability to say, no, we are not going to issue any more permits. Yes, that may inconvenience some farmers, but we also have to think about the inconvenience that is caused to other people when there is too much burning going on at once.

So I would encourage the government to look at that, to see whether or not a regulation like that can be brought in, where a permit system can be brought in. In the rural areas, it is handled through Natural Resources offices. There is no reason why it cannot be handled through rural municipalities, the offices there, and only a certain number of permits are issued, and also then in some way there is control. If the weather conditions are not right, that burning does not happen on those days.

I know that many farmers do not like the idea of not being able to burn at night, because that is when the straw does burn the best, but we have to be conscientious of the health of the other people who are affected by this. Farmers, I believe, will comply with the regulations if they are provided with the information and if they are told that this is how it has to be done. They will comply with those regulations.

But, again, I encourage the government to continue on in some of the other areas that they have responsibility in; that is, rather than cut back in research in agriculture, do more research in that

area, where we can have alternate uses for the products, and also do more on the educational side to discourage the practice of burning.

As this study indicates, and I will read the closing paragraph of it, there is an indication here: The Manitoba Department of Agriculture is opposed to unmanaged and/or continuous burning of straw residues. All indications are that extension and education have played a role in the reduced incidence of burning over much of Manitoba.

By educating, we can reduce. In closing, I want to say that people in the urban centres have to recognize that there are, at times, unforeseen circumstances that arise for farmers and that at times it is necessary to burn. It should not be encouraged, but it cannot be completely eliminated. We can work towards and encourage farmers to change their practices, but every once in a while there is a time when we have to burn, and it is not only straw. There are other products that have to be burned as well.

As I say, it could be not only stubble, windrows, other things that have to happen, other areas where we have to have burning, so farmers have to have that flexibility.

As I say, I look forward to hearing the presentations. I hope that the government will listen to them. I hope that they will take them to heart and bring in regulations that farmers can live with and continue their operations, but will also be of benefit to those people who were so seriously affected by the smoke and people with health problems who will be affected when there is too much burning. Thank you.

**Ms. Becky Barrett (Wellington):** Madam Deputy Speaker, I move, seconded by the member for—

**Madam Deputy Speaker:** Order, please. This bill was previously left standing in the name of the honourable member for Burrows (Mr. Martindale).

**Ms. Barrett:** I am sorry.

\* (1600)

### **Bill 34—The Public Schools Amendment (Francophone Schools Governance) Act**

**Madam Deputy Speaker:** To resume debate on second reading of Bill 34, (The Public Schools Amendment (Francophone Schools Governance) Act; Loi modifiant la Loi sur les écoles publiques (gestion des écoles françaises), on the proposed motion of the honourable Minister of Education and

Training (Mrs. Vodrey), standing in the name of the honourable member for Wolseley (Ms. Friesen).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Is there leave to permit the bill to remain standing? No?

**Mr. Jerry Storle (Flin Flon):** Madam Deputy Speaker, there is no need to leave it standing. The member stood it for myself.

Madam Deputy Speaker, I rise to speak on this piece of legislation as someone who has had the good fortune, I guess, to have been around long enough to have dealt with the language issues in the province of Manitoba on many occasions. I want to say at the beginning that I think the government is following a course which has been followed, a set of precedents which have been followed across the country. The fact of the matter is that, as the minister noted in her opening remarks, the Supreme Court has ruled that this particular section of the Charter is to be enforced, and that groups have the right to have that section enforced to ensure that their fundamental rights, in this case their language rights, are protected.

Madam Deputy Speaker, I can tell you that when I was Minister of Education, I had an opportunity to meet with many of the same groups that I am sure the minister has met with, and that there was agreement that ultimately the Province of Manitoba would have to live up to its responsibility to the Francophone community when it comes to public school issues, certainly.

I have to say that I have some serious concerns with the method the government has chosen to implement its obligations. I think that it is, once again, a case of the government trying to find what might be perceived by some as the easy path, but which is ultimately going to create confusion. It is going to create additional costs. It is going to create sacrifice, in my opinion, on the part of perhaps parents, perhaps students, perhaps teachers, perhaps school boards. I think that is unfortunate, because I think, Madam Deputy Speaker, there could have been and there should have been a better way to put this package together.

I do not know who the minister was not listening to. It is not obvious, because this bill is really a hodge-podge of concessions. The minister selected from Gallant when she chose to, or the government did, and ignored it when they felt it was

politically correct to do so, and I think that is unfortunate.

The fact of the matter is that there are a significant number of potential problems that I think could have been addressed differently, and I expect that there are going to be a number of amendments proposed by groups who present in committee because of the shortcomings in this legislation.

I expect that some of those will come from representatives of school divisions perhaps. Certainly I expect some from the Teachers' Society, from Francophone groups as well who are going to shed some light on the shortcomings of this particular piece of legislation.

As I said, Madam Deputy Speaker, we recognize wherein the government felt its obligation, but it is not clear that they have followed through with a solution that is going to satisfy either many of the members of the Francophone community who view this as a matter of principle, who believe in the inalienable right to determine their own future without strings being attached, without parallel systems, without feeling obliged to school divisions, to others, for their success.

In particular, there are going to be concerns, I think, with the number that the government has chosen which would be a number of approximately 50. The sufficient numbers issue has been around and been debated in this Chamber on many occasions, and I think that the government might be creating a trap for itself because it may, in fact, be excluding people who want to be included.

Clearly, the government's decision as well to determine, without much consultation, I think many would say, that they were going to ignore the Gallant report again and provide for, I guess what the minister would euphemistically call, choice. I guess there are some in the Francophone community who would say that because of the conflict that this kind of legislation can engender even in very small communities, that there is inevitably going to be disputes about what should be done, what is in the best interests of the community, what is in the best interests of maintaining linguistic purity, linguistic continuation, to prevent, I guess, cultural assimilation. So I know that this was probably the easy way out for the minister, but I am not sure that many in the Francophone community are going to agree.

Madam Deputy Speaker, I know that the minister should have been or could have been aware of alternative models that are in place including, for example, Saskatchewan, but I am not going to spend a great deal of time discussing how the Saskatchewan government proposed those, but I think the minister had some alternatives.

I guess one of the concerns that strikes me as being important to virtually every school division in the province, but certainly those school divisions that are affected by virtue of the fact that they have a number, perhaps a significant number of Francophone or français students is a decision the government has taken with respect to local property tax revenue.

Madam Deputy Speaker, I think the bottom line for most school divisions is going to be the fact that this bill is going to see the transference of as much as \$2.5 million from the existing public school system to the new Francophone school board, a significant amount of money. At the same time the government is saying, and despite the objections of some Francophone groups, that school divisions are obligated to continue français programs where those programs currently exist. Now, it seems to me that is something the minister could have very easily provided to as a decision to the local community. How the minister would choose to do that, I guess, is a matter for discussion.

The fact of the matter is that there are elements of this bill that are going to mean that school divisions incur additional costs, and I do not think the minister has said that is not the case, and I do not think it is the case. Certainly the approach that the minister has taken, I think, is going to, again, create some concern amongst communities and within school divisions in the province.

I think that the responsible course of action would have been, if the government feels that this is the way that it has to proceed, the responsible course would have been to say that there are going to be no more sacrifices made by the public school system, that the obligations to create this Francophone school division are provincial obligations. They are obligations that stem from our relationship with Canada and our history, and that the federal and provincial governments should have borne the full costs of this transition period. I think, clearly, it is unfair.



I mean, school divisions—let us face it, Madam Deputy Speaker—have been cut back for the first time in certainly my memory, school divisions have actually had their funding reduced, and now we are adding, you know, another potential burden onto the backs of some school divisions, certainly. I am not certain how divisions are going to respond when they lose a percentage of students to the Francophone school division when that jeopardizes existing programs, where numbers will not be sufficient to warrant a school board offering a particular program simply by the fact it has lost some students who would normally have enrolled in that course.

So this is going to cause significant adjustment problems, and it seems to me that the province should be obligated. It should not be, again, offloading the implementation costs, in some respects, of this legislation onto school divisions. That is what is happening. That should be very clear. For those members who have significant français students within their school divisions, the problems that are going to be created here are going to be magnified. They are going to be much more difficult, I think, than perhaps the member for St. Norbert realizes.

**Mr. Marcel Laurendeau (St. Norbert):** Have you talked to Francophones?

\* (1610)

**Mr. Storle:** Well, Madam Deputy Speaker, the member for St. Norbert says, have I spoken to the Francophone community? Yes, as a matter of fact I have. As I suggested, more broadly than that. What I have done is spoken to a number of, for example, school trustees who have very clearly told me that it should not be their obligation. They should not be the ones who have their programs, their dollars interfered with to meet an obligation that is clearly a provincial-federal obligation, a constitutional obligation.

After being undermined by this government for a period of five years, they are simply concerned that this is another opportunity for the government to implement a new program and have the local tax base, the local school pay the penalty. That is the question.

I do not know if the member for St. Norbert (Mr. Laurendeau) is burying his head in the sand if he believes there are not going to be consequences in the existing public school system if this bill passes

as it is, and if the provincial government and this Minister of Education (Mrs. Vodrey) will not take on the additional responsibility which she should.

That is not speaking to the principle; that is not speaking to whether there is an obligation. Certainly, we all recognize that following the court reference, following the Gallant report, had this proposal not come forward that ultimately the Supreme Court would have ruled again. [interjection]

Well, Madam Deputy Speaker, the member for St. Norbert asks how it should be funded. The answer is quite simple. The answer is that the school divisions should not sacrifice existing programs. The schools divisions should not be sacrificing their local tax base. Part of the problem is going to be the implementation of that as well.

I think the Minister of Education probably has already begun to understand how complicated that in itself is going to be, that it is not going to be a simple matter. There are going to be matters of choice there that are going to be raised as well. When it comes to the potential conflict in communities as people make this choice, I think that we are going to see a lot of consternation over the impacts of this legislation.

Madam Deputy Speaker, many of the other provisions in the bill, I think, are fair. I think obviously the strategy for implementing it has some merit. My only hope is that the Minister of Education (Mrs. Vodrey) will actually listen to Judge Monnin and the implementation committee.

I think the minister may, in fact, receive a rude awakening once the implementation committee is established and Judge Monnin and his committee—well, when they start making recommendations, I think the Minister of Education is going to have some recommendations that she has to deal with that are going to be a little awkward, to say the least.

It is my hope as well that as the implementation process works that the government will respond by doing the right thing and protecting the interests of the existing public system, the rights of the existing system to ensure that programs are maintained, that there is at least a fair transition period.

I do not think that most school divisions are going to enjoy, are going to accept readily the financial implications of this bill. The government could have cleared it up. The government could have

made this transition a lot simpler by acknowledging its financial responsibility to the school divisions and to the students and so forth.

So, Madam Deputy Speaker, the government has an important issue on its hands, and the government is going to have to tread very carefully if it is to prevent the escalation of this issue to the detriment of everyone in the province.

I think that is a serious obligation that faces the minister. I hope she will continue to listen—perhaps I should say begin—but I think continue to listen to those that have already made presentations and expressed their concerns. The minister knows of whom I speak.

I also hope that the minister will take seriously the recommendations that come from groups who present at committee and that there is some flexibility here, because I for one have reservations about what this government is planning to do and what it might cost individuals in this province, school divisions and students, in particular, as a result of course options being lost and sacrificed to this process.

Madam Deputy Speaker, we are going to be asking her to listen. She should not take for granted the support of myself, or perhaps other members, simply because the principle is worthy of support. I think that should be clear.

I appreciate having these moments to share my concerns. I would like to encourage other members, and certainly I would like to hear from members opposite. I would like to hear from the member for Pembina (Mr. Orchard) and the member for Arthur (Mr. Downey) and the member for Lakeside (Mr. Enns) and the member for St. Norbert (Mr. Laurendeau) how they feel about this particular legislation and whether they have had the same kind of discussions with their school divisions that I have had. Thank you, Madam Deputy Speaker.

### Committee Change

**Mr. Jack Reimer (Niakwa):** Madam Deputy Speaker, I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Law Amendments for Thursday, July 8, at 9 a.m., be amended: Minnedosa (Mr. Gilleshammer) for Niakwa (Mr. Reimer).

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**Mr. John Plohman (Dauphin):** Madam Deputy Speaker, I am pleased to speak on Bill 34, which is another act of amending The Public Schools Act in Manitoba brought forward by this government.

This, of course, deals with a very important issue facing the province and one that has been before the courts and before the people of Manitoba in one form or another for many years, a difficult issue, one of historical significance.

It comes on the heels of a 1990 court decision, the Mamawi [phonetic] versus Alberta case, in which the Supreme Court ruled that Francophones not only have the right to a distinct physical setting for education, but the right also to management and control of minority language education by the minority being implict.

As well, it comes on the heels of a court reference that was made by the Province of Manitoba in which a ruling in March of this particular year found, consistent with the Mamawi [phonetic] case, that in fact these rights must be adhered to and supported and affirmed by the Province of Manitoba.

In between those two happenings, Madam Deputy Speaker, the government had undertaken a report, the Gallant report, which did make a number of recommendations in which the government has followed, to some extent, with its legislation, and which it has varied from as well in this legislation, most notably the area of opt-out versus opt-in formula which has been used by this government, recommended by Gallant—the opt-out. As well, there is the recommendation of the Gallant report that there be a discontinuance of all française programming in existing school divisions. That has been deviated from by this government, and in fact, they are putting forward in this legislation a provision that would allow continued Francophone, française programming in existing school divisions, as well as in the Francophone division that is to be established by this legislation.

\* (1620)

So it comes about as a result of court decisions and some study, Madam Deputy Speaker, and it is one way, this Bill 34, of responding to the Supreme Court decision, not the only way and not necessarily the right way, we would submit, as my colleague who has spoken on this bill as well, the

member for Flin Flon (Mr. Storie) just before me—not necessarily the right way, but one way.

We have some serious concerns with the government's approach in education generally in this province, and we voiced those in some 70 hours of Estimates that have taken place in the committee where the Minister of Education (Mrs. Vodrey) has been questioned about her plans in education and which we have been extremely disappointed with the responses and answers that we have received.

I can just reference, Madam Deputy Speaker, the responses that the minister gave to consultations that were taking place in the committee the other day on Bill 16. When the minister's turn came to discuss the issues with the people who were bringing forward their concerns, instead of asking questions of those members and seeking to draw out their opinions and suggestions and concerns, she instead took the tack that it was her job to set the record straight, and in fact, to lecture the presenters and the committee about what in fact the reasons were behind actions of government. That is not the normal job of the minister. It is not the kind of thing that would normally be done. The minister would be showing concern for the views put forward.

That seems to typify the approach taken by this minister with regard to consultation. She uses the word "consultation"; she references consultation and partners continuously in responding to answers in discussing questions that we have put forward to her in Estimates. However, in practice, she seems not to know what consultation means. It is very clear as a result of the experiences that we have had in the Estimates and in the bills that have come before the committee.

I think we can look at the record of the government and the record of this minister in defining whether we have any confidence in this minister to carry out this complicated response to, as I mentioned, successive court decisions and a major report, the task force report, the Gallant report, which was prepared by this province.

We have to look at many of the other aspects of education in determining whether we feel that the public is going to be well served by this minister undertaking the work before her. One thing that we can perhaps take some solace in, of course, is that it is Justice Monnin and the commission who are

responsible for the actual implementation rather than this minister, and so that can give us some degree of satisfaction. However, we have to remember that the minister, Madam Deputy Speaker, is responsible for the education decisions that are made by the Department of Education and by this government, as Minister of Education, and therefore it is her that we have to judge in terms of our confidence in carrying out this important measure in Manitoba.

I look at the fact that the partners, traditional partners in education, the teachers, the trustees, the parents certainly, other members of administration and employees of the schools have been left in shambles by the government's decisions and this minister's decisions with regard to the budget.

If we look at what happened this past year, an unprecedented—and these points were made very clear at the committee—an unprecedented 2 percent cut. As a matter of fact, there were many unprecedented steps taken by this government and this minister, all of them negative with major negative impacts on the public education system, the first being the chronic underfunding of the public education system over the last five years coupled with a 2 percent cut across the board to the public education system, while all the while increasing the support to the private schools, as much as the minister would like to deflect from the questions asked of her there, by 10.4 percent this year.

Instead of the minus 2 percent that the minister likes to talk about at gatherings, that the private schools were getting the same cut as the public schools, in fact, we have found that year over year on a school year basis it has been a 10.4 percent increase for the private school system and a 2 percent cut for the public schools.

We saw, Madam Deputy Speaker, a contradiction in action and support. On the one hand, we see major support to private schools at 10 times the rate of inflation over the last number of years, and we see less than inflation to the public schools and an absolute decline of 2 percent in this particular year. There is the problem, and I say that this is an important part of the discussion of Bill 34 because it is in the context of the environment that we receive Bill 34, educational decisions that have, as a result of those decisions, made people lose

confidence in the government and this minister to carry out Bill 34.

**Madam Deputy Speaker:** Order, please.

### Point of Order

**Hon. Rosemary Vodrey (Minister of Education and Training):** Madam Deputy Speaker, I just wanted, for the member's information as he develops his speech, to remind him that funding to independent schools tripled under the NDP administration.

**Madam Deputy Speaker:** The honourable Minister of Education does not have a point of order.

\* \* \*

**Mr. Plohman:** Madam Deputy Speaker, as I pointed out to the minister, we have never seen an absolute cut to the public school system. I pointed this out in the committee. While she is slashing and hacking the public school system, she is increasing the private schools by 10 times the rate of inflation. That is the comparison. Now in addition to those cuts to the public education system, we have seen with regard to Bill 16 an unprecedented intrusion to local decision making.

**Madam Deputy Speaker:** Order, please. I would like to remind the honourable member for Dauphin that the bill he is debating is Bill 34, The Public Schools Amendment (Francophone Schools Governance) Act, and that debate on second reading is to be relative to the bill being debated. It is Bill 34, not Bill 16.

**Mr. Plohman:** Madam Deputy Speaker, I think it is important that we put in context Bill 34 to other measures that the government has put forward, and I will, I can assure the Deputy Speaker, deal with all details of the bill, Bill 34. I want to say though that the difficulty that we have is the difficulty that this minister is going to have, and we all share that difficulty, in that she is not going to be able to carry out a proper consultative process and a measure of involvement with the partners in education because of the lack of confidence that she faces in the education community and by way of the public in general in the province of Manitoba as a result of the actions that she has taken with regard to the underfunding, with regard to Bill 16 which is an unprecedented intrusion into local decision making, as a result of the cuts in professional development, as a result of Bill 22. All

of these are unprecedented measures by government and by this minister.

Therefore, when it comes to Bill 34, Madam Deputy Speaker, we see a great deal of difficulty and we have a lack of confidence in the minister's ability to carry out this bill and to implement it. We have some concerns about various aspects of the bill as well insofar as the tack that has been taken by this government. Now what has happened is inequitable funding, and we have a division from division to division across this province. We have a school system that is in shambles to a great extent as a result of the cuts by this government. So when we look at this, can they bear additional costs? Can they bear an additional shock as a result of this decision to introduce Bill 34 which is implementing, in the government's version, the Supreme Court decision? Can they in fact bear the shock of having to fund the new school division that is put in place? My colleague the member for Flin Flon (Mr. Storie) talked about the costs associated and who should be responsible for those costs.

I have mentioned all of these other cuts in the context of Bill 34, Madam Deputy Speaker, because it is important to be able to assess the degree to which existing school divisions can continue to absorb one shock after another from this government that it makes it difficult for them to offer in an equitable fashion quality education across this province. Bill 16 has entrenched inequities in the province of Manitoba by preventing divisions from increasing local funding for the school divisions to address inequity. So it has entrenched inequities, it has frozen them, and so when we see that kind of thing happening, we have to look at what is happening here.

\* (1630)

We have questioned the minister at great length about this bill and about aspects of her policy, Bill 34, in the Estimates process, and we have been unable to get a clear understanding of the impact of this bill, because this minister does not seem to know or is unwilling to tell the people of Manitoba what the impact will be. We know that there will be substantial impacts across the province.

I want to go through some of the aspects of the bill, as we see it, that the minister has presented here. Certainly the structure is one of regional committees that would be set up to elect a school

board. These committees would exist in various areas of the province.

They have defined a map of the province which seems to indicate the extent of the boundaries of the Francophone division. However, when questioning the minister, we found that, indeed, it did not reflect the extent of the boundaries of the division that is envisaged in Bill 34.

In fact, the minister said that the Francophone rights would have to be supported in areas of the province where sufficient numbers justified it. So even though the map excludes certain areas of the province, large areas of the province, especially in southern Manitoba—I notice the Pembina Valley, for example, is not included. The government seems to feel that they could not find 50 Francophones in that whole area.

I find that rather shocking. I think what the government has drawn here is somewhat of a political map designed to perhaps ease the concern that some people in the southern areas of the province might have with regard to its actions in response to the Supreme Court decisions here.

Because if it was not the case, I do not think there would have been a map even presented. Why present a map when it does not mean anything, when in fact the map does not reflect the extent of the division? The division can go all over the province of Manitoba—the minister admitted that—if there is sufficient number. So I have to wonder about the existence of that particular map, Madam Deputy Speaker.

In any event, there will be regional committees set up across the province where sufficient numbers exist, and they will elect a representative to sit on the Francophone school board. As well, we are going to a system, as I mentioned earlier, the opt-in provision as opposed to the opt-out recommended by Gallant. So Francophone parents will have the opportunity, and perhaps have had the opportunity over the last number of months, according to the minister's information during Estimates with regard to the activities of Justice Monnin, that the meetings have taken place and registrations are already taking place in the province of Manitoba.

So many of the decisions made by parents should be in to the minister by now. We will anxiously await a report from the minister in closing debate on what the results of the registrations have

been and the meetings that have taken place. It would be appropriate for the minister to respond in closing of debate, because she did say that the report should be in by July 1, and Justice Monnin and the commission would complete the work by July 1 and have the report and the information in by July 6.

So it is clear that the minister now has the information about the number of registrations, potentially 7,000 as identified by Gallant, estimated at about 5,000 by the Minister of Education (Mrs. Vodrey) during the Estimates process, 4,000 to 6,000 I think is the range that the minister used.

We are talking about a lot of students in this province that would potentially come under the Francophone school division that is outlined in Bill 34. We noticed provisions dealing with buses and transportation, bus drivers and teachers, which are unclear at this point as to how those relationships would apply with existing school divisions.

One of the major features that we noticed and we have concerns about is the issue of parallel programming. The provision of the bill that would require existing school divisions to continue to provide français programming in their schools, even when the majority of parents in the area have decided that they would like to become part of the Francophone school division throughout the province, as I said, not limited to the map that was presented by the government. It could be many areas of the province besides those outlined on the map.

We wonder why the government has persisted in this area. They talk about choice and yet they say majority is the way decisions should be made in a democracy. In this particular case, existing divisions having to continue to offer a français stream of programming in their divisions will incur some of the same costs that they incurred before, only they will have fewer students in fact to support that programming. In doing so, Madam Deputy Speaker, since the dollars have to be transferred with the students, as outlined by this government, we are going to see a tremendous loss potentially in revenue going to the school divisions.

The minister has indicated that the per student grants are somewhere in the neighbourhood of \$4,000. Perhaps we also have the local levy grants that are raised, the amount from local levy which would amount to another \$1,000 or \$1,500.

So we are talking potentially, Madam Deputy Speaker, of \$6,000 per student that could be transferred with the students from the existing school divisions to the Francophone school division if parents decide that their students will be part of the new Francophone division. If you multiply that times the number of students in the province, as the minister said between 4,000 and 6,000 that could be transferred to the Francophone division, we are talking of upwards of \$25 million, \$25 million that would be lost to existing school divisions.

Madam Deputy Speaker, it seems that this concept eludes all members of the Conservative caucus. They do not seem to understand the issue of declining enrollments, because when you go to school divisions throughout this province you realize that many of these school divisions are having difficulty offering the same quality of education as a number of the wealthier city divisions, because they do not have the population base, they do not have the student base. As a result, their grants are not sufficient to support the quality of education, because they do not have enough students to support the programming.

They cut programming, of course. We see that throughout the province. It is something that might be foreign to some urban members of the Conservative caucus, but it certainly should not be foreign to many of the rural members, knowing what the impact of declining enrollment is having on the viability of those school divisions.

I raise that, Madam Deputy Speaker, only as a concern in terms of transferring grant money from existing divisions with those students to the new Francophone division and especially when we consider that they must still offer a français stream of programming in their school divisions if individuals want it.

I do not think the Conservative caucus has thought about this. I see a blank look across the faces of the members opposite. I know the minister knows about it because we raised it with her, but I do not know that all members of their caucus have thought about this. I know there is going to be a financial impact on the school divisions in this province, the degree of which we do not know at this time, but there will be.

I have to say that they would have been well advised to follow the Saskatchewan lead in this, where they have said that the exclusive right after

some five years would be for offering français programming in the Francophone division only, not in both systems. That is what their decision has been. It has been, I believe, made consistent with the Supreme Court's decision, and it is a very good economic decision at the same time, financial decision. I do not know why the government has failed to in fact do that.

\* (1640)

But to make existing school divisions bear the costs of the Francophone division is something that we really have to question here, because that also has not been done in Saskatchewan. They have not transferred the tax dollars with those students to the Francophone division. That is not part of their provision. They are taking the tack that this is the responsibility of the provincial government and the federal government. Now, I would think that all members opposite would agree that the costs of the Francophone division should be borne by the province and by the federal government, not by existing divisions.

We know that the minister has provided us with information that would seem to indicate that the federal government is going to be providing some \$112 million over six years for the implementation of the Supreme Court's decisions for six provinces, those six provinces being Manitoba, Saskatchewan, Alberta, British Columbia, Nova Scotia, and Newfoundland.

The minister has indicated as well, when I asked her what percentage would come to Manitoba, that if we base it on enrollment, she said: ". . . that might provide us with a higher proportion of share than the range that the member mentioned," being 20 percent.

So in fact, out of the \$112 million, we could see some \$25 million coming to this province, and \$20 million at least over the six years. So the federal government is saying there are dollars available for this. When the minister says the implementation or the setting up of a new school division will cost about \$560,000, which she mentioned as identified costs for establishing this new division, we then have to wonder where the other \$20 million is going to be spent insofar as the federal dollars coming to this province over those six years.

Why would that money not be used for supporting this school division rather than taking it out of the hides of existing divisions by way of lost

student enrollment and lost student grants, especially when they have to continue to offer that particular program in their own divisions? Why not have that offered by the français division, by the new Francophone division exclusively?

Then, of course, there at least would not be those additional costs incurred by the school divisions that exist at the present time in offering a parallel program. You have both school divisions offering that program, you have the costs of teachers, you have the costs of classrooms, you have the costs of infrastructure, these kinds of things that the members opposite do not seem to understand.

Madam Deputy Speaker, we believe that in those two areas, Saskatchewan has proceeded in a more intelligent way certainly with this difficult issue than this government here in Manitoba. They have, in fact, decided that after five years the Anglophone boards will only be able to offer immersion programs in French. I think that is a reasonable compromise in implementing this decision, and I think that the majority of the Francophone community agrees with that. In addition to that, they have said that there would not be the tax transfers from existing divisions. In addition, point 3, they said that the programming, the française programming, would be offered exclusively in the Francophone division.

Three major points, and when the government says that it is concerned about spending money wisely—and we see so many areas like Connie Curran where in fact they do not practise what they preach—here is an area where they could have made a responsible decision and still implemented, perhaps in a more pure way, the Supreme Court decision with regard to the Francophone governance of education in this province. Madam Deputy Speaker, they could have made that decision. Somehow, it escaped them. They will have to answer as to why they did not choose which was the most prudent route, both in terms of responding to the Supreme Court decision and financial considerations. They did not.

We have to look also at the fact, Madam Deputy Speaker, that this government has made no commitment to offsetting any hardships, financial hardships that this will create for an existing school division. There has been no commitment. No promise that if there are—because they can dismiss out of hand our suggestions that there will be costs to existing divisions as a result of the

transfer. They can dismiss that out of hand, but they have to be prepared if they are wrong to ensure that they offset any of those hardships incurred by existing divisions, and they have not said that.

So now are we to assume that this government is going to require existing school divisions to somehow dig deeper to find additional dollars that are lost as a result of the declining enrollment impact of the Francophone division? You see, they have left school divisions in an untenable position. They have no room to maneuver. They have been underfunded by the province, and their ability to raise funds locally has been capped, and therein ties this policy together, this government policy. It has the potential impact of hurting existing school divisions.

I hope that this government will look at those issues when this bill comes forward to clause by clause, that they will in fact ensure that any additional costs will be borne by the province and the federal government. The dollars are there from the federal government. They need a partner, that being the province. They are responsible for implementing the Supreme Court decision.

Existing school divisions are not responsible. They should not have to bear the costs. They will under this bill that has been put forward by this government. Unfortunately, the government does not seem to understand the potential impacts of that. I think they have a responsibility to do so. They have, especially over this last year with this minister, engaged in an unprecedented process of undermining the public school system. I outlined a number of the areas where that has happened. It is unfortunate that the public school system is being faced with this kind of crisis, but we cannot thrust more crises onto the public school system.

(Mr. Speaker in the Chair)

I know the member for Emerson (Mr. Penner) and other members who sit across this House know that they must protect the education system, the public education for the children, and they must ensure that there is adequate funding for all the obligations that exist, including the Supreme Court decision implementation, including the traditional historic obligations that the minister has to the public education system of this province.

They have not met those. We really have some very serious reservations, not only about this

minister's commitment to the public education system, but her ability, Mr. Speaker, in fact, to carry out a very difficult area of policy because of the lack of confidence that the partners that she has to work with have in this minister as a result of decisions made over this past year.

\* (1650)

Mr. Speaker, we certainly want to conclude debate on this, indicating that we want to hear from the public in that vein, in that we understand the responsibility that the province has to implement it. We do not disagree at all with that principle, and we realize that there is an historic obligation that must be met and the government must proceed. However, we want them to take a close look at what they are doing here in terms of the impact that this is going to have on the public education system for all Manitobans and ensure that there is no negative impact on those existing divisions at the present time and that they will do it in an efficient way as well as in a responsive way to the Supreme Court decision. Thank you, Mr. Speaker.

**Mrs. Sharon Carstairs (River Heights):** Mr. Speaker, I was not going to speak on this particular bill, but I am going to speak for just a very few minutes. Then, hopefully, we can pass it on to the committee stage.

I want to speak because there are a lot of ideas that have been thrown around this House today which, quite frankly, are historically inaccurate, and I think it is time to deal with some of those inaccuracies.

I have listened to a couple of speeches from the New Democratic Party this afternoon in which they make reference to Section 23 of the Charter, and they talk about the need to recognize Francophone rights in the province of Manitoba. In that, I am in full and absolute and total agreement, but I really cannot understand a political party that seems to understand historic and constitutional obligations under Section 23 but refused to deal with those same historic obligations under Section 22.

They talk about independent school funding as if it were a decision made some day in the caucus room of the Conservative Party because they just did not know how fast to spend their money. You know, Mr. Speaker, that is simply not true. If it is true that there are Francophone rights in the province of Manitoba, then there are other rights that are equally guaranteed, and some of those

rights that are guaranteed are to Catholic children in the province of Manitoba.

When the New Democratic Party was the government, they had legal opinion. They knew that if they took Section 22 to the Supreme Court of Canada that in all likelihood the judgment would be 100 percent total absolute funding for Catholic schools in the province of Manitoba.

**An Honourable Member:** That is why they are not in government anymore.

**Mrs. Carstairs:** Well, with the greatest respect to the member for Emerson, I do not think that had anything to do with their not being government anymore.

The reality is that Section 22 gives religious rights to schooling and of that there is no question. The trade-off on the issue of funding was simply that, because as a Catholic raised in a fully supported Catholic school system, I object, quite frankly, to Mennonite children not getting the same rights as I was given. I resent the Jewish children would not be given the same opportunities that I was given. I think other parents have the right to make the same kind of fundamental choices as my parents had in sending me to a Catholic school.

**An Honourable Member:** There was a trade-off.

**Mrs. Carstairs:** There was a trade-off. Now, the reality is that if there is a trade-off to recognize some of those rights, which I think are correct and appropriate in the province of Manitoba, then we must equally recognize our obligations on French governance, and that is what this bill is all about. That is not to say I do not have some problems with this particular bill. I do have some problems with this particular bill, and the reason we want it to go to committee is that I really do want to hear from those who have been immersed both legally and otherwise in this issue for some time.

Mr. Speaker, there is something that the government could have done that, quite frankly, I do not understand why they did not. They could have taken their plan and they could have sent it in a reference to the Supreme Court of Canada. They could have asked the Supreme Court of Canada if this met the obligations of the Province of Manitoba to Section 23. They did not do that, and my fear is that when we pass this, there may still be constitutional challenges, and what we may have done is to have spent a lot of time, a lot of money, a



lot of agonizing to discover that it is not right, that it does not meet our obligations under Section 23.

I think it would have been more opportune and more appropriate if we had taken the plan to the Supreme Court ahead of time and got a ruling, as we have done and other provinces have done on similar occasions, and had that ruling and then we would have known here in the Legislature that we were in fact not passing legislation that would be challenged to the Supreme Court of Canada.

I honestly believe that we could have gone that step, and I think it would have shown some forward thinking, because I do not think anybody in the province of Manitoba wants to be thrown into another debate of French language issues in the province of Manitoba if we can possibly avoid it. I think we could have avoided it if we had sent a reference to the Supreme Court of Canada with respect to this particular plan.

As to the plan itself, I have read the bill. I have debated it with a number of Francophone people, and I look forward to their representation at committee.

I do want to touch on, very briefly, one of the issues that is raised by the member for Dauphin (Mr. Plohman) because he is absolutely correct when he says that you cannot take all the funding for a group of students, put it over into a Francophone school system, and then not have other school systems suffer. It is not as simple as that. When it is a grant, a per capita grant of \$4,000 per child and that \$4,000 moves to another division, it will put enormous strains on the divisions that are left. It will put those stresses because programs are based on the number of children that you have in a school division. If you do not have adequate numbers, then you do not have adequate dollars to offer that program.

So in some school divisions if they lose 20 children, it will not make very much difference, but in a small school division to lose five children can mean an incredible difference in the amount of available dollars to put into programming. I do not think that has been adequately addressed by this government in this particular piece of legislation. I think they are going to have to come to grips with the fact that additional resources are going to have to be put into the new Francophone divisions, but additional resources are going to have to be left with the divisions from which those children have

been taken in order for an equivalency of programming to be continued to be offered in those school divisions. With those few remarks, Mr. Speaker, I hope this bill can go to committee.

**Mr. Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 34, The Public Schools Amendment (Francophone Schools Governance) Act; Loi modifiant la Loi sur les écoles publiques (gestion des écoles françaises). Is it the pleasure of the House to adopt the motion? Agreed?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed and so ordered.

### House Business

**Hon. Darren Praznik (Deputy Government House Leader):** Mr. Speaker, on House business, a number of matters if I may at this particular time.

First of all, Mr. Speaker, I would ask if there would be unanimous consent of the House to reschedule the Standing Committee on Public Utilities and Natural Resources which is scheduled to sit 7 p.m. this evening, to allow that committee to sit at 5 p.m. today and to have that sit concurrently while the House is also in session.

**Mr. Speaker:** Is there unanimous consent of the House to change the sitting hours for PUNR from 7 p.m. and move that up to 5 p.m.? [agreed]

**Mr. Praznik:** Secondly, I would like to announce that the Standing Committee on Public Utilities and Natural Resources will sit tomorrow at 7 p.m. in Room 254 to consider bills that were passed through today, namely, Bills 10, 2 and 17.

I would also ask, Mr. Speaker, if you could canvass the House to see if there is a will to waive private members' hour.

**Mr. Speaker:** Is it the will of the House to waive private members' hour? No. There is no leave for that.

### Committee Change

**Mr. Marcel Laurendeau (St. Norbert):** Mr. Speaker, I move, seconded by the honourable member for Turtle Mountain (Mr. Rose), that the composition of the Standing Committee on Public Utilities and Natural Resources, Thursday, July 8 at 9 a.m. be amended as follows: Gimli (Mr. Helwer) for Minnedosa (Mr. Gilleshammer).

**Motion agreed to.**

\* (1700)

### PRIVATE MEMBERS' BUSINESS

**Mr. Speaker:** The hour being 5 p.m., time for private members' hour.

### PROPOSED RESOLUTIONS

#### Res. 41—Health and Safety Committees

**Mr. Steve Ashton (Thompson):** Mr. Speaker, I move, seconded by the member for Wellington (Ms. Barrett), that

WHEREAS The Workplace Safety and Health Act places great emphasis on joint health and safety committees as a method of securing the health and safety of Manitoba's workers; and

WHEREAS these committees have often been rendered ineffective as a result of ongoing inaction on issues raised at committee meetings; and

WHEREAS the minister's advisory council on Workplace Safety and Health has, after five years' efforts, unanimously recommended a regulation to address this problem; and

WHEREAS said regulation was provided to the government in April 1991; and

WHEREAS the provincial government has failed to bring in the recommendation.

THEREFORE BE IT RESOLVED that this Assembly recommend that the provincial government consider the immediate implementation of the recommendations of the minister's advisory council on Workplace Safety and Health.

#### Motion presented.

**Mr. Ashton:** Mr. Speaker, I am pleased to be able to speak to this resolution. I must admit that when the first draw was announced, and it was indicated at the time that my resolution, as the then Workplace Safety and Health critic for the New Democratic Party, was No. 41 on the Order Paper for resolutions, I must admit I never thought I would have the opportunity to debate this in the Chamber. I thought we would not get this far in terms of resolutions.

(Mr. Bob Rose, Acting Speaker, in the Chair)

I want to say I consider it very positive in this session, despite any other shortcomings that may develop, the fact that we have an opportunity to deal with some very important issues before us, like this particular issue. I know that we will soon be

dealing with such issues as the Via Rail service. We are dealing with such issues as the sniff bill, job creation—a whole series of very timely issues.

I want to indicate I will be making a few comments. Our current critic now in terms of Workplace Safety and Health, the member for Radisson (Ms. Cerilli), will also I am sure be speaking in some detail about workplace safety and health issues. I want to indicate the reason I moved the motion at the beginning of the session, it is fairly self-explanatory. There was a joint recommendation, unanimous recommendation, for the minister's advisory committee on Workplace Safety and Health to deal with the problem that has arisen in some cases where there has been inaction on concerns that have been identified by workplace safety and health committees.

Mr. Acting Speaker, it is a very straightforward recommendation. A number of specific regulations were brought to the minister in April of 1991. I would note, and once again this was unanimous. This was both management and labour. This was not a majority report, not a minority report, it was a unanimous recommendation.

Many people involved in the field of workplace safety and health were very concerned that the minister did not act upon that recommendation immediately. Not only that, but that the minister, even after several meetings with those affected, did not implement the recommendations. I say to you there are going to be times when we are going to have disagreement between labour and management in dealing with issues.

We certainly have seen that in terms of labour relations, and we will get into those debates as the time arises. But the interesting thing, because of the kind of practical legislation that was brought in by the last New Democratic Party government in this province, Workplace Safety and Health, that really strengthened the role of the acts, brought in committees, we are seeing some very significant changes, I think, in attitude towards workplace safety and health.

We are now seeing, despite some of the doubts that were expressed initially, the fact that it is working and that we are starting to get more of a joint approach to workplace safety and health. In fact, while I would say there are still some less than scrupulous employers, minority of employers that I feel are not doing anywhere near the job they

should be in terms of workplace safety and health. A vast majority of employers, I think, have adapted well, as have employees, to the committee system and some of the strength in legislation the previous NDP government brought in, in terms of strengthening in particular the right to refuse unsafe work.

Mr. Acting Speaker, I do not know how many members of the House have had the opportunity to work in some of the more hazardous occupations. I had the opportunity before I was elected to work in a number of locations that probably statistically would be considered amongst the more hazardous, particularly underground at Inco where I worked just shortly before I was elected. I know some of the hazards firsthand, and I would indicate that, for example, the people I worked with in 1981, it is very interesting to see what has happened in the last 11, 12 years. I have seen people nearly involved in fatal accidents. I have seen people off work for a considerable period of time because of accidents. I have seen people permanently on workers compensation because of some of the work-related conditions they have developed.

Mr. Acting Speaker, you could take that group of people and you could map through the pressures that it has put on them, and that is in one of the more unsafe occupations to begin with, and I would say it is very fortunate there have been no fatalities. I point to the example what has happened even in the last 12 years, because I know in Thompson Inco has been a good example of what can be achieved through co-operation, through the committee structure, through not always co-operation on every issue but through a great understanding of the joint nature of the problems that are faced.

Let us look at the situation. The fact is, there are far fewer fatalities now at Inco than there have ever been before. While even one is too many, there were times when there were almost monthly fatalities in the early days, and certainly a number of fatalities in each year. The fact is the committee system works, and the joint operation of labour-management is absolutely key to the achievement of the ultimate goal of eliminating workplace injuries and particularly workplace deaths.

That is why I have a concern about the fact of here, where you have co-operation—we are not talking about some of the labour relations type of

issues where there is obviously a difference between labour and management—labour and management agreed. It was the minister, and more accurately probably the minister's department, that basically sat on this particular matter, and I think that is very unfortunate.

The reason I brought this forward at the beginning of this session was to highlight not only this particular regulation but the importance of continuing to stress the need for focusing in on workplace safety and health issues. We absolutely have to recognize those hazards.

I would note that they are even changing. I have read some interesting statistics just today that show that, for example, in terms of injuries in the workforce the biggest increase in North America has been in terms of repetitive strain injuries and conditions. In fact it has gone from 20 percent of all reported cases to 50 percent, and that reflects the growing problems developing in offices from repetitive occupations, or even with clerical positions in stores where we are now seeing very repetitive use of particular technology in terms of cashiers, for example. So it is a dimension that is changing, and that is where the committees are absolutely vital, and the joint management and labour forum that we have in terms of the committee, that is absolutely vital.

That is why I was very concerned about the fact that the Minister of Labour (Mr. Praznik), responsible for Workplace Safety and Health, basically did not react immediately to this particular matter.

Mr. Acting Speaker, I am raising this today. I know our critic will be raising this and a number of other concerns related to workplace safety and health. We want to make sure that in the future the Workplace Safety and Health Committee is listened to, particularly when you have unanimous agreement between the two parties, the various representatives. We want to see that a bureaucratic approach is not taken to these matters, that immediate action is taken wherever possible.

With those few comments, Mr. Acting Speaker, I am sure this is a resolution that could be supported by all members of the House. I look forward to the comments from my colleague the member for Radisson (Ms. Cerilli) later on in private members' hour. I once again stress the importance of

workplace safety and health, workplace safety and health issues, and the importance of that joint labour-management approach to this very serious issue in Manitoba workplaces. Thank you, Mr. Acting Speaker.

**Hon. Darren Praznik (Minister of Labour):** Mr. Acting Speaker, I want to speak to the resolution that has been brought forward by the member for Thompson (Mr. Ashton), because I think it is important for the member to recognize that perhaps when he brought forward this resolution he was under the belief that a certain particular state of facts existed. Perhaps he had been briefed on such by his contacts with the Manitoba Federation of Labour, wherever. Since bringing forward this particular resolution, there have been a number of things that have, in fact, happened that I am not sure the member is quite fully aware of.

\* (1710)

I want to use this opportunity to reiterate some of the facts relating to this matter, because I think in reality there is not a great deal of disagreement between what the member intends—although I do not particularly agree with his wording in this resolution, I believe there is agreement, in principle, between what the member intends, what the Workplace Safety and Health Advisory Committee intends, what I as minister intend as well as my colleagues on this side of the House. The difference as to where we are, of course, has to do with a host of things, many of which are beyond the control of both myself and the member opposite at the current time.

I should tell the member that this particular resolution has been in the works for quite a number of years at the advisory committee, several years while his party was, in fact, in power. There was a recommendation that was brought forward to my department where we, of course, review the recommendations that are made by the Workplace Safety and Health Advisory Committee for the ability, quite frankly, to carry them out.

If I as minister am going to bring forward a proposed regulation to cabinet, to make it the law of this province, the regulatory law of this province, then, of course, I want to be sure that it can be administered and administered well. So, in the process of looking at the particular regulation as it was proposed, the wording as it was proposed by that committee, staff in the department, in the

Workplace Safety and Health Branch—and I am sure the member from his days in government will remember many of those individuals, because other than normal turnover in the department many of them were there when his party was in power and served his party, his government well, as they serve this administration well, Mr. Speaker.

They pointed out to me a very great administrative difficulty with the regulation as it was proposed. That difficulty, given the proposed wording, was that the way the proposal was put forward would set the priority agenda of staff in the department when in fact that priority may not be one that anyone in this House would necessarily want. By simply requiring, or by requiring any item that had remained on the agenda of workplace safety and health committees for three particular meetings and remained unresolved, to require our staff then to almost immediately attend that committee and deal with that particular matter and then have the matter, if it could not be resolved, go to the Labour Board.

It meant that staff in the department could be responding to a host of issues that were not quite, to be blunt, as important as other matters that they had to deal with. And one should remember that those particular items were not items where regulations were being breached, because if that were the case, the department would respond very quickly.

We were talking about items that were not necessarily, certainly not, in breach of the regulations of the statutes, but other matters relating to health and safety in the purview of the committee. And so under that wording there was a great deal of difficulty and lack of comfort on the part of our administrative staff who have to plan the workdays and workloads and priorities of our Workplace Safety and Health staff. So their concern was how that recommendation came forward, and how it would operate in fact.

Last fall I met with the Workplace Safety and Health Committee of the Manitoba Federation of Labour. We had a very frank discussion, and members of that committee conceded to me that their prime concern was not having to have the Workplace Safety and Health officer come out to be the intermediary in discussions or on issues that were not resolved at the Workplace Safety and Health Committee. That really was not their concern. It was to have some sort of mechanism

that would push issues towards resolution or this would be the consequence.

Their preference, of course, was to have the Labour Board act as the adjudicative body when decisions could not be settled, and one recognized from the original proposal that that in fact was where matters would end up. The committee had recommended the staff of the department be used as sort of an intermediary stage.

I should tell members of the House as well that many of our staff, in fact all of our staff, had some difficulty with being asked to play this intermediate role and sort of be a conciliator. They felt some discomfort with that as well.

Anyway, at that committee we discussed the administrative concerns, we discussed the ability to have that hammer, for lack of a better word, of the Labour Board, and I did not particularly have difficulty with that. We agreed that reviewing the regulation on that basis and proceeding on that basis would be certainly worthwhile. And they agreed to it at that time, by the way.

So we forwarded it for some more work to be done, and we sent it to the Department of Justice. Here I want to indicate that we discovered a basic flaw in the process that has been in place in the work of the committee, and it is always good to recognize where you have difficulties in your process. But when this matter went to the Department of Justice, it was soon discovered by the lawyers in that department that the particular regulatory authority, the ability to end up at the Labour Board, was not contemplated by the sections of the act under which this regulation was to be drafted.

So we had a greater problem now that this regulation quite frankly would not, in the opinion of staff at the Department of Justice, in fact be legal. It would be ultra vires the statute.

Now, members opposite may be of the view that government should pass regulations anyway and let someone test them, and I am sure that someone in fact would test them and they would be thrown out. I am not of the view that one should do that.

If the advice one has is that the statute passed by this Legislative Assembly does not give the Lieutenant-Governor-in-Council the authority to in fact make that regulation, then in fact we should not. We are doing an illegal act.

(Mr. Speaker in the Chair)

There is one other part, Mr. Speaker, I should add to this. In the process of redrafting this statute to accommodate the administrative concerns of staff in the department, I indicated very clearly that when we had the wording from Justice, I would send it back to the Workplace Safety and Health Committee because I wanted them to be comfortable with the legal wording that would ultimately become the regulation—[interjection]

The member says, some months, et cetera. Yes, it went back to the committee. What was found in that committee was that there was no longer a consensus as to this regulation. So here we are with a proposed regulation that is likely ultra vires the statute, which means I quite frankly should not be bringing it in, and the committee that recommended it no longer had a consensus as to what should happen to provide more power to those committees. So quite frankly, the main issue with respect to this regulation is that we do not have the power under the act, in the opinion of the Department of Justice who prepares the legal text for these regulations, to bring forward that regulation.

Now members opposite may say, well, go ahead and do it anyway, et cetera, but I think that is a flagrant misuse of the power of the Lieutenant-Governor-in-Council.

I would say to the member for Transcona (Mr. Reid) that that information has been, or is about to be, provided to the committee in their next meeting. I am sure he can obtain that legal opinion from his colleagues and friends who sit on that particular committee. I do not have a copy here to table today, but that certainly is what the Department of Justice has advised.

I am not hiding anything here. Publicly, I have said to the MFL that I, as minister, did not have a problem with the regulation when it was unanimously approved by the committee, but there have been a number of intervening steps.

Members opposite, if they wish to offer some advice as they may in their commentary, I am sure they would not suggest that we should bring it forward anyway even if we do not have the authority to do it. If that is what they are doing, that would be, I think, a flagrant misuse of the power to make regulation held by the cabinet, by the Lieutenant-Governor-in-Council.

So, Mr. Speaker, what I have in fact done, or will be doing when next I meet with the chair of that committee, Professor Wally Fox-Decent, is to ask that committee to consider the underlying problem and to make recommendations to me as minister as to how we can address it, whatever is required to do to address it, as well as try to achieve a consensus on that particular subject that will be within the law and will be administratively possible.

So I trust that the committee will take on that task, and to rework it and provide me with a recommendation that I in fact can take to my colleagues in cabinet that is within the purview of the act. It may require a recommendation, or a recommendation may come forward to make an amendment to The Workplace Safety and Health Act to allow for that type of regulation. I am not adverse to that either. I await the recommendation of the committee.

\* (1720)

I tell honourable members this, and I say this to the member for Thompson (Mr. Ashton), if we did in fact open up The Workplace Safety and Health Act to make that amendment, and members opposite said, here we go again, the Tories are attacking labour law, well, I will not bring forward that type of amendment with that kind of response from the New Democratic Party. So I give them full warning today that if they in fact would like to see that kind of change, then they should be careful in the type of rhetoric that they bring forward in this Chamber or publicly.

Mr. Speaker, I would also like to point out to members opposite that the Workplace Safety and Health Advisory Committee is a very good committee. We have charged it with a number of tasks to perform and to give advice to this government over the next number of months.

In their deliberations we are now working into the process a very early consultation with the Minister of Justice (Mr. McCrae) to ensure that whatever recommendations they are working on are within the authority of the cabinet to make such regulations, rather than have what has happened here where they have worked for a long period of time on a recommendation only to find out that it was ultra vires the statute.

But their process of operation has been in place for a number of years. They have not had a situation where this has in fact happened before,

and we are learning by that, but it was a fundamental flaw in the process that consultation with our legal authority did not take place earlier, in fact right from the beginning of the discussions on this regulation, many, many years ago.

So, Mr. Speaker, I would like to take this opportunity to move, seconded by the Minister of Government Services (Mr. Ducharme):

THAT Resolution 41 be amended by deleting all the words following the first "WHEREAS" and replacing them with the following:

WHEREAS Workplace Safety and Health committees are developed under the jurisdiction of The Workplace Safety and Health Act; and

WHEREAS the Workplace Safety and Health committees facilitate joint problem solving between employers and employees in the area of Workplace Safety and Health; and

WHEREAS the advisory council to the minister on Workplace Safety and Health is currently examining the safety and health committee regulation.

THEREFORE BE IT RESOLVED that this Assembly support the principle of effective Workplace Safety and Health committees and encourage the advisory council to the minister on Workplace Safety and Health to continue its review of the powers and structures of these committees.

**Motion presented.**

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

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, it is interesting listening to the Minister of Labour discuss this resolution. We have discussed it a number of times in Estimates, there have been questions in the House, and I have heard the explanation now for some months, and it has not changed. It is interesting to think about how quickly this government can move when it is operating on its own ideologically based agenda and how slowly it can move when it is doing something that perhaps is not in keeping with its traditional agenda.

We have seen a number of examples. We just finished debating in this House the stubble burning legislation regulations that were brought in and how, because of an incredible amount of public outcry and public pressure, they were forced to

bring in regulations within I think it was a six-month period of time. We know that can be done.

So whatever kind of excuses the minister is using in terms of not consulting the Department of Justice early enough to have them give the legislative language and make sure that this regulation was going to be able to be empowered into the act, I just really do not think that we can buy that because we know when we look at the changes that they have made in Home Care, in Child and Family Services, with wildlife legislation, with a number of other pieces of legislation and regulations where they have moved in quickly and done things with no consultation, we know that they can move quickly and expeditiously when they really want to.

So the minister may sound like he is being up front and everything is legitimate in terms of what he is saying has been the problem with the regulations that were being called for by the member for Thompson (Mr. Ashton) with his private members' resolution, I just am not convinced that the minister is really interested in seeing these regulations come into play.

\* (1730)

In the amendment that he puts forward he talks about how workplace safety and health committees facilitate joint problem solving between employers and employees and that they are, in fact, fundamental to having safe workplaces. The legislation is not empowered to any great degree without having these committees in place. The regulations that we are merely trying to have the minister live up to, bringing into force, are regulations that are going to bring the full powers to the act and to make sure that we have safe workplaces.

These regulations are going to make sure that workers are present when there are inspections being conducted on workplace safety issues. Now this is something that is provided for in the legislation but does not occur. There is no way of knowing if it occurs or not, if there is not going to be some organized structure in a workplace to make sure that that is going to happen.

These committees for workplace safety and health are, in fact, democratizing the workplace. It is understandable, initially, that there also was a democratic process or that there was a joint committee, labour and management, workers and management, to try and work to develop the

regulations, and that that could take some time. But we just cannot accept the kind of delays that the minister has allowed to continue.

We live in a time when we like to think that we have a democracy, and we have made a great amount of progress in terms of people having their right to health and safety respected. We do not want to think that we have people working in a situation where they can be forced to work in unsafe situations; they can be forced to work with materials that they do not even know the hazards of; or they can be working with dangerous equipment and materials and not have the proper emergency procedures in place in case there was an accident.

These are all the kinds of things that would be more guaranteed to be protected if these regulations were in place. The section of the legislation that these regulations would come under does not have the authority to enact the Labour Board to intervene in these matters. Now, I am sure that there would be a number of ways of dealing with that in a more expeditious manner than what we have seen.

We could have some kind of companion regulation that could come along with the one that we have had before us. So we just cannot accept that, you know, because the Department of Justice did not see these regulations until after the committee came to a consensus that now there is going to be all of these problems with them. We just cannot accept these kind of delays.

It seems like each time, as the minister was saying, they have gone back to the legislative drafting, that there has been something that has come up.

There was, as has been mentioned, a consensus in principle specifically on the regulations dealing with workplace safety and health committees, and it is, I think, understandable that if there are significant changes, then there would no longer be a consensus and that there may be members of the committee that agreed upon certain regulations who would now have a problem, especially when you look at some of the changes that were made.

We have heard the minister make specific reference to authority provided under the act with respect to these regulations, but when I look at some of the other changes that have been made to the regulations, there is no explanation for that.

Even with such things as making the language in the regulations more permissive, such as changing "shall" to "may," and that then weakening the guarantee that there is actually going to be some action undertaken—I think it is legitimate.

Also, one of the other things that the minister has referred to is in not wanting to have a body or groups outside of the department set the agenda in the department, or outside of this Chamber set the agenda for the department. That is what we want the workplace safety and health committees there for, so that the department is going to be responding to the real needs and the real safety problems in workplaces throughout the province, that they are not going to be preoccupied with some kind of internal matters, that they are going to be indeed responding to the kinds of infractions and concerns going on in workplaces. The minister has said that would not happen if there was a violation under the regulations, but I think that is the kind of controversy that these kinds of committees are going to be dealing with.

Now, Mr. Speaker, the minister, I think, would have us believe that he is taking these regulations seriously and is doing everything that he can to see that workplace safety and health committees have the maximum power and the maximum ability to function. But I really do not think that is the case, because, as I have said earlier, we have seen over and over again with other regulations and legislation that, when they really want something to go through, they can make that happen very quickly. We saw that when the minister and this government was dealing with FOS. We have seen how they have dealt with Bill 22, and it is interesting, when there is something that is coming from the community, particularly coming from labour, that they will use this process and excuse of ongoing consultation.

I am sure that, if there was some redraft of new regulations or a new approach to dealing with the problems raised here, those could be sent out to the members of the committee, and there could be some feedback given to the minister and to the Department of Justice that way. I would hate to think that he is going to continue to wait for the advisory committee to convene to do that kind of consultation. I know that, if that had happened, I think that we would have heard some kind of

response, so I know that there had not been any movement on alternatives prepared and sent out to the committee.

So it seems like what this minister is doing is throwing up his hands and saying, well, that one did not work. They have not actually had the Department of Justice prepare any kind of alternative to the regulations that were agreed to by consensus from the Workplace Safety and Health Advisory Committee.

So I would just conclude my remarks by saying that we have a great bit of concern with the minister's inaction in this area, that he is not doing everything that could possibly be done to make sure that workplaces in Manitoba have joint workplace safety and health committees in place to protect the workers in Manitoba.

\* (1740)

Mr. Speaker, it is interesting with all the attention that violent and tragic deaths that occur in our province receive, we never seem to give the same kind of consideration to the huge number of accidents in industries that occur in workplaces every day. People are much more likely to have some kind of serious injury occur in their workplace than they are with driving their car or many of the other kinds of crimes that occur in our community. The precautions and prevention of those kinds of problems and injuries do not seem to get the same kind of attention that is received in other areas.

So I think that the minister should feel compelled to move forward with these regulations and to use his full authority to ensure that they come into force, I would hope, before we would be back in this House again, because I would hate to have to see another resolution similar to this one which is just encouraging the minister to do what he has said he is supportive of doing, wants very much to do, and has been directed to do by his advisory committee.

With that, I will conclude my remarks, Mr. Speaker. Thank you very much.

**Mr. Speaker:** Is it the will of the house to call six o'clock?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Agreed. The hour being 6 p.m., this House now stands adjourned until 1:30 p.m. tomorrow (Thursday).



# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, July 7, 1993

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