

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 18 July, 1986.

Time — 10:00 a.m.

OPENING PRAYER by Madam Speaker.

MADAM SPEAKER, Hon. M. Phillips: Presenting Petitions . . . Reading and Receiving of Petitions . . .

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MADAM SPEAKER: The Honourable Member for Burrows.

MR. C. SANTOS: Madam Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

Madam Speaker, I move, seconded by the Member for Kildonan, that the Report of the Committee be received.

MOTION presented and carried.

MADAM SPEAKER: Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

INTRODUCTION OF GUESTS

MADAM SPEAKER: Before proceeding to Oral Questions, I'd like to draw the attention of honourable members to the gallery where we have visiting with us from the Legislature of Alberta, Mr. Derek Fox, who is the agricultural critic.

On behalf of all the members, I welcome you to the Legislature this morning.

SPEAKER'S STATEMENT

MADAM SPEAKER: Also, before proceeding to Oral Questions, I have a brief statement to make.

I am delighted to advise all members that today is the 75th Anniversary of the Commonwealth Parliamentary Association.

It was on this date in 1911 that representatives from the Parliaments of the self-governing nations of the British Empire met in London, England to establish the Empire Parliamentary Association.

The name of the association was changed in 1948 to its present form to reflect the realities of the post-war period as many former colonies attained independence within the Commonwealth.

I believe also that this would be an appropriate time, with the indulgence of the House, to briefly outline the aims, objectives and activities of the association, particularly for the information of newer members of the Assembly.

The Commonwealth Parliamentary Association is an association of members of Commonwealth Legislatures who, irrespective of race, religion, or culture, are united

by a community of interest, respect for the rule of law and individual rights and freedoms and by the pursuit of the positive ideals of democracy.

The association provides the sole means of regular consultation between members of Commonwealth Parliaments. It encourages the development of understanding and cooperation among parliamentarians and also endeavours to promote the study and respect for parliamentary institutions.

Today, it consists of more than 8,000 members of 110 Commonwealth Parliaments or Legislatures. For the association's organizational purposes, the Commonwealth is divided into seven regions, one of which is Canada.

The activities by which the association pursues its aims and objectives include the following. At the international level, there is an annual Parliamentary Conference attended by delegates from all parts of the Commonwealth. An annual seminar on Parliamentary Practice and Procedure is held in London. The association headquarters publish and distribute to all association members, the quarterly journal, "The Parliamentarian," and two bi-monthly newsletters respecting association activities and parliamentary affairs.

At the association's headquarters, the Parliamentary Information and Reference Centre maintains a comprehensive collection of materials on Commonwealth Parliaments and provides a full and prompt information service for members and branches of the association.

The revenues accruing to the association from the Working Capital Fund have permitted expansion of the association's activities into such areas as the sponsorship of the Annual Conference for Small Countries; study groups on a variety of topics, the latest being Electoral Law and Practice; special seminars for parliamentarians, and the publication of books on parliamentary topics.

In the Canadian region, the principal activities are the Annual Canadian Regional Conference, hosted each year by a different province or territory; the Annual Canadian Regional Parliamentary Seminar, hosted every second year in Ottawa and in the intervening years by a province or territory; the Annual Conference of Canadian Presiding Officers, which is hosted each year by a different jurisdiction.

From time to time, various provinces exchange delegations of members with each other.

The headquarters of the Canadian Region also publishes and distributes to all members, the quarterly journal, "The Canadian Parliamentary Review."

The Manitoba branch of the association was established by resolution of this House on February 28, 1938. A delegate from the province has regularly attended the annual parliamentary conference since 1948, and delegations have regularly particularly participated in the Canadian regional conferences and seminars, and the Canadian Presiding Officers' Conferences, since these events were established.

Manitoba hosted the Canadian Regional Conference held in 1960, 1972 and 1983. It will host the Presiding Officers' Conference in 1987.

In conclusion, let me suggest that we reach out our hands in friendship to our parliamentary brothers and sisters around the Commonwealth. I would also like to convey, on your behalf to those responsible for conducting the affairs of the association, congratulations on this important milestone in the association's history, and best wishes for the future.

ORAL QUESTIONS

MTX

MADAM SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Madam Speaker. My question is for the Minister responsible for the Manitoba Telephone System.

I wonder if he could tell us whether or not there are any discriminatory laws or provisions with respect to either religion or gender that would prevent any people from working for MTX or its subsidiary in Saudi Arabia.

MADAM SPEAKER: The Honourable Minister responsible for MTS.

HON. A. MACKLING: I will take the question as notice, Madam Speaker. I am sure that all honourable members would want to disassociate themselves from any discriminatory practice. I trust that none exists. I know that we deal with countries that have different philosophies in respect to involvement in society and some of them differ markedly from our own. I hope that there is not a significant problem there because I think all members oppose discrimination of any kind.

MR. G. FILMON: Madam Speaker, I wonder if the Minister could further indicate whether or not the same equal opportunity provisions which apply to Manitoba Telephone System employees apply to the hiring of employees to work for either MTX, its wholly-owned subsidiary, or the partnership that MTX owns with Sheikh Abdullah Al Bassan.

HON. A. MACKLING: Again, Madam Speaker, I'll take the details of the question as notice. I know that there is a partnership company and then there are individual companies owned by the Sheikh himself. I assume that the honourable member's questions are in reference to the partnership, the joint venture company, and I will make those inquiries.

MR. G. FILMON: Just for the assistance of the Minister I am talking about the wholly-owned subsidiary of Manitoba Telephone System, MTX, and the 50 percent owned corporation which I believe is called Saudi Arabian Datacom Limited - those two in which we have a direct financial interest.

My next question, Madam Speaker, is to the Premier and I wonder if he could indicate if he is just as committed to restrict the economic ties and the contacts that we have on an economic level with countries who

discriminate by their laws with respect to either gender or religion, or religious beliefs, as he is for those who discriminate by reason of colour or race?

HON. H. PAWLEY: Madam Speaker, I made an announcement yesterday pertaining to our position in respect to South Africa, as a result of a kind of invitation on the part of the Right Honourable Joe Clark, to receive submissions from Provincial Governments insofar as our position. I hope that that position will be helpful. Our position has been consistent throughout, unlike what I believe to have been the position of the Opposition in this Chamber in respect to the issue of sanctions. Insofar as all other areas, if the honourable member wants to refer to other specific instances or examples, we will take that under consideration as well. The particular issue of South Africa relates to an invitation for provincial input to the Right Honourable Joe Clark.

MR. G. FILMON: Well, Madam Speaker, my question then further to the Minister is this: Is he prepared to withdraw the Manitoba Telephone System's investment in the MTX corporation and the 50 percent owned subsidiary in Saudi Arabia should the Minister's investigation indicate that their laws and their methods of operation are discriminatory by reason of either religion or gender?

HON. H. PAWLEY: Madam Speaker, the question is hypothetical, but my response to the hypothetical question is that we'll wait for the response from the Minister responsible for the Telephone System.

MTS - escort services in directory

MADAM SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Madam Speaker. My question is for the Minister responsible for the implementation of Pay Equity and Manitoba Telephone System.

Can the Minister indicate, in view of the fact that the Winnipeg Free Press will not accept ads from escort services in the province, whether the Minister concurs with the policy of MTS in having some seven pages of display advertising for escort services in the city of Winnipeg?

MADAM SPEAKER: The Honourable Minister responsible for MTS.

HON. A. MACKLING: Madam Speaker, it was brought to my attention by several of my colleagues after the publication of the Yellow Pages occurred. I share with colleagues of this House a concern that the Telephone System has adopted a policy that if there is a user of the telephone service, apparently they list them.

I think there should be more distinction. I certainly have had discussions with the board about it. It was too late for me to take any initiative as Minister to cancel because it was already out, but I'm going to ensure that kind of advertising does not continue. It has continued over the course of many years by the

corporation, both since I have been Minister, and previous other people, including, I think, members opposite were Ministers. I think that is a mistake and it should be stopped.

MR. D. ORCHARD: My question is to the Minister responsible for the Status of Women.

Could the Minister responsible for the Status of Women indicate whether she and her department were consulted on one ad for an escort service, "Dark and Lovely Escorts, Beautiful Black Ladies," which is clearly an offensive ad and very discriminatory against women and it has racial overtones. Was she consulted on that and does she confirm with that ad?

MADAM SPEAKER: The Honourable Minister responsible for the Status of Women.

HON. J. WASYLICIA-LEIS: Thank you, Madam Speaker.

I was one of those colleagues who expressed concerns to the Minister responsible for MTS, along with several of my other colleagues. I appreciate the fact that he shares that concern and will be looking into the matter with a view to cancelling those types of ads.

CNR layoffs

MADAM SPEAKER: The Honourable Member for Kildonan.

MR. M. DOLIN: Thank you, Madam Speaker. My question is to the Minister of Transport.

Has the Minister been informed about the layoff of 30 electricians at the CN Shops in Transcona by CN and, if so, what action is going to be taken by the Minister or his department?

MADAM SPEAKER: The Honourable Minister of Highways and Transportation.

HON. J. PLOHMAN: Madam Speaker, we have not been directly informed of the impending layoff of 30 electricians at the Transcona Shops. Of course, layoffs have reached epidemic proportions, it seems, in the transportation area by federal agencies over the last year. We understand some 642 people have been laid off in the province, 388 permanent positions abolished from the information we have been given. This is a great concern to us, Madam Speaker, and we have informed the Federal Minister of our concerns there.

We understand that technological changes will result in some change in the work force, but we want to ensure that Manitoba does get its share of new jobs and retraining opportunities so that people that are working here in Manitoba do not have to relocate to other areas of the country to find employment in the transportation sector.

MR. M. DOLIN: To the same Minister, a supplementary. On June 26, I asked the Minister about transfers and layoffs at VIA Rail, and the Minister at that time informed the House that he was going to contact the Federal Minister of Transport and also contact officials of VIA Rail in Montreal to see what could be done.

Has the Minister received any response from his contact with the Federal Minister of Transport and VIA Rail officials?

HON. J. PLOHMAN: Madam Speaker, we did telex the Minister at that time and have indicated the concerns, and we would like an explanation and a halt to these layoffs and abolishment of positions here in the Province of Manitoba until they have been thoroughly reviewed by the Minister's office.

We have not received replies to those concerns directly, although we have discussed this issue with VIA officials as well, and they have told us that this is a part of a consolidation process to make their operation more efficient.

Again, we are saying that Manitoba and the West should not suffer at the expense of these layoffs, and that the East should be gaining - Montreal and Toronto - employees at our expense, and that there should be some fairness in this whole consolidation process. That's what we intend to push in the months ahead.

MR. M. DOLIN: A final supplementary, Madam Speaker. Could the Minister inform the House what happened to the 6,000 new jobs Mr. Axworthy promised with getting rid of the Crow rate?

MADAM SPEAKER: I think that question is out of order and out of the Minister's jurisdiction.

Children's Hospital (New) - cost of repairs and renovations

MADAM SPEAKER: The Honourable Member for River East.

MRS. B. MITCHELSON: Thank you, Madam Speaker. My question is to the Minister of Health.

Now that the new Children's Hospital has finally opened, can the Minister inform this House what costs were involved for repairs and renovations to make this building usable?

MADAM SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Madam Speaker, I wonder if my honourable friend can repeat that. I didn't get the beginning, the start of the question. I'm sorry.

MRS. B. MITCHELSON: Now that the new Children's Hospital has finally opened, can the Minister inform this House what costs were involved for repairs and renovations to make this building usable?

HON. L. DESJARDINS: Madam Speaker, I believe my honourable friend is asking what additional costs because of the faults. Well, this, I wouldn't have that at this time. I can tell you that there is no additional cost to the taxpayer.

Children's Hospital (New) - litigations re construction

MRS. B. MITCHELSON: Can the Minister inform this House what stage the litigation is at and when are the next hearings?

HON. L. DESJARDINS: Madam Speaker, I have no idea.

Municipal Hospitals - transfer of patients re impending strike

MRS. B. MITCHELSON: A new question to the Minister of Health.

In view of the fact that the Municipal Hospitals have decided to transfer patients to other hospitals because of the threat of a strike by the city employees, can the Minister inform us why terminally ill patients on their death beds are being transferred?

HON. L. DESJARDINS: Madam Speaker, that is the City of Winnipeg. I'm not saying that we have no responsibility on that. This is done under the supervision of the medical director, and if my honourable friend is talking about the two deaths that we have, I think if she reads a little further she'll see that the vice-president of medicine at the Health Sciences Centre is saying that this would have happened anyway. The situation is, as I say, a responsibility of the City of Winnipeg. I understand that there has been some discussion with the Minister or the Department of Labour to make sure that at least the life-saving needs will be taken care of.

MRS. B. MITCHELSON: A supplementary to that question, Madam Speaker.

How many patients are being moved and are they being transferred to other hospitals as well?

HON. L. DESJARDINS: Madam Speaker, some of them are being transferred to other hospitals. Some have been transferred I believe to the Health Sciences Centre.

As to the number, I think that varies, and I'd have to get that information.

MADAM SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: A question to the Minister of Health, Madam Speaker.

Is the Minister of Health telling this House and the people of Manitoba that he has no responsibility as Minister of Health when people are being moved from the Municipal Hospitals and are dying in the course of being moved? Does he not believe that he has some responsibility to intervene in that type of situation that would allow these people, at least, to die with some dignity?

MADAM SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Madam Speaker, I think that the House Leader has the responsibility also not to try to paint those kind of pictures that he just has.

Yes, the Department of Health has responsibility, but I'm not a doctor. It is not the role of the Department of Health. There are doctors in essential services where . . . Essential services are going to be given and it was quite clear that these persons would have died anyway. Now this is a medical decision. It's not a decision of any politician. I'll leave it like that. I don't expect and don't intend to interfere with the medical profession on that.

Indian Bands - lottery funds

MADAM SPEAKER: The Honourable Member for Ste. Rose.

MR. G. CUMMINGS: Madam Speaker, my question is for the Minister responsible for Lotteries.

Are the Indian bands in this province eligible to receive lottery funds the same as other communities in this province, on application?

MADAM SPEAKER: The Honourable Minister responsible for Lotteries.

HON. J. WASYLYCIA-LEIS: Thank you, Madam Speaker.

Yes, the Indian bands are eligible for funding through our umbrella system as well as recipients of funding directly from my department and other departments.

MR. G. CUMMINGS: Madam Speaker, I would ask the Minister if this is a new directive, because there's clearly an understanding among the Indian communities that I've been talking to that they are not eligible at this point.

HON. J. WASYLYCIA-LEIS: As I said earlier, they are eligible and do receive funding. I will certainly look into the nature of the concerns expressed by the member opposite and if there's anything to report back I'll do so.

Indian Bands - bingos, unlicensed

MADAM SPEAKER: The Honourable Member for Charleswood.

MR. J. ERNST: Thank you, Madam Speaker, through you to the Attorney-General.

Would the Attorney-General advise the House if he has instructed his officials not to prosecute Indian bands operating unlicensed bingos?

MADAM SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: No, Madam Speaker.

What is happening there is that, in fact, there have been some instances where, both with respect to bingos and Nevadas, some reserves formally operating under licence from the Lotteries Commission began operating without such licences and we have begun investigations of that. Some of them are asserting that they have rights under the Indian Act or alternatively under Treaty to do so, and we are investigating that.

In the meantime, we've made it clear to those bands that we have a responsibility to enforce the law, and we have entered into an understanding I think with most of the bands that if these matters are not cleared up by October at the latest then full enforcement of the law will have to take place. So that understanding has been quite clear.

Road conditions - Berens River

MADAM SPEAKER: The Honourable Member for River Heights.

MRS. S. CARSTAIRS: Thank you, Madam Speaker. My question is to the Minister of Northern Affairs.

Last winter, children were unable to attend school in Berens River because the parents declared the roads unsafe. Earlier in this Session, the Minister indicated work would take place on the roads. Can the Minister inform the House today if the work has been completed?

MADAM SPEAKER: The Honourable Minister of Northern Affairs.

HON. H. HARAPIAK: Yes, Madam Speaker, last winter there was a group of children that did come in from Berens River to protest the fact that the road was in conditions that were deplorable. Since that time, we have had a contract let for crushing of gravel, which is giving us all the necessary material to work on the internal roads. The internal roads have been completed to a stage now where they are serviceable and there is a study going on now as to what we should be doing with the next stage of the road. Once the study is completed, then we will act on the results of the study.

Berens River - fencing of gravel

MRS. S. CARSTAIRS: Can the Minister tell the House why his department has purchased 6,000 pounds of fencing for Berens River and why they feel it necessary to fence in the gravel pit which, incidentally, also means they're fencing in the firehall?

HON. H. HARAPIAK: Madam Speaker, we are in close consultation with the Community Council and the band and they were afraid that the gravel was disappearing, that the gravel that was crushed by the Department of Natural Resources for the use of internal roads was being used for other purposes. The gravel was disappearing at a rate where there wouldn't be sufficient gravel left for the intended purposes. That's why, after consulting with the community of Berens River and the bands, there was a decision made to enclose the crushed gravel.

MRS. S. CARSTAIRS: A final supplementary, Madam Speaker.

Will the Minister take under consideration the premise that if the road to Berens River was kept properly gravelled and graded, the need to lock up the gravel would become less imperative?

Break-ins and burglaries - residential areas

MADAM SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Madam Speaker, on Tuesday of this week, I took as — (Interjection) — no one, not even Harry, could take that question seriously.

Madam Speaker, on Tuesday, I took as notice a series of questions asked by the Member for St. Norbert with respect to crime statistics. At Page 1788 of Hansard, the Member for St. Norbert stated that in view of the report from the Canadian Centre for Justice Statistics out of Ottawa about Manitoba ranking fifth-highest in

the country, can the Attorney-General indicate to the House what steps he is taking to reduce the number of residential break-ins and burglaries, in view of the fact that we have continually brought to his attention over the past number of years significant increases year over year?

Subsequently, I said I thought that when I produced the statistics, he will note that the incidence of property crimes has in fact, on the whole, gone down.

I have my first return, and there'll be a subsequent return. The number of offences against property throughout the province between 1983 and 1985, over two years, has in fact gone down. While crimes of this kind have gone up significantly across the country, in Manitoba they have gone down by not a huge amount, but by 1.2 percent, from 1983 to 1985. With respect to break-ins in the City of Winnipeg, the statistics I currently have, show that between 1983 and 1984, the number of break-ins was identical.

So there has been no huge increase as suggested in the question from the Member for St. Norbert. In fact, taking all property offences in the Province of Manitoba, they have gone down.

So in answer to the question, what is the Attorney-General doing, at least I'm producing statistics to show that it "ain't" that bad.

MADAM SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Madam Speaker, now that the Attorney-General has produced statistics showing that he has made no improvement with respect to residential break-ins and burglaries, in that the numbers are exactly the same, Madam Speaker, when they reached a record high in 1983 in Manitoba, in view of the fact that the City of Winnipeg is fifth highest in terms of residential break-ins and burglaries, could the Attorney-General assure the House that the number of break-ins and burglaries will be reduced over the next few years, under policies to be developed by the Attorney-General?

HON. R. PENNER: Madam Speaker, I've often thought what career will I follow after being that of Attorney-General? I need not wait. I'm going to start patrolling the streets, making sure that the incidence of break-and-enters are reduced significantly. My presence alone will relieve the City of Winnipeg of its responsibility; that's the thrust of the question.

It's the City of Winnipeg which polices the city streets and has to look to its own priorities. There have been increases in the expenditures related to the police in the City of Winnipeg far exceeding the increase in crime, most of it in the administrative sector. If it got its priorities straight, at least in terms of how policing might affect the incidence of — (Interjection) — crime . . .

MADAM SPEAKER: Order please.

HON. R. PENNER: The Leader of the Opposition continues to act like a child who doesn't know in which hand to hold his candy. Really, Madam Speaker, that kind of irrelevancy and pouting doesn't assist in a very complex question.

I'd like to conclude by pointing out to the Member for St. Norbert, who at least can understand these

statistics, that Manitoba experienced a 51 percent reduction in homicide offences from 1984 to 1985, and this is a significantly greater reduction than any other jurisdiction in Canada. If one looks at the whole spectrum of crime, particularly those which affect the person, the picture in Manitoba is not one with respect to which anyone can be particularly proud, but what I'm pointing out, it is not the kind of picture that the Member for St. Norbert is attempting to paint, which does a disservice to the tremendous work that has been done, particularly by the RCMP, to control and begin to bring down the incidence of crime. Yes, disservice.

MADAM SPEAKER: The Honourable Member for St. Norbert with a supplementary.

MR. G. MERCIER: Madam Speaker, the Attorney-General's answer begs a further question. Is the Attorney-General telling the House and the people of the City of Winnipeg that the City of Winnipeg Police Department is not doing as good a job as the RCMP in the rest of the province?

HON. R. PENNER: What I'm saying is that policing on the whole in the Province of Manitoba is as good as anywhere else in the country. That is what I'm saying fundamentally. The RCMP are doing an excellent job. The City of Winnipeg Police Department is doing a good job; I think it can do a better job. That's the thrust of my question.

Child abuse

MADAM SPEAKER: The Honourable Minister of Community Services.

HON. M. SMITH: Madam Speaker, in the House yesterday, the Member for St. Norbert asked me to explain the difference between the number of re-abuse cases in the Provincial Child Abuse Registry, and the number of cases identified by the Child Protection Centre.

The Provincial Child Abuse Registry puts a re-abuse case in if any child has been suspected of alleged abuse and previously noted on the registry, and that they have also been investigated by a Child and Family Service agency.

On the Health Sciences Centre Child Protection Centre Registry, they follow a different procedure. Also, the stats came from 1985 and they were cumulative statistics over their previous year's experience.

They will record as reabuse a youngster where they feel, when they examine the child, that there is evidence of some earlier abuse that was not reported. Now this may have been identified at the time by another adult, by a doctor, a teacher, a day care worker, or may not, but those statistics are the ones that they keep.

The ones that get referred to the Child and Family Services Agency, of the ones that stay in their own homes, the children that are left in their own homes after the Child and Family people have looked at the case, there are many reasons why that occurs. I think it's important that people understand Child and Family Services workers are not able just to go in by fiat and

remove a child from the home. They must establish a case in the court.

Some of the failures, when both the Child Protection Centre personnel and the Child and Family Services prefer to remove a child, they often have to go back on that for the following reasons.

There may be insufficient evidence to proceed in Family Court or with a criminal court measure. There may be - and this has been the problem with children's evidence in the past which may be changed in the future with the Crosbie bill - lack of corroborative evidence to substantiate the victim's statement, coupled with the alleged suspected abuser's denial. Another reason is that the alleged or suspected abuser may no longer reside in the home or may have been removed from the family home, so the victim is at no immediate risk.

I've just one more comment, Madam Speaker. The presenting trauma may have been of a very minor or limited nature, or there may have been delays in the criminal justice system, resulting in a recounting on the part of the victim, so there's no further legal basis to keep the children in care.

McCain Foods, Portage

MADAM SPEAKER: The Honourable Member for Portage la Prairie.

MR. E. CONNERY: Thank you, Madam Speaker. My question is to the Minister of the Environment.

Madam Speaker, this government is doing its darnedest to discourage and frustrate private investment in Manitoba. McCain Foods Ltd., one of the two largest employers in Portage la Prairie, has been ordered to put in residential standards for emissions while it is in the industrial park. The Environment Department, without any complaints, initiated a hearing and had the regulations imposed.

Madam Speaker, a member of the department, a Mr. Ken Wait, said what it boils down to, really, is in case there is a problem, we're readying against a problem in case one should occur.

To the Minister: Did he initiate this inquiry?

MADAM SPEAKER: The Honourable Minister of the Environment.

HON. G. LECUYER: Thank you, Madam Speaker.

I will take the details of this question under advisement and get back the information to the House; but I have to say, on the general aspect of this question, that if we don't take measures in case of potential damage to the environment, we are just opening the door for all of the potential unknowns.

We discussed this in my Estimates right now, Madam Speaker. We know today what we didn't know 20 years ago. If we had taken some of the measures to protect the environment years back, we wouldn't be experiencing the problems we are, for instance, in the Great Lakes today, which will cost hundreds of millions of dollars to repair, whereas it would have been economic sense to do and put in place those measures in the first place.

The member knows full well that in regard to the community that he represents there are sufficient

problems that will cost not only that particular municipality but the province large sums of money to bring under control because some of the advice that was given a few years back was not put in place, and for a few dollars savings, today we will have to pay thousands upon thousands of dollars of additional costs, Madam Speaker.

MR. E. CONNERY: Madam Speaker, it's quite obvious that the Minister does not know what is going on in his department.

Will the Minister direct his department to quit harassing McCain Foods, because if they don't, much needed expansion will not be forthcoming. McCain Foods is a large employer of people and contracts 5,000 hectares of potatoes in Portage la Prairie. At a time when grain is depressed, we need the industry of McCain's in Portage la Prairie. Will he tell his staff to quit harassing the company?

HON. G. LECUYER: Madam Speaker, that's exactly the point that I'm making. If we do not put in place today, and that is exactly what happened a few years back; they did not put in place the proper measures to be able to handle with the sewage system, with the lagoon system, with the landfill site, with the water supply in that particular community, and that creates the problem for the expansion that he is referring to today.

It is not my intention in any way, shape or form to harass a particular community or to stop developments or enhancements of business opportunities which do exist in that particular community. If they are not there today, it's because those measures were not put in place; not because we choose to do that, but because they were not put in place and the advice was not taken a few years back.

MR. E. CONNERY: The problems arise because the department was negligent in providing adequate information . . .

MADAM SPEAKER: Order please, order please. Order please.

Question period is not a time for debate. The honourable member asked a question; the Honourable Minister answered the question. A supplementary needs no preamble and question period is not a time for debate. If the honourable member has a further supplementary, I will recognize him whether or not he points his finger.

Do you have a supplementary?

MR. E. CONNERY: No.

MADAM SPEAKER: Fine.

Berens River - fencing of gravel

MADAM SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Madam Speaker, a question to the Minister of Northern Affairs.

That disappearing gravel at Berens River, did it occur to the Minister that perhaps charges ought to be laid

and that that might have stopped the disappearance of the gravel rather than building expensive fences around it?

MADAM SPEAKER: The Honourable Minister of Northern Affairs.

HON. H. HARAPIAK: Madam Speaker, I think that we, as the Department of Northern Affairs who are responsible for municipal services in that community, have a responsibility to protect the gravel that we put into that community to service the roads that are there, and we have a responsibility to protect our property, and that as we're doing that, after consulting with the community council, we felt that was the best way to protect the gravel that has been put in that area.

MR. H. ENNS: Madam Speaker, a supplementary question.

That precisely is what I'm after. Did the department do any investigation as to why and how the gravel disappeared before they decided to build fences?

HON. H. HARAPIAK: I'm sure that the member knows that when we have a contract to crush gravel in a community, we don't do it for just one time; we don't use up all that gravel at one time. They're going by previous experience. In previous experience, they've had to enclose the gravel that has been utilized with the airport but now additional gravel has been crushed for the internal roads, and we know from previous experience that it has been disappearing so we have taken the precaution by fencing it off.

Soft drink cans - recycling of

MADAM SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Thank you, Madam Speaker. My question is directed to the Honourable Minister of Environment and Workplace Safety and Health.

Last night in our Estimates the Minister was asked how many nonreturnable soft drink tins were not returned and were not recycled last year and we were given a figure of 80 million, Madam Speaker.

If these soft drink tins were laid end to end, it would form a pillar of 5,681 miles. How many miles in height, or how long will it take the Minister to take action to see that something's done in the recycling of the soft drink tins to clear the environment of this problem?

MADAM SPEAKER: The Honourable Minister of the Environment.

HON. G. LECUYER: Thank you, Madam Speaker. I'm glad the member took the time to figure out how far we're going to go with this.

I said, Madam Speaker, last night that these are figures that we project for this year and those are not actual figures for last year. I also indicated, Madam Speaker, that we do have the growing problem with that. That is a very recent one because of the aluminum cans; it's just recently being used in the soft drink industry.

Until a little bit more than a year ago, the industry had self-imposed the policy on itself whereby 80 percent of its containers would be of the refundable, reusable type. With the advent of the aluminum can, things are going out of proportion. But I also told the member last night that we've recently hired the recycling coordinator and he's gone and looked at the program put in place in Minneapolis; and that such a program is being implemented in Manitoba starting in August and we will evaluate the results of that program.

Housing - The Pas (Elderly and Special Needs)

MADAM SPEAKER: The Honourable Minister of Housing.

HON. M. HEMPHILL: Madam Speaker, I took a question as notice from the Member for River Heights and I'm pleased to inform her and the people of The Pas that the Board of the MHRC has approved the Elderly and Special Needs Housing Project; and that it is in under budget and construction is expected to start next month.

PENT (Professional Education of Northern Teachers) Program

MADAM SPEAKER: The Honourable Minister of Education.

HON. J. STORIE: Madam Speaker, I took as notice several days ago a question from the Member for Minnedosa regarding an evaluation of the PENT Program. I'd like to inform the honourable member that the evaluation was begun in January and has been completed. The report was forwarded to the funding agencies which are Frontier School Division and the Department of Indian Affairs and Northern Development federally. I understand that the communities that have been involved in the PENT Program have also been informed of the results of the evaluation. I do not have a copy but I expect to get one. When I do, I would be more than happy to share it with the honourable member.

MADAM SPEAKER: The time for Oral Questions has expired.

ORDERS OF THE DAY

MADAM SPEAKER: The Honourable Government House Leader.

HON. J. COWAN: Yes, Madam Speaker, will you call Second Reading on Bill No. 30 standing in the name of the Attorney-General, and following that please call Adjourned Debate on Second Readings as they appear in the Order Paper starting with Bill No. 4 on Page 2 and continuing through to Bill No. 41 on Page 4 inclusive.

SECOND READING BILL NO. 30 - THE JUSTICE FOR VICTIMS OF CRIME ACT

HON. R. PENNER presented, by leave, Bill No. 30, The Justice for Victims of Crime Act; *Loi sur les droits des victimes d'actes criminels*, for Second Reading.

MOTION presented.

MADAM SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Thank you, Madam Speaker.

Justice for Victims of Crime is the title of the bill we are discussing today. Justice for victims of crime should also be one of the principal aims of our system of criminal justice. The purpose of this legislation is to ensure that it is.

In a sense, the bill is about maintaining equilibrium and balance. Justice requires the balancing of values and the careful weighing of interests. The interests of society are kept in balance with the rights of the individual. In trials, evidence is carefully weighed according to principles of procedure designed to find the truth in fairness and equity. The powers accorded the police to investigate and prevent crime are weighed and balanced against the right all of us have to our privacy or freedom not to be unduly interfered with. The art of justice is to maintain a careful equilibrium between a variety of values, a variety of interests, a variety of goals.

In one area of our justice system, namely, the treatment of victims, the scale we think is somewhat out of balance. The passage of this legislation which was announced during the election campaign will, I believe, be an important step in rebalancing the scales to ensure that victims of crime are dealt with properly.

The bill is not being presented, Madam Speaker, in a vacuum, nor is it suggested, of course, that by itself it will solve all of the problems that by itself that will address all of the issues related to victimization. It is but the most recent measure, firmly anchored on a foundation of existing services which we're proud of in this province. It is intended that it lead to the enhancement of existing programs and the development of new services. It's part of an overall effort, part of an overall strategy, and it must be seen in this light.

Madam Speaker, the bill is the first Canadian legislation to specifically address the needs of victims of crime. I predict that it will not be the last. In developing the legislation, we were greatly assisted, Madam Speaker, by the work and efforts of a great number of concerned individuals and organizations. It incorporates many of the recommendations of the Federal-Provincial Task Force on Victims with which we've been ourselves closely associated. We were also very aware of the concerns which have been raised within the province by a number of groups, many of whom presently participate in the department's Victims Advisory Board.

As well, we were able to benefit from the practical experience of several state jurisdictions in the United States, which have passed and implemented legislation on victims. Of particular interest to us has been the experience of the States of Michigan, California and Massachusetts.

Finally, Madam Speaker, in terms of the background context, the environmental context, the United Nations covenant on victims, which Canada supports served as a very useful guide.

Friday, 18 July, 1986

I turn now to a brief overview of the bill.

The bill, Madam Speaker, has three principal components, each with its own purpose, but each closely connected with the other two. The three parts consist, first of all, of something quite unique in legislation, namely, a Declaration of Principles; secondly, the establishment of a Victims Assistance Committee, that's a second component; and thirdly, and quite uniquely, the creation of a Victims Assistance Fund.

The Declarations of Principles outlines objectives for our justice system will provide guidance to those entrusted with its administration, on the role of victims and how they should be dealt with. As a statement of principle, of course, it is not mandatory. It is there to provide direction and guide, not to command. Its importance is the clear message it contains as to how the justice system should be treating victims of crime. While - let me interject here - it is not mandatory, clearly governments in this province will be guided by it. No legislative order can by itself, of course, create courteous, respectful, compassionate behaviour to victims. No law by itself can ensure sensitive treatment of crime victims. These must be and we think there will be a carefully fostered and promoted sensitivity to victims of crimes in a variety of ways. The declaration of principles sets the tone and provides a guidance as a framework for the development of new attitudes to the victims of crime.

What then, Madam Speaker, are the principles that should guide society in the treatment of victims? What are the goals and objectives set out in the legislation? The act, Madam Speaker, identifies specific areas in which the needs of victims and the response of the justice system should be addressed. These include such specific matters as the responsibility of officials to make essential information relating to the offence and the offender available to the victim - and that should be done very promptly, very early on in the process - and the responsibility to ensure the prompt return of stolen property when it has been recovered. There are also more general provisions which acknowledges the integral place of the victim within the justice system, not merely as an interested and largely peripheral bystander.

Taken together, the various principles recognize the victim as an important individual within the system who has specific needs and concerns which must be addressed by justice personnel with compassion, courtesy and sensitivity. It recognizes that the criminal justice system is itself a service which must address and meet the special needs of victims.

Finally, Madam Speaker, the declaration of principles points to specific steps which must be taken within the justice system to address those special needs such as the need to keep the victim informed as to the progress and results of the case in those instances where the offender has been apprehended, to provide the means for compensation and restitution, and to ensure the availability of counselling in other victim-related services.

I point out here, Madam Speaker, that quite often the victim is not involved at the very beginning in the process where the accused pleads guilty and the victim is not required as a witness, there is the possibility of losing, in a sense, sight of the victim and, in doing so, to lose sight of the victim's needs.

(Mr. Deputy Speaker, C. Santos, in the Chair.)

The second component, Mr. Deputy Speaker, a Victims Assistance Committee is created by the legislation. This committee is to be composed of representatives of the various institutions and organizations most directly connected to the administration of justice and to the impact of crime on victims.

It will include representatives from the police, the legal profession, the judiciary, organizations active in providing victim services, and there are many in this province, and at least two persons who have been victims of crime.- (Interjection)- yes, I think so, because those are the voices that must be heard in finding what has to be done with respect to victims.

This committee has a number of duties which are outlined in some detail in the legislation. Its most important function is to be an advocate for victims and victim services. The committee will assist the justice system in considering and adjusting its methods and procedures to better take into account the needs of victims.

Third component: A Victim Services Fund is created by the act. This fund is to be fully dedicated - that is it can't be used for any other purpose but the statutory purposes within the act - to the expansion of victim-related services within the justice system in the encouragement of other innovative projects which will better promote understanding of victims' needs.

It is to be funded entirely from sources within the justice system through the use of a surcharge on criminal offences. Due to jurisdictional considerations, the surcharge set out in the act, to begin with, is limited to provincial offences. The act allows for the revenue from a similar federal surcharge to be added to the fund once the appropriate amendments are enacted at the federal level.

It's my hope and, indeed, expectation, because I've received assurances to this effect, that this will not be long in coming. I expect that within the next calendar year at the latest, the federal equivalent will have been enacted and, in a sense, we wanted to set the stage to be able to take advantage of that.

Assuming by way of example a surcharge of 12 percent - I just use that as an example; the maximum permitted by the act is 20 percent - it is estimated that approximately \$350,000 will be available each year. After a federal surcharge for a similar amount comes into effect, the maximum would rise in present-day dollars to \$750,000.00. That is a very considerable amount of money dedicated to victim services. The administration of this fund on behalf of victims' needs and services will be a primary task of the Victim Services Committee.

This legislation, Mr. Deputy Speaker, is, in my view, and I'm proud of it, an important step, but only one part of a much broader initiative to improve the justice system in this important area. The government will be taking other steps to complement and enhance the act.

For example, we are now well advanced in a pilot project on the use of victim-impact statements. We've also a project on the use of video-taping of child witnesses and victims to reduce the trauma in the investigation of criminal offences. Both of these are in cooperation with the Federal Government.

We are considering the needs of victims in the development of all our programs. The provision of a

separate waiting room in our courts to minimize the contact between accused and victims has been taken into account in our building program. A special court for matters involving young children is now being developed, a court that is much different from the rather austere, symbolic majesty of the law kind of courts that we have, but is much more amenable to the needs of children. That is now being developed with the active participation of the Assistant Deputy Minister, John Guy.

Information packages for prosecutors and the police are being developed. We are also working with the Federal Government on a series of amendments to the Criminal Code which will allow for the greater use of restitution and compensation in the sentencing process and which will provide a framework for the use of victim impact statements.

In brief, Mr. Deputy Speaker, there is much to be done. There's much that we are doing, much more that can be done, there's much more that will be done, and this legislation will help us to see that much more is done, and I commend it to the House.

MR. DEPUTY SPEAKER: The Member for St. Norbert.

MR. G. MERCIER: Thank you, Mr. Deputy Speaker.

I wish to speak to this piece of legislation and point out to members of the House some of the background in regard to this bill.

First of all, this bill comes from an administration that has been described by outside parties as having the worst record in the country in terms of assistance to victims of crime, the worse record in the country. Mr. Deputy Speaker, the Attorney-General points with pride, for example, to steps they have taken on the use of victim-impact statements.

I point out to you, Mr. Deputy Speaker, that in the Legislative Session of 1985, I specifically, for the second time, I believe, raised the whole question of the desirability and the necessity of victim-impact statements as a means of addressing part of the victim's problem with respect to the crime that had been committed upon him or her. The Attorney-General, Mr. Deputy Speaker, at that time dismissed the whole notion as perhaps revenge on the part of the victim and had all sorts of arguments that defence lawyers are presently raising against this type of system.

Now, lo and behold, Mr. Deputy Speaker, as the election approached, the Attorney-General and the members of the government all of a sudden adopted the concerns that have been expressed by members of the Opposition for a number of years and embarked upon one of these projects. In fact, not pointing out again, although it has been pointed out briefly in the past, Mr. Deputy Speaker, that this particular project in victim-impact statements is funded by far the much greater percentage by the Federal Government and not by the Provincial Government; no mention whatsoever of that in this statement.

Mr. Deputy Speaker, what is new in this act? There's one concept that is new, and I would support it, and that is the surcharge on fines to provide a fund available for assistance to victims. But is the Attorney-General saying, Mr. Deputy Speaker, that up until now they have not been able to proceed with any significant steps to assist victims because they haven't had the fund, that

assistance to victims has been such a low priority with this Attorney-General that he hasn't been able to do anything specific or substantive until this bill has been introduced?

When you examine this bill, there is so much fluff in this bill. It's smoke and mirrors, Mr. Deputy Speaker, because these principles were available and have been available for years. The Attorney-General should have been conducting his department and his administration on the basis of these principles for years. Did he need a bill to tell him that society should compensate and assist victims of crime? Does he need that legislation to tell him and his department to do this? Mr. Deputy Speaker, this is smoke and mirrors and fluff. This is slick electioneering, Mr. Deputy Speaker, and that's all it is.

We have many, many volunteer groups and crime prevention agencies, people willing to assist victims of crime that need a little help. If the Attorney-General, Mr. Deputy Speaker, if his commitment to assist the victims of crime is so weak that he couldn't establish it as a proper priority within his department without establishing this surcharge in fund, then I am appalled. It didn't need the fund, it didn't need a bill to say that so and so should do something. Those principles have been available and should have been applied for many, many years, Mr. Deputy Speaker. Greater assistance should have been applied to victims of crime, Mr. Deputy Speaker.

What pushed the NDP Party and the Attorney-General into expressing their concern for the need for this type of legislation and the need for this surcharge was pure election politics. They got backed into a corner, Mr. Deputy Speaker, because they had done nothing significant or substantive for the whole first term of their government in respect to this area. They got pushed. They took a poll probably, Mr. Deputy Speaker, which decided that they had a weakness in this area, particularly because they were being pressed by members of the Opposition in this particular area. They needed something. They came up with this bill, which is mainly fluff, Mr. Deputy Speaker, and now we're going to have to deal with it.

As I say, there's only one significant thing, which is a surcharge. The surcharge is fine. I have no objection but I say, Mr. Deputy Speaker, if assistance to victims is a priority, that it should have been with this government, he didn't need the fund the first four years to deal with it, when he should have dealt with it, and not waited until the election in order to deal with it, Mr. Deputy Speaker.

MR. DEPUTY SPEAKER: The Member for Fort Garry.

MR. C. BIRT: Thank you, Mr. Deputy Speaker. I move, seconded by the Member for Lakeside, that debate on this bill be adjourned.

MOTION presented and carried.

Friday, 18 July, 1986

**ADJOURNED DEBATE ON
SECOND READING
BILL NO. 4 - THE FAMILY FARM
PROTECTION ACT**

MR. DEPUTY SPEAKER: On the debate on Second Reading on the motion of the Honourable Minister of Agriculture, Bill No. 4, The Family Farm Protection Act; Loi sur la protection des exploitations agricoles familiales.

The Member for Fort Garry.

MR. C. BIRT: Thank you, Mr. Deputy Speaker.

It is a pleasure to enter into the debate on a bill that will have, I believe, some significant impact on the agricultural community, as well as the community of the Province of Manitoba as a whole, because we are all aware that agriculture plays a very large part in the economy of Manitoba, whether it be in the direct area of rural Manitoba or within the City of Winnipeg in the creation of employment through the provision of services to the agricultural community. In fact, agriculture is probably the mainstay, or one of the main underpinnings of our province. We have a diversified economy, but agriculture in its full measure plays a very significant role in everyone's lives, whether they be living in the city or out in rural Manitoba.

Winnipeg has traditionally been a supplier of goods and services to the rest of the province when it comes to the agriculture area. In fact, in my riding alone, there are a number of companies where, either 100 percent of their business or a fair percentage of their business, directly relates to the whole economic well-being of the agricultural community. Anything that would impinge upon that economy will impinge upon my constituents and the City of Winnipeg.

Therefore, I think it is important to get an urban perspective to this proposed legislation, because the concern I have, not only about the impact that this bill may have in the direct agricultural community, but the indirect effect it will have in the City of Winnipeg and the other little towns and villages throughout this province whose livelihood depends on the good health and well-being of agriculture.

In 1981-82, Winnipeg went through, at least the urban centres, a severe depression. In fact, I had just opened my own law business, and it was because of the loss of jobs, the downturn in the economy, the severity was such that I had to lay off three people from my law firm. That multiplier effect affected other people in the community. Friends, neighbours, fortunately no family members, lost their jobs or lost their livelihood through business or whatever because of that economic downturn.

But almost daily during that depression, we saw the negative impact of high inflation rates and the depression on the social fabric of our community. People who had built businesses, invested years of effort, also a great deal of their own capital, their personal assets, lost it all because of the hardship of the economic times.

What the agricultural community, in general, is going through right now is akin to what we in Winnipeg went through in 1981 and 1982, and I feel for that community. That whole industry is now going through a structural

change. Whatever emerges at the end of these trying economic times, the agricultural community will be different, radically different. It is important that we, as a province, and we, as a country, start trying to address their concerns collectively, rather than individually.

I can appreciate that the Minister has perceived a problem and is attempting to address it the best way he knows how. I don't quarrel with his best attempts to trying to solve the problem. My question and concerns are whether or not he is looking at the overall picture, and whether or not this piece of legislation will, in fact, do what it is intended to do, or will it end up being into a situation where the remedy is worse than the disease.

But it is important, not only to attach and deal with the financial question in the agricultural community, but the overall series of factors that are now coming to play within the agricultural community. Back in the early Sixties, we had a massive movement towards creating a coordinated effort to revitalize and upgrade the whole agricultural community. Those are the ARDA Programs that I refer to, and I think they have worked well for Manitoba and Western Canada. But the change that is now coming is so rapid and so widespread that perhaps tinkering is not the solution. Perhaps we need to revise and devise major policies, and coordinate efforts to try and deal with some of these fundamental shifts that are taking place.

I have reviewed the act, and a series of questions come to mind. I hope that the Minister will attempt to answer them, and not just write them off in a general sense because, when one is faced with a problem, hopefully the Minister and his department have looked at all options and analyzed what options are best, and the cost of each of those options, to make sure that the solution that is being proposed will, in fact, deal with the disease or the problem that is being attempted to be treated.

So I have these series of questions. I don't have the answers, and I'm hoping the Minister will. I must say that they flow from the bill. It is anticipated, I believe, and I think one of our members indicated that there may be a potential additional cost in the granting of credit, and the figure of some \$6 million was used. I don't know what the exact amount is or if there will be any, but any cost put into the credit-granting system will take money out of the economy. That means the people in the towns and villages and in the cities will be affected, because there'll be less money going through the system.

But my questions are as follows: Will this bill affect the availability of credit within the Province of Manitoba? When I say "credit," I mean from those who lend \$1,000 to their neighbour, to the supplier of fertilizer material, to the supplier of seed, to the supplier of money, to the supplier of land, the whole gamut of credit granting in this province. Has there been analysis done as to whether or not the availability of credit will be affected?

If there is an impact on the credit, what will be the increase in the cost of that credit, either in monetary sense or in an interest sense, in an availability sense, and will there be an increase in the requirement to produce or match additional collateral if the availability of credit is now under question?

If there will be an increase in the cost of credit, will all the farm community have to pay or only a portion? And if it is only a portion, what percentage does the Minister feel will be affected and have to pay for the additional credit?

As I indicated, credit is granted by many - by the stores, the suppliers of goods, the equipment dealers and many more - in other words, the industrial network that makes up the agricultural community, the neighbours who work with the farmers and provide them services, it's my understanding most of the goods are supplied on a credit basis with the bill to be paid within 30 days or interest runs.

Generally speaking, these bills get paid at certain times of the year when the cash flow comes through to the farmer. If the credit will be affected, will this then put all of these suppliers on a COD basis? In other words, the supplier of the fertilizer, seed grain, petroleum, food, repairs, now go on to a cash-on-delivery basis.

If there is a COD basis established and the ordinary course of granting credit is affected, who then will provide the additional financial service to the consumers, the farmers, so that they can get the cash available to replace the credit that has been denied to them?

The Minister might say no credit is going to be affected, but it might be a very easy position to take if there is no analysis being done, and I would be concerned that it be properly studied and the analysis be presented to us to ensure, and almost guarantee, that one has not affected and will not affect the availability of credit by this act.

(Madam Speaker in the Chair.)

If even a portion of the community must go on to a COD basis - not the entire community - but even 10 percent, 15 percent, 20 percent of the community, what other alternative sources will there be available to the farmers to acquire the purchases that they need, because probably more than any other segment in our society, they consume goods and services at an astronomical rate.

What protection will the credit granters be granted to preserve the assets, because in a number of instances assets are placed as security, whether they be land, equipment, buildings, a whole variety of things. Now if that security, because of a moratorium or because of the delay contemplated in the bill, the asset is lost, damaged, destroyed or depreciated - and I'm thinking now of a farmer who has taken back a mortgage when he has sold his land or cattle herd or grain or whatever - what happens when this asset has been affected?

Who will compensate the individual who is granted the credit on the security of that asset, because the agricultural community is involved in a pricing system that isn't guaranteed with any regularity or fixed term. In fact, it is a highly erratic, constantly changing process that in a few weeks something that was of value can be rapidly depreciated or eliminated as any value at all. The same thing occurs over a cycle of time, whether it be months or weeks.

I notice that the Minister is interested in getting involved in the debate at this time, but I would think that the Minister would like to hear some of the questions being raised by people who have some concerns about the agricultural community that go

perhaps beyond his narrow approach to his perception on what the solutions are for the community.

I can appreciate that when people are brought in to try and draft principles that are going to have an impact in an area that you get the right principles in place to solve the problem that you think is there. The Minister seems to be reluctant to reach out to consult in a meaningful way what the problems are and what the real solutions should be.

Let me go back to the series of questions I have placed. My 10th question is: Will the province be liable for any loss that may occur to an asset that was held as a security because of the imposition of this act? It does not exempt the province from any possible litigation. It gives the province, through the courts, or Cabinet, to interfere in the credit-granting process and thereby affecting an asset. It does not, from what I can read of it, protect the government from any liability should a loss flow from that particular action.

If there is no action, if there is no protection for those assets, what assets will then be pledged in the future? And will this then dry up the basis of granting credit in the province? When one looks at the section dealing with the moratorium being imposed by the Cabinet, what guidelines have been developed? Why are those guidelines, or at least the principles that were imposing the moratorium, not spelled out in the act? What will the guidelines be for Cabinet imposing the moratorium or removing the moratorium?

What is happening is a political decision will now be made to affect the credit-granting process. In many respects, one could say, if a particular Minister of Cabinet has at least 10 or 12 people who are under the moratorium within his constituency, and the pressure to keep them on may be far greater than the pressure to remove them, then you may get double standards because a politician who feels he will be adversely affected will want the moratorium to continue where in other areas it may be removed.

I don't think the introduction of politics and the granting of credit is really going to do any service to the agricultural community. In fact, if one would compare it to Napoleon going into Russia, once you got there, how do you get out?

As usual, the Minister of Agriculture is pointing out his limitation of understanding the real problems that are facing the agricultural community and how they affect Winnipeg as part of that agricultural community.

Can the Minister tell us how many people this bill is designed to help and the amount of debt or financial problems that they have collectively, and is it possible to have an alternative solution to those particular financial problems?

I also pose the question of a supplier of goods, such as a fertilizer dealer. He grants credit; suddenly he is faced with three or four of his customers who owe him substantial sums of money now have a moratorium placed on their financial affairs. What recourse does he have if he is forced into bankruptcy? Who compensates him if he must borrow money to finance the lack of payment or the delay of payment of his particular accounts receivable? And if he has to go out of business, what has the community gained by this particular imposition of restriction?

The reading of the act would also apply to a sale of land. In a great number of cases, a sale of land is often

done by a handshake and the placing of a deposit; then the legal process would normally enter with the signing of a written agreement and the transfer documents taking place. But often the deposit is not placed in a trust account. That money is given to the farmer. What happens if the money goes to the farmer and, before the land can be transferred, a moratorium is imposed? Who guarantees that the title will transfer, ultimately, or who will guarantee that the money will be handed back to the farmer who is attempting to buy that land?

I would suggest that, if it is not the intention to effect the sale of land or some of the other normal transactions, there should be an exemption in place in the act dealing with the sale of land or goods in the ordinary course of business.

The same would apply in the sale of machinery. An individual decides to acquire his neighbour's used machine, pays him money, takes that machinery, and starts using it in his business, but the moratorium comes along and unscrambles that whole process. Where is the authority to return the money? Where is the authority to compensate the individual who acquired the machinery, who is now put in a difficult, if not an impossible, task to find replacements for the machinery that is removed from him? Again, this is imposing a new definition on the phrase, "buyer beware."

The act contemplates the role of the court, and it is now being asked to set social policy. That is a role that is not normal to the courts of Manitoba or Canada. You are now asking judges to set the guidelines in the granting of credit. Is this really what the government wants, because I don't think the courts want the role of setting social policy? The courts traditionally in this country have interpreted the laws, not set social policy.

When this process goes through with the moratorium, you have civil servants, you have political appointees and judges involved in the granting of credit or the impact of future granting of credit. Even if they all mean well in their attempting to find a solution for a difficult situation, they will probably have a negative impact on any future granting of credit.

What if the economic circumstances don't change after a moratorium has been in place? What, in fact, if the economy continues to slide? What about all the ancillary people who are affected by a moratorium, who are paying a large price for trying to help one of their neighbours? What compensation will they get?

Those are the questions and concerns I have because, if this has a negative impact in the farm community, if it stops the flow of goods and the consumption of services, we in Winnipeg will pay the price just as much as the farm community in rural Manitoba will.

My colleague, the official critic for Agriculture, has said on the record some of the points that he would like to see contained or retained in this legislation, and most of it thrown out. I share his point of view and the argument that he advanced when responding to this bill.

As I indicated in the opening, my concern is that this may impact negatively in an area where the Minister is trying to help. If he can't answer the questions that I have posed in a positive sense to satisfy me, then I am sure he would be doing a disservice to the farm community, not a service.

Thank you.

MADAM SPEAKER: The Honourable Member for La Verendrye.

MR. H. PANKRATZ: I'd like to move, seconded by the Member for Springfield, that we adjourn debate.

MOTION presented and carried.

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs, Bill No. 5, standing in the name of the Honourable Member for Fort Garry.

MR. C. BIRT: Stand.

BILL NO. 11 - AN ACT TO AMEND THE PLANNING ACT

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Municipal Affairs, Bill No. 11, standing in the name of the Honourable Member for Ste. Rose.

MR. G. CUMMINGS: Thank you, Madam Speaker. I have only a couple of brief comments to wrap up my comments on this section.

I wanted to emphasize the concerns which I addressed the last time we spoke on this bill, concerning the possibility of problems down the road that may not be as easily addressed if we remove the option for single municipality planning districts. I don't want the Minister to feel that I suggest this should be an option that is used often. I would only ask that he consider the possibility of eliminating that option and, where the option remains, it could be used very effectively in the future.

The second part that I want to spend a minute on is where the consultation with the local municipalities does not necessarily become a required part of implementing a planning district. Having been on a local school board for a short period of time, I found that, when the school boards received the information from the municipalities regarding subdivisions, many people thought this was an unnecessary process. But as a school trustee, I found that the very fact that information was sent to the school board - in fact, we were given, I believe, it was 16 days to reply if we had any negative comments. Otherwise, the comments were considered positive. The school divisions were better able to plan their own operations.

I draw a parallel in this particular case that again - well I commend the Minister and his staff for wanting to clean up the act. I certainly don't want to leave the impression that this process is probably not long overdue. Again, this area would seem to me, by having it removed, would not in the long term be an improvement. I would like to flag that to his attention, and have his staff give some consideration to the possibility that simply a letter indicating the process and having that as an opportunity for the municipalities to be consulted. If they do not wish to be involved, so be it.

But to leave it at the discretion of the board would seem to me to be taking away some of that local authority that is something that we all, in this province, hold very dear. Possibly the one problem in the future that could be eliminated by going through the process of continuing to consult prior to the implementation of a planning district would be well worth the effort.

With those few remarks, again I want to compliment the staff for getting to work and cleaning this up. I

believe there may be other concerns that will be addressed but, at this point, those are the limit of my concerns.

MADAM SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Thank you, Madam Speaker, I wish to make some few comments with respect to this piece of legislation.

Madam Speaker, the first thing I would do is, once again, commend the Minister's department for the detailed summary of amendments that they provide to members of the Opposition, where they provide the existing provision, the proposed change and the explanation. I think, Madam Speaker, this should be a guide for all departments when presenting legislation to the House, because it certainly gives members of the Opposition and perhaps members of the government full information with respect to the matter.

They have done this for a number of years. I think they even did it back in the old days when I was the Minister of this department, Madam Speaker. It's an excellent practice and I commend them for it. The reason I commend it is I wish every department would handle it in this manner.

I want to make one point, Madam Speaker, with respect to the matter that has come to my attention with respect to the principles of The Planning Act versus The Farm Lands Ownership Act. The Minister of Agriculture is here, and I'll point it out to him, Madam Speaker.

What can happen under The Planning Act is you can proceed and obtain a re-zoning of a piece of property, say, in rural Manitoba, but if that land, under the definition of The Farm Lands Ownership Act, is land that has been used for farming or is capable of being used for farming, despite the fact that you have obtained a rezoning under The Planning Act, you still have to get an exemption under The Farm Lands Ownership Act. I would perhaps ask the two Ministers to look at that, because it seems - the Minister is shaking his head, but I can assure him it is the case.

It seems a little silly to me, Madam Speaker, that one should go through the whole planning process, and it is an involved process, to rezone a piece of land to conclude it, but then find that you still have to go and apply for an exemption certificate from The Farm Lands Ownership Act because it's land that's capable of being used for farming. It seems to me that, if you can convince all of the Minister's department and all of the authorities that are involved in commenting on a piece of land including, Madam Speaker, the Department of Agriculture - the Department of Agriculture comments on the whole process under The Planning Act. It seems to me that, once somebody has gone through that huge process, the exemption should be automatic. There should be some sort of arrangement under The Farm Lands Ownership Act that is automatic, that they have no jurisdiction in that matter.

Madam Speaker, I wish to speak to a couple of items, one of which the critic on our side of the House has spoken to. That is with respect to the principle of the first amendment, which would amend the legislation so that no single municipality can become an approving

authority. I believe that's wrong. I believed it when I was Minister.

In fact, Madam Speaker, I believe I convinced the former Minister of Municipal Affairs who is no longer with us, who represented the Municipality of Springfield, that a single municipality should be allowed to become an approving authority. In fact, I believe he withdrew this type of amendment during the last one or two years while he was Minister, because he finally accepted the principle, Madam Speaker, that a single municipality should have the opportunity to become an approving authority.

I don't believe, and I've said it for many, many years, Madam Speaker, and although the department has never allowed a single municipality to become an approving authority, I see no reason why it shouldn't be possible that a municipality such as Springfield - I know that the Municipality of Macdonald is now in a planning district, but I think they could easily have become a single approving authority on their own. I am therefore, Madam Speaker, opposed to the principle of this amendment that would take this opportunity out of the legislation.

Now there is another point that I bring to the attention of the Minister, Madam Speaker, and it's with respect to the principle contained in Section 60(3), which refers to the fact that a District Registrar of the Land Titles Office can accept for registration a plan of subdivision of 80 acres or more. I want to say, Madam Speaker, and bring to the attention of the Minister, for example, the R.M. of Macdonald, I think which is well-regarded certainly by the Minister and the department in their ability to plan and to organize their municipality, has a planning statement that says, there should not be subdivisions of less than 160 acres.

I would ask the Minister to consider, perhaps in consultation with the Attorney-General, how that plan can be protected if a landowner can go to the Land Titles Office and register a plan of subdivision for 80 acres or separate out parcels for 80 acres when the planning document of the municipality says that you should have 160 acres. What has happened is that the planning statement of the municipality is unenforceable by virtue of the discretion or ability of the Land Titles Office to accept a subdivision or transfer out of 80 acres. So I leave that to the Minister to perhaps consult with the Attorney-General and see what they could do to protect municipalities such as the R.M. of Macdonald. I know there are others who have planning statements or development plans that require and do not allow subdivisions of less than 160 acres for agricultural reasons.

Madam Speaker, one other point I raise with the Minister is with respect to - I'm referring to Page 7 of the detailed explanations - the principle of deleting Subsection (g), whereby generally it provides that the district registrar may accept for registration without subdivision approval. Then in (g), land is devised under a will or codicil executed prior to the 1st day of January, 1976, and the testator has died before September 1, 1980 and for which a probate under The Surrogate Court Act has issued. What this amendment would do is delete that provision so that you would require subdivision approval where someone in that situation has, under the terms of their will, devised a part of a parcel of land to a beneficiary of the estate.

I would urge, Madam Speaker, the Minister of Municipal Affairs not to make the same mistake that the Attorney-General did last year when, in a bill before the House, he withdrew the caveat that protected the Crescentwood Homeowners' Association. At that time, Madam Speaker, he brought in the bill at the end of the Session, and I stood up in this House and asked him if he had consulted with the City of Winnipeg as to the effects of withdrawing that caveat and similar types of caveats. He assured this House that there would be no adverse results flowing from that legislation. Subsequently, we found out that by virtue of that legislation, unknown to him and through a lack of proper research, there have been adverse results accruing in the area looked after by the Crescentwood Homeowners' Association. He should have accepted our advice.

On this one, Madam Speaker, in the same way, I suggest to the Minister that he withdraw this particular amendment which would delete this section (g) at this time because, unless he has taken some extraordinary measures to investigate this, because it seems to me that you could very well have land devised under a will executed prior to the 1st day of January, 1978 and where the testator has died before September 1, 1980, where the land is being held by the executor or executrix of the will or by an administrator of the will in trust for an infant or minor beneficiary of the will, which may mean a very young beneficiary. The land may have to be held for some significant period of time, and perhaps has not yet been transferred out. The effect of this amendment would be not to allow that to happen.

I think there was a recognition that those types of situations should be allowed to happen. I see no harm in simply not proceeding with this at this time and leaving it back on the record books for another 10 or 15 years, in order to allow any such situations to have taken place. In fact, it may be that under the terms of many wills, the beneficiary may not be entitled to a transfer of the property until he or she reaches 25 or 30 years. That would not be unusual, Madam Speaker, so I'd suggest that the Minister consider that aspect and he should withdraw that from the bill.

One final principle I wish to deal with and bring to the attention of the Minister is on Page 10 of his explanation, where a proposed to amend Section 62(1), whereas under the previous section, the resolution of a council was final. This will allow, despite the fact that the resolution of the council is final, the council still may, by subsequent resolution, impose new conditions or vary or cancel existing conditions. It seems to me that that could be a very unfair situation to an applicant.

First of all, we presume in this case there's been a third reading of a zoning by-law, there's been a development agreement, all of the conditions have been imposed by the municipality, the approved authority has examined it, everything is final. The landowner is proceeding with some sort of development, and then perhaps, without notice, the council comes along and changes the conditions, or imposes new conditions, or varies the existing conditions. That seems to me, Madam Speaker, to be very inappropriate and I would like to have, when the Minister concludes debate, a thorough explanation of the reasons for such a change because it seems to me it would not follow a proper process here and could be very unfair to a landowner.

I would finally ask the Minister to comment, when he concludes his debate on Second Reading, would he explain to whom he has sent this bill for review and comment. I assume he sent it to perhaps the Urban Association, the Union of Manitoba Municipalities, perhaps the Surveyors Association. I don't know whether he sent it to the Municipal Committee of the Bar Association, where I think it should go. What I would be concerned about is that I acknowledge and respect the necessity to fully review significant changes like this with counsellors and municipalities. I think, at the same time, this type of legislation should be reviewed by those who are on the other side of the application; those who are participating in the process on behalf of landowners and applicants, and that they should full opportunity to comment to the Minister and his department on the adequacy or mechanism or processes of the changes. I hope the Minister can indicate to the House that that has been done and that people and organizations, other than municipalities and counsellors, have been consulted on this bill.

Thank you, Madam Speaker.

MR. D. BLAKE: Madam Speaker, I move, seconded by the Member for Brandon West, that the debate be adjourned.

MOTION presented and carried.

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Highways and Transportation, Bill No. 15, the Honourable Member for Minnedosa. (Stand)

BILL NO. 17 - AN ACT TO AMEND THE TAXICAB ACT

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Highways and Transportation, Bill No. 17, standing in the name of the Honourable Member for Minnedosa.

MR. D. BLAKE: Thank you, Madam Speaker.

I just have one or two remarks to make before we pass the bill on to Committee to hear what other representations that may be made.

There is no doubt, Madam Speaker, that the act contains substantial changes in the fee structure administered by the Taxicab Board. It's understandable, I suppose, when you realize they haven't been changed since 1935, I believe, so there's no doubt the fee structure is somewhat out-of-date and is due for an upgrading. Although when you look at it in the context, it's a fairly substantial increase in the fee structure.

Although, as the Minister pointed out in his opening remarks, the administration costs of the board have gone up considerably and this is going to do something to help provide those costs from the taxi operators. We only hope that they are not passed on in any large extent to the consumers because the rates for taxis in Winnipeg - I don't know how they compare with other provinces - but they're about as high as I think the consumer can afford at the present time.

One of the provisions in the act for inspection of cabs, Madam Speaker, is desirable, although it has

always been there. There have been complaints coming forward and I'm sure the Minister has had them on the condition of the cabs in Winnipeg, not only in the interior, but the condition of the exterior, too. as far as fender damage and things of that nature go. It doesn't speak well of the taxi operators in Winnipeg if there are various cabs on the road that are wrecked in some way. So we hope that this inspection will provide the necessary service and the necessary regulation on the cabs to provide for good cab service in the city.

I know there has been considerable discussion on protection for the cab drivers and I know some steps have been taken. There are some cabs, I notice now with plexiglas partitions behind the front seat to give the driver some more protection. This is going to add additional cost to the operation of the cabs and I would hope that those costs aren't going to be automatically passed on to the consumer in any great increase allowed by the board.

But basically, Madam Speaker, the changes in the act provide largely for fee changes and we know that is overdue when you look at the number of years since the fees were struck. When you consider a dollar for a license to operate a cab in today's dollars, it really is not very significant, so we have no objections to these fees being increased at this time. So we'll allow the bill to go to committee and possibly we'll hear some representation from the cab operators at that time and we can make further comments on third reading if necessary.

MADAM SPEAKER: The Honourable Minister of Highways and Transportation to close debate.

HON. J. PLOHMAN: Yes, Madam Speaker, I want to thank the Member for Minnedosa for his comments and support of the bill. I just want to clarify, for the record of course, that the changes that are being made are to take the authority for rate-setting from the act and to provide for rates to be set through regulation. They have not completed been defined so it's obviously a good assumption that the rates will be going up, but we are not setting the rates in this legislation. I don't think the member was saying that but it did seem to leave the impression that perhaps this was setting the rates and it certainly is not.

Madam Speaker, there may be other costs, of course, that were referred to that will be borne by consumers and by operators with regard to safety, but of course those are in no way impacted upon by this bill.

QUESTION put, MOTION carried.

MADAM SPEAKER: On the proposed motion of the Honourable Minister of Municipal Affairs, Bill No. 18, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Stand.

BILL NO. 25 - AN ACT TO AMEND THE LAW SOCIETY ACT

MADAM SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 25, standing in the name of the Honourable Member for Fort Garry.

MR. C. BIRT: Madam Speaker, I'm prepared to have it stand but, if anyone wishes to speak, they may do so.

MADAM SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Thank you, Madam Speaker.

I would like to comment briefly with respect to this legislation. First, I would ask the Attorney-General - I'm referring to his notes that he kindly supplied us with on introduction of this bill. On Page 3 of his notes, he indicated that there is an agreement between the Law Society and the department. I would ask the Attorney-General, prior to concluding debate, to table that agreement in the House that exists between the Law Society and the Attorney-General's Department, because he refers to the guarantee of a number of grants for a period of three years under this legislation. Certainly the legislation, in no way, guarantees any grants for a period of three years.

Furthermore, why I would like to see a copy of this agreement, Madam Speaker, is that what the Attorney-General appears to be doing here is setting up and establishing the use of all of this money that's received as interest income for a number of his pet projects. It seems to be through this agreement, which we do not have and which we would like to have, providing for grants to the public interest, Law Department of Legal Aid Manitoba, the Legal Aid Clinic at the Faculty of Law, the Manitoba Association of Rights and Liberties.

What I would like to know from the Attorney-General is, for example, has he reduced his operating estimates for all of these areas, put them under this grant program and, thereby, continuing them in that manner. Then what is he doing with the extra money or former monies that were there within his department?

For example, Madam Speaker, he refers to "... guaranteed grants in addition to these or a sum of \$100,000 a year to the Law Reform Commission to enhance its ability to do outside research." Madam Speaker, I looked at the Estimates Book. The Estimates for the Law Reform Commission are down from \$326,000 to \$236,000, so that they're down by \$100,000 in his Estimates. Yet he's saying, in introducing this bill, that they're going to guarantee a grant to the Law Reform Commission of \$100,000 a year to enhance its ability to do outside research. He's taking \$100,000 out of the Estimates. He's putting it back in through here, and then calling it an enhancement of its ability to do legal research. He's indicating there's a misprint in the Estimates, and he said he's going to explain it in Estimates. But that's what it appears, from the information that is available to us.

I would like, Madam Speaker, again to see that agreement, because what we have here is the Law Reform Commission, for example, has provided this Assembly with very important, with very well-done studies and made good recommendations for changes in legislation which, in by far the largest number of cases, have virtually been accepted unanimously by the Legislature. There will always be some differences. I'm not saying or suggesting that all of their recommendations have always been unanimously accepted, but they've done good work.

Friday, 18 July, 1986

I would not like to see the role of an important provincial institution like that depend upon the vagaries of interest earned on trust deposits. That should be, by itself, a continuing, important priority for any government. It's almost like saying it should depend - I hate to make this analogy - on Lottery funds. Perhaps if it depended on Lottery funds, we would know it would continue well and be well-provided for in the future, Madam Speaker. Perhaps it's more dangerous to accept that its existence will only be continued and/or improved by virtue of any increases in interest earned on trust deposits from lawyers.

That's why I tend to think to a certain degree, Madam Speaker, that apart from the Law Society Legal Education programs and Legal Aid, which have always received percentages of the interest earned in order to continue their programs, that the types of additional programs that should be funded by the Law Foundation, I would think if it is going to be of some real benefit to the Province of Manitoba, should be subject to a little more discretion. Money shouldn't be used, I don't think, for continuing and ongoing institutions of government like the Law Reform Commission.

For example, if that type of work is so important that it should continue as a priority of the Attorney-General's Department for all of the foreseeable future, should not these types of additional monies, if it's available, be used for additional work in this particular area, and not be used for continuing operations of government?

The other point that I would ask the Attorney-General to consider when he's concluding debate is that half of the Foundation is appointed by the Attorney-General, and the other half appointed by the Law Society, the Canadian Bar, the Dean of the Faculty of Law. Then the Attorney-General appoints the chairperson. I would simply ask him, why is it necessary for the Attorney-General to appoint the chairperson? Why couldn't this group of people, who I would think would be honest,

hard-working, talented people to this Law Foundation, why wouldn't he allow them to appoint their own chairperson?

It seems to me from this legislation, as I read it, that the government is exercising a lot of control over this Law Foundation which is being created here, which should become a very important institution in Manitoba. But I think there should be more independence there than is allowed for in the terms of this bill. I would ask the Attorney-General to perhaps comment on that when he is speaking, because I don't think this Foundation should particularly become the puppet of whoever the Attorney-General is at that particular time. I think it should be allowed a greater degree of independence than is allowed in this piece of legislation, and more independence than is being allowed in what would appear to be the contents of the agreement between the Attorney-General and the Law Society, whereby it would appear - and it may be purely coincidental, but a number of priorities of pet projects of this Attorney-General have been included for funding by the Law Foundation.

Thank you, Madam Speaker.

MADAM SPEAKER: Stand? That's my understanding, that the member had leave to have it stand in his name.

MR. G. MERCIER: Madam Speaker, the balance of the bills were all introduced, I believe certainly most of them, on Wednesday. I therefore ask that you stand the rest of the bills and call it 12:30 p.m.

MADAM SPEAKER: Is it the will of the House to call it 12:30 p.m.? (Agreed)

The hour being 12:30 then, the House is now adjourned and stands adjourned until 2:00 p.m. Monday next.