



Third Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

Member	Constituency	Political Affiliation
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Woiseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Ind.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David, Hon.	Riel	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank, Hon.	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike, Hon.	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupert Island	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.
Vacant	Portage la Prairie	

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Wednesday, June 18, 1997**

**The House met at 1:30 p.m.**

**PRAYERS**

**ROUTINE PROCEEDINGS**

**PRESENTING PETITIONS**

**Mobile Screening Unit for Mammograms**

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, I beg to present the petition of Glenn Beals, Cal Pierrepont, Geraldine Corson and others praying that the Legislative Assembly of Manitoba request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women from across the province detect breast cancer at the earliest possible opportunity.

**Licensed Practical Nurses**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, I beg to present the petition of S. Strome, M. Preston, Mona Eden and others requesting that the Minister of Health (Mr. Praznik) consider stopping the elimination of LPNs from the staffing complement of our health care facilities and recognize the value and dedicated service of LPNs across the province.

**READING AND RECEIVING PETITIONS**

**Mobile Screening Unit for Mammograms**

**Madam Speaker:** I have reviewed the petition of the honourable member for Swan River (Ms. Wowchuk). It complies with the rules and practices of the House (by leave). Is it the will of the House to have the petition read?

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

*WHEREAS medical authorities have stated that breast cancer in Manitoba has reached almost epidemic proportions; and*

*WHEREAS yearly mammograms are recommended for women over 50, and perhaps younger if a woman feels she is at risk; and*

*WHEREAS while improved surgical procedures and better post-operative care do improve a woman's chances if she is diagnosed, early detection plays a vital role; and*

*WHEREAS Manitoba currently has only three centres where mammograms can be performed, those being Winnipeg, Brandon and Thompson; and*

*WHEREAS a trip to and from these centres for a mammogram can cost a woman upwards of \$500 which is a prohibitive cost for some women; and*

*WHEREAS a number of other provinces have dealt with this problem by establishing mobile screening units; and*

*WHEREAS the provincial government has promised to take action on this serious issue.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.*

**Obstetrics Closure—Grace General Hospital**

**Madam Speaker:** I have reviewed the petition of the honourable member for Osborne (Ms. McGifford). It complies with the rules and practices of the House (by leave). Is it the will of the House to have the petition read?

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

*THAT the obstetrics program has always been an important part of the Grace Hospital's mandate; and*

*THAT both people in the community and a number of government studies have recommended against the further closure of community hospitals' obstetrics programs; and*

*THAT as a result of federal and provincial cuts in the health budget, hospitals are being forced to eliminate programs in order to balance their own budgets; and*

*THAT the closure of the Grace Hospital obstetrics ward will mean laying off 54 health care professionals, many of whom have years of experience and dedicated service in obstetrics; and*

*THAT moving to a model where more and more births are centred in the tertiary care hospitals will be more costly and decreases the choices for women about where they can give birth.*

*WHEREFORE YOUR PETITIONERS HUMBLYPRAY THAT the Legislative Assembly of Manitoba request that the Minister of Health (Mr. Praznik) consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.*

#### **Mobile Screening Unit for Mammograms**

**Madam Speaker:** I have reviewed the petition of the honourable member for Osborne (Ms. McGifford). It complies with the rules and practices of the House (by leave). Is it the will of the House to have the petition read?

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

*WHEREAS medical authorities have stated that breast cancer in Manitoba has reached almost epidemic proportions; and*

*WHEREAS yearly mammograms are recommended for women over 50, and perhaps younger if a woman feels she is at risk; and*

*WHEREAS while improved surgical procedures and better post-operative care do improve a woman's chances if she is diagnosed, early detection plays a vital role; and*

*WHEREAS Manitoba currently has only three centres where mammograms can be performed, those being Winnipeg, Brandon and Thompson; and*

*WHEREAS a trip to and from these centres for a mammogram can cost a woman upwards of \$500 which is a prohibitive cost for some women; and*

*WHEREAS a number of other provinces have dealt with this problem by establishing mobile screening units; and*

*WHEREAS the provincial government has promised to take action on this serious issue.*

*WHEREFORE YOUR PETITIONERS HUMBLYPRAY that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.*

#### **Licensed Practical Nurses**

**Madam Speaker:** I have reviewed the petition of the honourable member for Inkster (Mr. Lamoureux). It complies with the rules and practices of the House (by leave). Is it the will of the House to have the petition read?

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

*THAT many LPNs have been eliminated from most acute care facilities in Manitoba, including the St. Boniface, Health Sciences Centre, Seven Oaks, Concordia, and Victoria hospitals; and*

*THAT the LPNs of this province are valuable members of the health care system, providing professional, competent, skilled and cost-effective services; and*

*THAT staffing cuts will only result in declining quality of health care and potentially tragic outcomes; and*

*THAT it will not be long before the negative results of this shortcut effort are realized, just as they were in Alberta; and*

*THAT the elimination of LPNs in Manitoba's health care facilities will lead to higher costs and poorer patient care.*

*WHEREFORE YOUR PETITIONERS HUMBLYPRAY THAT the Legislative Assembly of Manitoba request that the Minister of Health (Mr. Praznik) consider stopping the elimination of LPNs from the staffing complement in our health care facilities and recognize the value and dedicated service of LPNs across the province.*

### **PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES**

#### **Standing Committee on Agriculture First Report**

**Mr. Jack Penner (Chairperson of the Standing Committee on Agriculture):** I beg to present the Report of the Committee on Agriculture.

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

*Your Standing Committee on Agriculture presents the following as its First Report.*

*Your committee met on Monday, June 16, 1997, at 7:30 p.m. in Room 255 of the Legislative Assembly to consider bills referred.*

*Your committee has considered:*

*Bill 18—The Emergency 911 Public Safety Answering Point Act; Loi sur les centres téléphoniques de sécurité publique - service d'urgence 911*

*Bill 54—The Animal Husbandry Amendment and Consequential Amendments Act; Loi modifiant la Loi sur l'élevage et modifications corrélatives*

*Bill 57—The Highway Traffic Amendment, Summary Convictions Amendment and Consequential Amendments Act; Loi modifiant le Code de la route et la Loi sur les poursuites sommaires et modifications corrélatives*

*and has agreed to report the same without amendment.*

*Your committee has also considered:*

*Bill 31—The Livestock and Livestock Products and Consequential Amendments Act; Loi sur les animaux de ferme et leurs produits et modifications corrélatives*

*and has agreed to report the same with the following amendments:*

#### **MOTION:**

*THAT subsection 6(5) be amended by striking out "this section" and substituting "subsections (2) to (4)".*

#### **MOTION:**

*THAT section 12 be struck out and the following substituted:*

#### **Livestock products on premises**

*12 For the purposes of any prosecution for a violation or contravention of any provision of this Act or of the regulations, proof that a livestock product was*

*(a) found on the business premises of a person who owns or operates a retail sales business or wholesale distribution business and who sells or offers to sell that kind of livestock product in the ordinary course of his or her business; or*

*(b) found in a public market in the possession of a person who is selling or offering to sell similar kinds of livestock products in the public market;*

*shall be, in the absence of evidence to the contrary, proof that the livestock product was for sale, whether or not that person is the owner of the livestock product.*

*Your committee has also considered:*

*Bill 37—The Highway Traffic Amendment Act; Loi modifiant le Code de la route*

*and has agreed to report the same with the following amendments:*

#### **MOTION:**

*THAT subsection 3(2) of the Bill be amended*

*(a) by striking out "Subsections 4.2(2), (3) and (4)" and substituting the following "Subsections 4.2(2) and (3)"; and*

*(b) by striking out the proposed subsection 4.2(4).*

**MOTION:**

*THAT the proposed subsection 21.12(1), as set out in section 15 of the Bill, be amended*

*(a) in clause (a), by striking out "clause 319(1)(1.5)" and substituting "clause 319(1)(1.6); and*

*(b) in clause (c), by striking out "clause 319(1)(1.5), (1.7) to (1.10) or (1.12)" and substituting "clause 319(1)(1.6), (1.8) to (1.10) or (1.12)".*

**MOTION:**

*THAT clause 35(a) of the Bill be amended*

*(a) in the proposed clause 319(1)(k), by striking out "clauses (1.7) to (1.10)" and substituting "clause (1.6) and clauses (1.8) to (1.10)"; and*

*(b) in the proposed clause 319(1)(l), by striking out "clauses (1.6) to (1.9)" and substituting "clause (1.6) and clauses (1.8) to (1.10)".*

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

**Motion agreed to.**

**MINISTERIAL STATEMENTS AND  
TABLING OF REPORTS**

**National Aboriginal Day**

**Hon. David Newman (Minister responsible for Native Affairs):** Madam Speaker, I would like to make a ministerial statement. Although many of the traditions of the cultures—

**Madam Speaker:** Order, please. Does the honourable minister have copies for—

**Mr. Newman:** Madam Speaker, although many of the traditions of the cultures of nonaboriginal Canadians are much different from those of aboriginal peoples, we share to a varying degree the custom of looking on the summer solstice as a period of new life and renewal. For aboriginal peoples, the summer solstice has a very special place in their cultures and religious traditions. This fact should be very easy for Manitobans to appreciate with our deep historical and demographic links to the aboriginal peoples, our long winters and short growing season.

In addition, for the second year across Canada June 21 has been proclaimed as National Aboriginal Day. It has been designated as a special day to celebrate the contributions of aboriginal peoples to Canadian society as Canada's first peoples and to recognize their rich cultures and traditions.

\* (1335)

Madam Speaker, we, as Manitobans, will remember the joyous outpouring of celebration that accompanied National Aboriginal Day last year. This year, another tremendous array of events has been scheduled for The Forks in Winnipeg, starting with a sunrise ceremony and continuing all day and well into the night. Together, with the aboriginal ceremonies and events of the summer solstice, we all have much to celebrate: the arrival of the warm summer, the end of a difficult winter, the departure of a slow spring and our record floods, and the promise of new life and renewal of growth.

Madam Speaker, the government of Manitoba is committed to working with aboriginal peoples to increase their independence and the range of opportunities for social and economic development at the community and provincial level. We also enthusiastically support the idea of celebrating the priceless contributions of aboriginal peoples to the development of Manitoba, which is unique among the provinces in the way aboriginal and other peoples have interacted in producing the society of today.

This is why Manitoba is not only joining in the spirit and substance of the federal proclamation of National Aboriginal Day issued by Governor General Romeo

LeBlanc but is independently declaring June 21 as Aboriginal Day in Manitoba. With your permission and that of the House, Madam Speaker, I would like to read the Manitoba proclamation:

WHEREAS the government of Manitoba recognizes, honours and celebrates the contributions of aboriginal peoples to their communities and to the province; and

WHEREAS the government of Manitoba has declared its intention to create awareness of aboriginal culture and strengthen aboriginal participation in community life in Manitoba; and

WHEREAS the development of healthy, vibrant aboriginal communities will benefit all of Manitoba; and

WHEREAS aboriginal peoples traditionally gathered at this time of the year to celebrate the new season associated with a new cycle of renewal; and

WHEREAS Manitoba's aboriginal peoples will celebrate their culture, communities and the traditions of the summer solstice on June 21, 1997; and

WHEREAS many events have been scheduled for that day to enable all Manitobans to join in the celebrations,

NOW, THEREFORE I, David Newman, Minister of Northern Affairs and Minister responsible for Native Affairs, do hereby proclaim June 21, 1997, as Aboriginal Day in Manitoba and commend its celebration to all citizens.

Madam Speaker, through this proclamation, as Minister responsible for Native Affairs, I invite all Manitobans to celebrate National Aboriginal Day by joining in the many events scheduled for June 21 or by devising their own ways to observe this historic event. Thank you.

**Mr. Gary Doer (Leader of the Opposition):** I wish to rise today on the statement of the minister proclaiming June 21 as National Aboriginal Day. I believe it was two years ago that members of this side, First Nations people, aboriginal people on this side

proposed a private member's bill to proclaim June 21 as National Aboriginal Day.

Rather than it being the minister—I, the minister, do proclaim this day—we felt as a community, as a Legislature, as a people, that we, collectively, should have proclaimed together with our First Nations people in this Legislature the legislation that we had put forward for June 21. That would be to us a preferable way of recognizing this very, very important day. This is a small step forward, but it is not the step forward we thought we should have taken. We thought we should have taken that step forward together with the bill that was proposed by the member for Rupertsland (Mr. Robinson), and seconded by the member for The Pas (Mr. Lathlin).

\* (1340)

So, in recognition of June 21 in this Chamber being proclaimed by the government, let us look at the issues and challenges that we have to truly celebrate June 21 in a meaningful way, not just in words in this Chamber but in the communities across this province that are so directly affected and impacted with many people, First Nations and aboriginal people that are located in them.

Let us start with recommendation No. 1 of the Aboriginal Justice Inquiry, calling on a joint commission between government and First Nations people to meet together to implement the AJI, a report that was issued and released with great fanfare five or six years ago but is gathering dust, Madam Speaker, rather than enacting action. Let us do that on June 21, on behalf of First Nations people.

Let us reinstate the cutbacks that have been made by the provincial Conservative government on Access programs on June 21, 1997, cuts that affected the training programs for aboriginal people who were in nursing, social work, education, lawyering, doctoring. Let us do that on June 21, along with this proclamation.

Let us join with the NDP private member's resolution to proclaim November 8 as Aboriginal Veterans Day. Let us do that on June 21.

Let us truly have an aboriginal urban strategy rather than money going to consultants. Let us look at

building bridges for opportunities in our communities that allow us to have decent jobs, decent education and decent opportunities. Let us do that on June 21.

Let us pass the resolution that has been forwarded by the member for The Pas (Mr. Lathlin), dealing with aboriginal people and the great numbers of people that have diabetes in our Manitoba communities. Let us not speak out that resolution in this Chamber; let us proclaim that resolution on June 21, in terms of First Nations people.

Madam Speaker, let us look at the northern regional health board, when it represents close to 50 percent of First Nations people in northern Manitoba but I believe only has one, maybe two members of that northern regional board from First Nations communities. Let us have developed true partnership in our regional health boards by inviting more First Nations and aboriginal people to that board on June 21.

We could go on. The Metis people are very concerned about some of the economic development. They have had to lay off people in their communities.

I thank the minister for a statement that I know celebrates the summer solstice and aboriginal people, but I ask him to join with us, and I am not sure whether he was elected when this bill was in the Chamber, but let him join with us and let us have every member of this Chamber, all 57 members, proclaim together unity and solidarity with aboriginal people by passing a private member's bill that I think is worthy of merit in this Chamber. Thank you very, very much, Madam Speaker.

**Mr. Kevin Lamoureux (Inkster):** I would ask for leave.

**Madam Speaker:** Does the honourable member have leave to respond to the ministerial statement? [agreed]

\* (1345)

**Mr. Lamoureux:** I did want to participate in this particular ministerial statement because, from our perspective, I think that it is something that is long overdue, and we in fact applaud the government on its actions with respect to acknowledging the importance

of June 21 as being the National Aboriginal Day. Throughout the year, we will get plenty of opportunity to hold the government accountable for some of the things that it is doing within the aboriginal community, no doubt about that, and one should not question.

But what is significant here is that something that has been long overdue is in fact being acknowledged. What we have to do is get a better appreciation of the aboriginal community and what, through the aboriginal community, we have today and to be very proud of that. I have, in the past, Madam Speaker, had celebrations within my own riding, and in particular on Canada Day, where aboriginal members of the community have put forward a powwow and individuals from all of the different ethnic groups, if you like, participated first-hand. There is a lot that the aboriginal community has brought and given to Canada. They are our first people. Education is very important, and I think the celebration of June 21 can be one of those days in which we can talk about the positives within the aboriginal community. Hopefully, it will raise a higher sense of awareness to look at individuals, for example, like Louis Riel as an aboriginal person being one of the fathers of Confederation, many in this Chamber would argue. They have contributed since the beginnings of Canada; they will contribute well into the future. We applaud this government and the national government for recognizing the importance of the aboriginal day and designating it being June 21.

With those few words, we just commend the government's actions.

**Hon. Harold Gilleshammer (Minister charged with the administration of The Civil Service Superannuation Act):** Madam Speaker, I am pleased to table the 1996 Annual Report for the Manitoba Civil Service Superannuation Board.

## INTRODUCTION OF BILLS

### Bill 207—The Protection for Persons in Care Act

**Mr. Dave Chomiak (Kildonan):** I move, seconded by the member for Thompson (Mr. Ashton), that leave be given to introduce Bill 207, The Protection for Persons in Care Act; Loi sur la protection des personnes

recevant des soins, and that the same be now received and read a first time.

**Motion presented.**

**Mr. Chomiak:** Madam Speaker, we are introducing this bill as part of our responsibility to the people of Manitoba to ensure that people who are in personal care homes and other institutions are safely protected. Events of the past few months have indicated there are some serious gaps in the system. What we propose by this bill is to make it a reportable offence and make it mandatory that any kind of abuse or form of abuse in any of these institutions is reportable abuse so that those that do not have access to a complaint structure that has finally now been put in place by the Minister of Health (Mr. Praznik) and all those who do not fall within the ambit of that and all people who are inside these facilities will have an opportunity to have their rights looked after and protected.

As well, it will deal with the difficulty of situations where employees and staff can be intimidated by management, as was the case at Holiday Haven, from reporting events and will ensure that they can come forward in good conscience and ensure that the best care is provided to those people in our homes, which is what all of us wish for in this Chamber. Thank you.

**Motion agreed to.**

**Introduction of Guests**

**Madam Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have this afternoon twenty-two Grade 8 students from Rossburn Elementary School under the direction of Mr. Grant Ross. This school is located in the constituency of the honourable Minister of Rural Development (Mr. Derkach).

Also, twenty Grades 4 and 5 students from Luxton School under the direction of Ms. Ellen Kolishyk. This school is located in the constituency of the honourable member for St. Johns (Mr. Mackintosh).

Also, 13 visitors from the YM-YWCA life skills training program under the direction of Ms. Carrie

Petryna. This group is located in the constituency of the honourable member for Broadway (Mr. Santos).

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

\* (1350)

**ORAL QUESTION PERIOD**

**Manitoba Telecom Services  
Rate Increase**

**Mr. Gary Doer (Leader of the Opposition):** Yesterday, to use the language of Ross Nugent, we asked questions about the "rate shock" that would take place with the privatization of the Manitoba Telephone System. The Premier maintained his argument that there is no difference between Manitoba and Saskatchewan, one being a profit, private company and the other one being a nonprofit, publicly owned company, and notwithstanding his broken promise from the '95 election campaign. Looking at the rates in Regina and Winnipeg, the rate in Regina is \$15.35 and proposed for 1998 to be \$15.35 for the local rate for the consumer, and in Winnipeg it is \$17.55 and proposed to go to \$20.55.

Would the Premier not agree that the rate in Saskatchewan in the nonprofit, publicly owned company is lower than the private rate here now in Manitoba and proposed to be in Manitoba?

**Hon. Gary Filmon (Premier):** Madam Speaker, as the member knows, there are a number of issues that have to be considered. As a former minister responsible for the telephone system, he knows that, firstly, rates are set on the basis of the number of telephones that one can access on a toll-free basis, and that would be approximately five times as many in the city of Winnipeg as in the city of Regina. Secondly, it has been indicated already by the CEO, chairman of SaskTel, that they will have to adjust as they lose market due to competition in the long-distance field, that they too will have to adjust their local rates.

**Mr. Doer:** Madam Speaker, I already read out the minister responsible's press release yesterday, but the Premier can run around with his newspaper clippings

all he wants. I am looking at real rates for real people in real communities.

Looking at a comparable-sized community, as the Premier has cited, in the city of Brandon—and I do not know what the trained seals opposite are doing in terms of their community, because it has had a 69 percent rate increase, as you have moved to this new corporate private model, proposed 69 percent increase. The city of Brandon now has a \$17.55 rate for 1997. It is proposed to go to \$20.55. In Moose Jaw, a comparable community with comparable numbers of phones, it is \$14.10. Can the Premier tell us who is telling the truth, the facts or the Premier, about a private phone company here?

**Mr. Filmon:** I am glad that the member opposite acknowledged that his initial comparison was not a valid comparison because one community was five times the size of the other. Having said that, the only valid comparisons are going to be when the Saskatchewan telephone company is subject to competition in which they do—

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

**Madam Speaker:** Order, please.

The honourable First Minister, to complete his response.

**Mr. Filmon:** Madam Speaker, competition which has the impact of lowering the rates for long distance, which results in a lower overall telephone—

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

**Mr. Filmon:** Madam Speaker, they obviously do not want to hear the answer.

\* (1355)

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

**Madam Speaker:** Order, please. The honourable Leader of the official opposition wishes to have his comments on the record. He has not yet been recognized. I stood to maintain order so I could hear the honourable member, and I would caution the

honourable Leader of the official opposition to use discretion with his words.

**Mr. Doer:** Thank you—

**An Honourable Member:** Apologize.

**An Honourable Member:** For what?

**Mr. Doer:** For being cut off in debate last year and being denied a vote? Never. We will never apologize to the members opposite—ever.

Madam Speaker, given the fact that both SaskTel and Manitoba Telephone System are part of the long-distance out-of-province calling system called Stentor, can the Premier explain why in Dauphin, Manitoba, the rates have gone up some 87 percent—and I do not know how members opposite in rural communities listen to the two of them that are jamming these bills through on behalf of the brokers in downtown Winnipeg—how the rates could go up in the Parklands region in Dauphin from 16—it started at \$10.15 last year, \$16.15 in 1997, proposed to go to \$19.98, an 87 percent increase, when Yorkton, Saskatchewan, under the same long-distance calling relationship with Stentor, will be \$14.10.

Is it not cheaper for a nonprofit corporation as opposed to the private broken promise of this Premier?

**Mr. Filmon:** Madam Speaker, I would invite the member opposite to read his own comments directed towards me yesterday in Hansard, in which he urged that the member not have such a thin skin and get control of his emotions so that he does not make a fool of himself here in the Legislature.

Madam Speaker, as I indicated with respect to the deregulation that CRTC has imposed with respect to long-distance rates, the impact has been that the bills for Manitobans with respect to long-distance charges have gone down dramatically. As a result of that, overall bills for many Manitobans are substantially less than they were prior to that.

In that process, CRTC has indicated that there will undoubtedly be a rebalancing. As the costs go down for telephone users on the long-distance side, local rates have to be increased to balance that. That is a process

that has been in place now for several years. It is a process that is impacting people right across Canada. It is a process that Saskatchewan has avoided temporarily by virtue of staying out of CRTC regulation to this point in an agreement that they signed with the Mulroney government some four and a half years ago. That has been acknowledged by their own chairman, Mr. Ching, to be coming to an end, and he has indicated that the undoubted consequence of that coming to an end was that local rates would have to go up as they have gone up across Canada. Even the chair of the Saskatchewan telephone company has acknowledged the truth of that statement.

\* (1400)

### **Gaming Facilities Expansion—Tender Process**

**Ms. MaryAnn Mihychuk (St. James):** Madam Speaker, Club Regent and McPhillips Street Station were built in 1993 and were then billed as a \$30-million investment. Upgrades since then have added an additional \$27 million, and now the recent announcement of the additions to McPhillips Street and Club Regent adds another \$50 million for a total of \$107 million on the two bingo palaces.

My question to the Minister responsible for Lotteries: When, since we did not notice, were the tenders issued for the recently announced \$50-million additions to the McPhillips Street and Regent casinos? When were they publicly tendered? We understand, and maybe the minister could confirm—

**Madam Speaker:** Order, please.

**Hon. Eric Stefanson (Minister charged with the administration of The Manitoba Lotteries Corporation Act):** Madam Speaker, it is interesting that the member for St. James, on behalf of her party, outlines the historic cost of the two facilities, Regent and McPhillips, and the announced expansion as provided from the Price Waterhouse report, when she herself, on behalf of her party, on the day that we made the announcement was out there promoting the expenditures of some \$90 million over and above these amounts on a downtown casino.

So, again, as usually happens with members opposite, they try to play both sides of an issue. In terms of this specific request—

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

**Madam Speaker:** Order, please. The honourable Minister responsible for the Manitoba Lotteries Commission, to complete his response.

**Mr. Stefanson:** Madam Speaker, in terms of if she is asking about how we move forward with the proposed expansions to the two facilities, we have—[interjection]

Madam Speaker, this is absolutely unbelievable. You would think members opposite would want to hear the answer to the question. [interjection] I am answering it. I will tell you—[interjection]

**Madam Speaker:** Order, please.

### **Point of Order**

**Ms. Mihychuk:** Madam Speaker, on a point of order. I understand that the rules of the House would indicate that the minister has some obligation to answer the question. The confusion seemed to be that the minister was not aware that I was asking him when was the tender issued. So I just wanted for clarification—and if I can remember citing the Rule 417—that perhaps the minister needed that clarification.

**Madam Speaker:** The honourable government House leader, on the same point of order.

**Hon. James McCrae (Government House Leader):** Madam Speaker, on the point of order, the honourable member has not very well disguised a point of order for simply a repetition of the question that she asked. Now the honourable member for Thompson (Mr. Ashton) would be the first to remind us that Beauséjour is very clear that you are not supposed to do that.

**Madam Speaker:** Order, please. The honourable member for Thompson, on the same point of order.

**Mr. Steve Ashton (Opposition House Leader):** On the same point of order, and since I am being cited as an authority on House rules, I would refer the

government House leader to Beuchesne's Citation 417 that states that "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate."

I want to commend the member for St. James for not only raising a legitimate point of order but citing the correct citation in Beuchesne.

**Madam Speaker:** Order, please. There was no point of order raised by the honourable member for St. James.

\* \* \*

**Madam Speaker:** The honourable member for St. James, with a supplementary question.

**Ms. Mihychuk:** My question to the Minister responsible for Lotteries: Will the minister tell us when the tenders for the recently announced additions were issued, when the tenders for the \$27-million upgrades were issued and is it true that Dominion Construction was awarded both contracts?

**Mr. Stefanson:** Madam Speaker, as I was attempting to explain to members opposite and as I indicated at committee the other day, the expansion plans for both McPhillips Street and Regent will be brought forward very shortly in terms of outlining specifically what will be done to both of those facilities in terms of their physical redevelopment and in terms of any other changes that will be taking place in those facilities. We will also be outlining at that time in terms of how we move forward with tenders and so on.

If she is referring to the firm of Dominion Construction, they have been a firm of record in terms of construction work for the Lotteries Corporation, as there are firms of record for various functions, whether it be other professional services or whatever.

In terms of moving forward with the redevelopment, when we come forward with the redevelopment proposals, we will outline very clearly how we will move forward with tender calls and so on at that time.

**Ms. Mihychuk:** My final question to the minister: Is he telling this House that Dominion Construction was

awarded the additions, the renovations and then the original construction without tender? Is that what the minister is saying—for \$107 million?

**Mr. Stefanson:** Madam Speaker, the short answer to that question is no.

### Pharmacare Income Statements

**Mr. Dave Chomiak (Kildonan):** When the government decided unilaterally to compel all Manitobans to provide their income tax forms last year and this year in order to qualify, in order to obtain the benefit under the Pharmacare program, we were concerned. The minister justified the decision on the basis "in many cases people had provided inaccurate information with respect to their incomes."

How does the minister explain the fact that this information, this decision was based on the fact of two individuals undervaluing their deductibles for the sum of \$381, and as a result of that, all Manitobans are forced to provide personal information to the provincial Health to be used for all income-based programs? Is that not unacceptable?

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, the information that I have from those in the department who administered and checked on last year's program was it certainly was not the case of two individuals on which that decision was made.

**Mr. Chomiak:** Madam Speaker, will the minister not admit that 14 low-income individuals were audited, and of those 14 low-income individuals, two were found to have undervalued their deductions for a sum total of \$381, which is what the information that the minister's Freedom of Information officer provided to us in regard to this and in regard to his answer to the question? Can the minister not confirm that?

\* (1410)

**Mr. Praznik:** When those who administer the program were looking at the results of last year, I know they did a sampling. They also found, in addition to several individuals who had understated their incomes and so received a greater benefit, that there were some, I

understand, who did it in reverse, had overstated their incomes and did not receive the full benefit to which they were entitled.

Given that many of the people completing those forms in fact are elderly, given that often that information is complex, given family income, it was felt a much better process was to ask for that information. There are other programs that require people to provide that income tax information. Anything other than that particular line or that critical information is able to be blanked out—and let us not forget that the department is part of the program, has the ability to go to Revenue Canada and check that information anyway—but in the interest of ensuring as accurate information as possible, this was recommended by the administrators who run the program as a means of doing it.

**Mr. Chomiak:** Despite the minister being unable to confirm the reason and rationale for forcing Manitobans to do this, will the minister now admit that all of this information that is going to be on-line and based on the minister's own Privacy Act will be accessible to all government departments in Health and all government programs and agencies to utilize that information to deal with all programs of the Department of Health? Will the minister not admit that is in fact in the privacy bill, and that is unacceptable to Manitobans?

**Mr. Praznik:** First of all, one's income tax is not personal health information. Information provided by government is protected by the companion legislation introduced by my colleague the Minister of Culture, Heritage and Citizenship (Mrs. Vodrey) and is protected by the legislation as proposed. One reality in any income-tested program is you have to have an accurate calculation of what are people's incomes.

As I indicated to him, there were cases, I am told, where people had misstated their information to their own disadvantage. When you are dealing with elderly people, often with very complicated forms, it is often the easiest and simplest way to ensure that Manitobans get exactly the coverage to which they are entitled, not more, not less, and there are other programs where this information is provided. This is not a particularly new or novel process.

### **Auto Theft Deductible**

**Mr. Steve Ashton (Thompson):** Under this government, Manitoba has become the car theft capital of Canada, Madam Speaker, from 2,400 thefts in 1991 to 9,856 last year, and not only that, an increase in the last year of more than 15 percent in one year alone. The response of this government has been to make motorists pay. Make the victims pay, first through the deductible, and now we are seeing a new proposal whereby Autopac would pay for additional policing services in Winnipeg to deal with car thefts.

I would like to ask the minister responsible for MPIC: Why is it that the government still has not reviewed its decision to make motorists pay through the deductible? Why will they not accept responsibility for this epidemic of car thefts and take government action and not make the victims of car thefts pay?

**Hon. James McCrae (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** The honourable member is certainly being appropriate when he raises the issue of an increase in the incidence of the theft of automobiles from Manitobans. The ratepayers of the publicly owned and administered automobile insurance company have an interest in seeing a reduction in the number of automobiles stolen in Manitoba and especially in the city of Winnipeg. I think it fits with the philosophy of the honourable member and his colleagues to use a Crown corporation as an instrument of public policy where that is an appropriate thing to do as well, and it is certainly appropriate and good business, Madam Speaker, to reduce the incidence of theft of automobiles, because we need to bring that under better levels of control. We also need to remember that ratepayers need to be respected here, and it is very, very unfortunate when Manitobans have to pay the costs associated with the theft of something over 9,000 vehicles.

So it is more than simply just discontinuing the practice of waiving deductibles. It has to do with getting involved in partnership with the City of Winnipeg Police and others to try to curb this behaviour.

**Mr. Ashton:** I want to ask the minister how he thinks that it helps do anything with car theft to have a deductible apply not only to car owners who may have, say, left the keys in their car or left their car running, but how he will apply the deductible in all cases, and will not even give any consideration to waiving the deductible for the many Manitobans who are taking their own action, when the government will not take any action to deal with car theft, by bringing in security devices. Why is he penalizing all of the victims of car theft through the deductible?

**Mr. McCrae:** Well, I think the honourable member is contradicting himself. Through Manitoba Public Insurance, we are taking action in partnership with police agencies to assist with this particular problem. As I said to the honourable member, I agree with him. It is not enough simply to discontinue waiving deductibles as a way of getting at this problem. I think the honourable member probably agrees with me. He may not want to admit it.

Insurance is a partnership between the ratepayer and the insurer as well. That is why we have deductibles and co-payments and those sorts of things. When we know that something over half of the people whose vehicles are stolen in Manitoba—in addition to having taken not enough action to protect their property, they have left their vehicles—a lot of them—either in an unlocked state or, in some cases, with the keys in them.

The honourable member's question, I recognize, is directed at those who take extra measures, and that certainly has been and continues to be looked at as one of a number of things that can be done, but certainly what we see going forward is something I support.

**Mr. Ashton:** Madam Speaker, if the minister is willing to look at that suggestion that we not penalize victims, will the minister also look at the question of—while indeed most of the car thefts are in the city of Winnipeg, will he look at also the fact that many other areas of the province also have difficulties with car thefts and whether it would not be reasonable, not even through the same process but in some way, shape or form making sure that rural Manitobans and northern Manitobans are not subsidizing a fight against the car theft war in Winnipeg when, indeed, we have some problems in our own communities?

**Mr. McCrae:** Coming from outside Winnipeg myself, Madam Speaker, I think I would be one of the last people to want to start pitting regions of our province against each other, but there are different rate structures for different risk groupings with our ratepayers, and we try to reflect that in our rates, the whole issue of dealing with car thefts. I do not think the honourable member is saying he disagrees with that. I hope he is not, because this is a very serious problem we have in Manitoba, and we need to recognize that in more than one way. I respect that. I understand that. We are also trying to work with automobile manufacturers and other jurisdictions to see if there are not devices that can be part of future model years of vehicles that have better protections in them to make it harder for these people who want to take other people's property.

#### **First Ministers' Conference Agenda**

**Mr. Kevin Lamoureux (Inkster):** My question is for the Premier. This summer there will be a Premier's Conference, and there are going to be discussions on the unity issue. Quite frankly, I have lost trust in this Premier in dealing with this particular issue. We have the minister and his saying no to cash transfers, yes to tax points. We have a Minister of Justice (Mr. Toews) who is cherry picking on which laws he wants to enforce on the national scene, and his past record has clearly demonstrated the devolution of power on culture, forestry, tourism, housing, recreation, municipal and urban affairs.

My question to the Premier is: Does he have any other agenda items to dissolve the House of Commons in Ottawa?

**Hon. Gary Filmon (Premier):** I really do not understand the tirade of the member for Inkster. It has never been my intent to dissolve the House of Commons in Ottawa. I have always indicated that I believe we need a strong central government in this country. I have always indicated that we need to have national standards in medicare and that we need to cooperatively work together, the provinces and the federal government, to ensure that we have the best possible system of health care.

In fact, I, Madam Speaker, am one who has advocated that we need to have the federal government

involved, for instance, in setting national standards in education. I do not believe that we should have a situation prevail whereby people, young people moving from one province to another can be moved up a grade and down a grade or in some cases even two grades, because curriculum is so different from province to province, and standards and grade levels are different. I am one who advocated that there ought to be national standards, for instance, in pollution standards, pollution control standards, as long as there was a co-operative federal-provincial process for environmental assessment and review.

I have not been one who has blindly advocated turning the government in Ottawa into a post office sending cheques. I have advocated co-operative federalism. That is something Prime Minister Chretien has spoken about since he has been the Prime Minister. I believe it is something that we all ought to work toward, but co-operative federalism is just that. It involves us bringing the provinces together to make decisions that impact on all of us. It involves all of us coming together to decide on who is best positioned to deliver particular levels and types of services.

You cannot assume that the way in which this country was structured at the time of Confederation, over 130 years ago, is the best way for it to operate today. So that is the position that I have taken, and I object seriously to all the preamble that he has wrongly put on the record.

\* (1420)

#### **Federal Equalization Payments Government Position**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, will the Premier then advocate that, in fact, things such as the opting-out clause are something which this government will not support, anything that would take away from equalization payments, this government will not support? Will he make those two commitments this afternoon?

**Hon. Gary Filmon (Premier):** Madam Speaker, I have always been one who has said that equalization is one of the fundamental principles that binds this country together. We have so many disparities region to region, province to province that if it were not for

something as dramatic and as important as equalization, you would find that there would be essentially two classes of citizens, at least two classes of citizens in this country, and we do not want this.

We did not want that as a province back in the '60s when equalization was brought into being. It was brought into being through the discussions, I am told, of Premier Lesage of Quebec and Premier Roblin of Manitoba. They conceived this as a response to that fear of having different classes of citizens in the different provinces. Equalization has served us well, and in every single discussion I have been engaged in, whether it was Meech Lake, whether it was Charlottetown, I argued that we had to have protection for equalization as part of that, Madam Speaker.

#### **Distinct Society Clause Government Position**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, will the Premier reaffirm his position or the government's position with respect to the whole distinct society clause, which was addressed through the Meech Lake Task Force, where there was all-party agreement through the Canada clause to acknowledge that, in fact, Quebec is a distinct society? Will he reaffirm that position today?

**Hon. Gary Filmon (Premier):** Madam Speaker, every time I have been interviewed anywhere in this country, including recently at the Western Premiers' Conference, I have said that Manitoba on an all-party basis continues to support the Canada clause, which was conceived and developed here in an all-party committee of this Legislature that found its way into the Charlottetown Accord that indicates a number of the fundamental characteristics of this country, including our aboriginal heritage, our multicultural presence, the equality of the provinces and the distinct society in Quebec.

#### **A.E. McKenzie Co. Ltd. Sales Agreement Conditions**

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

I am advised that the minister responsible for the Manitoba Development Corporation is responsible for

McKenzie Seeds in Brandon, since the MDC holds \$4 million of shares in the company. Therefore, I would ask the minister whether he receives regular reports from the MDC and/or from the government appointees on the board to ensure that Regal Greetings is fulfilling the conditions of the sale agreement. In other words, how is he advised on whether the terms of the sale agreement are being fulfilled?

**Hon. James Downey (Minister of Industry, Trade and Tourism):** Madam Speaker, on issues such as that, we have a relationship where reports are brought forward either on request and/or on need be, as it is seen by the Manitoba Development Corporation.

**Mr. Leonard Evans:** Madam Speaker, is there provision in the sales agreement, which has not been made public, requiring Regal Greetings to obtain approval from the government for any shift of jobs out of Brandon? For example, would Regal Greetings have to get permission to move the catalogue division from Brandon to Toronto, or would that be an abrogation of the agreement?

**Hon. Harold Gilleshammer (Minister of Labour):** Madam Speaker, I know the member for Brandon East is genuinely interested in McKenzie Seeds, and maybe this would be a good time to review the preconditions on which the sale was made.

In 1994, six preconditions were set out. The first was employment protection for McKenzie employees. The second was keeping A.E. McKenzie company in Brandon; thirdly, honouring all existing union contracts; fourth, upgrading McKenzie's facilities, technology and competitiveness; fifthly, maintaining and increasing McKenzie's market share and, sixthly, to demonstrate a long-term commitment to McKenzie and the community of Brandon.

I can tell the member for Brandon East that, based on the work done by the Department of I, T and T, the new McKenzie Seeds company has met or exceeded all of their requirements.

#### Chief Executive Officer

**Mr. Leonard Evans (Brandon East):** Madam Speaker, will the minister confirm that McKenzie Seeds

no longer has its own CEO or president and that the CEO of Regal Greetings in Toronto is now also the CEO of McKenzie Seeds and, secondly, that the national sales and marketing office has been transferred from Brandon to Toronto?

**Hon. Harold Gilleshammer (Minister of Labour):** Madam Speaker, the last time we discussed this in the House, I encouraged the member to meet with the board or talk with the management of the companies. Certainly, McKenzie's is part of the Regal Greetings and Gifts and MDC of Toronto. McKenzie's has always had staff stationed across the country, and this is no different.

#### CN Rail Environmental Concerns

**Ms. Marianne Cerilli (Radisson):** Madam Speaker, for a few months I have been dealing with complaints from constituents about CN Rail running stationary diesel engines all night, causing diesel smog and noise affecting community health. This has been a problem since CN was privatized, and it is a problem now for the Department of Environment in Manitoba since they are now responsible for a privatized CN. They have no licences in place and no enforcement and compliance ability, and CN has been slow to respond to them.

I want to ask the Minister of Environment why it has taken more than two years since the privatization of CN and calls and letters from my constituency to have discussions with CN and the federal government regarding the responsibility for environment inspections, and when will the provincial government have the necessary licences and agreements in place to enforce compliance with environmental regulations in Manitoba.

**Hon. James McCrae (Minister of Environment):** I believe the honourable member has asked a number of questions in that one question. I will make sure that the information is made available to her very shortly.

#### Department of Environment Inspections

**Ms. Marianne Cerilli (Radisson):** Can the minister tell us what will be the increased workload and cost to

the provincial Department of Environment for inspections and enforcement at a privatized CN, which has operations across the province, and how will these new workloads be met when they have eliminated half a million dollars this year from the budget for the provincial Department of Environment?

**Hon. James McCrae (Minister of Environment):** I would have been pleased to provide that information had it been asked for when we were examining the Estimates of the department, but I would be pleased to do so now as well and will do so.

**Madam Speaker:** The honourable member for Radisson, with a final supplementary question.

**Ms. Cerilli:** I would like for the minister to explain to the House, when he knew very well not only CN was going to be privatized but the airport, costing more responsibility for the Department of Environment for inspections and enforcement, they are getting more responsibilities with transfer of responsibility for environmental impact assessments and they are cutting the department budget by more than half a million dollars. How is that work going to be completed?

\* (1430)

**Mr. McCrae:** I think the honourable member has had demonstrated to her a number of times in the past that the Department of Environment takes its responsibilities to Manitobans extremely seriously and carries out its work in accordance with its legislation and regulations. Indeed, in the last few years, this government and this Department of Environment have moved very significantly forward with respect to protection of the environment for now and for the future.

Again, I wish I could take more of the credit, but I have only been at it a short time. My colleague the Minister of Natural Resources (Mr. Cummings) had a lot to do with many of the advances that have been made with respect to contaminated sites, with respect to pollutants in Manitoba. So the record has been good, and it will be my job to ensure that that progress continues with respect to the protection of our environment and making it sustainable and working in harmony with industry in the years to come.

### **Isobord Enterprises Funding**

**Mr. Tim Sale (Crescentwood):** To the Minister of Industry, Trade and Tourism: The Isobord project has attracted a wide range of investment. I would like the minister to provide the House with the total investment by different categories from the public sector in this project. What is the total that has been invested in the project?

**Hon. James Downey (Minister of Industry, Trade and Tourism):** I believe the member must have a short memory, because we dealt with that just but a few short weeks ago during Estimates. I would ask him to refer back to that time. If it was not explained at that particular time, I am prepared to get him that information.

**Mr. Sale:** Madam Speaker, my memory is not short at all. The minister refused to provide this information in Estimates.

Institutional investors in the hospitals, Ontario pension plan, Manitoba Capital on behalf of Manitoba and Vision Capital have all invested in this project. Would the minister simply tell the House how much the various public-sector-controlled entities have invested in this project?

**Mr. Downey:** It seems to me, Madam Speaker, in the question that he is asking that he has all that information, making references that he has.

I can tell you what we are directly responsible for is a \$15-million loan from the Province of Manitoba through the MIOP program. There are some several, I believe close to 135 millions of dollars of not only public sector funds but through the financial organizations that have been solicited by the president and the directors—are participating in \$150-million project providing some 100 direct jobs and several other hundred jobs in the community of Elie to produce a product of an environmental problem for the city of Winnipeg, the burning of straw, something that this province is extremely proud of to provide those jobs and turn that environmental problem into a positive product for the people of the world. Thank you.

**Madam Speaker:** Order, please. Time for Oral Questions has expired.

### NONPOLITICAL STATEMENT

#### Award—Best-Managed Private Companies

**Mr. Gerry McAlpine (Sturgeon Creek):** May I have leave, Madam Speaker, for a nonpolitical statement?

**Madam Speaker:** Does the honourable member for Sturgeon Creek have leave for a nonpolitical statement? [agreed]

**Mr. McAlpine:** Last night I had the great pleasure to attend the Arthur Andersen company reception honouring five Manitoba businesses. These businesses are among the 50 best-managed private companies in Canada. This is a fantastic performance by our province. While Manitoba makes up approximately only 3.5 percent of the country's overall population, we are home to 10 percent of the best businesses in Canada.

I am proud that two of these companies are from the constituency of Sturgeon Creek. Birchwood Automotive Group and Dimatec Inc. are two companies in Sturgeon Creek that won this award. The 1997 recipients of Canada's 50 best-managed private companies were announced in the Financial Post. The awards program is sponsored by the Post, Arthur Andersen and company, Canadian Airlines and Advantage.

The awards program is held annually to recognize business excellence among the Canadian-owned private companies. The winners were selected by the judges from advantages such as organizational structure, product quality, technical support, innovative marketing, human resource management and financial management. These awards are a wonderful opportunity to recognize businesses for their contributions to our province's economy and to the Manitoba workforce.

I would like to congratulate all the Manitoba businesses awarded for their superior management and wish them well in their future endeavours. Thank you.

### Committee Change

**Mr. Doug Martindale (Burrows):** Madam Speaker, the following committee change was moved last night, by leave, in the Standing Committee on Law Amendments, and I am now moving the same change in the House so the official record will be correct.

I move, seconded by the member for Brandon East (Mr. Leonard Evans), that the composition of the Standing Committee on Law Amendments for Tuesday, June 17 at 7 p.m. be amended as follows: Wellington (Ms. Barrett) for St. James (Ms. Mihychuk).

**Motion agreed to.**

### ORDERS OF THE DAY

**Hon. James McCrae (Government House Leader):** Madam Speaker, there may be a disposition to waive private members' hour today.

**Madam Speaker:** Is there leave to waive private members' hour? [agreed]

**Mr. McCrae:** Madam Speaker, would you call the bills in the following order, please: Bills 50, 51, 21, 33, 12, 36, 59 and 52.

### DEBATE ON SECOND READINGS

#### Bill 50—The Freedom of Information and Protection of Privacy and Consequential Amendments Act

**Madam Speaker:** To resume second reading debate on Bill 50 (The Freedom of Information and Protection of Privacy and Consequential Amendments Act; Loi sur l'accès à l'information et la protection de la vie privée et modifications corrélatives), on the proposed motion of the honourable Minister of Culture, Heritage and Citizenship (Mrs. Vodrey), standing in the name of the honourable member for Selkirk (Mr. Dewar).

Is there leave to permit the bill to remain standing?

**An Honourable Member:** No.

**Madam Speaker:** No? Leave has been denied.

**Ms. Diane McGifford (Osborne):** I am pleased today—

**Madam Speaker:** Order, please. I would like to inform the House that I have received official notification that the honourable member for Osborne (Ms. McGifford) has been designated unlimited speaking time.

**Ms. McGifford:** I was just going to express my delight at being named the designated speaker on behalf of my caucus with regard to Bill 50. I am pleased today to address Bill 50, The Freedom of Information and Protection of Privacy Amendment Act, which is, of course, as we all know, a companion piece to Bill 51, The Personal Health Information Act. The latter bill has been the genesis of many questions and grave concerns on this side of the House. I think it is clear that we consider it to be quite a pernicious piece of legislation in its own way. What I plan to do this afternoon is outline our concerns and our questions about Bill 50.

I want to say at the beginning that my caucus is pleased that this government is at last attempting to atone for its past laxity regarding privacy protection. For too long Manitoba has lagged behind most of the country with regard to privacy protection. We think it is an excellent idea to have two acts, one devoted exclusively to health records, confidential patient records.

We think this for several reasons, and I will just mention two of the reasons. We know that health records are extremely sensitive and extremely important, and we know that health records require, for these reasons, special protections.

Secondly, as this government continues to promote a two-tiered health care system, the very least they can do in return for eroding the public health care system, which was of course the pride and centrepiece of Manitoba NDP governments, the very least they can do is to protect our private, confidential patient records.

\* (1440)

Certainly we know that increases in private health care, SmartHealth, for example, without proper privacy

protection would put our confidential records at risk, and indeed this legislation may still put them at risk, and I think that question will be addressed in more detail later on.

More positively, in regard to this particular piece of legislation, this legislation, as it should, embodies the eight principles of the collection of personal data as stated in the 1981 OECD guidelines on the protection of privacy and transborder flows of personal data. We know the minister at second reading and this particular act itself note the dilemma of striking the right balance between individual privacy and the public's right of access to information. Indeed, the balance is a difficult ethical one and can be a difficult practical one.

But my point here is that the minister was right, and I congratulate her for this; the minister was right to have the OECD guidelines inform her legislation.

Furthermore, though my caucus and I believe members of the public have concerns about Bill 50, and we do have concerns about Bill 50, the purposes of the act, as outlined in Part I, Section 2, do suggest some moral vision, coupled with the profound study and sincere analysis of acts in other jurisdictions. Unfortunately, as the poet T. S. Eliot tells us, between the conception and the deed, the shadow falls, and I think between the idea informing this act and the actual piece of legislation, there is a shadow.

Let me begin, Madam Speaker, by talking a little bit about the history of Freedom of Information in Manitoba, because the history of Freedom of Information in Manitoba is certainly not stellar. Today, I want to take a few minutes and discuss this history, because I believe that the most progressive legislation in the world is next to useless if this legislation lacks the clout to enforce what it legislates. Past precedents often inform the present and the future, and consequently, I want to speak of our Ombudsman and some of the things he has put on the record via report or other communication and specifically of the old Freedom of Information Act which will be replaced by this particular act.

I think that I am not telling any secrets by indicating that the relationship between the Ombudsman and this government has been a little bit rocky, and this is

relevant since the Ombudsman is the person charged with the responsibility for overseeing this new legislation. Again, past precedents have to be considered.

I believe it was in the 1994 annual report that the Ombudsman wrote, and here I quote: It was a tough year for our office in carrying out the responsibilities mandated under The Freedom of Information Act. Our experience raised questions about the spirit of openness as envisioned by the act. In other words, there was a dichotomy between the spirit of the act and what took place when the act was actually in existence and being enforced.

Furthermore, the Ombudsman in this report states that there was a tendency on the part of government to (1) unnecessarily formalize processes; (2) search for reasons to deny access; and (3) provide irrational reasons for denial. Now, Madam Speaker, remember that these are the Ombudsman's remarks. These are not my remarks. These are the things that the Ombudsman has put down in a public report, the annual report for 1994.

I think, as well, that the Winnipeg Free Press' attempts to access information are almost legendary by now. Their requests for information on VLT revenues, supported, by the way, by a recommendation from the Ombudsman, were turned down. Eventually, when the applicant went to the Court of Queen's Bench, the information was released, but why was such excess required, and I wonder what the costs incurred were.

A similar situation involving a request for gasoline prices from Consumer and Corporate Affairs reached the courts. Before, this department reversed a truly nonsensical position and the position was that gas prices were given to them in confidence, and of course, we all know that gas prices are not confidential. They are publicly posted. We often choose to buy our gas at the place with the cheapest gasoline prices. So, of course, this was absolute nonsense.

Two points. Not only do the 1994 Report of the Ombudsman and the just-cited examples show that this government was willing to play fast and loose with the Freedom of Information legislation, but also the two examples that I just cited demonstrate no appreciation

for the public purse. The time of public servants involved in both the lottery and gas wrangle cases was expensive and took time from the regular ongoing work of government. I think it is important to state at this juncture that we should be paying our government employees to carry out the acts of government, not encouraging them to thwart the acts of government, which appears to be the way this government behaves.

One final example of costly procedures, and this one was one cited by the Ombudsman himself, it involved apparently a 10-minute calculation, but the department in question refused. I am not sure which department it was, I must confess, but the department refused, saying that the calculation would constitute a new record. The Ombudsman met with the department's lawyers, who, as he put it—and again I am quoting from the Ombudsman, who said the lawyers were being paid \$150 an hour to sit there and argue with us over a 10-minute job and whether or not a record existed. Now, Madam Speaker, as I said, this government not only flouts the spirit of The Freedom of Information Act, but also disrespects the hardworking people of Manitoba who support the government with their tax dollars. Let me reiterate: these lawyers in the 10-minute calculation case were paid \$150 an hour to wrangle with the Ombudsman over what was a 10-minute calculation. That does not make sense to me.

**An Honourable Member:** Shame. Poor lawyers.

**Ms. McGifford:** Now the member opposite is talking about poor lawyers. No, indeed, very rich lawyers at \$150 an hour from the public purse. The history of the Ombudsman's office and his comments on the implementation in the carrying out of The Freedom of Information Act really do not augur well for the future implementation of this legislation, The Freedom of Information and Protection of Privacy and Consequential Amendments Act. This government's well-documented bad faith and cavalier attitudes towards freedom of information, this government's willingness to see privacy as a grounds for denying legitimate access certainly suggests that the proposed legislation could be used to loan respectability with regard to The Freedom of Information Act, but, in fact, we would have grand theory and exceedingly lukewarm practice. I hope that is not the case, but it certainly is something that makes me very nervous.

The second major problem with the old Freedom of Information Act, Madam Speaker, I want to cite here Section 56 of the act and point out that Section 56 of the act was totally ignored by the former ministers of Culture, Heritage and Citizenship. Well, I should not say totally. Let me continue for a minute here. Section 56 of the act states: "Within 3 years after the coming into force of this section, such committee of the assembly as the assembly may designate or establish for the purpose shall undertake a comprehensive review of the operation of this Act and shall, within 1 year after the review is undertaken . . . , submit to the assembly a report on the operation of this Act, including any amendments to the Act which the committee recommends."

\* (1450)

Although committee hearings were held, and although the staff in the Archives who were responsible for the act prepared their report, submitted it to the minister, the committee was not reconvened and the report was not submitted to the Assembly. So much, once again, Madam Speaker, for legislative process.

The former Minister of Culture, Heritage and Citizenship tried to slip around this issue in 1996 Estimates when he talked about the original acts being superseded by the new legislation, but the fact remains that the review process was thwarted and ignored. I point out that this current act, too, legislates a review process, but in light of this government's record there is really little reason to trust that this review process will be respected. We need an act, but we need a government which honours its word and obeys its own legislation.

I want to add, at this point, one or two smaller points and that is, I understand, that the freedom of information practices are inconsistently applied across departments, leaving, for example our caucus researchers and no doubt members of the public often frustrated and bewildered. I understand that, with one department, application must be made under The Freedom of Information Act. The next department may freely give the same kind of information. Respect for the act should mean consistent and reliable practice, and this appears, according to information I have had

from the public and from, as I said, our caucus research people, not to be the case.

I was speaking about honouring one's word and talking about the importance for this government to honour the words in the legislation that it passes, and speaking of honouring one's word, I am brought back to the history of this current bill, the history behind Bill 50. Today Chapter 1 of my remarks was the government disrespect for the Office of the Ombudsman. Chapter 2 was the government's flagrant disregard of The Freedom of Information Act's spirit and intentions. Chapter 3 was the blatant dismissal of the legislative review process, which I have just mentioned. Chapter 4 is the disrespect for process regarding public participation in this new act, the act that is before the House today.

I am going to try to be brief, but—[interjection] I realize I have unlimited time; nonetheless, I will try to be concise, believing that brevity is important. I want to start with the point that a Freedom of Information and Privacy Act, let us think about that title, Madam Speaker. By its very title, a Freedom of Information and Privacy Protection Act should suggest a wide-ranging, public information gathering process. Freedom of information means just what it says: freedom of information to the public.

I want to note that in Alberta an all-party panel was given responsibility for gathering and incorporating public input pertaining to the Alberta Freedom of Information and privacy protection legislation, and this took place in 1993. In Alberta a six-person committee travelled about the province of Alberta, travelled to many, many different towns and villages and the cities of Alberta. They heard approximately 210 presentations and, in December 1993, released a very impressive public document, which I have and will be pleased to share with the Minister for Culture, Heritage and Citizenship (Mrs. Vodrey) if she is interested. In 1993 they released a public document on their consultations entitled the Freedom of Information and Privacy Protection: Report on Public Consultation.

You know, Madam Speaker, we do not often on this side of the House cite Alberta and Premier Klein as examples to be emulated, and this may be the one and only time. But I have to say to date that in this

particular instance the Alberta record is really quite exemplary, and it is troubling to compare our process to the process in that province. Beside this process our process is dismal. Consider a discussion paper released in the spring of 1996 to a select audience. This was released by the former Minister of Culture, Heritage and Citizenship. When I complained to the former Minister of Culture, Heritage and Citizenship, when I complained about the lack of public process, about a lack of public consultations and simply releasing this draft paper and asking for submissions, when I complained in Estimates, he told me—and imagine this—that the issues were too complex for most people and, therefore, the process should not include an all-party travelling committee as the process included in Alberta.

Now, Madam Speaker, perhaps the people in Alberta are smarter because they managed to make 210 presentations. On the other hand, perhaps in Alberta there was a little bit more respect for people. Perhaps there was a little bit more respect for the intelligence and the interest that people might have in a Freedom of Information and Privacy Protection Act. This minister seemed to imply that Manitobans somehow were not smart enough to make presentations on freedom of information and privacy protection, and I think that is insulting to the layman.

I know that we have a Minister of Justice (Mr. Toews) who assumes in his answers in this House every day that you have to be a lawyer to have a brain but, personally, I find his stance insulting, not only to the lawyers in this House, but to the entire population of Manitoba. However, I am digressing.

The point that I really want to make here today is that, in Alberta, there was a process, there was a respect for the ability of the layman to respond intelligently, and that was not part of the process here. As a Manitoban, I sincerely regret that we have been denied the opportunity for public consultation, and I know that I have been told by members of the public that the discussion paper and request for submissions were almost secretive. One very well-known citizen, whose name I will not mention—I am sure it will come up in the course of committee hearings—told me that he found out quite inadvertently and by accident that the

discussion paper had been floated at all. So this is a process that really showed no respect for the public, and I think it is kind of shameful.

Members of the public who feel that they have been shortchanged may well bring their concerns to the table during public committee hearings, but I want to put it on the record today that members of the public are gravely disappointed, and I put it on the record because people have complained to me. I want to also point out that responding or holding public consultations and speaking at consultations before legislation is drafted is quite different in kind than speaking once the legislation is drafted. I would say, in the first instance, the invitation for public consultation and public presentation shows a kind of respect that is not necessarily there at some of the committee meetings I have attended. However, once again, I will not mention any names.

\* (1500)

Another problem, Madam Speaker. The former Minister of Culture, Heritage and Citizenship, during the 1996 Estimates, assured me that the responses to his spring 1996 discussion paper—and perhaps for the record I should name that discussion paper; it was called the Access to Information and Privacy Protection for Manitobans. He assured me that all submissions would be collected in a document that would be named What You Told Us, and this document, What You Told Us, would, in turn, be sent out to all those who had sent in submissions and that through this process additional responses would be solicited. It was an opportunity to allow those who submitted originally a second kick at the can, so to speak. The What You Told Us document was never compiled. It was never sent out. There was never an invitation for responses after the initial invitation.

Now, Madam Speaker, I happened to, some years ago, be involved in the AIDS community, and I know that the then Minister of Health carried out a very wide public consultation process, and that he issued several What You told Us documents. So I do not know why the current Ministers of Culture, Heritage and Citizenship could not follow the precedent set by the Minister of Health and issue, as the minister promised in Estimates—as the minister promised; it is on

Hansard—a second attempt and circulate this document, What You Told Us.

Once again, Madam Speaker, the process was not honoured. When I asked the current minister for clarification during the 1997 Estimates, I received from this minister, first for verification, and secondly, a kind of veiled insinuation that my insisting on the process, the process that the former minister committed himself to, that my insisting on him keeping his word would only hold up legislation by requiring more staff time. So the net result was that interested parties had no second take on the legislation and, consequently, we have a bill before us which I think in many ways is fairly raw and in many ways fairly devoid of public input.

However, my important point here, my main point, was and is: Why was the government not prepared to respect the process which it outlined? Why was the government not prepared to respect its own process and fulfill its own commitments to Manitobans? This kind of deviation from the course, Madam Speaker, without any kind of proper public explanation, only contributes to the climate of suspicion and bad faith which surrounds this government's record on freedom of information and privacy protection. Why not an open public explanation? Why not explain the infidelity to the promised and proposed process? This kind of arrogance and this kind of bad faith makes me very, very uneasy, and I think it makes the public very uneasy when they find out about it, which of course they eventually do.

Madam Speaker, I want to now turn to the act itself and make some comments about the act, pointing out initially that this act follows the general pattern of similar acts in other Canadian jurisdictions and I think, quite rightly, borrows freely from many, including the B.C. act, which is viewed by many freedom of information and privacy protection experts as state-of-the-art legislation. The B.C. legislation is viewed as state-of-the-art legislation.

As we will see, I for one, along with my caucus colleagues and with many rights groups, educational stakeholders and others wish our legislation had been a little bit more faithful to the model B.C. act, to the state-of-the-art legislation, but I am going to return to

the thorny issue of the privacy and access commissioner and the Ombudsman later on in my address today.

Let me mention some specific concerns with this act. I cite, first of all, Clause 11(1). Clause 11(1) changes the former Freedom of Information Act, where a response was to be delivered within 30 days, to giving more discretion. Now the head of a public body shall, and I want to underline this word, shall make every reasonable—that is the word to be noted—every “reasonable” effort to respond within 30 days. But what constitutes “reasonable” and how will “reasonable” come to be interpreted? Certainly the warning flags go up, especially in view of this government's record, and especially in view of an already overtaxed Ombudsman who is once again being given the task of administering and looking after this legislation.

I want to note too some further sections, but before flagging sections that disturb me I wanted to say that 17(1) Disclosure harmful to a third party's privacy is a good clause and we are very happy to see it here. However, I want to note that Section 17(2) Disclosures deemed to be an unreasonable invasion of privacy, 18(1) Disclosure harmful to a third party's business interests, 19(1) Cabinet confidences, 23(1) Advice to a public body, 24 Disclosure harmful to individual or public safety, 25(1) Disclosure harmful to law enforcement or legal proceedings, and 26 Disclosure harmful to security of property, I want to note that all these sections restrict disclosure. There are many who think we have far too many restrictions on disclosure. We acknowledge on this side of the House that some restrictions on disclosure are absolutely essential, but I want to point out that this kind of restriction requires judicious and very careful application in order to guard against using the protection of public rights as an excuse for maintaining government secrecy which has happened in the past. The government has used that as an excuse to maintain secrecy. We know this is a government that is extremely secretive.

I want to note that Section 17(3) lists the circumstances which the head of a public body shall consider in determining unreasonable invasion of privacy. I take this opportunity to point out the importance of training and educating government

employees and having regular updates with regard to this training and education, and training and education I am referring, of course, particularly in regard to freedom of information and privacy protection issues because it appears that some people are not quite sure as to what they should do or how to do it.

I want to note as well that Clause 19(1) Cabinet Confidences appears stricter and wider in scope than the B.C. legislation. In B.C., cabinet information can be disclosed after 15 years; in Ontario it is 20 years; in Alberta it is 20 years; federally it is 20 years, but here the wait, Madam Speaker, is 30 years. This seems extremely excessive. I cannot imagine why this government needs 30 years before it can disclose cabinet confidences, but we will return to this matter later on. I am sure some of the public presenters will be extremely concerned about the cabinet confidences.

\* (1510)

I also want to flag Section 46 which deals with assessments required for uses and disclosures not authorized in the act, and the need for government and local bodies to refer such matters to a review committee, the need for the review committee to provide advice, and the conditions under which a head may approve proposals or request for information. Section 46 recognizes the rapid evolution of technology and the need for a process to deal with proposals for uses of public information not authorized under the act. In response, the legislation proposes a Privacy Assessment Review Committee referred to by the minister I think in her press release as PARC. This Privacy Assessment Review Committee will consider requests not covered by legislation, and, as well, the PARC committee will assess proposals and forward advice to the head of the public body dealing with the application.

Now, Madam Speaker, the press release put out by the Ministry of Culture, Heritage and Citizenship says that PARC will consist of knowledgeable government officials. The spreadsheet in Clause 77 establishes the committee that will deal with 46 and 47: 46 has to do with disclosure not otherwise authorized; and 47, disclosure for personal purposes. However, the spreadsheet note on Section 77 says this—and I am going to quote for a minute—the regulation will provide

details on the composition and operation of the Privacy Assessment Review Committee.

The minister, at our briefing, made no mention of knowledgeable government officials.

So, Madam Speaker, I am concerned about who exactly is going to be on this PARC committee. Is it going to consist of knowledgeable government officials, or is it going to be a committee appointed by the minister through regulations because “regulations,” as I mentioned, is the term used in this spreadsheet? My fear is that PARC could become still one more sinecure for Tory friends and failed candidates, and the committee then may very well lack the necessary knowledge and expertise. This committee, which will be entrusted to provide guidance on extremely sensitive matters, simply, simply has to be nonpartisan and simply has to be knowledgeable. Remember that this is the committee that will give advice on disclosure for uses not authorized by the act and also disclosure for research, and these are extremely sensitive matters.

My second concern with regard to the PARC committee, and I note that the information that I am now going to put on the record was not mentioned in the government press release or was not highlighted in the government press release. But my second concern is that I am concerned because this PARC committee will merely give advice and then the head of a public body will make his or her decision. In other words, Madam Speaker, there is nothing binding. I think I will probably address the PARC committee in an amendment at the committee.

I know that the Minister of Culture, Heritage and Citizenship (Mrs. Vodrey) sees PARC as a centrepiece in her act and it may well be; but I think some caution is needed. Before I move on to address the question of the Ombudsman, I want to briefly talk about fees; I want briefly to talk about the impact on municipalities; and also I want to talk about disclosures of personal information, that particular clause.

As far as fees go, I point out that a serious and perhaps even the most serious deterrent to an effective program is the fee structure. Section 82 of Bill 50 discusses fees in some detail, but there is not a schedule appended to the act. Fees may seem like a minor point, but experience indicates that a reasonably complicated

access request can quickly become unaffordable for ordinary people, be this ordinary person a student, a researcher, a public interest group or even an ordinary, everyday individual.

In The Freedom of Information Act, for example, I believe the first two hours of research are free and there is a charge of 15 cents for every photocopy after 20 pages, but after that the government charges \$20 per hour. If the application is complicated, the total fee could easily be in the hundreds of dollars, and of course few people, especially individuals, can afford hundreds of dollars for this information. Now, I know that it is true that there are provisions in this act to allow the head to waive the fee, which I am sure is a rarity at best. I know, too, that the bill says that the object of the fee is merely to reclaim the cost of processing the request, but the upshot of the fee structure can be and has been yet another obstacle to obtaining open access to information.

As to the impact on municipalities and impact on the City of Winnipeg, I actually have a series of questions here. For example, will municipalities and the City of Winnipeg need to repeal their own by-laws to conform with Bill 50? What will be the cost to the city and municipalities of the implementation of Bill 50? Will the City of Winnipeg lose control over its own appeal practice which I understand to be very efficient and cost effective? Does Bill 50 amount to a takeover of the city's Ombudsman's office? I know that the city Ombudsman has one very important power that our provincial Ombudsman lacks, and that is the power to issue binding orders. What will happen to this power? Has the City of Winnipeg been properly briefed on the implications of the bill, especially as it impacts on the city's access to information programs? I am sure that these issues will come up in committee through presentation. I am merely bringing them to the attention of the minister so that she may have some time to consider them and consider perhaps necessary amendments to her legislation. I do not know.

Madam Speaker, I also want to refer to Clause 44(1) which is disclosure of personal information. This clause which appears in the section Restrictions on Disclosure of Information permits disclosure under 29 separate circumstances. Experts tell me that from a privacy protection perspective, this is extremely

worrying since it ultimately allows the public body to do almost anything it chooses with personal information. Again, I am sure that those particular concerns will be dealt with at committee by means of presentation.

\* (1520)

I now want to address the question of the Ombudsman's role regarding the legislation, and, I think, our very clear and well-stated position that the act should be entrusted to a privacy and information commissioner who would have wider powers than the current Ombudsman. This is, of course, a preference that we share with the majority of those who submitted written briefs before the legislation was drafted, which may explain why the legislation was never sent out to those who submitted briefs. Anyway, those who presented briefs, who favoured the privacy commissioner, include the Manitoba Teachers' Society, the Association of Manitoba Archivists, MARL and, I believe, the Manitoba Association of School Trustees. I believe the Manitoba Library Association agrees, and I believe the Manitoba Archivists agree.

Madam Speaker, I want to quote briefly from the submission of the Manitoba Teachers' Society. This is the submission made before the legislation was drafted, because I think they frame the situation rather succinctly. They say: A new statute should establish an information and privacy commissioner similar to a number of Canadian provinces. The commissioner should be charged with responsibility for advocacy on behalf of citizens and their dual rights of access to information as well as to the protection of privacy. It requires authority to investigate complaints and appeals to resolve such matters. Of course, the provinces of B.C., Alberta, Ontario and Quebec all have these kinds of protections because they all have an access and privacy commissioner.

Madam Speaker, this side of the House regrets, and as I said, we are on record as favouring an information and privacy commissioner who is an officer of the Legislature, who is selected by an all-party committee for a fixed term and who can issue binding orders, adjudicate, educate, inspect and audit. I think it goes without saying that this side of the House has great respect for our provincial Ombudsman and for his

work. I have already cited his extremely courageous 1994 annual report, but with respect we believe that the current Ombudsman's office lacks the resources, the necessary expertise and the power to oversee properly not only this act, but as well its twin sister, The Health Information Act.

Furthermore, our beliefs are grounded in reality. The current Ombudsman has publicly declared his office has a nine-month backlog. The Ombudsman concurs that the specialized resources, especially the necessary expertise in health care, in records management and computer security which would be necessary to monitor The Personal Health Information Act, the act of the Minister of Health (Mr. Praznik), the Ombudsman concurs that these resources and this expertise is simply not available to him. I note that neither the Minister of Health nor the Minister of Culture, Heritage and Citizenship (Mrs. Vodrey) have been forthcoming during Question Period with regard to extending the Ombudsman's resources. I know that the Minister of Health somehow tried to pin the puny resources of the Ombudsman's office on this side of the House, and I think we tuned him in quite nicely.

Third, the most compelling reason, Madam Speaker, for a privacy commissioner is to guarantee the efficient and expeditious workings of this legislation and to provide the services to Manitobans that Manitobans merit. The Ombudsman has detailed the ways in which this government has circumvented his recommendations and the ways in which these blockages have caused expensive proceedings, not to mention emotional trauma. Of course, these expensive proceedings are paid for by the public. We pick up the bill.

Now the new legislation gives the Ombudsman a right that the old legislation denied him. The new legislation gives the Ombudsman the right to appeal to the court on behalf of a complainant when the Ombudsman's recommendations have been ignored and when the Ombudsman opts for such intervention. Of course, it is not automatic and one can understand that. The Minister of Culture, Heritage and Citizenship (Mrs. Vodrey) assured me at our briefing section that in these cases the Ombudsman's office would cover the costs, which means, of course, that the public would pick up the costs and which means that the Ombudsman's office

had best get some resources in order to carry out its legislated mandate—or is this a Catch 22? If there were no resources, there can be no court action, which is one possible scenario and perhaps the scenario that this government had in mind. If they starve the Ombudsman's office, as they have done in the past, then how can he perform his duties?

What I would like to suggest, Madam Speaker, is why not avoid the public expense and the Ombudsman's time and the time of, I am sure, many other government officials, including the courts, and possibly avoid emotional havoc to applicants? Why not avoid all this by instituting a commissioner with extensive powers to issue binding orders, a system, as we know, as I have told this Legislature, as anybody knows who has done any work on privacy issues, which is working very well in B.C., Quebec, Ontario and Alberta?

I would like to cite a case in point of what happens when legislation is not working. Many of the members of the House may know that the federal Information Commissioner, like our Ombudsman, can only make recommendations. He can only recommend disclosure; he cannot order it. Certainly the example that I am going to cite shows that this method simply does not work. For example, consider this, a request to release the results of an opinion poll commissioned after the failure of Meech Lake. The federal commissioner ruled that the polls did not come within the exceptions asserted by the government and should be released. Because disclosure probably would be politically embarrassing, the federal government refused to follow the Ombudsman's recommendation and refused to release the documents.

The matter went to federal court at a cost to taxpayers of—and get ready for this—in excess of \$200,000. The government was ordered to release the information, but by then, Madam Speaker, the Charlottetown referendum had already taken place and the information was totally irrelevant. Because the federal commissioner could only recommend—the federal government would have been a Tory government at that time—the federal Tory government successfully frustrated the process and the public paid for it. Going to court, refusing the recommendation, of course, was a fancy way of flouting the whole intention of the Freedom of Information Act.

Clearly, Madam Speaker, we in Manitoba do not want this kind of legislation. We want legislation which cannot be flouted and treated with such scorn and such contempt. Consequently I want to ask the Premier (Mr. Filmon) and I want to ask the Minister of Culture, Heritage and Citizenship (Mrs. Vodrey)—and I may as well throw in the Minister of Health (Mr. Praznik) at this point—I want to ask them to reconsider this legislation, to reconsider the creation of a privacy and information commissioner who can provide Manitobans with the same protections and freedoms enjoyed in other jurisdictions, in B.C., in Alberta, in Ontario and Quebec. I am simply asking for equality with other jurisdictions for Manitobans. I think Manitobans deserve that, at the very least.

\* (1530)

Madam Speaker, by rejecting a commissioner who has all the powers outlined in the act and the additional power of issuing binding orders, this government is endangering our freedom to information and privacy protection. The analogy that comes to mind is a government which enacts tough laws to fight crime and then hires part-time police officers or officers who simply cannot enforce the legislation.

Certainly, Madam Speaker, as I said earlier, we have respect for the intent and spirit of the act. We acknowledge that privacy protection legislation is long overdue. But legislation without authority, without clout or teeth is hardly worth the paper it is written on. Legislation without clout is mere window-dressing.

Madam Speaker, as I near the conclusion of my remarks I want to reiterate that, though I have been, I think, highly critical of the process leading to this legislation and critical of some of the clauses in the legislation, I certainly respect the purposes of this legislation; I do. Moreover, I think we all appreciate the need for this legislation. All 57 members of the Legislature, I think, would agree to that. I do regret that the bill as it stands simply lacks the necessary enforcement mechanisms. I would like to have unqualifiedly supported the freedom of information and privacy protection legislation.

Madam Speaker, I want to take this opportunity formally and on the record to acknowledge that working on this bill has been an illuminating, enriching

personal experience for me. Coming to understand the complexities of the legislation and the important human rights issues behind this legislation has meant contact and conversations with a host of people in other jurisdictions in other places in Canada as well as close to home. All of these individuals shared their ideas gracefully and their time generously, and I certainly do appreciate it.

There is a community of freedom of information and protection of privacy people who will, no matter what happens with this act, monitor this act, and I am proud to at least temporarily have counted myself among them. My relationship with these people and with this legislation has led me to a deeper understanding of the role of freedom of information and privacy protection and the role they play in the workings of a democracy. It is a vital lesson for a legislator, and I do appreciate it.

So, Madam Speaker, I want to thank the Minister of Health (Mr. Praznik) and especially the Minister of Culture, Heritage and Citizenship (Mrs. Vodrey), because their legislation allowed me the privilege that I have just been describing, the privilege of learning, sharing, reflecting, and all in a community of people who are very, very concerned about freedom of information and protection of privacy. I want to thank the Minister of Culture's staff for their very patient briefing session with me. I appreciated it, and it was an illuminating and learning experience.

Finally, Madam Speaker, recognizing the flaws of this process, the process that produced this legislation, and recognizing the need for wider public participating and consultation in this legislation, recognizing the need for a white paper on freedom of information and privacy protection and in the hope that this government will recollect in tranquility, as Wordsworth said, and decide that common observation and understanding mean a freedom of information and privacy commissioner, for these specific reasons and for those specific purposes, I move that Bill 50 be not now read a second time this day, but six months hence, seconded by the member for Kildonan (Mr. Chomiak).

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

It has been moved by the honourable member for Osborne (Ms. McGifford), seconded by the honourable

member for Kildonan (Mr. Chomiak), that this bill be not read a second time, but be read this day six months hence.

#### Voice Vote

**Madam Speaker:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Nays have it.

#### Formal Vote

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, a recorded vote.

**Madam Speaker:** A recorded vote has been requested. Call in the members.

Order, please. The motion before the House has been moved by the honourable member for Osborne (Ms. McGifford), seconded by the honourable member for Kildonan (Mr. Chomiak), that this bill be not now read a second time but be read this day six months hence.

#### Division

*A RECORDED VOTE was taken, the result being as follows:*

#### Yeas

*Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Friesen, Hickes, Jennissen, Kowalski, Lamoureux, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Sale, Santos, Struthers, Wowchuk.*

#### Nays

*Cummings, Downey, Driedger, Dyck, Enns, Ernst, Filmon, Gilleshammer, Helwer, Laurendeau, McAlpine, McCrae, McIntosh, Michelson, Newman,*

*Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Sveinson, Toews, Tweed, Vodrey.*

**Mr. Clerk (William Remnant):** Yeas 24, Nays 27.

**Mr. Neil Gaudry (St. Boniface):** Madam Speaker, I was paired with the Minister of Highways and Transportation (Mr. Findlay). If I would have voted, I would have voted with my conscience.

**Madam Speaker:** Order, please. The motion is accordingly defeated.

**Mr. Chomiak:** I move, seconded by the member for Wolseley (Ms. Friesen), that debate be now adjourned.

**Motion agreed to.**

#### Bill 51—The Personal Health Information Act

**Madam Speaker:** To resume second reading debate on Bill 51. On the proposed motion of the honourable Minister of Health (Mr. Praznik), The Personal Health Information Act (Loi sur les renseignements médicaux personnels), standing in the name of the honourable member for Selkirk (Mr. Dewar).

Is there leave to permit the bill to remain standing? [agreed]

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, I welcome the opportunity of talking about the privacy bill. The recent vote, the vote we have just had in the Legislature, shows the wisdom of the six-month hoist that we just attempted to do with respect to The Freedom of Information Act. This very afternoon in Question Period when I questioned the minister about the utilization of private information, the minister made the statement that that private information would be protected under The Freedom of Information Act. The minister is wrong.

**An Honourable Member:** Dead wrong.

**Mr. Chomiak:** Dead wrong, inaccurate in his information, and if that alone does not justify our proposal for a six-month hoist on this bill, nothing else will, and it only serves to show and serves to demonstrate the fact that the wisdom of collectively

taking a step back on this Freedom of Information and on this privacy bill and having an opportunity for Manitobans to participate in this debate considering the very serious implications these bills have.

\* (1610)

Bill 51, The Personal Health Information Act, is an act that is welcomed by members of this side of the House, and there are provisions in this act that we find worthy of support. In fact, we have brought private member's bills before this Chamber since the time I have been elected and, I believe, preceding my election that would see access to personal information be opened up in Manitoba, and the provisions of the bill that deal with the opening up of access to personal information, that is, particularly personal health information, is a step forward. We support that initiative, and we support those kind of measures.

As is often the case, the government has bundled up within the context of this bill a number of initiatives that make support very difficult, because there are sections of this bill that have severe shortcomings, and while they have bundled up very positive legislation with respect to access to information, other provisions of this act cause us some real difficulty. I want to go through and illustrate some of the problems that we have.

I want to at the onset indicate that though members opposite may characterize concerns and criticisms by members of this side of the House as mere fearmongering, as is often their characterization, or a mere opposing for opposing's sake, Madam Speaker, that is not the case. Our criticisms are well thought out and are based on representations and concerns that have been brought to our attention by the people that we represent. That is the case in all of our responses, and it certainly is the case with respect to The Personal Health Information Act and the concerns and problems that we have with this act.

Now, this bill has to be looked at in a context, and the context this bill has to be looked at is in the context of the SmartHealth initiative undertaken by the government of Manitoba. To his credit, the minister has said that one of the reasons he has brought this bill

forward at this time is that the government is moving on SmartHealth.

(Mr. Ben Sveinson, Acting Speaker, in the Chair)

We recognize the need to have privacy legislation in effect when SmartHealth takes effect, but I am not convinced that the necessity of putting SmartHealth in place justifies a flawed bill. You know, there have been so many difficulties with SmartHealth since its inception and so many scheduling delays that certainly a delay in the implementation of this bill would be justified.

SmartHealth and the needs of SmartHealth should not dictate bringing forth legislation that is flawed. And why do we say that, Mr. Acting Speaker? The SmartHealth initiative that is being undertaken by this government is the most wide-ranging, intrusive, encompassing, technologically-based data and information system that has ever been proposed in Canada. Indeed, I suggest it is probably the most ambitious plan ever proposed on the continent, perhaps in the world.

Now, leaving aside our concerns about the ability of SmartHealth and the government of Manitoba to succeed in this endeavour and leaving aside our concerns about the financing and leaving aside our concerns about the contract and leaving aside our concerns about the profit-making nature of it, all that aside, it has been discussed on previous occasions and will be discussed and debated in the future. This kind of development, this SmartHealth initiative, is so significant and is such an intrusion into the lives of Manitobans that it justifies extraordinary legislation, and I am sorry to say that this bill, Bill 51, is not that kind of legislation. [interjection]

The member for Lakeside (Mr. Enns) indicates that the legislation is extraordinary. I beg to differ. The legislation is not extraordinary. The minister indicated it was on the cutting edge, and there are some observers that say, and I have indicated in my comments, that there are positive aspects to this legislation, but it is not on the cutting edge. It falls behind. In fact, it falls behind the provisions that were tabled in Alberta, of all places.

You know, Mr. Acting Speaker, it is not often we cite Alberta as an example in this Chamber because, frankly, a lot of initiatives taken in Alberta are not something members on this side of the House agree with, but the Alberta government put in place a process and put in place legislation with respect to privacy that is far more efficient and far more advanced than the legislation we have in Manitoba, despite the fact that they are not putting in place in Alberta a SmartHealth initiative. In other words, they are putting in place legislation that is more effective and better utilized than we are here, and yet they are not intruding into the lives of their citizens as much as we are with respect to SmartHealth. So this legislation fails on the account of being extraordinary. It is—and when I read the bill, personally, my observation was that this legislation was adequate. I did not see anything in it. I still do not see anything in it that is significantly different than average legislation.

I will cite some of the examples of what the deficiencies are and how we believe this bill can be improved in the course of my comments, but I want to deal briefly with the ramifications of SmartHealth because, clearly, the initiative of the SmartHealth is what has prompted this legislation, and this legislation is based on SmartHealth.

Mr. Acting Speaker, when I read through what the government intends to do with SmartHealth, it is the most advanced and the most optimistic kind of program that exists anywhere in this country. If they can pull it off, this kind of technology and this kind of process is going to require extraordinary controls and extraordinary measures to ensure that information is kept private, confidential and abuse does not take place. This legislation does not provide for that.

Mr. Acting Speaker, even at present technological levels, the amount of information that is on-line and capable of being used inadvertently is immense, and there are no systems in place. The technology is advanced to such an extent that we do not have systems in place to protect confidentiality and protect privacy under present technological developments, not even considering what SmartHealth intends to put on-line. SmartHealth essentially intends to put on-line everything. They intend to put on-line everything, and this causes grave difficulties. In other words, we do not

have the checks and balances in place, yet we are proceeding to put the technology in place, and this legislation does not provide those checks and balances. It does not provide for those checks and balances.

So, quite rightly, there are groups that are very concerned. I want to raise the example of the doctors, because the doctors do not approve of this legislation. In fact, the reference is made that doctors do not call SmartHealth smart health; they call it dumb health. Now the minister may argue that this is the doctors' posturing. The minister may argue that this is negotiation tactics, et cetera, et cetera, but there are genuine, valid concerns that can be raised with respect to the kind of information that is put on file.

I want to indicate to bear in mind that we have brought forward private members' legislation over and over again in this Chamber concerning the release of personal information. So we are not against that. In fact, we laud that, but we are concerned about the kind of information and how it is going to be made available. The average person going in to meet with their doctor or their primary caregiver is going to be providing information to that. At present, the minister and the government indicate, oh, yes, quite rightly, that information is copied down and transmitted in some way, electronically or otherwise, to Manitoba Health and it has limited distribution, but now that record will be accessible.

\* (1620)

That record will be accessible; it will be permanent. It will be open to all kinds of individuals, institutions, and it can very seriously affect the relationship between a patient and their primary caregiver, and because there are no guarantees of safety, because there is no way it can be guaranteed that that information will be protected, it could very well affect seriously the patient-primary caregiver relationship. That is a problem, and there are no provisions in this act to protect that, and there are valid questions that have been raised by the medical community that have not been answered in that regard.

Let me cite an example, the example of how the minister was wrong in Question Period today, just to illustrate the problem. We cited the fact that as part of

the Pharmacare reduction or the Pharmacare destruction scheme the government has now required individuals to provide their personal income tax to Pharmacare. Now that personal income tax goes on file, and for the thousands and tens of thousands of Manitobans who are still eligible, because two-thirds are no longer eligible for Pharmacare rebates, that information goes on file. Now this act and The Freedom of Information Act, the companion piece, do not protect that individual's tax records from being utilized by another agency of the government of Manitoba or the Department of Health from using that information to confirm data or to determine whether or not an individual is eligible for some other health program.

Further, Mr. Acting Speaker, these acts do not prevent that information from being utilized by a third party such as a private home care provider, which the government has now contracted out, too, utilizing that information to determine that person's income level and determine whether or not that person can qualify for additional home care services, et cetera. That is a grave concern, but what is even more frightening is the Minister of Health (Mr. Praznik) does not know that and indicated in this Chamber that in fact the information was protected. It is not protected. So maybe it is clear the wisdom of my colleague the member for Osborne (Ms. McGifford) today in recommending we take a six-month hoist on The Freedom of Information bill, and, without betraying any secrets, it will indicate why we are taking the course of action we are going to take on this bill as well.

Mr. Acting Speaker, how can this legislation be improved? What ought to be done? First and foremost it is clear that we ought to have in Manitoba a privacy commissioner. Now my colleague the member for Osborne cited all kinds of instances during the course of history with the provincial Ombudsman having difficulty dealing with information under the previous Freedom of Information Act, and a big part of that was resources, and a big part of that is expertise. If there is one almost unanimous recommendation of individuals who have studied our legislation, who have participated in the discussion groups, it is that we need a privacy commissioner in Manitoba.

If we were not proceeding on SmartHealth, then my argument would be lessened. Perhaps if SmartHealth

was not involved, you could make the argument we did not need a privacy commissioner in Manitoba. I would not make that argument, because I personally believe it is time we should have a privacy commissioner, but the fact that we are engaging on a SmartHealth initiative necessitates a privacy commissioner. Let me cite examples why, Mr. Acting Speaker. Under the present privacy legislation, the Ombudsman has power to comment on initiatives undertaken by the provincial government. That is the extent of the Ombudsman's power, to comment. Yes, the Ombudsman has the power and the authority to investigate complaints and concerns, but they can only comment.

The minister seems to dismiss this as unimportant and not a valid distinction for the necessity of having a privacy commissioner, but think about it. Think about the dictate from the Department of Health that all individuals in Manitoba, because of a so-called random canvass of 14 Pharmacare applications—of which two, for the sum total of \$381, were found to be underpriced—all Manitobans who apply for Pharmacare have to provide their income tax forms.

Now, leaving aside the issue of the fact that income tax forms are not supposed to be provided and leaving aside the fundamental issue of the dispute we have with respect to user fees, is that not a valid comment, in fact, a valid initiative to put before a privacy commissioner and say to that privacy commissioner, privacy commissioner, is it reasonable to expect Manitobans to provide their income tax forms for the Pharmacare program, or is it not, and have the privacy commissioner have the power and the ability to make a ruling in that regard? We do not have that. We have rules made by the government that are enforced, that have grave implications for Manitobans, and the most the Ombudsman could do would be to comment on that practice and, indeed, comment retroactively after the policy is in place. That alone justifies the need for a privacy commissioner.

Without even going into all of the arguments, Mr. Acting Speaker, of what a privacy commissioner can do in terms of policy and what a privacy commissioner can do in terms of helping the government draft—in fact, a government that had thought this out carefully and was concerned about the implications of the SmartHealth initiative would welcome the installation and the

assistance of a privacy commissioner. In many jurisdictions, the privacy commissioner has done excellent work for the Government of Canada, and certainly the government of B.C., two of which I am familiar with in terms of providing assistance and in terms of providing advice. If we are proceeding down the road to SmartHealth, the government is going to need all of the help it can get.

The other suggestion that we make with respect to this legislation is the question—and I pose this as a question to the government—of a lock-box provision with respect to the privacy under The Personal Health Information Act. This, I think, would go some way to alleviating the concerns of individuals and others as to what information is on file. As it is now, you have no choice with respect to the information that is going to go on file. Let us understand what is going to go on file is everything forever. Once it is on file, it is on file and can be utilized throughout the system. That is clear. So if an individual, for example, does not want—and there are some exceptions and some provisions that are looked at in this act, but they do not go far enough nor are they broad enough. A lock-box provision would provide for an individual to say: I do not want this information to go on file. That makes perfect sense, after all, it is our lives, our health care, our system that we are entrusting. Surely an individual has the right to say: I decree that this information cannot go on file.

Under the present existing system that is proposed, you cannot do that. Even if this system has all of the checks and balances in place, which it does not, even if we had the technology to ensure that no information can leak out, which we do not, even if we had the ability to control it and not have it utilized inadvertently, which we do not, even if we had all of that, you could still justify the need and the provision for a lock-box provision within this act to ensure that certain information would not be utilized or could not be utilized.

\* (1630)

I could cite many examples of that, Mr. Acting Speaker, and the example that I typically have cited is—and it is a very appropriate example, I think. It deals with mental illness because there is such a scourge and because there is such a stigma with respect to mental

illness. Now the best example is a middle-aged person who is taking antidepressants or some other form or has gone through a period of depression. Right now, any pharmacist who calls up that person's file on the computer can see that that person is on antidepressants and right away he can make a generalization about that individual. We know how people tend to make judgments. I do not want to get into specific cases or specific individuals, but we know what happens.

Well, is it not the right of an individual to say: I do not want that information to go on my file? But we will not have that right. And make no mistake about it, that file will no longer just be in the pharmacist's office. That file will be in the hospital, in the medical lab. That file will be accessible to anyone in the health care system. We are not Luddites; we support technology. We said that from the onset. We support a reasonable—we do not support this Cadillac version that the government is doing. It is not a Cadillac version; in fact, what it is, it is like a Star Wars version. I mean, it is Star Wars, and it is not going to work. I can tell you that right now. Not the way the government has—in fact, we said it would not work when it was started, and to this day they are so far behind their schedule. They are now drawing back so much on their initiatives, and people who are involved with the system have told me that. They cannot cut it.

That aside, this system is so advanced, an individual ought to have the right to say: under this act, I do not want this information to go on file. I say that they ought to have that right even if the government were to put in the best protection possible, which they cannot because they not only do not have the technology but they do not have the protection under the act.

A third area in which this legislation ought to be improved is the entire process. You know, the minister brags about how many groups were consulted, and the former minister used to read the list. Every time I asked him the question, he would read the list of consultations with respect to who was involved, but this is a bill that will affect directly every single Manitoban. Over a million people will be affected. There will be over a million people on file directly as a result of SmartHealth and as a result of this legislation. You know, one would think they would have the opportunity to comment on the implications that this

bill could have on their lives. One would hope that they would have the opportunity to do so, but they do not have the opportunity to do so. Oh, they will have an opportunity to come out to the committee hearings, when they will be held, but surely, surely this kind of legislation that affects every man, woman and child in this province and has such broad implications, should we not take the utmost care to ensure that they have an opportunity to comment and be involved in this process, be involved in this legislation?

Consequently, this process ought to be broadened, and we have said that from day one. This process ought to be broadened beyond the groups that will participate in it, but allow all Manitobans to have a say and an opportunity in the drafting of this legislation, which they have not had. You know, Mr. Acting Speaker, even those groups that have had opportunity to comment and to participate in the drafting of the bill, many of their recommendations have been rejected. For example, as I cited earlier, the whole notion and the whole need to have a privacy commissioner has been totally rejected, although many individuals and groups have recommended there be a privacy commissioner.

In fact, this is one of these bills that certainly goes beyond partisan politics. This is truly a bill like the Freedom of Information bill, which, incidentally, is recognized by virtue of the fact that we deal with the Ombudsman's office and that person is a creature of this Chamber. This kind of legislation requires input from all Manitobans.

I know that if I were to run this bill by anyone on the street today, they would have difficulty comprehending our difficulty looking at the ramifications of this bill, but this bill will affect every single man, woman and child in this province of Manitoba now and into the future, and they ought to have a say and they ought to have an input into what is in this legislation and they have not had that opportunity. That is why we believe that the process is flawed.

You know, even in Alberta, as was cited in her comments by the member for Osborne (Ms. McGifford), the government put out a white paper, a discussion paper, and circulated it around the province. How could it hurt to delay the process a few months? How could it hurt, because of the significance of this

legislation, to put out a white paper, to allow Manitobans to have an opportunity for say and input? Then you could come back to this Chamber and justifiably say, we have sought the input of Manitobans, we have listened to Manitobans, we have made changes or not made changes based on that input, and now we bring forward legislation.

What is wrong with that? What is the need, where is the necessity for putting this through right now? Well, I know what the need and necessity is on the part of the minister. It is because they want to get it in place before SmartHealth finally does something. But, you know, SmartHealth is so far behind that a few months delay will not hurt anything at all. It might hurt the profits of the new company, but I think they can take care of themselves. I think it is far more important that Manitobans get a chance to have an input and a say into this far-reaching legislation.

You know, it is no secret that we are going to call for a hoist on this legislation. Think about the implications of that. By virtue of doing that, the government will have a chance to go to Manitobans to seek their opinion and to determine in fact what should or should not be in this legislation, and they might learn something from the process. We all could learn something from the process. But do not saddle over a million men, women and children with a piece of legislation that is flawed without giving them an opportunity to have a say in something that is as significant to their lives as this is going to be.

The implication of this legislation is so far reaching, there is no choice but for the government to seek broader opinions and to canvass for additional information in this regard. I cannot emphasize strongly enough what the implications SmartHealth will have on the lives of Manitobans. Perhaps that is one of the reasons why there ought to be broader consultations is that the government has not been up front with Manitobans with respect to what they intend to do with SmartHealth.

Yes, the minister has provided information in this Chamber, reluctantly pulled out of him question by question, but they have not outlined to Manitobans the extent of the intrusion that SmartHealth will have in their lives. For that reason, tangentially

with seeking the opinions of Manitobans with respect to this privacy information, they ought to provide Manitobans with information about what they intend to do with SmartHealth, with the Star Wars version of technology that has not been proven anywhere, that is not being undertaken anywhere except in Manitoba.

Let me just digress for a minute. I do not know where the SmartHealth idea came from other than the fact that the Royal Bank put together a proposal that the government accepted and then ultimately gave them the contract, but, you know, the government intends to sell off the technology in SmartHealth. The only parallel I can go back to in terms of recent provincial history is the Connie Curran affair. We all remember the Connie Curran affair, how the government paid \$4 million plus \$800,000 in expenses to Connie Curran tax free to save \$65 million.

Well, what happened. We paid her \$4 million plus \$800,000 in expenses tax free and she did not save a nickel. And they were going to sell that technology across Canada.

What do we have then? Shortly after that, we have the Star Wars SmartHealth version of technology announced, and we are going to pay a hundred million dollars to Royal Bank to save \$200 million. Unproven technology, and we are going to do that. You know, same thinking, same parallel, same serious trap.

And we are now being forced to put through legislation like this to allow them to start up on their SmartHealth initiative. I am sorry if we are a little bit cynical or a little bit questioning, but, Mr. Acting Speaker, we owe it to Manitobans, we owe it to Manitobans to peruse this and to be very, very careful. This legislation and its companion piece, The Freedom of Information, will be with us for some time. Its implications are very broad, and the average person on the street does not have occasion on a daily basis to come in contact with it, but trust me, if SmartHealth gets off the ground, the implications of that piece of legislation will be so dramatic on their lives, Manitobans will want the most advanced and the most helpful and the most protective privacy legislation of anywhere in North America because the government tends to intrude in their lives with respect to information to a greater extent than any other jurisdiction in North America.

\* (1640)

So, Mr. Acting Speaker, in closing, just let me sum up some of our concerns. Firstly, there is no need or rush to put through this legislation today. That is clear. Secondly, the government has brought this about through a flawed process, and there are far better processes that can be employed to deal with legislation that has such serious implications as are before us today. Thirdly, there are aspects of this act that need to be improved, and we cited examples of the lock-box provision as one way of improving the act. Fourth, almost all observers say it is mandatory and necessary to have a privacy commissioner in the province of Manitoba, not just for philosophical reasons and not just because it is a good idea, but because you are trying to do so much in the privacy area, doing more than any other jurisdiction, and yet you are doing it without a privacy commissioner, whereas in other jurisdictions, where they are not even attempting to do as much as you are, they have privacy commissioners in place. So we need a privacy commissioner. That is mandatory.

Finally, there is a need for Manitobans to understand this act. We have already cited today in the House the minister responsible for the act got the information wrong. So if the minister gets the information wrong in the first instance, what could happen or what are the implications down the road with respect to this act? So there is a need for a public discussion and a public process.

So, with that in mind, Mr. Acting Speaker, I move, seconded by the member for Swan River (Ms. Wowchuk), that this bill be not read but be read a second time this day six months hence.

**The Acting Speaker (Mr. Sveinson):** It has been moved by the honourable member for Kildonan (Mr. Chomiak), seconded by the honourable member for Swan River (Ms. Wowchuk), that Bill 51, The Personal Health Information Act, be not now read a second time but that it be read a second time this day six months hence.

**Mr. Kevin Lamoureux (Inkster):** Mr. Acting Speaker, I would like to say just a few words before we actually go to vote on this particular hoist motion and which I personally can support.

I do think, much like Bill 50, there are some fundamental flaws that are within those two pieces of legislation, and in my debate on Bill 50, I talked about some of the grave concerns that we had, some of the need to have some change, and it does not mean that we have to get rid of the legislation. The legislation is in fact needed, but there is also a need to have been more all-encompassing in trying to deal with some of the real issues and which the government has avoided, such as the privacy commissioner on Bill 51 or in Bill 50, trying to hold the government more accountable for releasing the information, both bills which, I would ultimately argue, could have been better drafted, and for those reasons, ultimately, we believe that to have a six-month hoist on these two bills would be a positive thing for all Manitobans. I will speak on this bill once we have had this vote if, in fact, the vote does not pass. Thank you.

**The Acting Speaker (Mr. Sveinson):** The question before the House is the motion by the honourable member for Kildonan (Mr. Chomiak), that the bill be not now read but read a second time this day six months hence. Is it the pleasure of the House to adopt the motion?

#### Voice Vote

**The Acting Speaker (Mr. Sveinson):** All those in favour, please say yea.

**Some Honourable Members:** Yea.

**The Acting Speaker (Mr. Sveinson):** All those against, please say nay.

**Some Honourable Members:** Nay.

**The Acting Speaker (Sveinson):** It is my opinion that the Nays have it.

#### Formal Vote

**Mr. Dave Chomiak (Kildonan):** Mr. Acting Speaker, Yeas and Nays, a recorded vote.

**The Acting Speaker (Mr. Sveinson):** A recorded vote has been called. Call in the members.

(Madam Speaker in the Chair)

**Madam Speaker:** The question before the House is the motion by the honourable member for Kildonan (Mr. Chomiak) that this bill be not now read, but be read a second time this day six months hence. All those in favour of the motion, please rise.

#### Division

*A RECORDED VOTE was taken, the result being as follows:*

#### Yeas

*Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Friesen, Hickey, Jennissen, Kowalski, Lamoureux, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Sale, Santos, Struthers, Wowchuk.*

#### Nays

*Cummings, Downey, Driedger, Dyck, Enns, Ernst, Filmon, Gilleshammer, Helwer, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Newman, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Sveinson, Toews, Tweed, Vodrey.*

**Madam Deputy Clerk (Bev Bosiak):** Yeas 24; Nays 27.

**Madam Speaker:** The motion is accordingly defeated.

**Mr. Neil Gaudry (St. Boniface):** Madam Speaker, I was paired with the Minister of Highways and Transportation (Mr. Findlay). If I would have voted, I would have voted with my conscience again.

**Mr. Gary Kowalski (The Maples):** I would like to put a few words in regard to the bill. The bill itself, I can support. It is not a perfect bill, but I have had personal experience with relatives who did doctor shopping in their later years in life, and a computer database that the medical community could have referred to would have been a great benefit and possibly would have alleviated some of the conflicting medical treatment that they received.

\* (1700)

The concerns about the security of the system, I have to say that, yes, we are always looking for a more secure system, but we will never have a totally secure system. I have faith of the officials in the department, regardless of who is in power, to do what is the right thing to do and look after the interests of the citizens of Manitoba.

So I did vote for the motion to delay this, because there is no rush, and I believe there should have been more consultation before this bill was brought forward. But I believe we need this bill; we need this so members of the community receiving conflicting medical treatment could be located. For that reason I would support this bill.

**Mr. Lamoureux:** I also want to say a few words with respect to Bill 51. We do indeed live in the information age. Twenty years ago few knew what desktop computers would look like. Few of us imagined then the profound effect it would have on our society today. I cannot even hazard a guess at what computers will be able to do 20 years from today, but the experts all agree, as computers become faster, smarter and more integrated within our society, our personal freedoms could easily be threatened.

Personal information is now a commodity that can be purchased on the open market. Sucker lists are commonly traded. Now with the advent of SmartHealth, there will be the fear that these valuable pieces of information that are on the computer system in fact could fall into the wrong hands. In listening to the debates in the past with respect to this, I hear what the government is saying in the sense of—you know, before files were found in dumpsters, and the official opposition will say, well, now, people will be able to tap into computers—there always has been a threat. The biggest difference, as I see it now, is that you are talking a click of a mouse that could transport phenomenal amounts of information, and that is one of the reasons why it is that we have to be ever so careful.

To pass legislation in this area we have to have a vision of what society will look like 20 years from today. The status quo is not an option. Unfortunately, this government does not understand the danger that

technology creates. We know that the protection of personal privacy is under attack from technology. Insurance companies want access to our health records so they can eliminate bad risks from purchasing policies. If they wanted to and the government allowed them, they could keep a computer record of our genetic code as part of their records. In a few years they might just do that and the technology today would allow them to do so—I emphasize, if government in fact allowed it to occur. That does not mean that we reject technology, only that we must redouble our efforts to protect our personal information. Health care information in this respect should be regarded as the most vulnerable. Let us take a positive step today and create a policeman mentality, if you like, which has the responsibility to protect our personal health care information and other information that gets on to the computer networks that are out there.

Madam Speaker, I look at what the NDP has been talking about in terms of the privacy commissioner. This is something which is absolutely essential because it is not only within health care that we need to have a privacy commissioner but in many different areas. Protecting the personal health care information of Manitobans is absolutely critical.

What I like about this bill in terms of—it is a great bill to look at and see the differences between the three political parties inside the Chamber—on the one hand, we have the government that is moving full steam ahead on trying to take advantage of technology that is out there, and we applauded the government's actions with respect to the creation of SmartHealth, recognizing the importance that in fact there is a benefit to the computerization of health care records. But where the government is going wrong is that it does not recognize the danger that is there, and it is not to fearmonger. It is not to fearmonger at all. It is to say to the government that what you have to do is you have to address the concerns that Manitobans are going to have. The concerns that they are going to have, the primary concern is will that information get into the wrong hands. What can we do to address that fear? The biggest thing that we can do, I believe, is pass good legislation that includes having a privacy commissioner. That is why when I talked just prior to the vote on the suspension of debate on this bill, it was so that the government would reconsider that aspect.

If in fact they brought that in, if that was a part of this legislation, I would not have too much of a problem in general in supporting this legislation. There might be some other areas of concern that we have but they are not demonstrating an interest at security, at providing a safe environment for that information that is going to be put into the computers. For that reason alone, I believe that it was a good thing for not only me, my colleague from St. Boniface, the members of the New Democratic Party, the member for The Maples (Mr. Kowalski), to vote in favour of having this six-month suspension. Having said that, the member for The Maples made mention of the need and the need is in fact there. The need that I would refer to is to get ready for the turn of the century, and the turn of the century means to me that we have to take advantage of the technology that is there, that is there for us to venture into.

The member for Kildonan (Mr. Chomiak) made reference to the word "Luddites," and I find that to be a most interesting word. When I look at what it is that we are saying with respect to the SmartHealth and what the New Democrats are saying, I think that you are seeing something very different and hopefully that through debate, possibly through committee, possibly over the years we will see an all-party support on the need to bring computers into the health care field but respecting what their concerns are with respect to privacy.

I do believe the member for Kildonan was even referring to that indirectly in his speech in terms of the importance of privacy while at the same time acknowledging that there is, to a certain degree, some need for computer technology.

Madam Speaker, with those very few words I will leave it at that. Thank you.

**Madam Speaker:** As previously agreed, this bill will remain standing in the name of the honourable member for Selkirk (Mr. Dewar).

### Bill 21—The Jury Amendment Act

**Madam Speaker:** To resume second reading debate on Bill 21 (The Jury Amendment Act; Loi modifiant la Loi sur les jurés), on the proposed motion of the honourable Minister of Justice (Mr. Toews), standing

in the name of the honourable member for St. Johns who has 28 minutes remaining.

**Mr. Gord Mackintosh (St. Johns):** Madam Speaker, this is to wrap up my comments on this bill. This is the bill that takes away from Manitobans who are called to serve on juries their per diem rate, and why are they doing that. Because the Justice minister says in this remarks, the per diem rate of \$30 per day is not representative of a realistic compensation for a wage earner. Aside from the fact that there are real wage earners in Manitoba who do make \$30 a day because of the low wage policies and part-time employment policies of this government, aside from that, can you imagine a government, that should be very interested in pursuing what the Aboriginal Justice Inquiry says has to occur, and that is a more representative jury system in Manitoba, that responds by saying \$30 is not enough? So what do we do? Do we increase it? No, we get rid of it, they say. Can you imagine a government that responds to an issue like this with that kind of an attitude? Why? \$96,000 a year they will save, they say.

What are they sacrificing for \$96,000 a year? What really galls me are the minister's concluding remarks on second reading. He says, and I quote: Given that potential jurors can be excluded for financial hardship reasons, there will be no negative impact to the jury process or to the public. How can that be said in one sentence? How can the Minister of Justice for the Province of Manitoba conclude that there is no negative impact on the public or the jury process by excluding particularly the working poor of this province? He says no big deal, they are not going to get paid. They can just apply to be excluded. This is a government that now seeks financial status as a prerequisite, as a condition for serving on juries. That is the effect of this legislation.

\* (1710)

Well, I guess we cannot expect more. This government, clearly, by its policies, by its legislation, has indicated that time and time again that it is elitist, it does not respect the input of all Manitobans into processes that are specifically designed for the input of all Manitobans. What does it say about this government's attitude toward the values, towards the

contributions of all the people of this province? I think it speaks volumes of the contempt of this government, particularly for the working poor in Manitoba who are disproportionately affected by this legislation.

So, Madam Speaker, this is part of a pattern. It is not just one bill, it is part of an attitude, and it is regrettable. We on this side certainly oppose this legislation.

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, Bill 21 will eliminate the \$30 fee members of the public are paid for sitting on the jury for a case that lasts less than 10 days. In essence, the effect of this legislation will be to limit those who can sit on a jury. What we have to remember is that, while the law states a company cannot penalize an employee for sitting on a jury, not every company is willing to pay for their employees to complete this civic duty. The \$30 that jurors are paid now does not make up for those lost wages, but if you are making minimum wage, \$30 goes a long way to cover the costs associated with doing what is your duty as a citizen.

When members of the public sit on a jury, they do an outstanding job. It does not matter if they are rich or poor. They take their job seriously no matter if the trial lasts two or 20 days. They want to do a good job. This is the benefit of the defence and the prosecution. Now, with this bill, only those who can afford to sit on jury will be able to do so. That is not a positive development for our justice system. It is not a positive development for anyone. If Manitobans are going to have a fair and open justice system, it is essential that we encourage members of the public from all walks of life, including those from lower economic scale to sit on a jury, not discourage them, as does this bill. With those few words, I will stop at that.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 21, The Jury Amendment Act.

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

**Some Honourable Members:** No.

**Madam Speaker:** No.

### Voice Vote

**Madam Speaker:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Yeas have it.

### Formal Vote

**Mr. Steve Ashton (Opposition House Leader):** Yeas and Nays, Madam Speaker.

**Madam Speaker:** A recorded vote has been requested. Call in the members.

\* (1720)

Order, please. The question before the House is the second reading of Bill 21, The Jury Amendment Act.

### Division

*A RECORDED VOTE was taken, the result being as follows:*

#### Yeas

*Cummings, Downey, Driedger, Dyck, Enns, Ernst, Filmon, Gillehammer, Helwer, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Newman, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Sveinson, Toews, Tweed, Vodrey.*

#### Nays

*Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Friesen, Hickes, Jennissen, Kowalski, Lamoureux, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Sale, Santos, Struthers, Wowchuk.*

**Madam Deputy Clerk (Bev Bosiak):** Yeas 27, Nays 24.

**Madam Speaker:** The motion is accordingly carried.

**Mr. Neil Gaudry (St. Boniface):** Madam Speaker, I was paired with the Minister of Highways and Transportation (Mr. Findlay). If I would have voted, I would have voted with my two colleagues.

### **Bill 33—The Executions Amendment and Consequential Amendments Act**

**Madam Speaker:** To resume second reading debate, on the proposed motion of the honourable Minister of Justice (Mr. Toews), Bill 33, (The Executions Amendment and Consequential Amendments Act; Loi modifiant la Loi sur l'exécution des jugements et modifications corrélatives), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing? No? Leave has been denied.

**Mr. Gord Mackintosh (St. Johns):** Madam Speaker, the purpose of this bill is to privatize functions of the Sheriff's Office, particularly those functions that relate to the seizure of property of people who owe money under a judgment of the court and who oversee the sale of that property in order to realize on debts of creditors.

We recognize that over the past year and a half, I think, two years, the government—the Treasury Board in particular—has been looking at this issue. We understand that studies have been ongoing for the last three or four years to determine how the government can privatize functions in the Department of Justice. I think it indicates that they are hidebound. They see privatization as an end in itself, but nowhere is that more obvious than in how they have dealt with the privatization of the Sheriff's Office.

We certainly recognize, Madam Speaker, that there is a valid argument that we should be rethinking the use of public resources to provide parties to a private dispute with assistance. Nonetheless, where one of the parties is in an uneven position, that argument weakens, but what is at issue here is why is the government moving to privatize at the Sheriff's Office.

I first want to note, Madam Speaker, that within the last few weeks alone, the staff at the Sheriff's Office

were assured by senior administrators there that privatization was off the table, that it was not on. There have been a lot of difficulties at the Sheriff's Office lately, a lot of concerns, particularly for their safety. There also have been concerns about the administration of that office, and you can imagine the harm when the staff in that atmosphere is told that privatization is off, and they then discover that at the very same time a bill is being presented to the Legislature by the minister to privatize. Needless to say, I understand that there is quite an uproar at the Sheriff's Office about this legislation, not just because of the content but because they were hoodwinked.

Now, the argument put forward by the Minister of Justice (Mr. Toews) for privatizing at the Sheriff's Office is that there will be a cost saving. He says that taxpayers will enjoy dollar savings, to use his words. What we want to know is how. What we want is the evidence. It is not enough for the minister to get up in this House and say there are going to be dollar savings, and he cannot justify what he has just said.

Madam Speaker, there was a study recently conducted of the costs of the Sheriff's department and the costs of seizure and sale, and the then Minister of Justice said that there was an annual cost of \$188,000 to the public Treasury. The government relied on that analysis then to argue for privatization, but since that analysis the law fees, the fees payable by individuals seeking the service of the Sheriff's Office, have skyrocketed, and indeed for the execution of writs, there is now a fee of \$240.

Now, Madam Speaker, this government should not be relying on some outdated, irrelevant study on the costs to the public. What they should be doing is presenting to the Legislature information based on the new system of fees and telling us in particular what new costs will there be to such clients of the Sheriff's Office, such public clients as maintenance enforcement, provincial social assistance and retail sales tax. Will those government divisions now be required to pay a private bailiff for services? Will there not be added costs as a result of privatization?

We understand that last year there were roughly 300 writs that were executed, and at \$240 per writ, assuming that was charged for each writ, it would

appear that this function of the Sheriff's Office may be breaking even. Even if it was not, Madam Speaker, I would then ask why do they not attempt even further to ensure that the cost of the services breaks even. So that is one of the reasons we have serious questions about the minister's statements to this House about a dollar saving.

The other, Madam Speaker, is why is this government moving to privatize the Sheriff's Office when there is a report commissioned by this government that recommends against this very privatization? In fact, this report, which was prepared by Kenneth McQuaig [phonetic] in August of 1993, discovered that in British Columbia, where they did privatize this function, there have been serious concerns by clients. British Columbia, according to this report, has been considering returning the seizure and sale powers to the public sector. The report states that community support came from the defence bar in British Columbia and agencies relying on writs to recover debts, because traditional services provided by sheriff's officers were deemed too slow. Then the report goes on to say: After five years of privatization, the current system is under review, including an examination of returning the service to the sheriff, as discussed above.

Saskatchewan examined privatization but rejected the concept because, as we warned, a large majority of users were nonfee-bearing users such as government agencies, programs like the Maintenance Enforcement Program, so that privatization would have resulted in higher costs to the government itself and to taxpayers.

The report concludes with recommendations, and what Mr. McQuaig [phonetic] recommended was that the Sheriff's services be renovated rather than privatized. He says: Renovation rather than privatization would be a better route for Manitoba.

\* (1730)

That was the recommendation provided by someone commissioned by the government to look at this issue, and what did they do? They ignored that. They ignored the fact that fees have gone up and that the service may be breaking even, and they said, we are going to privatize. So what that tells me very clearly is

that this government is hidebound on privatization without regard to cost-benefit analysis. If this government was prepared to come in here with a cost-benefit analysis, we could be convinced of the value of this move, but it has failed to do so. It has failed to convince us. So we need more information before we can support this bill. We have to have evidence of a benefit, particularly when people are being displaced.

Madam Speaker, we have heard that there are plans to ensure that the two officers who currently do this work exclusively will be assigned to supervise the private agencies that will be contracted to do the work. Well, then, where is the cost saving? The people that are doing the work are now going to supervise others in the private sector. That is no cost; that is an added cost. What will be the cost of supervision? What will be the cost of training these private agencies? What will be the cost of supporting these private agencies?

We also wonder, Madam Speaker, what protection is there for the consumer, for the public, for the client of these services, for those who are owed money? What bonding and liability coverage requirements is the government proposing? Because there is not any mention of that issue in this bill. The government can make regulations, and there can be agreements containing certain clauses, but this bill does not say that protection for the consumer, that bonding and insurance coverage are among them.

What if a car is seized, put in a garage, and there is a fire? Who is responsible for that? Will there be enough insurance coverage? I do not know that. We do not have the answers, Madam Speaker. It is unfortunate the government did not deal with that issue.

I also want to know, Madam Speaker, what assurances will the public of Manitoba have that when monies are recovered by these private agencies, these bailiffs, that the money will be held in trust, and we can be assured that there will be a scheme to ensure that those trust accounts are maintained and that there is vigilance over those accounts? What will be the ramifications if there is a breach of trust? It has not even been addressed. So given this vacuum of knowledge and information, how dare they ask for our support for this bill? Madam Speaker, we will not give it. Thank you.

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, again I would like to say a few words on this particular bill. Bill 33 allows the province to license private agencies, giving them the right to exercise writs of service. Traditionally, these were functions carried out by the court officials, usually sheriffs. The minister takes pains to point out that these functions are minimal, but we must remember, sheriffs are still officers of the court. Sheriffs are empowered to act on order of seizures and sales. I have never been subject to this legal procedure, fortunately, but in conversations with those unfortunate people who have, they have felt safe knowing that an office of the court, not some private agency, was given responsibility for the job.

Clearly the role that sheriffs play is an important one. Giving this role over to an independent agency is not a step we should take lightly. If the government wants to make a special operating agency out of Fleet Vehicles, I have no problem with that. I do have a problem when this government changes a function of an officer of the court because they want to save money. Are the cost savings the main issue we should examine when we move to reorganize our justice system? I think not. How much does justice cost? Who are these new agencies that the minister talks about?

The question, of course, is how closely these new agencies will be monitored. I seriously question if these agencies will be monitored closely. Madam Speaker, the government has indeed failed to convince us of the need of such action as is being suggested in Bill 33. One could ultimately argue, where does it carry on? Where do we go from here? Will the government then suggest that police forces could in fact be privatized? Where is the end? That is why we could not support Bill 33.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading Bill 33, The Executions Amendment and Consequential Amendments Act.

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

**Some Honourable Members:** No.

**Some Honourable Members:** Yes.

### Voice Vote

**Madam Speaker:** No? All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say Nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Yeas have it.

**Mr. Mackintosh:** On division, Madam Speaker.

**Madam Speaker:** On division.

### Bill 12—The Manitoba Water Services Board Amendment Act

**Madam Speaker:** To resume second reading debate, on the proposed motion of the honourable Minister of Rural Development (Mr. Derkach), Bill 12 (The Manitoba Water Services Board Amendment Act; Loi modifiant la Loi sur la Commission des services d'approvisionnement en eau du Manitoba), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing?  
No? No.

**Ms. Becky Barrett (Wellington):** Madam Speaker, when the minister introduced this bill for second reading, early in April actually, he said that it was primarily a housekeeping bill. It is a very short bill, but sometimes bad things come in small packages as well as good things. I think that the potential for disaster lurks in this small piece of supposedly so-called housekeeping legislation. Bill 12 allows municipalities or the City of Winnipeg to enter into private arrangements with companies to, in this case, operate or finance the construction and the operation of a regional water supply system.

Madam Speaker, this small, little housekeeping bill follows along the tradition that this government has instituted over the last sessions, the institution of privatization. It is the similar situation to the

Charleswood Bridge situation that we have had in the last couple of years, but I would suggest that it is even more problematic. Privatizing or giving private companies control over a bridge or even a highway is one thing. They are essential to our health and well-being, highways are, and it is important that we maintain them.

What this government is doing with Bill 12 and with other pieces of legislation is that they are allowing the private sector into things that are truly essential to life and health and well-being of our citizens, things that have historically been seen as the responsibility of the government. That is not allowing for big government. It is a recognition that the community as a whole, as represented by their government, has a responsibility to ensure that the health and well-being of its citizens are protected. We see privatization creeping into health care. We see it in home care, not even creeping, just running rampant. We see it with the instituting of the SmartHealth program, and we see it in the support of private education, to the detriment of the public education system. It is a slippery slope we are going down, Madam Speaker, and Bill 12 is greasing that slope.

\* (1740)

Madam Speaker, the minister says that it is just enabling legislation. Communities do not have to put this in place, but it is at the request of several rural municipalities that this bill is being implemented. We can see, perhaps not in North America, but certainly in Great Britain, the impact of privatization in the water supply where in the late '80s Margaret Thatcher, the then Prime Minister of Great Britain, privatized the water system. Today in some areas of Great Britain almost half of the water supply is lost because the private owners have put their money not into infrastructure, not into maintaining the system, but into profit, which is what happens when you have a private, for-profit system, and they lose half of their water. The water system in Great Britain is in dreadful straits.

Now I am not for a moment suggesting that this is going to happen right away with the passage of Bill 12, but it does allow the private sector into an area which we believe very firmly should remain in public control,

because the rights and the needs of all of our citizens must take precedence over the profit motive of a small group of people, particularly when it comes to matters of such great importance as water.

The member for Inkster (Mr. Lamoureux), in his comments on Bill 12 just several days ago, said that it could potentially be a positive step forward, which we disagree with, but he did say something just moments later that I will agree with. He said it is necessary that the interest of the public should be the primary concern in the development of these projects, not commercial ones.

I would suggest, Madam Speaker, in closing that when you get the private sector involved in something like the water services in our province, you are going to automatically, over time, have the public health concerns be subjected and reduced at the behest of the private, commercial concerns. It has happened for ever and ever, and it will always happen. It is the nature of the market, private sector beast.

So, Madam Speaker, we will not be supporting this piece of legislation and wish that the government had not brought it forward. Thank you.

**Mr. Clif Evans (Interlake):** I too would like to make a few comments on Bill 12.

Madam Speaker, my colleague has indicated some of the concerns that we have about Bill 12 and the amendment that has been put in. It is a three-and-a-little-bit amendment at the end of the water services act. The minister has indicated to me and indicated through this bill that this is providing an opportunity and an alternative for these R.M.s that are in need of good quality water to go another route to be able to access either water treatment or water supply or sewage.

Madam Speaker, we are concerned. As my colleague indicated, we are concerned with the fact of privatization. We have seen privatization and how it works and how it has been working in other matters, in other departments that this government has implemented privatization. We have seen MTS. We have seen privatization in home care, health care, education.

We on this side of the House are not against the fact that communities need good, clean, healthy, drinking water. We are not against any community needing and requesting water for use in their homes, their gardens. We are not opposed to that. We are opposed to the way that this government is angling these municipalities and these communities into being able to get this clean, healthy, drinking water.

Madam Speaker, the minister has indicated that this bill, this amendment is needed so that a water project can be developed for the R.M.s of Cartier, St. Francois Xavier, Headingley and Portage la Prairie. My question is: Has this minister and this government done everything possible in dealing with this request and need for these four R.M.s, or has this government, at the whim of the privatization mandate that they are going to, not dealt with these R.M.s in good faith, but dealt with the fact that if you want, you have to go private? What we can see privately, what we might see down the road is what my colleague mentioned about England. We hope not.

Now, 20-year lease, we want to know for sure that if these R.M.s are going to deal with a private organization that the terms of agreement are going to be in place so that these private firms cannot go and jack up the heights at any time. We do fear that. The minister indicated that may not be the case, that PUB would determine whether they could raise the rates to the ratepayers, the communities that are paying for this water. They are paying for this water in lieu of paying back the consortium or the private interest.

Now, it says, "enter into an agreement with a person, partnership or unincorporated association." Madam Speaker, that leaves it wide open. That leaves it wide open to the private organizations. We are concerned. What did the R.M.s request? Did the R.M.s support this? We have not heard. I have not heard. UMM, MAUM, they have not indicated that they are in support of such legislation. We hope that they will come to committee and let the government know what they feel and what they think about such an amendment and such a bill. We are concerned. There is no doubt about it. Again, I want to reiterate, we are not opposing this bill to prevent the R.M.s or any communities in this province in obtaining a water system, obtaining good water, a sewage system. We are not opposed to that.

I know and I speak from experience in my constituency. I have two communities right now that are working in partnership with government themselves to be able to provide good water systems within the communities.

Now, we know that the community of Fisher Branch and the community of Ashern, their water has been contaminated due to oil companies having establishments within their region. It has caused contamination to their water system. There is a tremendous need, and I can feel for the other R.M.s that are included in this consortium, or want to be part of this consortium, to bring water to their communities, and I can feel for that. But there is no mention of privatization when it comes to other communities that need a good water system, a new water system, to provide their citizens and constituents with good healthy water. So the direction that this government is taking is a direction that I feel is wrong. I feel that this government should do its utmost to try and work out a good sensible deal with the constituents of the R.M.s themselves, the government of the day, to be able to provide that system in a cost-effective way so that these people can have good water.

Madam Speaker, we are concerned about the future of this privatization. We see now from a good example, we see what this government has done and what has occurred since the privatization of MTS. We fear that these communities may be put in the same situation, that even though they make the agreement, somehow they will be able to figure out how they can get more than what really should be paid. These people are not going to enter into any agreement without wanting to make money.

\* (1750)

According to the Water Services Board, the consortium that is involved because of this bill is involved only in order to make a small profit. The consortium says this is reasonable because we are taking on the responsibility of building and owning and operating the facility through the term of the contract. Why are they put in that position to have to go private? A rate is a rate. We all know that these rates can be increased at the whim of the private organization if they so wish to want to go and feel that they want to make a larger profit. It is going to put the communities in

jeopardy to be able to handle the cost that this private consortium is going to implement on the users. Another user fee. Yes, the communities are saying that we need, and, yes, if it means that, then that is perhaps what it should be. We are saying, have these communities been given the opportunity to have an avenue other than privatization through private organization to be able to get the necessities of this province and that is water?

Madam Speaker, we certainly hope that we are able to hear, in committee, people coming, either the municipalities themselves or the organizations of UMM and MAUM, to express their concerns or their wishes with respect to this bill, but I just do not feel that this is the way to go. I feel that we have been able to provide needs and services through governments, through partnerships. As far as the governments themselves, the communities themselves and the people and not private organizations, I think that is the way we should go.

So we are opposed to this bill because of the privatization part. We are opposed to this bill, to this three-and-a-half-line amendment, because this three-and-a-half-line amendment may create a waterfall, a downslide in being able to provide the necessary services and needs of communities who will have to end up paying more than what they would have to otherwise.

So with those few words, I look forward to passing this bill on to committee and look forward to the committee hearings as soon as possible.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading Bill 12, The Manitoba Water Services Board Amendment Act.

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

**Some Honourable Members:** Agreed.

**Some Honourable Members:** No.

#### Voice Vote

**Madam Speaker:** All those in favour, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Yeas have it.

**Mr. Doug Martindale (Burrows):** On division.

**Madam Speaker:** On division.

#### House Business

**Hon. James McCrae (Government House Leader):** Madam Speaker, I have a number of matters of House Business to bring to the attention of honourable members. Firstly, I believe there would be agreement that next Monday, the House recess at 5:30 until 7 p.m., at which time it resumes sitting and would sit until 10, unless otherwise agreed.

**Madam Speaker:** Is there leave to recess the House on Monday next, June 23, at 5:30 p.m. and then resume House Business at 7 p.m. until 10 p.m.? [agreed]

**Mr. McCrae:** Madam Speaker, I wish to announce, with the leave of the House, that the Subcommittee of the Standing Committee on Privileges and Elections will meet on Thursday, June 19, at 3 p.m. to consider and approve its report.

**Madam Speaker:** Is there leave that the Subcommittee on Privileges and Elections meet on Thursday, June 19, at 3 p.m. to consider and approve its report? [agreed]

**Mr. McCrae:** I wish to announce, with the leave of the House, that the Standing Committee on Privileges and Elections will meet on Monday, June 23, at 3 p.m. to consider the report of the subcommittee established to review the operations of the Child Advocate provisions of The Child and Family Services Act.

**Madam Speaker:** Is there leave of the House that the Privileges and Elections Standing Committee meet on Monday, June 23, at 3 p.m. to consider the report of the subcommittee established to review the operations of the Child Advocate provisions of The Child and Family Services Act? [agreed]

**Mr. McCrae:** I wish to announce that the Economic Development committee will meet on Friday, June 20, at 10 a.m. to consider the following bills: 16, 39 and such other bills as are subsequently referred.

**Madam Speaker:** To reiterate the announcement by the government House leader that the Standing Committee on Economic Development meet on Friday, June 20, at 10 a.m. to consider Bills 16 and 39 and such other bills as are subsequently referred.

**Mr. McCrae:** I wish to announce that the Economic Development committee will meet on Monday, June 23, at 7 p.m. to consider the following bills: 41 and such other bills as are subsequently referred.

**Madam Speaker:** To reiterate the announcement by the government House leader that the Standing Committee on Economic Development will meet on Monday, June 23, at 7 p.m. to consider Bill 41 and any other bills that are subsequently referred.

**Mr. McCrae:** I wish to announce that the Law Amendments committee will meet on Monday, June 23, at 7 p.m. to consider the following bills: 47 and such other bills as are subsequently referred.

**Madam Speaker:** To repeat the announcement by the government House leader that the Standing Committee on Law Amendments will meet on Monday, June 23, at 7 p.m. to consider Bill 47 and such other bills as may be subsequently referred.

**Mr. McCrae:** Madam Speaker, I wish to announce that the Law Amendments committee will meet on Tuesday, June 24, at 10 a.m. to consider the following bills: 21, 33, 38 and such other bills as are subsequently referred.

**Madam Speaker:** To repeat the government House leader's announcement that the Standing Committee on Law Amendments will meet on Tuesday, June 24, at 10 a.m. to consider Bills 21, 33 and 38 and such other bills as are subsequently referred.

**Mr. McCrae:** Madam Speaker, I wish to announce that the Economic Development committee will meet on Tuesday, June 24, at 10 a.m. to consider the following bills: 44, 53 and such other bills as are subsequently referred.

**Madam Speaker:** To repeat the announcement by the government House leader that the Standing Committee on Economic Development will meet on Tuesday, June 24, at 10 a.m. to consider Bills 44 and 53 and such other bills as are subsequently referred.

What is the will of the House? Is it the will of the House to call it six o'clock?

**An Honourable Member:** Agreed.

**Madam Speaker:** Agreed? Agreed and so ordered.

The hour being 6 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 18, 1997

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Bill 21, Jury Amendment Act  
Mackintosh 5035  
Lamoureux 5016

Bill 33, Executions Amendment and  
Consequential Amendments Act  
Mackintosh 5037  
Lamoureux 5039

Bill 12, Manitoba Water Services Board  
Amendment Act  
Barrett 5039  
C. Evans 5040